

MME PLANNING SERVICES

Erection of 2no. detached single storey self-build /
custom-build dwellings with associated works.

at

Brooklands, New Hall Lane, Small Dole, Henfield, West
Sussex, BN5 9YH

Supplementary Statement in Response to the National
Planning Policy Framework 2026

Ref: P-028

September 2026

Version 1

Mr Oguzhan Denizer
MME Planning Services

1. Introduction

- 1.1 This supplementary statement is submitted in response to the invitation from the Planning Inspectorate (PINS) for comments concerning the publication of the revised National Planning Policy Framework (“NPPF”), published on 17 August 2026.
- 1.2 The Appellant contends that the revised NPPF is a material consideration of particular relevance to this appeal. Most significantly, the revised Framework introduces a substantially clearer national policy position concerning certain forms of development outside settlements under Policy S5.
- 1.3 The Appellant recognises that the development plan remains an important consideration and that the statutory starting point is the development plan unless material considerations indicate otherwise.
- 1.4 However, given that the local plan policies are now out-of-date (specifically Policies 4 and 26 of the HDPF), the publication of the revised NPPF is a significant material change in national planning policy and the proposal is considered to comply with Policy S5 of the revised framework.
- 1.5 Notwithstanding the above, it is noted that the LPA provided its comments on the revised NPPF to PINS on 11 September 2026. The Appellant welcomes the Council’s recognition that there have been significant changes to the national planning policy framework since the application was determined and since the original appeal statement was submitted.
- 1.6 The Council’s own assessment within their response in relation to the NPPF 2026 establishes that under the current national planning framework, the principle of development is acceptable. Importantly, the Council has expressly confirmed that it withdraws the first reason for refusal 1 in relation to the principle of development. The Appellant therefore respectfully submits that the appeal should now be considered on the basis that the principle and location of the proposed residential development are acceptable and that this is a matter that is no longer in dispute.
- 1.7 The remaining issue is whether the particular design, siting and landscape effects identified by the Council are sufficient to outweigh the substantial policy support for the development and the benefits arising from the provision of two additional dwellings. The appellant contends that this is not the case. The main policy within the new NPPF 2026 relevant to Reason for Refusal 2 is considered to be Policy DM3. The Appellant

contends that that appeal scheme would comply with this policy, as will be set out below.

2. Relevant Planning Policy Considerations – NPPF 2026

Refusal Reason 2 – Character, Appearance and Landscape Character

- 2.1 As detailed above, the most relevant policy in relation to this reason for refusal is NPPF Policy DM3 and the Council have provided their comments in relation to the revised NPPF 2026.
- 2.2 The Council relies upon paragraph 3 of Policy DM3, which provides for refusal where, without clear justification, development conflicts with paragraph 1 of Policy DM3, relevant principles in paragraph 2 of Policy DM3, or explicit development plan design standards.
- 2.3 The Appellant does not accept that the proposal gives rise to the level of design or contextual harm purported by the Council. Significantly, it is highlighted that Policy DM3 must be read and applied alongside Policy S5. The Council has expressly concluded that the proposal accords with Policy S5 and has withdrawn the first reason for refusal. The Appellant contends that any alleged conflict with DM3 must be sufficiently significant to justify refusal of a form of development which national policy identifies as acceptable in principle. It is considered that some degree of localised visual or landscape change is not, of itself, sufficient.
- 2.4 The appeal scheme is for two single-storey dwellings, each with modest footprints and located within an existing and established residential garden / curtilage. The site is enclosed on all sides by soft landscaping, with additional planting proposed which would result in an enhancement of the site. The proposals would not appear as prominent features against the backdrop of the fields to the south and would not result in the loss of open rural character.
- 2.5 The Council, in their comments in relation to the new NPPF 2026 appear to put great emphasis on the views of the inspector under the previous appeal, reference APP/Z3825/W/24/3356684. However, it must be highlighted that the previously dismissed scheme was for two materially larger, two-storey dwellings, which would have had a greater presence within this location. The Appellant submits that the materially reduced scale and form of the current proposal substantially reduces the visual presence identified in the previous appeal and that the current proposal would not give rise to harm sufficient to warrant dismissal of the appeal under DM3.

- 2.6 It is noted that the Inspector within the previous appeal found that there are dwellings and outbuildings set to the rear of dwellings fronting onto New Hall Lane. The presence of buildings and structures to the rear of frontage properties demonstrates that the local area is not characterised exclusively by a simple, single-depth frontage development pattern. The appeal scheme would respond to this established character, appearing as modest, single-storey agricultural style outbuildings to the rear of the main frontage properties. Given the existing character, it is viewed that the form, siting and appearance of the proposed development would not cause unacceptable harm in this specific context.
- 2.7 The Appellant contends that any development inevitably results in some change to the appearance of land. The planning judgement must distinguish between change and unacceptable harm. In this case, the Council does not identify any specific design standard which the proposed dwellings breach. Instead, it relies principally upon its judgement that the buildings would be visually incongruous and would extend beyond the existing ribbon of development. The Appellant submits that these matters are insufficient to establish a level of harm capable of outweighing the positive policy support now afforded by S5.
- 2.8 Indeed, it is noted within the previous appeal decision at paragraph 23, the Inspector states that: “Neither the development plan policies nor the FAD (now the Shaping Development in Horsham District document) specifically identifies ‘backland’ sites as being unacceptable. The Inspector goes on to state that “this is not something which in itself weighs against the scheme”. It is therefore considered that given the reduced scale of the proposed dwellings, the appeal proposals would not appear visually intrusive, as previously considered by the Inspector. In addition, given the presence of existing built form directly to the west of the site, the proposals would not “extend built form into a countryside location to the rear of the building line along New Hall Lane”, as suggested by the Council, and would not appear out of keeping.
- 2.9 Furthermore, while the previous appeal decision is a material consideration, this was determined in June 2025, under the previous NPPF. As set out above, the national policy framework has since changed significantly and it is re-iterated that such development is considered to be acceptable in principle under Policy S5 of the new NPPF 2026.

- 2.10 Reference is made by the Council to Policy N2 of the new NPPF 2026 and that the appeal proposal would have adverse effects on the natural environment. The Appellant highlights that the Council has not identified any specific landscape designation or other nationally protected environmental asset which would be adversely affected by the proposal. The Council's case appears to concern localised landscape character rather than a designated landscape or other protected environmental asset.
- 2.11 Localised effects should be assessed proportionately and in the context of the existing built form, established residential use and the physical relationship of the site with Small Dole. The Council's acknowledgement that the site is physically well-related to the settlement is particularly relevant. The Appellant does not dispute that the development should respond appropriately to its landscape setting. However, this does not mean that the existing open character must remain wholly undeveloped where national policy now expressly supports certain forms of development outside settlements. The appropriate consideration is whether the proposed development would cause an unacceptable degree of landscape harm.
- 2.12 The Appellant submits that the effects identified by the Council are localised and should not be attributed such weight that they override the positive policy position established by S5. In particular, appropriate weight should be given to the delivery of two additional dwellings in circumstances where the Council accepts that it has only 1.7 years of housing land supply. The Appellant considers that the Council has not demonstrated that the identified character and landscape effects substantially outweigh these benefits

3. Summary and Conclusion

- 3.1 In conclusion, it is acknowledged that the Council has withdrawn Reason for Refusal 1, and have determined that the appeal proposal accords with Policy S5 of the NPPF 2026. Accordingly, the Inspector is respectfully invited to proceed on the basis that there is no longer a dispute regarding the acceptability in principle of residential development at the appeal site.
- 3.2 The remaining issue is whether the specific design and character effects identified under Reason for Refusal 2 are sufficient to outweigh the clear policy support for the proposal and the benefits associated with the delivery of two additional homes. The Appellant is of the view that they do not.

- 3.3 While the previous appeal decision is a material consideration, it was determined under a materially different national planning policy framework, and therefore the conclusions set out within this decision should not be treated as determinative of the current appeal. The current national policy position is clear. Policy S5 provides support for appropriate forms of development outside settlements, and the Council itself has confirmed that the present proposal falls within this policy.
- 3.4 The Council has not demonstrated that the alleged design, character and landscape effects amount to sufficiently substantial harm that these would justify refusing a form of development which is now accepted as being appropriate in principle under national policy.
- 3.5 The appeal proposal would provide two additional dwellings of a modest scale and appropriate design, sited within a site which has an existing residential use, in a location which the Council accepts is physically well-related to Small Dole, at a time when the Council can only demonstrate a housing land supply of 1.7 years. The proposed development would respond appropriately to the established character of development in the immediate vicinity and is therefore considered to comply with Policy DM3 of the NPPF.
- 3.6 For the reasons set out above, the Appellant considers that the proposal accords with the relevant provisions of the 2026 NPPF and that the appeal should therefore be allowed and planning permission granted