

Our ref: CEB

15 September 2026

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Submitted via the Portal

Dear Sir / Madam

Appeal Reference 6013775
Land north of Warnham Lodge Farm, Mayes Lane, Warnham

This response addresses the Local Planning Authority's statement dated 9 September 2026 and the material change in national planning policy arising from the National Planning Policy Framework published on 17 August 2026 ('NPPF 2026').

The LPA is correct that the former paragraph 11(d) 'tilted balance' is no longer the operative national policy test. That does not, however, mean that the acknowledged housing supply shortfall has ceased to be important. NPPF 2026 expressly identifies development addressing an evidenced unmet need - including housing where the authority cannot demonstrate a five-year supply - as a category of development that may be approved outside settlements under Policy S5(1)(j).

The central issue under the new Framework is therefore whether this very modest proposal is 'physically well-related to an existing settlement' and of a scale capable of being accommodated by existing or proposed infrastructure. The LPA treats 'physically well-related' as if it meant 'adjoining' or forming a 'natural extension' to the settlement. Those are not the words of Policy S5(1)(j). The Framework uses the word 'adjoin' elsewhere when that is what it intends.

The new Framework also materially strengthens the weight to be given to the housing benefit. Policy HO7 states that substantial weight should be given to homes which contribute towards evidenced accommodation needs, expressly including the needs of groups assessed under HO1. HO1 includes people wishing to commission or build their own homes. The LPA's repeated characterisation of the benefit of one self-build dwelling as merely 'limited' does not reflect that express national decision-making policy.

The third reason for refusal is no longer in dispute. The LPA accepts that the NatureSpace District Licence material is sufficient and expressly withdraws refusal reason 3, subject to condition. The appeal therefore turns on principle/location and landscape character.



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On landscape, the LPA accepts the site's enclosure and the revisions made in response to the Landscape Officer. The remaining objection is essentially to the change from an undeveloped field to residential use. That change is inherent in any greenfield dwelling and must be assessed by reference to the actual magnitude, visibility, design, curtilage and mitigation of this proposal. The evidence remains that effects are highly localised, the dwelling occupies a small part of a 3.5 ha holding, mature vegetation is retained, and substantial native habitat and landscape enhancement is proposed.

Taken as a whole, the new Framework does not justify treating the appeal as a simple continuation of the former development-plan conflict. It introduces a new national route for unmet-need development outside settlements, gives substantial weight to housing meeting evidenced needs, and provides a more development-positive balance for proposals that fall within S5(1).

The Effect of the NPPF 2026

Policy S5 – development outside settlements

Policy S5(1) identifies specified forms of development outside settlements which 'should be approved' unless the benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies. At S5(1)(j), this includes development addressing an evidenced unmet need, expressly including housing where the LPA cannot demonstrate a five-year supply of deliverable housing sites, provided that the development is physically well-related to an existing settlement and is of a scale which can be accommodated taking account of existing or proposed infrastructure.

The LPA accepts both the absence of a five-year housing land supply and that S5(1)(j) is the relevant route. The difference between the LPA and the Appellant is narrowed to the physical relationship with Warnham and, to a lesser extent, sustainable movement.

Policy H07 – weight to housing need

Policy H07 provides that substantial weight should be given to the benefits of providing homes which contribute towards evidenced accommodation needs, including the needs of groups assessed under H01. Policy H01 expressly identifies people wishing to commission or build their own homes.

This is directly relevant to the LPA's assertion that a single self-build dwelling makes only a limited contribution. The scale of the numerical contribution is one dwelling, but H07 tells the decision-maker the weight to give to the benefit where it contributes to evidenced need. The Appellants' Statement of Case records a persistent shortfall in self/custom-build permissions relative to register demand, and the Appellants themselves are entered on the register. The LPA does not rebut that evidence with an alternative calculation demonstrating that the identified self-build need has been met.

Policy S6 - neighbourhood plans

Policy S6 provides a specific presumption in relation to conflict with a neighbourhood plan only where, among other things, the neighbourhood plan became part of the development plan five years or less before the decision. The Warnham Neighbourhood Development Plan was made in 2019. On the information before the appeal, that five-year criterion is not met. The WNDP remains part of the statutory development plan, but the particular S6 protection for recently-made neighbourhood plans is not engaged.



Refusal Reason 1

The LPA relies principally on the approximately 0.95 km distance from the defined settlement boundary, the intervening countryside, the absence of a footway and the fact that the site does not adjoin Warnham. Whilst those matters are not irrelevant, they do not establish a freestanding policy rule that a site must adjoin a settlement.

The wording of S5(1)(j) is deliberate: 'physically well-related'. It does not say 'adjoining', 'contiguous with', or 'a natural extension of'. Elsewhere in the same Framework, Policy H010(2)(a) expressly uses the formulation 'adjoin or be physically well-related to a settlement'. The use of two different expressions confirms that physical relationship is a broader concept than adjacency alone.

The assessment should therefore be one of planning judgment having regard to the actual geography. The site is not a remote parcel in an extensive tract of open countryside. It lies on Mayes Lane within an established rural pattern of development - Warnham Lodge lies to the south; cottages, houses and converted former farm buildings lie to the east; Little Tanners lies to the north; and Hoopers Copse forms the western edge. The proposal is a single dwelling within this existing physical context, not a new estate or a strategic outward expansion of Warnham.

The Inspector is invited to consider this context of intervening development and landscape containment, rather than treating the settlement boundary as though S5 required physical contact with it.

The LPA also refers to Policy CC2(1)(a), which in turn requires relevant proposals to accord with Policies TR3 and TR4 so that sustainable patterns of movement are prioritised. Policy TR3 is expressly framed by reference to the vision for the site, the type of development and its location. Its strongest locational requirement at TR3(1)(a) applies to proposals which could generate a significant amount of movement.

A single dwelling will not generate a significant amount of movement. That is consistent with the Highway Authority's consultation response, which raised no objection and considered the traffic generated by one dwelling to be minimal. The absence of a formal footway is therefore a factor in the balance, not an automatic bar. Mayes Lane is materially different in character from the A272 considered at Clockhouse Cottage, and the Appellants' Statement records that it is used by walkers, horse-riders and occasional vehicles.

It is accepted that future occupiers will use a private car for some journeys. National policy does not require every rural dwelling to be car-free. The correct question is whether, taking the scale and rural context into account, the proposal creates an unacceptable pattern of movement. For one dwelling, with no highway objection, nearby village services, cycle access and a quiet rural lane, the transport harm should be afforded no more than limited weight.

In relation to the benefit of a self-build dwelling, the Council's statement describes the benefit as limited because only one dwelling is proposed. That approach understates the new policy position. Policy H07 directs substantial weight to the benefit of homes meeting evidenced accommodation needs. The five-year supply failure is itself expressly recognised by S5(1)(j) as an evidenced unmet need route, while H01 separately recognises people wishing to commission or build their own homes.

Figure 1 below is an extract from the LPA's latest Annual Monitoring Report which confirms the Housing Land Supply Position to be 1.7 years.



Figure 1 – Horsham District Council's Five Year Housing Land Supply Calculation (December 2025)

Table 6 Five Year Land Supply Calculation

Land Supply element	Number of Dwellings / Land Supply
Total Housing Supply in years 1-5	2,742
Total 5 Year supply requirement	8,028
Supply deficit	5,286
FIVE YEAR HOUSING LAND SUPPLY (Supply / Requirement) x 5	1.7 YEARS

Source: Horsham District Council Annual Monitoring Report 1st April 2024 – 31st March 2025 (published December 2025)

Figure 2 below is an extract from the LPA's Self and Custom Build Register of Interest Report published in November 2025. This confirms that 172 people are currently on the Self and Custom Build Register with only 70 plots granted permission.

Figure 2 – Horsham District Council Self and Custom Build Register of Interest Report (November 2025)

Horsham District Council Self and Custom Build Register of Interest Report November 2025

Base Period	Dates	Individuals	Cumulative Individuals	Non-Residents	Cumulative non-residents	Residents	Cumulative residents	No. of Planning Permissions	No of Plots granted	Application Reference Numbers
1	to 30 October 2016	4	4	0	0	4	4	0	0	0
2	31 Oct 16 to 30 Oct 17	7	11	4	4	3	7	0	0	0
3	31 Oct 17 to 30 Oct 18	11	22	1	5	10	17	1	30	DC/16/1677
4	31 Oct 18 to 30 Oct 19	32	54	10	15	22	39	0	0	0
5	31 Oct 19 to 30 Oct 20	30	84	9	24	21	60	0	0	0
6	31 Oct 20 to 30 Oct 21	45	129	14	38	31	91	1	4	DC/21/0057
7	31 Oct 21 to 30 Oct 22	20	149	6	44	14	105	2	5	DC/20/2607 DC/22/0287
8	31 Oct 22 to 30 Oct 23	8	157	0	44	8	113	0	0	0
9	31 Oct 23 to 30 Oct 24	9	166	4	48	5	118	1	1	DC/24/1114
10	31 Oct 24 to 30 Oct 25	6	172	2	50	4	122	4	30	DC/24/1715 DC/24/1787 DC/24/1300 DC/23/1178
	TOTAL	172		50		122		9	70	

NOTE: There are no groups of individuals on the Self Build Register of Interest

The appeal proposal therefore addresses two overlapping but distinct evidential matters. Firstly the severe general housing supply deficit, and secondly the identified demand for self/custom-build opportunities. Small-scale delivery is not rendered immaterial merely because the authority's overall deficit is large. A single self-build plot is necessarily delivered one plot at a time and is precisely the form of accommodation sought by an individual household.



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Refusal Reason 2

The LPA's statement acknowledges that the site is enclosed, that the revised landscape scheme responds to the Landscape Officer's recommendations, and that planting would mitigate views. Its remaining case is that residential use, domestic paraphernalia, fencing, lighting and hardstanding would alter the character of an undeveloped field.

Whilst it is true that the proposals will alter the character of the field, as any development on a greenfield site would, this does not establish that the actual effect is unacceptable. The planning exercise is to assess the degree of change and harm.

The dwelling is centrally positioned and occupies only a small part of the 3.5 ha landholding. Existing trees, hedgerows and woodland are retained. The revised scheme reduces ornamental garden elements and the residential garden area, adds planting beside the public right of way, provides infill woodland planting in the south-west corner, and incorporates native planting, species-rich grassland, scrub and wetland habitat.

These measures limit the extent of domestication, reinforce the existing landscape structure and create a strong landscape framework around a modest built intervention. If the Inspector considers further control necessary, the LPA's own suggested conditions provide a mechanism for detailed hard and soft landscaping, means of enclosure and the removal of specified permitted development rights. Those controls materially reduce the risk of the future domestic accretions relied upon by the LPA.

The site has no national landscape designation. The identified effect is localised. There is no evidence in the LPA statement of a material effect on a wider valued landscape or of visibility at a scale commensurate with the language of 'suburbanisation' used in the response. The limited local change should be weighed accordingly.

Refusal Reason 3

The LPA has agreed that the NatureSpace District Licence Report is sufficient to confirm that a District Licence can be secured and expressly states that refusal reason 3 can be withdrawn, subject to condition. There is therefore no remaining ecological reason to dismiss the appeal.

Biodiversity Net Gain

In relation to BNG, the LPA confirms the proposals benefit from the self-build BNG exemption applicable when the application was submitted. On that basis, mandatory BNG is not required for determination of this appeal.

The BNG material nevertheless remains a material environmental benefit. They demonstrate that a 43% gain would be achieved, alongside an increase in hedgerow. This is a substantial positive gain well above 10%.



Planning Balance under the new Framework

Consideration	Position	Weight / effect
General housing need	LPA cannot demonstrate a five-year supply; S5(1)(j) expressly recognises this as evidenced unmet need.	Substantial benefit under HO7
Self/custom-build need	HO1 expressly includes people wishing to commission/build their own homes; register evidence remains unmet on the Appellants' case.	Substantial / material benefit under HO7
Scale and deliverability	One dwelling; immediately deliverable self-build opportunity.	Positive
Transport	Some car reliance, but one dwelling generates minimal movements; Highway Authority raised no objection.	Limited adverse effect
Landscape	Localised change to enclosed field; revised landscape scheme and conditions limit domestication.	Limited adverse effect
Ecology / GCN	Reason for refusal withdrawn by LPA subject to condition.	Neutral as harm; positive enhancement
BNG / habitat creation	Voluntary metric shows a substantial gain; exact final percentage to be confirmed.	Positive

If the Inspector finds that the proposal satisfies S5(1)(j), the policy direction is that it should be approved unless its benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies. It is our opinion that the threshold is not met. The substantial housing benefit identified by HO7, the genuine self-build contribution, ecological and landscape enhancement, and the absence of highway or unresolved ecological objections outweigh the limited and localised adverse effects.

If the Inspector concludes that the site is not physically well-related to Warnham for the purposes of S5(1)(j), Policy S5(4) provides a separate exceptional-circumstances route where the benefits substantially outweigh adverse effects, including effects on countryside character and sustainable movement. The acute housing shortfall, the specific self-build need, the small scale of the proposal, resolved ecology, substantial biodiversity enhancement, landscape containment and lack of highway objection are cumulatively relevant to that alternative assessment.

Conditions

The LPA has provided a comprehensive list of suggested conditions in the event that the appeal is allowed. Those conditions demonstrate that drainage, landscaping, ancient woodland protection, great crested newt licensing, biodiversity enhancements, materials, cycle parking, EV charging, water efficiency and future enlargement can all be controlled.

In particular, the proposed landscaping condition and removal of specified permitted development rights directly address the LPA's concern about domestic paraphernalia and incremental suburbanisation. The existence of effective planning controls should be taken into account when assessing the likely long-term landscape effect.



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In relation to the pre-commencement conditions, the Appellants are agreeable to these.

Parish Council Comments

The Parish Council's further representations largely repeat matters addressed above and do not alter the planning balance. The Warnham Neighbourhood Development Plan remains part of the development plan and has not been suggested to be irrelevant. The point is the narrower one that the specific protection afforded to recently-made neighbourhood plans by Policy S6 of the NPPF 2026 is not engaged. Similarly, the fact that the site is greenfield land outside the settlement boundary is not disputed. The issue under the new national policy is whether the proposal falls within Policy S5 and, if so, the balance required by that policy. Concerns about precedent should therefore attract little weight. Each proposal must be determined on its own merits against the development plan and the national policy applicable at the time.

The Parish Council also refers to the public right of way, the site's historic agricultural use, topography, ecology and highway conditions. For clarity, the route adjoining the site is accepted to be a public footpath rather than a bridleway, and any contrary reference in the appeal material should be corrected. That distinction does not alter the assessment of the proposal's landscape or accessibility effects. The remaining matters are addressed by the submitted landscape and ecological evidence and the consultation responses. In particular, the Highway Authority raised no objection to the minimal movements associated with one dwelling, while the LPA has now withdrawn its ecological reason for refusal subject to condition. The Parish Council's representations do not identify evidence which alters those conclusions or demonstrates that the limited and localised effects of a single dwelling would substantially outweigh the identified benefits.

Conclusions

The NPPF 2026 changes the route by which the proposal falls to be assessed, but it does not remove the policy significance of unmet housing need. To the contrary, S5(1)(j) expressly recognises housing development outside settlements where there is a five-year supply failure, subject to the stated locational and infrastructure criteria.

The LPA's interpretation of 'physically well-related' is too narrow because it effectively substitutes an adjacency requirement which the policy does not contain. The site-specific relationship with Warnham, the intervening pattern of development, the modest scale of one dwelling and the characteristics of Mayes Lane should be assessed as matters of planning judgment.

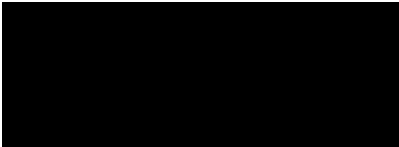
The LPA also understates the housing benefit. H07 now expressly requires substantial weight to be given to homes contributing to evidenced accommodation needs, and H01 expressly includes people wishing to commission or build their own homes.

The landscape effects are localised and capable of being tightly controlled by the revised landscape scheme and conditions. Ecology is resolved. No highway objection exists. The proposal therefore represents a proportionate, immediately deliverable response to evidenced housing and self-build needs.



For those reasons, and for the reasons set out in the Appellants' Statement of Case, the Inspector is respectfully requested to allow the appeal and grant planning permission subject to appropriate conditions.

Yours sincerely



Clare Bartlett MRTPI PISEP
Director

