



Appeal Decision

Inquiry held from 6 to 9 August 2019

Site visit made on 8 August 2019

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/Z3825/W/19/3227192

Land north of Sandy Lane, Henfield, West Sussex, BN5 9UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr W Adams (Fairfax Acquisitions Limited) against the decision of Horsham District Council.
 - The application Ref DC/18/2463, dated 14 November 2018, was refused by notice dated 15 February 2019.
 - The development proposed is outline planning application for 42 new dwellings, including 35% affordable housing with vehicular and pedestrian access via Dropping Holms, the provision of public open space, associated infrastructure and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline with detailed approval sought for access. Matters of appearance, landscaping, layout and scale are reserved for future consideration. A site layout plan has been submitted with the application which I have treated as being indicative for the purposes of this appeal.
3. Following the inquiry, a Unilateral Undertaking signed and dated 15 August 2019 was submitted under Section 106 of the Town and Country Planning Act 1990. This has been amended from the draft circulated at the inquiry to address matters raised in discussions at the inquiry.
4. The undertaking contains provision for affordable housing, open space/equipped play area and a Traffic Regulation Order to prevent parking adjacent to the proposed vehicular access. The Council is satisfied that the Unilateral Undertaking would resolve its concerns contained in its 6th reason for refusal relating to the lack of affordable housing provision.
5. With regard to the soft sand mineral resource, although included in the Council's reasons for refusal, both main parties agreed at the inquiry that this matter does not weigh against the scheme. I therefore go on to consider this in 'other matters' rather than as a main issue.

Main Issues

6. The main issues are:

- i) Whether the proposal would conflict with the settlement strategy of the Development Plan.
- ii) Whether the Council is able to demonstrate a five-year housing land supply.
- iii) The effect upon the character and appearance of the area.
- iv) The effect on the setting of nearby listed buildings and the setting of Henfield conservation area.
- v) Whether an appropriate mix of housing in terms of unit size can be provided.

Reasons

Settlement strategy

- 7. The appeal site is located outside, though adjacent to, the defined settlement boundary of Henfield. Policy 2 of the Horsham District Planning Framework November 2015 (HDPF) sets out the Council's strategic approach to development and includes the requirement to manage development around the edges of existing settlements in order to prevent the merging of settlements and to protect the rural character and landscape.
- 8. The Council's development strategy generally encourages new development to take place within built up area boundaries. The supporting text to policies 3 and 4 explains that land outside these boundaries is considered to be in the countryside where development will be more strictly controlled. It also recognises that, in order to allow some communities to grow and thrive, it will be necessary for them to be able to expand beyond their current built form. It states that this would be done by allocating sites in the Local Plan or in Neighbourhood Plans.
- 9. Policy 4 specifically relates to development outside built-up area boundaries. The proposal is neither allocated in a Local Plan nor in a Neighbourhood Plan and therefore conflicts with the first criterion of this policy and thus this aspect of the Council's spatial settlement strategy.
- 10. Policy 26 states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location and must additionally meet one of four identified criteria, none of which apply to the appeal scheme.
- 11. Henfield does not have a current neighbourhood plan, the previous plan having been quashed. Preparation of a new plan has commenced but the weight to be given to this at the current time is very limited due to its fairly early stage of preparation and the consequent possibility of significant change to it. In the context of paragraph 11(d) of the National Planning Policy Framework ('the Framework'), the absence of a Neighbourhood Plan does not amount to there being no relevant development plan policy given the presence of the wider development plan. The consequence of the appellant's argument in this respect

would be that there would be no relevant development plan policy (or that the development plan would have been absent in the language of paragraph 14 of the original Framework) in similar cases from the adoption of the plan. The policy was found to be sound following examination of the plan and does not contain any deadlines for when Neighbourhood Plans need to be made. Should the lack of a neighbourhood plan amount to there being no relevant development plan policy, this would conflict with one of the aims of the HDPF to facilitate housing delivery through neighbourhood planning.

12. Notwithstanding the appellant's submissions, policy 4(1) clearly says 'and' rather than 'or' such that a proposal should be both allocated and adjoining an existing settlement edge. To change the 'and' to an 'or' would significantly change the meaning of this clause, with the result that, subject to the other criteria, proposals adjoining an existing settlement edge could be acceptable irrespective of whether or not they have been allocated. The supporting text to policies 3 and 4 makes clear that the mechanism that enables settlements to continue to grow and thrive is through the designation of built-up area boundaries and the planned expansion of existing settlements through the Local Plan or Neighbourhood Planning. I consider that to interpret policy 4(1) otherwise would undermine the settlement strategy approach of the HDPF.
13. Policy 15 of the HDPF sets out the Council's housing requirement for the period up to 2031. In addition to strategic allocations it requires that at least 1500 homes will be achieved through neighbourhood planning allocations and a further 750 homes through windfalls. The appellant has drawn attention to several windfall developments outside of and not adjacent to settlement boundaries. In my view, there are likely to be opportunities for windfalls to come forward within the settlement boundary or where particular circumstances justify sites outside of settlement boundaries. There also may be cases where neighbourhood plans allocate land not adjacent to settlement boundaries where this is considered to be appropriate taking account of all relevant considerations.
14. The Inspector in allowing the Threals Lane appeal¹ concluded that there would be a small conflict with one single element of Policy 4 in terms of that site not being allocated in a neighbourhood plan. However, in that case the Inspector was satisfied that there were no other material conflicts with the development plan. For the reasons set out elsewhere in my decision this is not the case with the appeal proposal before me. Furthermore, as set out below under the third main issue, I consider that the proposed development would harm existing landscape character features and would therefore also conflict with the final criterion of the policy (4.5), in contrast to the Threals Lane appeal.
15. The Inspector in the Haglands Road appeal² found that despite a conflict with policy 4.1 the proposal in that case would not be contrary to the spatial strategy. This appeal decision was taken into consideration by the Secretary of State in the subsequent Sandgate Nurseries decision³. The Secretary of State was satisfied that windfalls could be acceptable within a town or village and that policy 4 should be taken at face value setting out how development around the edges of settlements is to be managed as required by part 6 of policy 2.

¹ APP/Z3825/W/16/3150965

² APP/Z3825/W/15/3022944

³ APP/Z3825/W/14/3001703

16. A subsequent appeal decision⁴ at Chanctonbury Nurseries also takes a similar approach concluding that that a proposal just outside the settlement boundary would be contrary to the spatial strategy of the development plan. Unlike several of the other appeals referenced where other areas of harm were at issue, in the Chanctonbury Nursery appeal the main issue was confined to a single issue of policy conflict around matters of settlement expansion. Contrastingly, in the case of the current appeal, I have identified other areas of harm as outlined later in my decision.
17. The proposed development would, in principle, be appropriate to the scale and function of the settlement of Henfield and would be located with access to services and facilities by alternative means to the private car. In this sense it would contribute to its growth. However, the site is in the countryside outside of the settlement boundary and would clearly be contrary to the way in which the development plan provides for the growth of existing settlements and the overall spatial strategy of the Council. The absence of a Neighbourhood Plan does not change this. Work is currently progressing on a new Neighbourhood Plan which seeks to provide for such growth in accordance with a plan led approach. It also remains possible for developments to be permitted on sites outside of the Neighbourhood Plan process but only where these are found to be acceptable taking account of the Development Plan and other relevant considerations.
18. The proposal would conflict with the Council's settlement strategy and would be contrary to policies 2, 4 and 26 of the HDPP. This conflict would be more than a process or technical breach, it would represent a breach of the Council's plan led settlement strategy.

Housing land supply

19. Prior to the inquiry the Council submitted a Proof of Evidence Addendum (dated July 2019) setting out its housing land supply position with a base date of 1 April 2019. Following the start of the inquiry, the main parties subsequently agreed a housing land supply Statement of Common Ground dated 6 August 2019 based on the Council's updated information.
20. It is common ground that there is a requirement for at least 4,200 additional dwelling completions for the five-year period between 1 April 2019 and 31 March 2024. However, the main parties disagree on several components of the supply relied upon by the Council. The Council believes it is able to demonstrate a five-year supply of 4,504 projected completions amounting to 5.36 years. The appellant considers that there is a supply of 3,705 projected completions amounting to 4.41 years. The areas of dispute cover a strategic allocated site, windfalls and neighbourhood planning sites. I have considered these matters on the basis of the 1 April 2019 base date.

Strategic allocated site – Land North of Horsham

21. The main parties disagree on whether 450 dwellings at this site would be completed by April 2024. The Framework makes clear that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular, it states that where a site has outline planning permission, it should only be considered deliverable

⁴ APP/Z3825/W/16/3151508

where there is clear evidence that housing completions will begin on the site within five years.

22. The Planning Practice Guidance (PPG) provides further guidance requiring robust and up to date evidence to support planning decisions. The PPG goes on to state what such evidence may include, namely current planning status (for example how much progress has been made towards approving reserved matters or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions), firm progress being made towards the submission of an application, firm progress with site assessment work or clear relevant information about site viability, ownership constraints or infrastructure provision.
23. The appellant firstly argues that evidence to support completion figures should be provided at the time of the base date (in this case 1 April 2019). However, this is not a requirement of either the Framework or the PPG. The PPG calls for 'up to date evidence to support planning decisions'. The appellant draws attention to the Inspector's comments in the Woolpit decision⁵. However, in that case the Council had included sites where planning permission was granted after the cut-off date. That differs from the appeal before me where the Council has provided additional supporting evidence of when housing completions with permission before 1 April 2019 are expected to occur, rather than adding to the actual number of sites with planning permission. No post 1 April 2019 permissions have been included in the Council's figures. This accords with the PPG's call for 'up to date evidence to support planning decisions'. Furthermore, in the Woolpit decision the Inspector noted that the Council had not even come close to discharging the burden to provide the clear evidence that is needed. In this case, I consider it acceptable to take into account the evidence provided after the base date as it seeks to provide up to date supporting evidence on the deliverability of schemes and does not, contrary to Woolpit, skewer the data by overinflating supply without a corresponding adjustment of need.
24. The Land North of Horsham scheme has outline planning permission for up to 2,750 dwellings of which the Council considers 450 will be delivered by April 2024. In support, the Council has provided specific items of evidence. A Planning Performance Agreement (PPA) dated 29 April 2019 has been entered into with Legal and General (Strategic Land North Horsham) Ltd which includes the submission of reserved matters applications from Q2/Q3 2019 and a start on site of Q4 2019. The Plan Programme – Timeline Chart within the PPA shows the determination of pre-commencement conditions and S106 pre-commencement/first phase obligations to be completed by September 2019.
25. The Council states that it has determined four discharge of conditions applications and has a further six discharge of conditions applications under consideration including a reserved matters application for site access road works. However, other reserved matters applications are yet to be submitted and progress already appears to be behind that set out in the PPA. Further recent emailed correspondence has also been provided with forecasts for 450 homes to be delivered by April 2024, however there is no clear evidence progress is such to enable this to be so. I also heard evidence regarding the associated secondary school that is expected to open in September 2021 and I

⁵ APP/W3520/W/18/3194926

note that a condition of the outline approval requires a reserved matters application for a minimum of 400 homes by October 2020.

26. The appellant argues that the site will not deliver at the rate suggested by the Council. As set out above, there is some slippage from the timeline details within the PPA which also envisaged that work would commence on site in Q4 2019. The letter from Barton Wilmore of June 2019 states that it is anticipated that construction will commence in 2020. For these reasons, therefore, there is reasonable doubt that all 450 homes would be delivered by April 2024. However, there appears to be sufficient progress to suggest that a proportion of those dwellings will be completed. Based on the evidence before me, I have made a conservative estimate that approximately 225 homes would be delivered at this site by April 2024.

Windfalls

27. The appellant disputes the Council's figures for major windfall sites and considers that a maximum of 189 dwellings would be completed rather than the 378 dwellings projected by the Council. The appellant accepts the Council's figures for small and medium windfalls sites noting that these are delivered at a higher rate than larger sites. At the Inquiry the appellant did not pursue its argument set out in Mr Brown's proof of evidence that windfalls from major sites should not be included.
28. Paragraph 70 of the Framework states that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. It goes on to state that any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
29. The appellant disputes the Council's reliance on completions outside of settlement boundaries and whether there is the compelling evidence required by paragraph 70. From the evidence before me, the historic windfall delivery rates over four years provide an indication of what completions are likely to be going forward. There also remains a reasonable possibility that some sites will come forward outside of the settlement boundaries where other site specific considerations are applicable. Given that the Council has previously been able to demonstrate a five-year supply of housing, it is clearly possible for such sites to come forward in appropriate circumstances notwithstanding policy 4 of the HDPF.
30. Nevertheless, there is doubt that there is the compelling evidence as sought by the Framework that there is a reliable source of supply of windfalls from major sites. To some extent, the historic rates over four years provide a guide but fall short of the compelling evidence that these rates can be relied upon for the future source of supply. Notwithstanding the adoption date of the HDPF, four years is a relatively short period from which to make assumptions on future trends. That is not to say that no major windfall sites would come forward. In my view, taking account of the appellant's concerns, I consider it reasonable to conclude that the approximate number of major windfall completions would fall approximately mid-way between the Council's and the appellant's estimations. This would result in around 283 major windfall completions.

Neighbourhood planning

31. The appellant considers that the source of supply should be reduced by 160 dwellings based on the 2019 base date.
32. For the same reasons as set out above I consider it acceptable in this context to take account of evidence that has been provided after the base date, provided that the site's allocation was prior to 1 April 2019.
33. For sites to be included as deliverable the Framework requires clear evidence that housing completions will begin on site within five years. For the site 'East of Hayes Lane' the letter in support of the Council's position states that the developer is aiming to submit a planning application for 30 dwellings within 18 months. However, there are no anticipated start or build-out details nor delivery intentions and I do not consider that it amounts to an indication of firm progress towards the submission of an application. I have therefore discounted these 30 dwellings.
34. At 'The Cobblers' there are details of target start and completion dates and approval has been reached regarding the decanting of existing residents. For a relatively small site I am satisfied that the details provided amount to the clear evidence required.
35. At 'Land north of Downsview Lane', the email to the Council states that it is not able to confirm the site's deliverability within 5 years and uses terms such as 'hopefully' and 'assume' which do not provide certainty. It also states that another developer will be applying for detailed consent following a grant of outline planning permission. There is no firm indication of any site assessment work. On this basis the submitted details fall short of the clear evidence required such that I therefore discounted these 60 dwellings.
36. At 'Vineyards' there is an indication of an imminent planning application. However, whilst the appellant is keen to commence works, the details are thin on delivery intentions and anticipated start dates. This also falls short of being clear evidence and I have discounted these 16 dwellings.
37. At 'Ravenscroft' the details, including the wording used, are also not sufficiently firm or robust such that I have discounted these 35 units. Finally, at Angells Sandpit the details provided are imprecise and there is not firm progress yet made towards site assessment work. I have therefore also discounted these six dwellings.
38. Based on the above, I consider that the Council's supply should be reduced by 147 dwellings as there is not clear evidence that they are deliverable within 5 years.

Conclusion on housing land supply

39. Based on the above, 225 dwellings should be discounted from the Council's figures from the North of Horsham site, 94 from windfalls and 147 from neighbourhood planning. This results in a supply of 4038 dwellings, amounting to a deficit of 162 dwellings below the 5-year requirement of 4200 dwellings. I therefore conclude that for the purposes of this appeal the Council has a 4.8 year supply of deliverable housing sites. Given that a five-year supply of deliverable housing sites has not been demonstrated, paragraph 11 (d) of the Framework is applicable.

Designated heritage assets

40. It is common ground that the site falls within the setting (though outside) of the Henfield Conservation Area and the settings of three Grade II listed buildings (Old Mill House, Wisteria Cottage and Rosemount Cottage). Section 66 of the Town and Country Planning Act 1990 requires that decision makers give considerable importance and weight to the desirability of preserving the setting of listed buildings.
41. The appellant and the Council agree that the appeal proposals would cause less than substantial harm to the significance of the Henfield Conservation Area and also to the significance of the listed buildings through change to the site as part of their setting. The CPRH also agree that the harm to designated heritage assets would be less than substantial.
42. The appeal site contributes to an area of largely open land to the west and south of the Conservation Area. In its existing form it contributes to the significance of the Conservation Area by maintaining an appreciation of the historic connections with the countryside and a historic worked landscape. It is likely that a scheme of 42 dwellings would result in a substantial part of the site being developed, although the indicative layout shows an open area could be maintained at the eastern end of the site. The proposal, through its urbanising effect, would harm this significance through a reduction in the legibility and understanding of Henfield and Nep Town as historic rural settlements. It would dilute the appreciation of the transition between the historic hamlet of Nep Town and the adjacent countryside. I agree that the proposal would result in less than substantial harm to the significance of the Conservation Area.
43. Old Mill House is the nearest listed building to the appeal site and is orientated towards it. The site contributes to the understanding and appreciation of the significance of this listed building as a once rural and more isolated vernacular dwelling at the edge of the historic settlement. Its setting has already been affected by more recent development. However, the proposal would introduce new built form and associated residential use within part of the setting of the listed building thereby harmfully diminishing the significance of this listed building as outlined above. The resulting harm to its significance would be less than substantial.
44. Like Old Mill House, the appeal site contributes to the understanding and appreciation of the significance of Wisteria Cottage as part of a small group of vernacular dwellings at the edge of a historic settlement with rural origins. It is located further away from the site than Old Mill House and has less of an open view to and from the site. However, the urbanising effect of the proposal upon the setting of Wisteria Cottage would still result in less than substantial harm to its significance.
45. Rosemount Cottage has yet greater physical separation, yet its setting still benefits albeit to a more limited degree from the openness and rural character of the appeal site. The limited adverse impact on its setting would also lead to less than substantial harm to the significance of this listed building.
46. The harm to the significance of the designated heritage assets would be contrary to policy 34 of the HDPF. Paragraphs 194 and 196 of the Framework goes further than policy 34. Paragraph 194 requires clear and convincing

justification for any harm to the significance of a designated heritage asset and paragraph 196 requires that the less than substantial harm should be weighed against the public benefits of the proposal. The Framework does not ask the question of where on the scale of less than substantial harm would lie.

However, in my assessment, taking account of its proximity to the site and its orientation towards it, the harm to the significance of Old Mill House would be towards the middle of the spectrum. The harm to the significance of the two other listed buildings, which are positioned further from the site than Old Mill House and the Conservation Area as a whole would lie towards the lower end of the spectrum. I go on to consider such matters under 'planning balance' later in my decision.

47. With regards to the consistency of policy 34 with the Framework, I have taken into consideration the judgment in *Eastleigh Borough Council v COSCLG* [2019] EWHC 18672 (Admin). However, in this case, having considered the specific terms of the policy and the corresponding parts of the Framework in their full context, I consider that the omission of the provisions contained within paragraphs 194-196 of the Framework represent differences in the way that impacts on heritage assets should be evaluated. I therefore find that policy 34 is not wholly consistent with the Framework and therefore should be considered out of date, notwithstanding the date of the plans adoption. Nonetheless, like the Framework the overall aim of the policy is to provide protection for heritage assets. Therefore, whilst being out of date in the terms of the Framework, the identified conflict with this policy carries substantial weight.

Character and appearance

48. The appeal site comprises open sloping arable land located immediately to the southwest of Henfield's built-up area boundary. The existing development to the north and east is generally suburban in character, whilst the land to the south and west of the site has a prevailing semi-rural character. There are several dwellings and a nursery to the south of the site, though these buildings are considerably more scattered than the development to the north and east. The site is currently open with no existing buildings located upon it. Although it is located adjacent to residential properties, the site itself has rural qualities that make a strong contribution to the setting of Henfield.
49. There are hedgerows and trees along the southern and western boundaries, with a row of prominent oak trees along the southern side. Despite this landscaping, glimpses into the site can be obtained from the footpath adjacent to the west boundary and Sandy Lane to the south. These public rights of way provide access to a network of other footpaths including the Downs Link. Views of the site are also possible from Dropping Holms and from numerous residential properties in the vicinity of the site.
50. The Horsham District Landscape Character Assessment (2014) informed the development of the HDPF. For the area in which the site is located it notes that despite some thick hedgerows and copses development would potentially be very visually prominent due to the escarpment and ridgeline along the settlement edge. It also states that the land is important to the visual setting of Henfield.
51. The existing boundary hedgerows and trees along with existing buildings serve to visually contain the site from the wider area. Notwithstanding this visual

separation, the openness of the site and the views to the South Downs and wider countryside contribute positively both to the setting of the settlement of Henfield and to the historic connection of Nep Town with the countryside.

52. The indicative layout shows how a scheme for 42 dwellings could be developed on the site. Although layout is a reserved matter, a scheme, involving houses, hardstanding and additional domestic structure and paraphernalia would result in a significant urbanisation of the site through the transformation of existing open arable land to a housing development. The indicative layout is more akin to the existing suburban development to the north than the looser and semi-rural form of development to the south. Although, houses positioned further down the slope of the site are unlikely to be prominent in views from Mill End and Nep Town, the positioning of houses towards the eastern end of the site (for example plots 1, 2, 3, 35, 36 and 37 of the indicative layout) would be likely to negatively impinge upon views towards the South Downs. Despite the landscaped and open areas indicated, I am not aware of any possible layout for 42 dwellings that would preserve the existing countryside qualities of the site and its relationship with the adjoining countryside.
53. Although landscaping would be a matter reserved for future consideration, details have been submitted which show how landscaping on the site could be enhanced, including around the site boundaries. This would undoubtedly help to screen the proposed development from surrounding viewpoints but would not appropriately mitigate the overall loss of openness and visual connection with the countryside. The proposed development would amount to an encroachment into the countryside that would, as outlined above, cause significant harm to the rural setting of Henfield and would sever the historic connection of Nep Town with the countryside.
54. Given the considerable number of residential dwellings that enjoy views of the site, the harm to the rural character and qualities of the site would be appreciable from these nearby properties. This weighs against the development in addition to the harm experienced from public viewpoints.
55. The site does not form part of a valued landscape in the context of paragraph 170(a) of the Framework. However, paragraph 170(b) sets out the need to recognise the intrinsic character and beauty of the countryside. This is generally reflected within the relevant development plan policies. I do not find the wording of policy 25(1) of the HDPF to be inconsistent with the Framework in this respect. The level of protection required is not be as great as for a valued landscape. However, clearly the Framework would not set out to provide for no protection of areas of countryside, in terms of those area's character and appearance, that are not specifically designated. The requirement of policy 25(1) does not seek to prevent development in the countryside but clearly requires that inappropriate development should normally be avoided. This is generally consistent with the wording of the Framework to recognise the intrinsic character and beauty of the countryside.
56. The Horsham District Landscape Character Assessment (2003) notes the existence of a harsh abrupt urban edge along the north eastern boundary of the site. The proposal would effectively replace this with a new landscaped urban edge created adjacent to Sandy Lane on the site southern boundary. Some considerable time has passed since the date of the assessment (2003) and I noted at my site visit that this boundary appears likely to have softened due to growth of landscaping to the rear of the gardens adjacent to this

boundary. That being said it is nonetheless a somewhat abrupt urban edge, the softening of which offered by the appeal development would be a limited benefit. However, in landscape and visual terms, this benefit would be significantly outweighed by the harm I have identified.

57. Given the containment of the site as described above, the visual and landscape character impacts would be limited in their extent, being confined to the immediate area. However, that is not to say that the impacts would not be significant considering the particular historic connection with Nep Town, the setting of this part of Henfield and the proximity of public rights of way to the site. The proposed landscaping would provide additional visual screening of the site from adjacent public rights of way. However, the urbanising effect of the proposals would still be apparent for users of the footpaths.
58. I acknowledge that the transformation from a greenfield to a developed site is bound to have an urbanising impact under any circumstances. However, in this case for the reasons set out above, the harm to landscape character and visual harm would be of particular significance.
59. The proposed development would result in net moderate long-term adverse landscape and visual effects that would be significantly detrimental to the character and appearance of the area. It would also not provide appropriate protection of the intrinsic beauty and character of the countryside. It would be contrary to the design and landscape protection aims of policies 2, 4, 25, 26 of the HDPF and the Framework.

Housing mix

60. Policy 16 of the HDPF requires that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). It acknowledges that an appropriate mix will depend upon the established character and density of the neighbourhood and the viability of the scheme.
61. The indicative details provided with the application propose a housing mix that is substantially different to that preferred by the SHMA. In particular, a greater number of larger dwellings and a lesser number of smaller dwellings are proposed. A SHMA compliant scheme would therefore require considerable change.
62. The appellant draws attention to a recent appeal decision for a development in Kingsbridge⁶ where the Inspector was satisfied that a suitably worded condition could be used to ensure that development was designed to provide a compliant mix of dwelling sizes. As in the case before me, all matters except for access were reserved.
63. During the inquiry the parties agree two alternative conditions regarding housing mix. The first would require compliance with the current SHMA including exact numbers of each dwelling type. The second would require that the dwellings accord with a housing mix to be submitted to and approved in writing by the local planning authority.

⁶ APP/K1128/W/18/3218669

64. Given that layout is indicative at this stage, subject to other relevant matters, it would be possible for reserved matters to be submitted for a layout which results in a different housing mix to that indicatively provided. The imposition of a condition would ensure that an appropriate housing mix could be designed into the reserved matters details. This would have the advantage of ensuring that the scheme accords with the latest SHMA at the time of the reserved matters submissions.
65. The Council also acknowledged that there is some flexibility in the applicable of policy 16 regarding housing mix. This, along with the wider considerations outlined above, could be reasonably controlled via suitably worded conditions as part of any reserved matters such that a suitable housing mix might reasonably be secured. On this basis I see no reason, at this stage, why the proposed development would necessarily conflict with policy 16 of the HDPF.

Other Matters

66. With regards to the soft sand mineral resource beneath the site, the Council acknowledges that prior extraction is not feasible or environmentally acceptable. The Council and the appellant both agree that if I find the site to be suitable for housing and am subsequently minded to grant permission then policy M9 of the West Sussex Joint Minerals Local Plan 2018 would be satisfied. The parties now agree that this matter does not weigh against the scheme, a conclusion I agree with.
67. The Council and local highway authority are satisfied that no harmful impacts would result in respect of highway safety, capacity or accessibility. However, this is a matter of concern for local residents, made clear from representations made at the inquiry. I am satisfied that the proposed vehicular access provides satisfactory visibility for vehicles and pedestrians. A Traffic Regulation Order would prevent parking adjacent to the vehicular access to ensure the visibility is retained. Whilst video evidence has been provided of some existing disruption, this does not appear to me to be untypical for a residential area and there is no compelling evidence before me to demonstrate that significant adverse traffic or highway effects would result.

Benefits

68. The applicant has submitted a unilateral undertaking making provision towards affordable housing, open space and equipped play areas and a contribution of £7,500 for the promotion and advertisement of a Traffic Regulation Order to restrict parking on Dropping Holms adjacent to the proposed vehicular access.
69. The proposal would provide for 42 new dwellings of which 35% (15) would be affordable. I have found there to be an, albeit modest in scale, shortfall in the Council's five-year supply of deliverable housing sites which the scheme could help to address. The Council draws attention to its recent over delivery of housing well in excess of its annualised target. I have taken this into account but also acknowledge that the Framework is clear in its aim of significantly boosting the supply of homes. I have therefore given the benefit from the contribution of 27 market housing units significant weight.
70. The Council is taking positive steps to reduce its current affordable housing deficit and considers that the need could be met by future planned development, including that through the emerging Henfield Neighbourhood Plan. Nonetheless, the Neighbourhood Plan is still being prepared and there

remains a pressing and current need for new affordable housing in the district. I recognise that there is no current affordable housing provider for the scheme and further detailed reserved matters would need to be progressed. However, the proposal would make a valuable contribution towards affordable housing needs which, in the circumstances outlined above, attracts significant weight.

71. The proposal would result in economic benefits from spending from the occupants of the dwellings and construction jobs and expenditure. However, spending from local residents is not clearly quantified and not all the spending from occupants would be of local benefit. Furthermore, the benefits from construction would be temporary. Consequently, I have given the economic benefits limited weight.
72. There would be net moderate harm to the character and appearance of the area as set out above. Despite the new planting, the biodiversity benefits of the scheme would be likely to be modest given the urbanisation of the existing open space. Whilst the location of the site would encourage alternative means of travel to the private car, this is a neutral matter as it is a requirement in any case of local and national policy. Taking all these factors into consideration, including the harm to character and appearance, overall environmental matters weigh against the proposal.
73. I have also taken account of the open space and equipped play area provision that would be secured through the unilateral undertaking. However, this would primarily provide for the occupants of the scheme rather than the wider community and therefore would be of minimal social benefit.

Planning Balance

74. The proposal is contrary to policy 4 of the HDPF. This forms an integral part of the Council's spatial strategy. The harm to designated heritage assets would be contrary to policy 34 of the HDPF. I have also found that moderate adverse landscape and visual effects would also occur contrary to policies 2, 25 and 26 of the HDPF. I have found some inconsistency between policy 34 and the Framework, however given its general aim to provide protection to heritage assets, the conflict with it still carries substantial weight. Whilst the lack of a five-year housing land supply results in these other most important policies for determining the application being out of date, the weight applicable to the conflict with them is only reduced to a limited degree in this case taking account of the modest scale of the housing land shortfall, the Council's recent over delivery of housing and the general consistency of these policies with the Framework. I find that the harm arising from the conflict with these policies amounts to the proposal not being accordance with the development plan when considered as a whole.
75. Less than substantial harm would result to the significance of designated heritage assets. This includes less than substantial harm to the setting of the three Grade II listed buildings and the setting of the Henfield Conservation Area. Less than substantial harm does not equate to a less than substantial planning objection. I must give considerable importance and weight to the desirability of preserving the setting of any listed building.
76. As I set out above, significant public benefits would arise from the scheme, most notably the contributions towards market and affordable housing. However, whether considered individually or cumulatively, the public benefits

would not outweigh the harm to the heritage assets that would arise from the proposal. I do not consider that there is clear and convincing justification for the harm to the significance of the designated heritage assets. The proposal would therefore be contrary to the Frameworks policies concerning heritage assets, most particularly paragraphs 193, 194 and 196. Consequently, this is a case in the context of paragraph 11(d) of the Framework where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.

77. The benefits of the scheme, whether considered individually or cumulatively, are not such to outweigh the totality of harm I have identified. The proposal conflicts with both the development plan and the Framework when each is considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan. Consequently, irrespective of the absence of a five year supply of housing land, permission should be refused and the proposal would not represent sustainable development.

Conclusion

78. Therefore I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert of Counsel Instructed by the Head of Legal Services

She called:

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RTPI (Licentiate) MSc BA Hons

Sean Rix MSc IHBC Senior Conservation Officer

Ines Watson CMLI Senior Landscape Architect

Mark McLaughlin BA (Hons) Principal Planning Officer
MTPL

Andrew Smith Strategic Housing Manager

FOR THE APPELLANT

Christopher Boyle QC Instructed by Rodway Planning

He called:

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INTERESTED PARTIES

Stephen Gee Principal Transport Planner, West Sussex County
Council

Phillip Johnson Campaign to Protect Rural Henfield (CPRH)
Charles Taylor CPRH

Steve Bailey CPRH

Alice-Rose Hoile Huskisson Brown Associates (on behalf of CPRH)

Robb Gordon Friends of Henfield Museum

Malcolm Eastwood Henfield Parish Council

Josh Potts District Councillor

Sally Hawes	Local resident
John Gordon	Local resident
Eliza Easterbrook	Local resident
Emma Easterbrook	Local resident
Linda Keelan	Local resident
Mark White	Local resident
Mike Russel	Local resident
Jilly Wallis	Local resident
Holly Simmonds-Finch	Local resident
Liz Taylor	Local resident
Kenneth McIntosh	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Statement from Rt Hon Nick Herbert CBE MP
2. Bound copy of CPRH representations
3. Opening submissions on behalf of the Council by Emmaline Lambert of Counsel
4. Statement of Common Ground: Five Year Housing Land Supply
5. Planning decision notice: Land North of Horsham (Ref. DC/16/1677)
6. Map showing suggested viewpoint locations for accompanied site visit
7. Suggested housing mix conditions (2 alternatives)
8. Judgment: Eastleigh Borough Council v SOSCLG [2019] EWHC 1862 (Admin)
9. Closing submissions on behalf of the Council by Emmaline Lambert of Counsel
10. Closing submissions on behalf of the appellant by Christopher Boyle, Queen's Counsel

DOCUMENTS ACCEPTED AFTER THE INQUIRY

1. Applicant's signed and dated Unilateral Undertaking