SLR Consulting Limited

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The Planning Inspectorate

SLR Project No.: 433.066670.00001

Appeal Reference No.: 6004569

Council Reference: DC/25/0053

Dear Sir / Madam,

RE: South Hill Farm, Thakeham, West Sussex (Appeal Ref: 6004569)

Thank you for providing a copy of the Council's appeal statement, and the associated third-party representation. We have reviewed the Council's statement and the public comment carefully and our final response on the matters raised are detailed in this letter.

Appeal Statement of Horsham District Council

1. As a point of correction, it should be noted that the description of the appeal proposal in the first paragraph of the Council's statement is incorrect. The appeal is not in relation to the conversion of a barn to a dwelling, but rather, relates to the proposed development of 5no dwellings with associated access.
2. A further point of correction to note, is the Reason for Refusal quoted in the Council's appeal statement which refers to the proposal being in conflict with *'Policy Ship HD1 of the Shipley Parish Neighbourhood Plan 2019-2031'*. The appeal site is not in the parish of Shipley therefore the policies contained within the Shipley Neighbourhood Plan are not relevant to this appeal.

Site Sustainability

3. The Council acknowledges that the appeal site is located within proximity to a number of residential dwellings and as such, is not considered to be 'isolated' in terms of the definition of NPPF paragraph 80. The appellant agrees with this conclusion, and notes that whilst the appeal site is located outside the defined settlement boundary of Thakeham, it is not remote or isolated from the activity and services provided within the village. Figures 1, 2, 3 and 4 of the appellant's Statement of Case demonstrate this.
4. The Council's statement asserts that given the site is located outside a settlement boundary and is not allocated for development, the appeal should be dismissed because

the provisions of Policies 3 and 4 of the HDPF are judged to carry 'significant' weight in decision making (albeit this is reduced to 'moderate weight' towards the end of the Council's statement).

5. The appellant disagrees with the Council's judgement of the 'significant' weight that is afforded to Policies 3 and 4 and considers that relevant material considerations have not been applied.

6. Given the age of these policies and the evidence base that sits behind them (dating back to pre-2015); coupled with the Council's current housing land supply position of only 1.7 years, the Council has failed to acknowledge that these restrictive policies are now out of date and as directed by NPPF paragraph 11d should be afforded reduced weight in decision making.

7. In these circumstances, the same reduced weight should be applied to Policy 26 (countryside protection) which is a restrictive policy for the provision of housing.

8. The appellant's position on the weight to be afforded to Policies 3, 4 and 26 of the HDPF is supported by the 2025 Horsham Golf and Fitness[1] decision, where the appeal Inspector also highlights that the current settlement boundaries defined in the HDPF are out of date and notes that if the housing need in Horsham are to be met, some greenfield sites will need to come forward.

9. The Council asserts that because the appeal site does not adjoin a defined built-up area boundary, it follows that it fails to accord with all 5 criteria of the Shaping Development in the Horsham District Planning Advice Note. As already noted in paragraph 6.40 of the appellant's Statement of Case, it is contended by the appellant that the provisions of the 'Shaping Development' document should carry weight in favour of the appeal scheme as it demonstrates that the site is sustainably located and an appropriate location for development. The Horsham Golf and Fitness decision highlights that non-compliance with the criteria of the FAD (now the Shaping Development document) that requires sites to 'adjoin' a BUAB, is not fatal and a site can still be judged as sustainable despite not being within or adjoining a settlement boundary.

10. Following a dismissed appeal for the development of 247 dwellings, it should also be noted that a new planning application for 150 dwellings on the allocated Thakeham Mushrooms site has recently been submitted by Bellway Homes (Council reference DC/26/0266). This site lies directly to the south of the appeal site and if homes are permitted in this location, it will further improve the sustainability of the village.

11. In summary, whilst it is not disagreed that the appeal proposal has a degree of conflict with the provisions of Policies 3, 4 and 26 of the HDPF, there are important material considerations that the Council has overlooked which require the decision maker to re-balance the weight that should be afforded to the aforementioned policies.

12. It is the appellant's view that given the uncertainties and slow progress of the emerging Local Plan in Horsham, coupled with the 1.7-year housing land supply position; the addition of 5no. homes in this location is appropriate to achieve the Council's aims to allow modest and organic growth in sustainable villages like Thakeham.

[1] APP/Z3825/W/24/3355546

Bus Service

13. The Council questions the sustainability of the site in terms of its accessibility to the local bus service, and the frequency of that service, and concludes that future residents will be heavily reliant on the private car.

14. The frequency of bus provision in Thakeham is typical of a village location. The Council's approach fails to have regard to paragraph 110 of the NPPF which notes that '*opportunities to maximise sustainable travel solutions will vary between urban and rural areas'* which advises that the level of sustainability for smaller development sites such as the appeal scheme is not the same as for larger urban extensions. On this matter, the Inspector for a 99-unit appeal scheme in Alfold, Waverley[2] discusses the distinction between a location itself being 'sustainable', and how the needs of a development can be met in a 'sustainable manner'.

Paragraph 32 of the Alfold decision notes that:

> *'There is no local or national policy requiring the sustainable transport modes available to future residents to be as attractive as the private car. Instead, what is required is a "genuine choice of transport modes"* [NPPF 110]. *There is no local or national policy which requires the majority of residents to use sustainable alternatives to the private car'*.

Paragraph 33 goes on to say:

> *'Instead, local and national policy assesses the sustainability of the transport offer in the context of the location and asks whether appropriate opportunities to promote sustainable transport have been taken up. If, given the location, they have been, then the proposal is policy compliant'*.

15. Within the context of the appeal site and the small scale of the appeal proposal, it is considered that the combination of the ability to walk (via PROW THA-2479) to local village facilities in the Abingworth development (including a pre-school, community hall, shop and sports facilities) together with bus services (routes 74A and 74B) providing non-car means of access to nearby settlements, ensures that opportunities to promote sustainable transport have been maximised within the context of this location, and that the proposed development would not be wholly reliant on private car, contrary to the Council's assertion.

16. A recent appeal decision which was allowed for a development of 9no. homes in the nearby village of Coolham[3] should be referred to. In this case the Inspector acknowledged that bus stops were within walking distance of the site and although the bus service was limited, it still allowed opportunities for non-car access to higher order facilities in nearby towns. This offers future occupiers the option of alternative modes of travel and to not be wholly reliant on the private car.

[2] APP/R3650/W/21/3278196, 11 January 2022
[3] APP/Z3825/W/25/3375975, 23 March 2026

Other Matters

17. The government recognises the importance and power of small and medium scale sites to deliver the identified housing needs of an area, with paragraph 73 of the NPPF stating that '*small and medium sized sites […] are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly'*. The appeal site is being promoted by Cygnature Homes, a local house builder who's Directors have a track record of delivering high quality housing developments across Sussex and Surrey. Once permitted, the site is expected to be built out within 2 years and occupations to follow thereafter, thereby affording 5 families the opportunity to occupy a suitable home.

18. The 5no. appeal decisions included within the Council's statement are not considered to be relevant or comparable in context to the appeal scheme. Three of the decisions were dismissed on issues mainly relating to matters not relevant to those being considered in the case of this appeal (water neutrality and heritage); and the other two were sites located in completely different contexts with different (far reduced) sustainability merits. As such we do not consider the appeal decisions quoted are useful to this appeal and would suggest that no weight is afforded to these examples.

19. The Council has concluded its argument on this matter by stating that the appeal scheme is an 'inappropriate location for housing' and does not meet all 5 criteria of the Shaping Development document. The Council judges that the 'modest' benefit of additional housing would not outweigh the harm arising. The Council's statement notes that the proposal is contrary to the adopted spatial strategy outlined in Policies 2, 3, 4, 25, 26, 32, and 33 of the HDPF and Policy Thakeham1 of the Thakeham Neighbourhood Plan, however the Council is not clear about precisely why this conflict amounts to an adverse impact and offers no technical reasoning behind this claim. The Council's formal Reason for Refusal does not quote Policies 25, 32 or 33 of the HDPF nor Policy Thakeham1 of the Thakeham NP, so it is unclear why these policies are mentioned at the end of the Council's statement.

20. The NPPF is clear in paragraph 11d that where relevant policies are out of date, permission should be granted, unless it can be shown that identified impacts would significantly outweigh the identified benefits (this is the 'tilted balance'). The appellant is of the view that the Council's Statement applies the wrong test, and instead of outlining why the proposal results in adverse impacts which significantly and demonstrably outweigh the benefits, it has balanced its judgement on a view that the 'modest' benefits of 5no homes does not outweigh the harm. This is not the tilted balance.

21. In our view, the harm arising in this case is limited only to a conflict with an out-of-date policy position, which in any case, is justified through the application of other material considerations including the acute housing land supply position. There are no technical impacts resulting from the proposal that could be described as 'adverse', nor any impacts that would be so significant as to outweigh the benefits of 5no new homes.

Third Party Representations

22. It is noted that 1no public representation has been received in relation to this appeal. The matters raised largely relate to matters that our submissions have already addressed and as such, the appellant wishes to add no further comments.

List of Suggested Conditions

23. The appellant is content with the list of conditions proposed by the Council and has no further comments to add.

Summary

24. As noted in the appellants Statement of Case (paragraph 6.14) the appellant sought to work positively and proactively with the Council, and for the most part this was achieved. During this time, correspondence between the appellant and the Case Officer indicated that subject to the water neutrality requirements being satisfied, the scheme was being looked at positively and was heading towards an officer recommendation to approve. It came as a surprise therefore when the appellant was informed very close to determination that the application would be refused under delegated authority due to ongoing concerns about the principle of the proposal which were not raised until that point.

25. The Council notes in its conclusion that the benefits arising from the scheme (i.e. the delivery of housing) are 'modest'. Whilst we would agree that the number of homes proposed (5no.) can be described as a modest number (appropriate to its location); the weight that should be afforded to the delivery of these homes is nevertheless a benefit of significant weight in the planning balance of this appeal and as a public benefit.

26. There is no doubt that the benefits that would result from the appeal scheme are significant, and there are no adverse impacts that have been identified by the Council or others that would significantly and demonstrably outweigh the delivery of these benefits. As such, having regard to the relevant planning policies context including direction from the NPPF and other material considerations; it is considered that the planning balance lies in favour of the proposal, and it is respectively requested that this appeal is allowed.

27. A summary of the benefits of the scheme is provided in Table 1 below.

Table 1: Summary of Benefits

Social Benefits	The provision of **5no. dwellings** in a sustainable location, to add to the much-needed housing stock in the district, representing a very substantial benefit in the context of the Council's housing supply and delivery position.
	Retention and enhancement of existing **landscape features** for the enjoyment of incoming and existing residents, as well as private outdoor amenity space for each dwelling.
	Provision of **new homes in a thriving village**, enabling new residents to support the vitality of existing local facilities such as the pre-school, sporting facilities, shop and community hall; and enjoying convenient connections to the wider strategic highways network.
Economic Benefits	The generation of **employment** related to construction.
	New Homes Bonus **payments**, Council Tax, and CIL receipts.
	Contributions to the local economy by future residents.
Environmental Benefits	Retention and enhancement of existing mature **planting** along the site boundaries in order to retain the verdant character of the site and to protect wider landscape views.
	Provision of **ecological enhancement** measures, including mitigation measures to prevent harm to sensitive habitats and to achieve at least 10% Biodiversity Net Gain.
	Protection from flooding for the lifetime of the development by utilising sustainable drainage systems which also provide ecological and landscape benefits.
	Careful **landscape design** to produce a development of the highest quality, ensuring it respects the local area.
	Design of the homes to meet and exceed current **environmental standards**, including adopting a fabric first approach and the use of sustainable energy technologies including EV car charging at each dwelling.

Yours sincerely,



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