From: Philip Orpwood [redacted]
Sent: 30 January 2025 10:15
To: Planning
Subject: DC/24/0414 APP/Z3825/W/24/3344901

Please find below final comment as per Planing Inspectorate email 23rd January 2025.

Revised submission following publication of the new NPPF

Central Governments say the planning system is broken and both the recent NPPF are attempts to repair the planning system. The intension of the newest NPPF is to speed up and simplify planning decisions. Decisions should be based on policies and common sense not ego, revenge or financial reward. In addition to the new NPPF the government have stated that other government announcement and ministerial directive must be taken into account (NPPF 1.6). The new NPPF assumes LPA will act with integrity and abide by the framework and their own policies. There is now considerable importance put on ecology and biodiversity. We should not be being penalise because we have been engaged in improving the ecology and biodiversity for the past fifteen years. We have been involving the community and allowing public access to our land rather than selling it cheaply to developers.

The following sections of the new NPPF not only support this appeal but show that the whole site knows as ref SAO21 really should be included within the BUAB and has been falsely excluded not due to policy, but due to personal factors. In the past Inspectors have ignored expert opinion and simply accepted the BUAB as being based on truth. Now under the new policies there is even more pressure that the site SAO21 should be included within the BUAB and our appeal upheld. We have provided the Planning Inspectorate with over one hundred pages of written evidence from the LPA to prove the above, but this was returned to us as not being admissible. What is the point of the appeal system if the Inspectors accept the word and opinion of the LPA against the experts, the public and the applicants? Surely they must use common sense, they must base their decisions on the facts, expert opinion and policies not just rely upon a dubious LPA.

We would wish to bring the Inspectors attention specifically NPPF:-

2.7 It meets the needs, will not compromise the future and is sustainable.
Site SAO21 would be sustainable. SA021 is more sustainable than other sites now promoted by HDC in their draft plan.
2.8 A,B,C all support site SA021.It will help protect and enhance the area. Continued maintenance of our re-wilded areas and our Matt's Wood now included in the extended conservation area.
2.10 supports. It is very sustainable, far more than any site HDC now promote.
2.11 supports. Their plan is out of date and this proposal would not have any adverse effect. It also makes effective use of the land.
2.12 plans not up to date so should be questioned if no abandoned.
2.14 site SA021 no adverse impact according to all the experts all ignored by a desk top prepared draft using google earth. According to a councillor.
3.15 site SA021 would meet the needs.
3.16 all could be achieved easily especially as we are not motivated by profit, but are part of the community allowing public access to most of our re-wilded land.
20. Again site SA021 could achieve all these objectives and support our proposal.
23 HDC have never accepted this and most development has been in unsustainable locations that would likely support Horsham retailers and Horsham out of town centres to the detriment of small towns and villages that need growth to survive due to the competition from online shopping.
25 HDC have for the past 25 years refused to meet us or discuss proposals. We suggested a meeting only two west ago but have never even had an acknowledgment.
36. HDC draft plans are not consistent with the new NPPF and have had to be withdrawn.
39. HDC have failed regarding this policy. LPA have refused to to engage with us after we refused so sell our land to a local developer at agricultural value.
48. HDC have not been consistent with their implementation of their own policies. They ignored high levels of local objections including strong objections from their own conservation department in order to rapidly approve a development on land previously said by them to be a strategic finger of green. Also strongly objected to by our Parish Council. The previous head of planning acquired to best house in that development. DC/18/0316 in breach of policy and recommended for refusal, but approved by committee on the grounds "taking into account of personal circumstances".
52. Site SA021 according to all the experts impact would be acceptable, but not to the planning department. The same department that have a track record of dishonesty, incompetence, abuse of power and inconsistency. Our proposal will not be harmful and it will enhance the environment by allowing our volunteers to continue with the re-wilding and making the maintenance of our re-wilded area much easier. It will also help us with the
maintenance of our Matts Wood which now due to our work has been added to the conservation area.
54. Supports this proposal. LPA should protect local amenities not close them down by requiring the removal of all our barn window at the whim of a dishonesty head of planning abusing their powers.
60. Enforcement should be discretionary and proportional. In our case not one complaint has been made by a member of the public regarding our volunteers barn windows and roof lights in five years. In a local petition 100% of local people regarded the councils action as ridiculous and
or pathetic. The councils own conservation experts did not object to our windows. This is a vindictive action. What they demand and their refusal to discuss any compromise is clearly an abuse of power and in breach of NPPF policy 60. It is not in line with public opinion, not in line with any of the experts opinions and the scope of work demanded is unnecessarily excessive. Our barn will become redundant.
69. HDC have a history of failure.
72. Site SAO21 can be ready well within five years, probably within 12 months.
73 Promotes site SA021

74 Promotes site SA021
76 Promotes site SA021 (very specifically A&B)
79.HDC have no action plan and having achieved only 43% of the old targets they need to make a presumption in favour of sustainable development. If this appeal is upheld we will apply again under the new NPPF for affordable housing on part of this site. Retaining our re-wilded areas and extending them, but also incorporating re-wilding within any new development so as to blend in with the work we and our volunteers have already carried out. What could be better and in line with the new NPPF than dwelling close to and blending in with nature? This is not profitable but it is not our aim.
82.HDC have breached this policy. This supports site SA021
83 .HDC have breached this policy. This supports site SA021
84c, without our first floor windows and roof lights we will have to let our volunteers go and end our re-wilding. The barn will then be redundant as all we will require for regular ground maintenance will be a ride on mower.
88. Supports our proposal and site SA021
89. Supports our proposal. Supports site SA021
92. Supports site SA021.
124. Very much supports site SA021. Very poor quality land not even suitable for grazing sheep free of charge. Three farmers gave up free use.
125. a,b,c&d This is what we are doing.
135. E Supports site SAO21 and this proposal.
139A. This proposal complies.
157. Although not green belt we would be happy to meet and most likely exceed this target.
167. We are doing so.
187. Supports site SA021.
192. Supports site SA021
193. Supports site SA021
232. HDC have failed to even approach this figure. 43% against requirement of 75%.

NPPF requires LPA to have up to date plans. The LPA BUAB was based on our neighbourhood plan and Horsham District Councils plans that are well out of date. Not only are they out of date, but in our area only 43% of the old housing target has been meet and only 61% in the whole council area (confirmed under the freedom of information request, copy previously sent to you). Under the latest NPPF to varying degrees LPA policies can be ignored dependent on how out of date their plans are and their level of achievement in attaining their targets. HDC fail on both accounts. (See particularly NPPF 2.11—69—79–83).

The LPA refusal was on three grounds. Two are in our view totally absurd and now questionable under NPPF also comments by Rachel Reeves this week. Regarding ecology the only change proposed would be a small porch constructed on a grass/driveway approximately 1 square meter. The LPA have had four ecological surveys over the past few year and nothing of importance was found. We have just had to have yet another one carried out as the last one was refused as being two months out of date, even though it was only in respect off an outline application. Due to the LPA incompetence and lack of knowledge of their own rules and policies. The LPA then fabricated false claims of central government policy. All five surveys say the same thing, nothing of note/importance. We can forward you a copy of the latest if required and we can resend the copies of the evidence you returned to us confirming the LPA fabricated claims if required. Refusal on these ground may breach the new NPPF section 45 and clearly in breach of policy 56. The Rachel Reeves is obviously aware of how LPA abuse their power by refusing consent on these type of grounds where they could simply approve subject to conditions which would-be the common-sense approach (NPPF 56).
The NPPF now puts greater emphasis on the importance of the ecology and biodiversity. These are the very things we and our volunteers have been engaged in for over fifteen years. Our volunteers will have to stop if the first floor of our barn becomes unusable due to the vexatious enforcement notice. An enforcement action that clearly breaches NPPF 60 It was upheld by an Inspector that had no planning qualification whatsoever, whose main work was freelance “mentor and advisor to local authorities” and had met the LPA prior to the site meeting. We are told she has now been dismissed by the Planning Inspectorate, Her biased decision remains. Regarding the water issue the council have stated that we can buy an offset, but they have yet to publish details. A water statement was provided and the LPA are required to grant planning consent if imposing condition would make it acceptable NPPF section 56. They can therefore simply require any change of use to comply with what ever target or payment is appropriate. We also understand the the Environment agency has stated that small developments should no longer be subject to this requirement.

The councils refusal is really based on their BUAB which together with the two previous development plans has been based on five objections. Four of these are dishonest claims and the remaining one totally misrepresent experts views including the councils own experts. For clarity they are;-

1. Harmful the the character of the area. Only according to Horsham planning department not according to their conservation expert (Ines Watson 16/11/2017), their independent landscape experts (Huskisson Brown March 2020) The South Downs Nation Park (Tom Bell email), or the South Downs Conservation Group.
2. Site not large enough for more than six dwellings. Obviously not true as could easily accommodate eight or many more.
3. Loss of tree. Not true we have never needed to remove trees and in any case the council should know about TPO if there are any important trees. We have just planted over 3,000 new trees.
4. Relocate substation again totally fabricated. We have never proposed or needed this.
5. Highway problems. Not according to county highway or the 78 page traffic report we had carried out in February 2014.

The BUAB is not based on facts or expert opinion and will now require revision under the new NPPF.

The new NPPF not only reduces the validity of out of date plans, but further reduces the reliance on plans that have fallen below 75% of their targets. The BUAB should be redrawn to the more logical boundary supported by the topography, existing established trees and hedgerow boundaries. This revised location that was supported by HDC own experts, their independent landscape experts, the Nation Park and the local conservation group is now even more specifically supported by the New NPPF. The LPA reliance on the discredited BUAB should not be used as a reason for refusal. This site is surrounded by existing development, is bounded by well established boundaries and in full view of a three storey block of flats. It is the most sustainable site you could find in our areas. It is a logical infill site. Perfectly complying with the new NPPF.

Conclusion. We appreciate that there may be some reluctance to question the word of public servants on the council as apposed those of experts and the applicant. We have sent to you over one hundred copies of dishonest claims made by HDC planning department. Some could be counted as incompetence. Their enforcement action is vexatious and an abuse of power. The Ombudsman refuses to investigate dishonesty, incompetence, abuse of power and corruption in planning departments saying there is a right of appeal to the

Planning Inspectorate. You have however refused to accept any of the documented evidence. We have now raised this matter with Matthew Pennycook and asked that he considers putting HDC planning into special measures similar to Lewis Planning. Hopefully eventually an Inspector will accept that all is not as it should be at Horsham District Council 's Planning Department. We hope that you will accept that the existing BUAB had little or no merit and is now inappropriate as required under NPPF 2.8–2.11–23–52—73—76—82 and several others. Furthermore this proposal makes best use of that piece of land in accordance with NPPF 125D—193. Due to the LPA abuse of power in breach of NPPF 60 the barn will be made redundant then as an agricultural building this proposal should be permitted under NPPF 84C. The fact that approval of this change of use will benefit the ecology of the area and improve biodiversity is in accordance so much of the NPPF that there are too many to re-quote. We trust you will uphold our appeal.
Thank you.