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## Appeal Decision

Inquiry held on 25-28 March and 1-2 April 2014

Site visit made on 1 April 2014

**by R P E Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 June 2014**

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### **Appeal Ref: APP/Z3825/A/13/2205204 Land North of West End Lane, Henfield**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Barratts Southern Counties Ltd against the decision of Horsham District Council.
  - The application Ref DC/13/0787, dated 29 April 2013, was refused by notice dated 22 August 2013.
  - The development proposed is the development of 160 residential dwellings (comprising 10 x 5-bed, 49 x 4-bed, 24 x 3-bed, 67 x 2-bed and 10 x 1-bed) together with associated landscaping, open space and access.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the development of 160 residential dwellings (comprising 10 x 5-bed, 49 x 4-bed, 24 x 3-bed, 67 x 2-bed and 10 x 1-bed) together with associated landscaping, open space and access on Land North of West End Lane, Henfield in accordance with the terms of the application, Ref DC/13/0787, dated 29 April 2013, subject to the conditions set out on the attached schedule.

### **Procedural Matters**

2. The above description was used by the Council and was agreed by the Appellant at the Inquiry. The site would be west of the Downs Link and north east of the junction of West End Lane with Stonepit Lane.

### **Policy Context**

3. The appeal is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan here includes the Horsham Core Strategy (2007) (the CS) and the General Development Control Policies DPD (2007) (the GDCP). The appeal site lies in the countryside outside the built-up area defined by GDCP Policy DC 1. The proposal would not be for one of the forms of development which that policy permits in the countryside. However CS Policy CP 4 provided that additional housing land would be identified in the most sustainable locations through either a site specific allocations DPD or a contingency DPD to be held in reserve, and for its release to be managed through CS Policy CP 9.
4. No site specific allocations plan or contingency DPD has been adopted in the 7 years since the adoption of the CS. However the Council has adopted the

*'Facilitating Appropriate Development Supplementary Planning Document'* (the FAD SPD) in an attempt to ensure sufficient housing supply. The FAD SPD is an important material consideration. The FAD does allow for housing development outside the defined built-up areas of Category 1 settlements, subject to a series of criteria. In that regard, Henfield is a Category 1 settlement which the CS defines as *'towns and villages with a good range of services and facilities as well as some access to public transport – capable of sustaining some expansion, infilling and redevelopment'*.

5. Other material considerations include the National Planning Policy Framework (the Framework), as also amplified by the recently published Planning Practice Guidance (PPG). Amongst other things the Framework continues a long-standing national policy requirement that local planning authorities should maintain at least a 5-year supply of suitable and deliverable housing land. Local and national policies also require that a number of site specific considerations are addressed. These are referred to below in the reasoning.

### **Main Issues**

6. The Council has withdrawn a reason for refusal concerning the noise impacts on future residents of an adjacent kennels business. This follows the conclusion of an agreement involving the Appellant and the owners of that business. The agreement provides that the business would cease operation should the housing development go ahead.
7. The Council has also withdrawn a highways reason for refusal. That follows agreement between the Appellant and the highway authority on a series of highway works and transport contributions. However Henfield Parish Council and other interested persons maintain objections in that regard.
8. Surface water drainage matters were not a reason for refusal by the Council but are of concern to some local residents.
9. Since the application was determined the Appellant has submitted a Section 106 legal undertaking in respect of the provision of affordable housing and infrastructure.
10. Having regard to local and national policy, the reasons for refusal and the above matters the main issues are considered to be:
  - What effect the development would have on the character and appearance of the landscape, including in the transition from the existing built up area towards the countryside.
  - Whether the design of the development would take any opportunities that are available to improve the character and quality of the area and the way it functions
  - What effect the development would have on the setting and heritage significance of the Grade II listed Camellia Cottage
  - What effect the development would have on the safety and free flow of traffic in Henfield and on sustainable travel objectives
  - Whether suitable provision would be made for surface water drainage

- Whether adequate provision would be made to meet the infrastructure needs of the development
- Whether this would be a sustainable development and whether any significant and demonstrable harm in these regards would be outweighed by the benefits of housing provision to address identified requirements

## **Reasons**

### ***Character and Appearance***

11. The appeal site lies outside the defined built-up area boundary. It is thus in the countryside where CS Policy CP1 and GDCP Policy DC 1 would normally prevent development with only limited exceptions. However the FAD SPD is an important material consideration which would allow for some housing development outside built-up area boundaries subject to criteria. Most of those criteria seek to moderate the visual and other impacts of extensions to built-up areas.
12. FAD Criterion 1 states that: *'The site boundary is to be contiguous (at least one boundary must physically adjoin in whole or in part) with an identified Built-Up Area Boundary to accord with policies CP5 and CP8 of the Core Strategy.'* Policy CP5 does not provide for any development outside Built-Up area boundaries. However Policy CP8 does allow for *'limited provision'* for small scale extensions to the smaller towns and villages to meet identified local needs. It does not itself amplify what is meant by an extension or how closely a site should adjoin the boundary. In this case the Downs Link path lies between the western edge of Henfield's defined built-up area and the eastern boundary of the appeal site. The path here occupies a tree-lined former railway cutting. To the south of the appeal site, a narrow section of West End Lane lies between the site and the built-up area boundary at Hollands Road.
13. The Appellant has pointed to locations elsewhere in the District that development has been supported by the Council on the edge of a settlement notwithstanding that a road or path separates the site from the built up area boundary. This includes a similar situation for land at Slinfold with an intervening section of the Downs Link on one side of the site and a road on the other.
14. It is material to consider what purpose this criterion is intended to serve. To disregard proximity to the built-up area boundary would invite proposals for housing development on sites that were obviously separate from the built-up area, such as where there is a large intervening field. That would risk significant sprawl, poor connectivity, the fragmentation of farmholdings, and subsequent pressure to develop the intervening vacant land. However it is entirely usual within a built-up area for development to be divided by roads and footpaths. To exclude expansion of a built-up area for that reason alone would likely lead to the distortion of settlement patterns with development only taking place where it directly adjoins the curtilages of existing dwellings. That also has implications for the outlook, privacy and other amenity of existing residents. In this case the land occupied by the road and the path buffers the development from the nearest dwellings and the Council has not identified any unacceptably adverse effects on the amenity of immediate neighbours.

15. FAD Criterion 2 relates to smaller Category 2 settlements. It thus is not relevant to Henfield which is a Category 1 settlement.
16. FAD Criterion 3 seeks a maximum of 150 additional dwellings for each of the qualifying Category 1 settlements, whether as one or more developments. The proposed development would be for 160 dwellings and is thus itself above that figure. Moreover a previous appeal (Ref APP/Z3825/A/12/2172558) allowed for the development of another 102 dwellings east of Henfield's built-up area and known as the Land East of Manor Close. That permission has expired but the inquiry was told that a further permission has recently been granted by the Council for a similar development on the same site. Were the 150 dwellings limit to be adhered to at all Category 1 settlements it would severely compromise the scope for the FAD to address the current substantial supply shortfall which is considered further below. Moreover because of the supply shortfall, the 150 dwellings limit has been exceeded by permissions granted by the Council elsewhere (for example by a permitted development of 475 dwellings at Billingshurst). In these circumstances the Council is not objecting to the breach of this policy criterion.
17. FAD Criterion 4 relates to the perceived coalescence of settlements. No harm has been identified in this regard.
18. FAD Criterion 5 seeks to avoid prejudice to comprehensive long term development. Again no harm has been identified.
19. It is concluded that the above FAD criteria are either met or that, where they are not met, then there is at least the potential for other material considerations to outweigh the relevant criterion.

#### *Landscape character*

20. CS Policy CP 1, GDCP Policy DC 2, and FAD Criterion 6 generally seek to maintain and enhance the landscape character of the district. The Framework at Paragraph 109 seeks to protect and enhance 'valued' landscapes. In that regard the PPG chapter on the Natural Environment supports the use of Landscape Character Assessment.
21. This is a greenfield site. Some representations from interested persons would prefer that all housing is provided only on urban brownfield sites. The Framework similarly seeks to encourage the effective re-use of brownfield land. However there is no evidence that sufficient brownfield land is available in Horsham District to meet identified housing needs. The adoption of the FAD to support some development outside built-up areas itself suggests that sufficient land is lacking within the built-up areas where most brownfield sites would normally be found. The emerging Local Plan is also likely to propose the release of greenfield sites or to provide for their release through neighbourhood plans. If greenfield land is thus needed for development, the issue here is not the principle of developing open greenfield land but whether the landscape of the appeal site and its surroundings merits protection because it has particular qualities that are not shared by all sites and which merit greater value than the provision of homes.
22. One measure of value is that some land is locally or nationally designated for its landscape quality. In particular, the Framework emphasises the protection of nationally designated landscapes such as national parks. Although the

- appeal site would be distantly visible from the high ground of the South Downs National Park, that has been assessed in the LVIA. Views from the National Park are very extensive and already include areas of settlement such as Henfield itself. The proposed development would only represent a minor change to part of that distant view. There is no substantive evidence of a significant adverse effect on views from the National Park.
23. The appeal site is not locally or nationally designated for its landscape value. However several landscape character assessments have been carried out for areas which include the appeal site. These are at different scales and they have different objectives. The appeal site lies within the Low Weald National Character Area. It is also part of the Eastern Scarp Footslopes Character Area LW11 within the 2003 West Sussex LCA. These are both broad brush character assessments. They do not assess the sensitivity or capacity of the landscape to accommodate any particular type of development. There are quoted County guidelines in the West Sussex LCA to: '*maintain and restore the historic pattern and fabric of the agricultural landscape*'; and to '*protect the character of rural lanes*'. However in circumstances where greenfield sites by urban extension are needed to meet housing needs, as the FAD recognises, it would be impractical to avoid any change to the agricultural landscape and every lane within it. Another guideline objective is to '*avoid skyline development*'. But that is also difficult to apply when considering the extension of a settlement such as Henfield. Henfield is sited on the skyline of two low ridges above the generally low lying weald. But it is also a priority Category 1 settlement for development because of its facilities and relatively good accessibility, particularly when compared to smaller settlements.
24. Key objectives of the West Sussex Low Weald Character Area '*Local Distinctiveness Guidelines*' make broad reference to characteristics of the wider area. The reference there to a dispersed pattern of farmsteads overlaps with the heritage issue which is considered separately below. The rural character of the local road network is acknowledged in the Guidelines, as is the need for screening of larger settlements.
25. The 2005 West Sussex Landscape Strategy objectives do address residential development on the rural urban fringe. They do not seek to prevent all such development. However to integrate new development on the edges of settlements into the wider landscape they advise the use of open space and planting in keeping with local character to provide a visual link to the countryside and an attractive backdrop and foil to new development. Amongst other things they again seek to avoid intrusion onto sensitive ridgelines. They also seek that regard is given to on-site and off-site views.
26. The Henfield Parish Design Statement draws attention to views into and out of the parish which it seeks to preserve and respect in the design and positioning of new development. This reference is not specific to the appeal site or any other location. The Statement does comment that all further built development in the West End Lane area should be prevented. However, as a design statement it is not a development plan or neighbourhood plan and its role is not to determine where development should and should not be located. Little weight should therefore be accorded to this comment.
27. The District Council carried out its own LCA in 2003. This LCA did include specific assessments of the sensitivity of the landscape to accommodate urban

- extensions. The Council's current Landscape Officer was involved in that assessment as part of a team. In the assessment the appeal site is part of the Henfield and Small Dole Character Area and is located on the boundary of Landscape Setting Areas 3 and 4. The latter areas were assessed respectively as having '*moderate*' or '*low*' sensitivity to urban extensions. Area 2 to the east of Henfield was similarly assessed as of '*low*' sensitivity. It included the Land East of Manor Close where housing development has since been permitted. The LCA did identify important views towards the Downs but those were from the south of Henfield within Area 5. Neither Area 3 nor Area 4 was then similarly identified as having important views.
28. In 2013 the same Landscape Officer carried out a further Landscape Capacity Study for development but on an individual basis and not as part of a team. The 2013 study assessed the sensitivity and potential capacity of locations for large scale housing of 150 dwellings or more (or for employment). For these purposes that is similar to the 2003 LCA assessment of landscape sensitivity to urban extensions. There have been no material changes to the local landscape of the appeal site between the 2003 LCA and the 2013 study. Nevertheless markedly different conclusions were reached. The only explanation given for the differences is that the Landscape Officer now considers that the team in 2003 (of which he was part) made errors of judgement.
29. In the 2013 Study, the appeal site is part of Area 68 'Land West of Henfield' which was assessed in 2013 as having '*high*' landscape character sensitivity to large scale housing. That is in sharp contrast to the conclusions of the 2003 LCA that this area had '*low/moderate*' sensitivity to urban extensions. It was also concluded in 2013 that the land had moderate visual sensitivity, moderate-high landscape value and consequently no/low overall landscape capacity for such development. Given that Henfield remains a Category 1 settlement, it is notable that in 2013 only Area 70 to the east of Henfield was assessed as of moderate landscape sensitivity and of low-moderate landscape capacity. All other land around Henfield was also assessed as having no/low capacity for large scale housing.
30. A Strategic Housing Land Availability Assessment (SHLAA) was published by the Council in 2014, during the Inquiry. This concludes that, on landscape grounds, the appeal site is not currently developable. But it does not otherwise follow the conclusions of the 2013 Landscape Capacity Study. In particular it now also finds the land east of Henfield (Area 70) not to be developable.
31. The SHLAA concludes that the only site around Henfield to be developable would be Sandgate Nurseries. That site is opposite the appeal site on the south side of West End Lane and measures 3.7ha which is about half the size of the appeal site. In the SHLAA it is estimated to be capable of accommodating only 30 dwellings at a relatively low density. That would not be a large scale site as defined in the 2013 study. It would thus make a much smaller contribution to housing supply. Neither would it make any contribution to the shortfall of supply within the next 5 years since it is assessed as not being developable until years 6-10.
32. The Appellants have submitted a Landscape and Visual Impact Assessment (LVIA) which is specific to the appeal proposal. The LVIA generally concludes that the landscape on and around the appeal site is of medium to low sensitivity, reflecting the conclusions of the 2003 LCA. There are predicted to

be typically moderate/slight adverse landscape effects in Year 1 but moderate or slight beneficial landscape effects in the long term. Visual effects are predicted to vary by location ranging from (in Year 1) 'major/substantial adverse' for the footpath bisecting the site and 'moderate/adverse' from other local viewpoints. In the long term 'slight/negligible beneficial' effects are predicted for some viewpoints. The difference between the short and long term generally reflects the maturing of on site planting at the site edges. At the Inquiry the Appellant's landscape witness accepted that outward views from the development were not analysed in the LVIA. However neither had these specific views been previously identified as important in the LCA.

33. The appeal site is a field in arable use. The land is towards the western end of the low ridges on which Henfield is mainly built. The site is slightly undulating with the highest ground at about the mid point on the eastern boundary. The trees along the railway cutting create a visual buffer between the appeal site and the suburban style housing estate to the east. West End Lane leaves the built up area close to the south east corner of the appeal site. The north side of the lane including the appeal site is open beyond the roadside hedge. However suburban style development within the defined built-up area continues opposite the site's south east corner along part of the southern side of the lane. This mainly comprises a former Council Estate built in the mid 20<sup>th</sup> century at Hollands Road. Those houses are laid out in a geometric pattern which lacks rural character. They present a harsh edge to the built-up area, as the 2003 LCA acknowledged. Only to the west of those houses does the lane assume a more rural character on its southern side. It passes the disused Sandgate Nursery (which the SHLAA suggests is suitable for small scale housing development) and then the vernacular buildings of Camellia Cottage/Dears Farm.
34. Housing development on the north side of the lane would inevitably change the open and rural character of the field. The Appellant does not dispute that there would be some harm to the existing landscape character, at least in the short term. However that would apply to almost any built development of open greenfield land on the edge of the settlement, whether it is Henfield or one of the District's other towns and villages. Such changes are inevitable where greenfield sites are needed to meet identified housing needs.
35. The appeal site has no special landscape designation and its own physical character is unremarkable. Any particular qualities that it does possess relate instead to views of and from the land.
36. In close views towards the land from adjoining roads and footpaths the site's openness currently contributes to the generally open and rural quality of adjoining lanes and the surrounding area. The layout of the proposed development is intended to mitigate such impacts in that the built development has been concentrated into 2 parcels. These are set back from the roads to the west and south, from the footpath that bisects the site, and from the field boundary with the open countryside to the north. The open spaces at the edges of the site and beside the footpath are intended to be landscaped and planted to include hedges, trees, allotments, ponds and other open space.
37. The landscaped areas would be under single management, and can continue to be managed to retain the design concept. Some relatively tall and bulky houses would be visible, albeit filtered by the planting. However the effect

would be generally green and it would avoid a harsh urban appearance. The layout would retain some qualities of openness. It would accord with an objective of the West Sussex Landscape Strategy to use open space and planting to provide a visual link to the countryside and as an attractive backdrop and foil to new development. The maturing planting would soften the edge of the built development and help to screen the extended settlement, notwithstanding the location of development on the low ridge.

### *Visual Effects*

38. It is apparent that most design effort has been devoted to the local views towards the development from nearby roads and footpaths, including from the Downs Link. The main form of mitigation has been to keep buildings away from the site boundaries and to provide screen planting which will become more effective as it matures. However the viewer will be aware of the presence of the housing, particularly as in some places it will be seen on the skyline.
39. The footpath that bisects the site is a useful link to other paths in the area and is locally unusual in providing long views to both north and south. To the south these include views above trees and buildings of the outline of the distant South Downs including the outline of Chanctonbury Ring with its hillfort. These are typically seen in silhouette against a bright southern sky. To the north there are more distant and indistinct views across the Low Weald towards other hills, as well as occasional distant views of the towers of St Hughes Charterhouse Monastery and of Partridge Green Church, where not obscured by trees.
40. Some of the outward views from parts of the existing footpath would be obscured by the proposed development. However other views would remain, particularly from the higher ground at the eastern end of the path, where a view of the Downs above the rooftops should survive, and in glimpsed views northwards through occasional gaps between the buildings. Moreover it is proposed that new paths with public access would be created to the north and south of the houses. These would provide some outward views, but because they would be on lower ground and close to the planted site margins, the available views would be more restricted than those currently available from the public footpath. Nevertheless views towards either the north or the south are available from a number of footpaths and other locations around Henfield and some long views would remain from locations on the appeal site.
41. At the Inquiry the Appellant's landscape witness acknowledged that, had long outwards views been analysed, it may have been possible to reduce the effect on such views. However it was not indicated how this might have been achieved and what effect this may have had on other objectives including the efficient use of the land and the protection of local views. I consider it likely that there would have been conflict between these objectives. To create more panoramic views to the north and south from the centre of the site it would have been necessary to either significantly reduce the overall amount of development or to reduce the areas of open space, whether at the edges of the development or alongside the east-west public footpath. A reduction in perimeter planting to keep outward views more open would also be likely to expose more houses in inward views from the countryside. That would also make the development appear more exposed on the skyline and would conflict



with an objective of the Local Distinctiveness Guidelines to screen larger settlements.

42. It is concluded that the site is not of particular landscape value and that, as an urban extension, the development would result in an inevitable change in the present landscape character. The design and layout would however respect the surroundings by retaining an open and green appearance at the edges of the development and adjacent to the footpath across the site. That public footpath does afford simultaneous panoramic long views which some people value and which would be lost. The effect would be partially mitigated in that some long views would remain from parts of that path and from other paths in the wider area and because some more limited long views would also be available from other new paths on the site. Nevertheless there would be some adverse visual impact and the visual changes would adversely affect the appreciation of the landscape of neighbouring areas.

### *Design*

43. CS Policy CP 1 and FAD Criterion 6 seek to protect, conserve and/or enhance townscape character. CS Policy CP 3 and FAD Criterion 7 seek high quality and inclusive design and that development should complement the character of the settlement as defined in the relevant Town Village or Parish Design Statement. The Framework at paragraph 58 recommends objectives for local design policies which the Appellant considers can also be applied directly to scheme design. Paragraph 60 amongst other things seeks to promote or reinforce local distinctiveness but not to stifle innovation, originality or initiative through unsubstantiated requirements. Paragraph 64 provides that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
44. Henfield has a closely built-up form in its original core along and close to the High Street where buildings line the back of the footway. In the 19<sup>th</sup> century and early 20<sup>th</sup> century the railway encouraged additional development to the west of the High Street including some terraced housing as well as villas. The village then expanded considerably during the 20<sup>th</sup> century with a series of additions of housing at different densities and in various contemporary styles that are found throughout southern England. These include both estate development and individual houses.
45. To the west of the village centre the character of Upper Station Road is mainly suburban. Parts have a green and informal character owing to planting in relatively deep front gardens but buildings are set closer to the road as one approaches the appeal site. The side roads off Upper Station Road typically feature more regular estate development with short front gardens and less planting.
46. To the west of the appeal site there is a detached built-up area on West End Lane with dense frontage development. However the area is mainly characterised by scattered rural housing at typically low densities. This includes large houses and former farmsteads in extensive curtilages and interspersed with open fields and woodland.
47. It would be unrealistic and a very inefficient use of land to seek to replicate the very low density rural development to the west. Moreover considerably more

land would then need to be developed elsewhere in the District to make an equivalent contribution to housing need. That would also require mainly greenfield sites in the countryside. It is acknowledged that the SHLAA is proposing greenfield development of the adjoining Sandgate Nursery site but at a very low density at less than 10 dwellings per hectare. However the basis for that estimate has not been explained. To provide 160 dwellings at a similar density would require 16 hectares of land. The appeal proposal would accommodate the same number of dwellings more efficiently on about 7.3 hectares. That would include a range of dwelling sizes and affordable housing provision. It is not clear what, if any, provision would be made at Sandgate Nurseries site for a range of housing needs, including dwellings for smaller households and affordable housing.

48. Conversely, were the design and layout to imitate the more conventional estate development that characterises much of the western half of the built-up area of Henfield, that would probably involve frontage development to West End Lane in particular with much less visible open space. Such development would likely remove all of the lane's rural character as has happened previously to former lanes within the built-up area.
49. The submitted scheme seeks to resolve these issues by proposing what is a medium density of development overall at about 22 dwellings per hectare but which pulls built development back from the adjoining lanes, the public footpaths, and the site boundaries. Smaller dwellings would be surrounded and screened by lower density development of larger houses. A wide variety of house sizes and types is included and there would be a suitable mix of housing to meet a variety of needs. The resulting perception in views from outside the site would be one of a lower density of development and of a continuation of the green frontage which characterises parts of Upper Station Road to the east. Some of the rural character of the adjoining West End Lane and Stonepit Lane would be retained.
50. The proposed mews would have a more urban character that is also found in some other parts of Henfield. But it would only be readily apparent when entering the mews and would thus have little effect on wider public perceptions of the transition from the built-up area to the countryside.
51. The development would appear different to other parts of Henfield but there is already considerable variety within the built-up area in housing styles, layout and materials. Whilst much of the existing suburban development in Henfield lacks local distinctiveness, the proposed design and materials would reflect some local vernacular traditions, notwithstanding that the use of stained timber boarding for some elevations is locally associated more with farmbuildings than with houses.
52. It is concluded that if there is a need for an urban extension on this scale to meet housing needs (which is considered further below) then this design approach is reasonable for this site and has regard to its context and to local distinctiveness. By taking available opportunities to create areas of open space, protect some of the character of adjoining lanes, provide new rights of way, and use locally distinctive styles and materials, it would broadly accord with the design objectives of the Framework and would not be a poor design in the terms of paragraph 64 of the Framework.

## **Heritage**

53. FAD Criterion 8 seeks to protect listed buildings and their settings in accordance with national guidelines and GDCP Policies DC 10 and DC 13. National policy is set out in the Framework and the PPG. It requires regard to be had to the effect of the development on the heritage significance of heritage assets including the setting of listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving listed buildings and their setting which is of considerable weight and importance. In this case the Council objects to the effect on the setting of the Grade II listed Camellia Cottage and the adjacent buildings. These are on the south side of West End Lane opposite the south west corner of the appeal site.
54. Camellia Cottage is a 16<sup>th</sup> Century timber framed farmhouse and was originally listed under the name Dears Farm. It adjoins a detached 19<sup>th</sup> century flint barn and a farm 'hovel' that have been treated as listed because of their location in the curtilage of the farmhouse at the time of listing. However the barn has recently been converted into a self-contained dwelling (now known as Dears Farm) and the curtilage has been physically divided from Camellia Cottage, including by a tall evergreen hedge. There are now separate entrances to each dwelling from West End Lane.
55. At the Inquiry, discussion of the heritage significance of the properties centred on their character and history as a farmstead and the degree to which their isolation from other built development may contribute to their setting and heritage significance. In relation to their history it is not known what, if any, functional connection may have existed between the buildings and the appeal site. It is clear that there have been changes in the local farming and rural landscape since Camellia Cottage was built. In any event the agricultural use of the buildings has ceased and their domestic use is now obvious from the fully glazed opening of the barn, the neatly paved former farmyard, and the domestic planting of the curtilages which have obviously been divided. Neither is Camellia Cottage in its original condition as there is a carefully designed but obviously recent and very large timber framed 2 storey extension to the property. That may have replaced what is said to have been a poorly designed modern extension and thus be considered an enhancement of the building's recent character, but it nevertheless remains a significant departure from the building's original scale and form. The historical agricultural character and associated significance of the buildings has thus already been eroded.
56. The original isolation of the farmstead has also been compromised, firstly by the construction of the former Hollands Road Council Estate to the east, and more recently by the development of a large modern chalet-style dwelling at The Paddocks on the opposite side of West End Lane. Moreover the Council's recent SHLAA contemplates the further development of the nursery site between Hollands Road and Camellia Cottage which, if implemented, would effectively end that isolation by joining the former farmstead to the built-up area.
57. Views of Camellia Cottage are currently limited by hedge and tree planting and also because the distinctive west-facing main façade stands at right angles to West End Lane. Views of that façade are typically oblique and partially obscured by other buildings. The eastern façade is usually hidden by trees.

The minor elevation that is most likely to appear in the same views as the proposed development is the upper part of a narrow tile-hung north gable facing West End Lane where one modern window is visible at first floor level. That window would also provide the only clear outward view from Camellia Cottage towards the development. In views from the appeal site or from Stonepit Lane this would be identifiable from its scale and profile as a rural vernacular dwelling but of indeterminate age and function. Its special heritage significance would only be apparent in those closer views which also included the western façade. However in such views it would also be possible to see the recent large extension to Camellia Cottage as well as the extensive alterations to the converted barn and farmyard and the boundary enclosures that have together already diluted the original agricultural character and heritage significance of the listed building and the group.

58. The appeal scheme has been designed to set development away from the corner opposite the former farmstead. The nearest part of the appeal site would be occupied by a pond, of which there are also several within the curtilage of Dears Farm. Distant views would be available from the new dwellings towards Camellia Cottage and Dears Farm. However that would not affect appreciation of their heritage significance. Whilst the occupiers of Dears Farm consider that their personal privacy would be harmed, that privacy is already compromised, in that views towards the relevant windows and large glazed openings are available from the public highway.
59. It is concluded on this issue that the appeal site includes part of the setting of the listed Camellia Cottage and of the buildings that were within its curtilage at the date of listing. The development of the appeal site would result in a significant alteration to that setting which would not be preserved or enhanced in the terms of Section 66. That merits considerable weight and importance in the planning balance. However appreciation of the heritage significance of Camellia Cottage as a late medieval farmhouse in the countryside does not depend upon the appeal site remaining open. It has already been compromised by alterations and extensions to the farmhouse and the other buildings and by changes to the curtilage and by other built development nearby. The additional effects on setting are thus more marginal than if the buildings and their setting were in a more original condition. The remaining heritage significance of the farmstead group is not obvious in distant views from and across the appeal site. It can best be appreciated in closer views from West End Lane and Stonepit Lane and from within the curtilages of the buildings. The effects of the proposed development on the setting and heritage significance is thus less than substantial and the context and limited extent of the effects is also relevant in the planning balance.

### ***Transport and Traffic***

60. GDCP Policy DC 40 generally will permit development if it provides safe and adequate means of access and is appropriate in scale to the transport infrastructure, including public transport, and is integrated with public rights of way. The more up-to-date Framework provides amongst other things at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development (after any necessary improvements) are 'severe'.

61. Henfield is a large village (or small town) with a population of about 5,000 people. It is one of 8 towns, villages or grouped villages in Horsham District which are identified in the adopted CS as a Category 1 settlement. That is defined in the CS as meaning that it has a good range of services and facilities as well as some access to public transport and is capable of sustaining some expansion. There is inevitably some variation in public transport services available within these settlements. Some, like Henfield, have lost their rail services or never had them. There is also variation in the number and frequency of bus services although several regular services connect Henfield with Horsham and the coastal conurbation.
62. This appeal is not the place to revisit or revise the settlement hierarchy set out in the adopted development plan and which would have been supported by more comprehensive evidence of services and facilities at all settlements. Certainly Henfield has more shops and other facilities than the District's smaller settlements. It is evidently a popular location for those who do not need to commute daily by rail, including both the substantial proportion of retired people in the local population and the increasing number of individuals who work from home. There is some evidence that other individuals do commute by rail notwithstanding the reported difficulties in reaching a station, whether by bus or car.
63. There is evidence that significantly higher levels of housing development have been permitted, or are supported by the Council, in some other Category 1 settlements with better transport services including at Horsham and Billingshurst. However it would be unreasonable to only provide housing at the very few settlements with the best transport facilities. Neither does that reflect the adopted local policy. Whilst levels of car use are likely to be relatively high here compared to more urban settlements, there are public transport options for many journeys beyond the village.
64. It is understandable that some people will choose not to walk even short distances, but most Henfield facilities are within reasonable and level walking distance of the appeal site and the roads are also suitable for cycling. Because the footways along Upper Station Road and Church Street are narrow or discontinuous in places, the Appellants have agreed improvements with the Highway Authority in locations where space is available. That would make walking easier and safer for both existing and proposed residents (including those who already live nearer the centre). Walking would become a more attractive option for those who may otherwise seek scarce parking space in the centre of the village. On-site rights of way improvements including additional recreational routes and the formalisation of bridleway use are also proposed. Cyclists would have direct access to the high quality Downs Link route which provides for recreational journeys and also offers the shortest route to the nearest secondary school in Steyning. Further transport contributions are proposed including traffic calming measures on West End Lane, the design of which can be reserved by condition, bus stop improvements on the High Street, and a contribution to community bus services. There are also some bus services that pass close to the site.
65. In representations, much attention has been focussed on the junction of Church Street and High Street. Church Street meets the High Street at an angle and is particularly narrow here with a footway of restricted width on one side only. There is no room between the buildings to improve the junction.

The High Street is often busy with both local and through traffic. Church Street provides the most direct vehicle access between the village centre and a large part of Henfield. This inevitably results in queuing at some times at the priority junction. As the appeal development would generate additional movements there is some potential for additional congestion at peak hours. The Transport Assessment does not support the high traffic estimates claimed by some objectors and which are typically based on car ownership and parking provision rather than car use. Not all cars would be used every day or at the same time of day. Moreover, should excessive queuing occur then alternative routes are available to the north via Parsonage Road and south via Nep Town, which both have wider and higher capacity junctions with the main road. Some drivers are likely to divert to these routes if congestion increases on Church Street. Whilst some representations suggest that these other routes are unsuitable to carry extra traffic, the main criticisms are of some sharp bends and on-street parking. Those features would themselves serve to keep traffic speeds to safe levels through these residential areas.

66. It is concluded that Henfield has been identified as suitable for some expansion, in part because of public transport options that make it one of the more sustainable settlements in Horsham district. Also there is a lack of evidence to demonstrate that the Church Street junction would become unsafe or that the congestion and other effects of the extra traffic would be severe in the terms of the Framework. Neither the District Council nor the County Highway Authority object to the development on these grounds.

### ***Drainage***

67. Neighbours of the appeal site gave evidence at the Inquiry of the surface water flooding problems that currently arise in the area and which are due at least in part to the run-off of surface water from the appeal site and especially at its south-west corner. As the development would create a significant amount of hard surfaces there is the potential for such surface water run-off to increase. However the Appellants have taken this into account in the design of the proposal. Surface water run-off would be controlled using a variety of methods including ponds and underground water storage. This would be likely to result in an overall improvement in current conditions for which no other solution is currently in prospect.

### ***Infrastructure***

68. CS Policy CP 13 seeks that sufficient infrastructure capacity for development is available or will be provided. The development would add to the population of the village. This has already grown because of the Parsonage Farm development and further growth is expected from the committed housing development of the Land East of Manor Close. Many objectors are understandably concerned about the additional pressure that the appeal development may put on local services. However this was not a reason for refusal by the Council. The Appellant has submitted a S106 unilateral legal undertaking (a planning obligation) which sets out a series of financial contributions to improvements to services and facilities. It also makes provision for the delivery of affordable housing.
69. Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework both require that such planning obligations are: necessary to make the development acceptable in policy terms; directly

related to the development; and fairly and reasonably related in scale and kind to the development.

70. Apart from the transport improvements that are referred to above, the main proposed contributions would be for secondary education, health services, libraries, open space and recreation, fire and rescue services and community facilities. The development would itself include some on-site play and recreation facilities for public use.
71. Whereas some objectors suggest that the village primary school lacks spare capacity, the education authority assesses capacity according to groups of schools rather than individual schools. It has apparently withdrawn an initial request for a contribution towards additional places at another primary school in the group after concluding that this could not be justified as necessary, as is legally required. The secondary school contribution has been assessed as necessary to address a lack of places in the catchment which also includes more than one secondary school. At the date of the Inquiry the education authority and the schools had yet to decide where it would be applied.
72. Having regard also to the evidence relating to the other contributions it is concluded on the submitted evidence that the planning obligation does meet the legal and policy tests and that it will make suitable infrastructure provision that avoids undue pressure on local facilities and services.

### ***Housing Need***

73. The Framework at paragraph 47 continues a long-standing national policy that local planning authorities should identify a minimum 5-year supply of housing sites. It would add an additional 5%, or in some circumstances 20%, buffer requirement to supply to improve the prospects of delivering sufficient housing, particularly where there is a history of under-supply. The same paragraph provides in summary that the local plan should meet the full objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with Framework policies.
74. In this case, the Council accepts that there is a significant shortfall against the 5-year supply when set against the need that was objectively assessed in the former South East Plan. That plan sought the delivery in Horsham District of 650 dwellings per annum and it remains the current basis on which need is measured. It is more up-to-date than the earlier assessment on which the CS was based. However that delivery figure has not been achieved and a shortfall has built up. Whether the 5-year supply is now at the level of 59% of the requirement (as the Appellant argues) or 64% (as the Council says) is of little consequence for this appeal, as the Council agrees. Neither does it matter for the present purposes whether a 5% or 20% additional buffer is merited. That there was a risk of such a shortfall arising was already apparent in 2007 when the relevant local plan (the CS) was adopted, as is clear from the wording of the plan including Policy CP4. However the Plan was not subject to early review and interim measures such as the FAD SPD have not been successful in overcoming the shortfall. Neither does the Council dispute that there is a pressing need in the District for affordable housing to which end the appeal proposal would include 40% affordable housing.
75. The Council is preparing a new local plan which, amongst other things, would seek to address the housing supply issue by revising the assessment of needs

and by identifying new housing allocations. Formal public consultation is underway at the date of writing, after which the plan can be submitted, tested at examination for soundness, and adopted. That process is expected to take at least a year. By the time that it is adopted there will accordingly be less time available for the delivery of any new allocations to contribute to the current 5-year supply position, particularly if the allocation of new housing sites is left to the subsequent preparation and adoption of neighbourhood plans. It thus merits little weight at this time. The consultation version of the Plan has not been submitted in evidence. But the Appellant points out that the housing reports which have been prepared for the Council to support the emerging Plan indicate a continuing need for housing development in the district at an annual rate which is not dissimilar to the South East Plan requirement. That would still entail a significant increase in past building rates. The nearby site identified in the SHLAA at Sandgate Nursery, if allocated, would only make a small contribution to that need, particularly if developed at the low density assumed in the SHLAA and with much less affordable housing.

### **Planning Balance**

76. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision-taking this means that proposals that accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or – specific policies in the Framework indicate development should be restricted.
77. Paragraph 49 of the Framework provides that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
78. As there is not here a 5-year supply of housing then relevant development plan policies should not be considered up to date. That here includes the policies which seek to only allow general housing development within built-up area boundaries. It is also relevant to the application of other FAD criteria including the limit on the number of dwellings which is also out-of-date. Neither would the literal application of the FAD requirement that development be directly contiguous with the built-up area boundary here serve an overriding planning objective.
79. Whether the presumption in favour of sustainable development should apply here thus rather depends on whether other Framework policies indicate that development should be restricted.
80. The Framework confirms at paragraph 7 that sustainable development has 3 dimensions: an economic role, a social role, and an environmental role.
81. Whilst the appeal proposal cannot on its own overcome the housing supply shortfall, it is capable of being implemented at a relatively early date when it can make a significant contribution to the current shortage of market and affordable homes. That is an important social benefit of the proposal which the Council does not dispute. The construction of the homes would also have



important economic benefits. Their subsequent occupation would be likely to add to spending in numerous local shops and businesses, notwithstanding what has been said about scarce parking in the village centre. Some of the proposed contributions to improved services and facilities would have social benefits for existing village residents as well as the new residents. This leaves the environmental role.

82. It is concluded above that there would be some adverse environmental impacts and associated conflict with some objectives of the development plan and the Framework. In particular there would be a loss of open countryside, changes to local views and to the character of rural lanes, a loss of some long views from parts of the footpath across the site, and a failure to fully preserve the present open setting of a listed building or buildings resulting in a (less than substantial) effect on heritage significance. However the heritage significance of the listed buildings is only apparent in limited locations into which the development would only intrude marginally. Also the setting of the listed buildings has previously been eroded by alterations, extensions and other nearby development. The marginal effect on setting is thus limited in extent. The effect on setting has merited considerable weight and importance in my final judgement below because of the duty under Section 66 (ie the desirability of preserving listed buildings and their settings). But the early provision of new homes in circumstances of a local shortfall also merits considerable weight and importance, particularly as the recent regional and national shortfall in housebuilding has been widely reported, as has the current high level of demand. Some of these environmental effects would be experienced in any expansion of a built-up area and the proposed design provides substantial mitigation. It is not a poor design as some have suggested.
83. Overall it is concluded that, when assessed against the policies in the Framework as a whole, and the S66 duty, the adverse environmental effects are limited and do not outweigh the considerable social and economic benefits. Neither do Framework policies indicate that this development should be restricted. This would therefore be a sustainable development and the presumption in favour of such development should be applied. That is a material consideration which here outweighs a literal conflict with some development plan policies and especially those policies that are out of date in respect of housing supply.

### **Conditions**

84. The planning conditions in the attached schedule are based on the draft conditions that were agreed between the Council and the Appellant and discussed further at the Inquiry.
85. Conditions 1 and 2 are needed to ensure that the housing contributes to the 5-year housing supply and for clarity as to what is permitted. The Appellant has requested that a landscape strategy and traffic calming plan submitted on 5 February 2014 be added to the list of approved plans. However as these were submitted late in the process, the amendments that they address should be reserved for subsequent approval by the local planning authority. Conditions 3-14 are needed to protect the character and appearance of the area. At the Inquiry and in relation to condition 8 the parties agreed that it is unnecessary to remove permitted development rights from all dwellings but that this is necessary for the mews dwellings because of the close juxtaposition of the

dwelling and the small curtilages. Condition 9 is needed because unsuitable means of enclosure could harm the appearance of the development having regard to its layout and exposure to views from the countryside and rights of way. Conditions 10 and 11 are needed to protect existing trees and hedges on and adjacent to the site. Conditions 15-17 are needed in the interests of the safety and free flow of the highway and to protect the amenities of nearby occupiers. Condition 18 is needed in the interests of energy conservation and combating greenhouse gas emissions. Condition 19 is needed to reduce the risk of surface water flooding. Condition 20 is needed in case the site contains archaeological remains which merit conservation or recording. Condition 21 is needed in case any contaminated material is found on the site during construction. Condition 22 is needed to protect the amenity of local residents. Condition 23 is needed to ensure that the play area is provided at the appropriate time to meet the needs of residents.

### **Conclusions**

86. For the above reasons and having regard to all other matters raised at the Inquiry and in written submissions it is concluded that the appeal should be allowed.

*R P E Mellor*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### Commencement Condition:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### Approved Plans Condition:

2. The development hereby approved shall be carried out in full compliance with the approved plans as listed below:

Elevations plan Drwg no. 111108-BAR-SC-J-D-E4 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-J-D-P2 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-J-D-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-J-D-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-J-D-P1 Received: 24.05.2013  
Floor & Elevations plan Drwg no. 111108-BAR-SC-GAR01 Received: 24.05.2013  
Floor & Elevations plan Drwg no. 111108-BAR-SC-GAR02 Received: 24.05.2013  
Floor & Elevations plan Drwg no. 111108-BAR-SC-GAR03 Received: 24.05.2013  
Floor & Elevations plan Drwg no. 111108-BAR-SC-GAR04 Received: 24.05.2013  
Floor & Elevations plan Drwg no. 111108-BAR-SC-GAR05 Received: 24.05.2013  
Floor & Elevations plan Drwg no. 111108-BAR-SC-SH01 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-SS03 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T01 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T02 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T03 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T04 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T05 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T06 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T07 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-T08 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-SS02 Received: 24.05.2013  
Street Scene plan Drwg no. 111108-BAR-SC-SS01 Received: 24.05.2013  
Topographical Survey Drwg no. BH/1111003 Received: 24.05.2013  
Planning Statement Drwg no. NONE Received: 24.05.2013  
Community Involvement Statement Drwg no. NONE Received: 24.05.2013  
Arboricultural Impact Assessment Drwg no. 8570\_AIA.001 Received: 24.05.2013  
Ecology Report Drwg no. ECO2946.ECOAPP.VF1 Received: 24.05.2013  
Transport Statement Drwg no. 10-083-003 Received: 24.05.2013  
Foul Water Drainage Strategy Drwg no. 10-083-007 Received: 24.05.2013  
Services Appraisal Drwg no. 10-083-008 Received: 24.05.2013  
Flood Risk Assessment Drwg no. 10-083-006B Received: 24.05.2013  
Sustainability Statement Drwg no. NONE Received: 24.05.2013  
Design & Access Statement Drwg no. NONE Received: 24.05.2013  
Location plan Drwg no. 111108-BAR-SC-06 Received: 24.05.2013  
Site plan Drwg no. 111108-BAR-SC-02-A Received: 10.02.2014  
Site plan Drwg no. 111108-BAR-SC-05-A Received: 10.02.2014  
Site plan Drwg no. 111108-BAR-SC-03-A Received: 10.02.2014  
Site plan Drwg no. 111108-BAR-SC-08-A Received: 10.02.2014  
Site plan Drwg no. 111108-BAR-SC-04-A Received: 10.02.2014  
Site plan Drwg no. 111108-BAR-SC-01-B Received: 10.02.2014  
Site plan Drwg no. 111108-BAR-SC-09-A Received: 10.02.2014  
Schedule of Works Drwg no. NONE Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-A-L-E3 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-A-L-E4 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-A-L-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-A-L-E2 Received: 24.05.2013



Elevations plan Drwg no. 111108-BAR-SC-E-D-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-E-D-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-E-D-P2 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-E-L-E3 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-E-L-E4 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-E-L-P2 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-E-L-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-E-L-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-E-L-P2 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-F-D-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-F-D-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-F-D-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-F-L-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-F-L-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-F-L-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-G-D-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-G-D-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-G-D-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-G-L-E1 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-G-L-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-G-M-E1 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-G-M-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-GS-D-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-GS-D-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-GS-D-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-H-D-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-H-D-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-H-D-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-H-L-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-H-L-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-H-L-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-H-M-E1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-H-M-E2 Received: 24.05.2013  
Floor plan Drwg no. 111108-BAR-SC-H-M-P1 Received: 24.05.2013  
Elevations plan Drwg no. 111108-BAR-SC-J-D-E3 Received: 24.05.2013  
Archaeological Appraisal Drwg no. NONE Received: 24.05.2013  
Affordable Housing Statement Drwg no. NONE Received: 24.05.2013  
Soil Resource Survey Drwg no. NONE Received: 24.05.2013  
Heritage Statement Drwg no. NONE Received: 15.07.2013  
Other Drwg no. VISUAL ASSESSMENT REPORT Received: 24.05.2013  
Other Drwg no. PARKING ALLOCATION 111108-BAK-SC 111108-BAR-SC-09  
Received: 24.05.2013

Design Related Condition:

3. No development shall be commenced unless and until a schedule of materials, finishes and colours and samples of such materials to be used for external walls and roofs of the approved buildings has been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.
4. No development shall be commenced until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be provided only in accordance with the approved details and thereafter so retained.

5. No external lighting streetlighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be retained in accordance with the approved details.
6. No development shall be commenced until precise details of the finished floor levels of the development in relation to a nearby datum point along West End Lane/Stonepit Lane have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.
7. No development shall be commenced unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order amending or revoking and re-enacting that Order with or without modification) no external alteration, extensions or other development shall be carried out to the Mews dwellings hereby permitted or placed within the curtilages of the Mews dwellings.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order amending or revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected within the curtilage of any dwelling house except in accordance with details to be approved by the Council under this permission or subsequently following the grant of a separate planning permission in that regard.

Tree Related Conditions:

10. During the construction period the burning of any materials from site clearance or from any other source shall not take place within 10m of the furthest extent of the canopy of any tree, group of trees, or hedgerow, targeted for retention on the site or on land adjoining.
11. No development shall be commenced until an Arboricultural Method Statement that accords with the Arboricultural Impacts Assessment has been submitted to and approved in writing by the Local Planning Authority. Works shall only be carried out in accordance with the approved statement.

Landscape Related Condition:

12. No development shall be commenced until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted concurrently as a complete scheme, unless otherwise agreed with the Local Planning Authority, and shall comprise:
  - A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice
  - Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
  - Tree pit and staking/underground guying details
  - A written specification (National Building Specification compliant) for hard landscape and soft landscape works (including ground preparation, cultivation and other operations associated with plant and grass establishment)

- Existing and proposed levels, contours and cross / long sections for all earthworks, including for Sustainable Urban Drainage System features
- Hard surfacing materials: layout, colour, size, texture, coursing and levels
- Walls, fencing and railings: location, type, heights and materials
- Minor artefacts and structures – location, size and colour and type of street furniture, play equipment, signage, refuse units.

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to commencement of the development.

Any plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

13. No development shall be commenced until details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, have been submitted to and approved by the Local Planning Authority in writing. These details shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition 12, and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.
14. No development shall be commenced until a detailed long term Landscape Management and Maintenance Plan for all landscape areas has been submitted to and approved by the Local Planning Authority in writing.

The plan shall include:

- Aims and Objectives
- A description of Landscape Components
- Management Prescriptions
- Details of maintenance operations and their timing
- Details of the parties/organisations who will be maintain and manage the site, to include a plan delineating the areas that they will be responsible for

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in accordance with the approved Landscape Management and Maintenance Plan

Highways and Construction Related Conditions:

15. No development shall be commenced until a scheme for the traffic calming of West End Lane adjacent to the site entrance, including full construction details and details of the timing of implementation and phasing of the works, has been submitted to and approved in writing by the Local Planning Authority.
16. No development shall be commenced until a Construction Management Plan, to include details of:

- Element 1: Construction Access
- Element 2: Public Safety, Amenity and Site Security
- Element 3: Operating Hours, Noise and Vibration Controls
- Element 4: Air and Dust Management

Element 5: Storm-water and Sediment Control

Element 6: Waste and Materials Re-use

Element 7: Traffic Management, including parking, lorry routeing and traffic control

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

17. No development shall be commenced unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority in writing and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Sustainability Condition:

18. The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measures of sustainability for house design that replaces that scheme). No dwellings shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Surface/Foul Water Drainage Condition:

19. No development shall be commenced until the final details of the proposed means of foul and surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority including arrangements for future maintenance.

Archaeology Condition:

20. No development shall be commenced until the applicant or their agents or successor in title has secured the implementation of a programme or archaeological works in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Environmental Conditions:

21. Any visibly contaminated or odorous material encountered on the site during the development work must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.
22. No deliveries to and from the site in connection with the construction of the development shall take place outside of the following times:  
  
Between 07:30 hours and 17:30 hours on Mondays to Fridays;  
Between 08.00 hours and 13:00 hours on Saturdays;  
and none shall take place on Sundays and Public Holidays.
23. No development shall be commenced until details of a LEAP (play space), including the specification of play equipment, have been submitted to and approved in writing by the Local Planning Authority. No more than 120 dwellings shall be occupied until the approved details have been implemented in full and opened for public use, unless otherwise agreed in writing by the Local Planning Authority.



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

|  |   |
|--|---|
| Mr D Lintott                           | of Counsel                                  |
| He called                              |   |
| Ms C Jeater BA(Hons)<br>MSc PCUD MIHBC | Design and Conservation Officer, Horsham DC |
| Mr J Hutchison BA(Hons)<br>MA MRTPI    | Planning Officer, Horsham DC                |
| Mr M Bright BSc(Hons)<br>BLD MLI       | Landscape Officer, Horsham DC               |

### FOR THE APPELLANT:

|  |   |
|--|---|
| Mr M Lowe                                  | of Queen's Counsel instructed by DMH Stallard |
| He called                                  |   |
| Mr G Smith DipEstMan<br>MRTPI ARICS        | Planning Consultant, DMH Stallard             |
| Mr B Muirhead BEng<br>MCIHT                | Transport Consultant                          |
| Mr J Clemons BA MA<br>MSc MRTPI MIHBC      | Conservation Consultant                       |
| Mr D Williams BA(Hons)<br>Dip(Hons) LA MLI | Landscape Consultant                          |
| Mr E England MA UD                         | Urban Design                                  |
| Mr D Chamberlain                           | Drainage Consultant                           |

### INTERESTED PERSONS:

|                     |  |
|---------------------|--|
| Mr S Andrews        | Hands off Henfield – Local Resident        |
| Ms J Underwood      | Hands off Henfield – Neighbouring Resident |
| Mr R Minost         | Architect and Local Resident               |
| Ms E Taylor         | Planning Chair, Henfield Parish Council    |
| Cllr S Matthews     | Henfield Ward Member, Horsham DC           |
| Ms C Eastwood       | Hands off Henfield – Local Resident        |
| Mr R L Osgood       | Local Resident and Member of Henfield PC   |
| Dr R F Smith        | Sussex CPRE                                |
| Mr S Wickenden      | Local Resident                             |
| Mr T Hickling       | Local Resident                             |
| Mr E McKintosh CEng | Minister and Senior Walkers' leader        |
| Mr A Jackson        | Henfield Community Partnership             |
| Dr M Carter         | Local Resident                             |
| Ms E Scott          | Local Resident                             |
| Mr Donaldson        | Local Resident                             |
| Mr P Hill           | Member of Henfield PC                      |

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Letter from Graham Lindsay
- 2 Opening submissions for the Appellant
- 3 Opening Submissions for the District Council

- 4 Statement of Common Ground
- 5 Henfield Parish Council Submission and Statement (Taylor)
- 6 CPRE Sussex Countryside Trust supplementary statement and attached documents (Dr Smith)
- 7 Transport and Traffic Statement (Eastwood)
- 8 Henfield Community Partnership Statement (Jackson)
- 9 Statement and Powerpoint presentation (Dr Carter)
- 10 Supplementary Statement (Osgood)
- 11 Draft Unilateral Undertaking (Kennels) (APP)
- 12 Draft Unilateral Undertaking (Other Matters) (APP)
- 13 Statement (Donaldson)
- 14 Clarifications and Corrections (Underwood)
- 15 Photography and Photomontage in LVIA (APP1)
- 16 Survey of Leisure Pursuits in West Henfield (Scott)
- 17 Statement (Hickling)
- 18 Statement (McKintosh)
- 19 Wm Davis Ltd and Jelson Ltd v SoSCLG and NW Leics DC HC [2013] (HDC1)
- 20 Strategic Housing Land Availability Assessment 2014 (HDC2)
- 21 Historic Farmsteads and Landscape Character in W Sussex (Extract) (APP2)
- 22 Assessment of Historic Farmsteads (Clemons)
- 23 SHLAA 2014 Plans (APP4)
- 24 Appeal Ref APP/Z3825/A/13/2200213 Marringdean Road, Billingshurst (APP5)
- 25 Plan of above site (APP6)
- 26 Billingshurst on Proposals Map (APP7)
- 27 Draft Agreed Planning Conditions (HDC)
- 28 Planning Obligations SPD (HDC)
- 29 Draft list of Core Documents (documents not submitted) (HDC)
- 30 Revised Unilateral Undertaking (Kennels) (APP)
- 31 Justification for Community Facilities Contribution (HDC)
- 32 Justification for Health Facilities Contribution (NHS)
- 33 Justification for WSCC facilities Contribution (WSCC)
- 34 WSCC highways comments 26 July 2013 (HDC)
- 35 Commentary on primary education provision (Osborne Clarke) (APP)
- 36 Revised Unilateral Undertaking (Other Matters) (APP)
- 37 Closing submissions for Horsham DC
- 38 Closing submissions for the Appellant
- 39 Signed copy of S106 Unilateral Undertaking (APP)
- 40 Signed copy of Kennels S106 Undertaking (APP)