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## Appeal Decision

Hearing held on 25 & 26 March 2025 and (online) 19 May 2025

Site visits made on 25 & 26 March 2025

**by H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> June 2025

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**Appeal Ref: APP/Z3825/W/24/3350094**

**Land to the West of Storrington Road, Thakeham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Bellway Homes Ltd (Strategic Land) against the decision of Horsham District Council.
  - The application Ref is DC/24/0021.
  - The development proposed is demolition of existing buildings and the phased redevelopment of the site as a residential led development comprising 247 dwellings and flexible non-residential floorspace (Use Class E), with works to public right of way and associated landscaping, open space and infrastructure.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. Costs applications were made by the parties against one another. These applications are subject of separate decisions.

### Preliminary Matters

3. The signed *Highways Statement of Common Ground* (Highways SoCG) and *Statement of Common Ground 1 – General Matters* (SoCG), received on 21 March 2025, clarified the remaining areas of dispute between the main parties. Following the submission of information with the appeal, the main parties agreed<sup>1</sup> that the second reason for refusal was no longer relevant and the Council did not seek to defend it.
4. Through its *Addendum Statement of Case* (Addendum SoC), the appellant highlighted that an update to the National Planning Policy Framework (the Framework) in December 2024 (paragraph 175) and changes to the Environment Agency's Flood maps in January 2025 necessitated the submission of a sequential test. The *Flood Risk Sequential Test Report*<sup>2</sup>, Addendum SoC and other Hearing Documents<sup>3</sup> were consulted upon following the adjournment of the hearing on 26 March 2025. The Council and interested parties were invited to comment on the additional evidence so as to avoid prejudice.

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<sup>1</sup> As per the Highways SoCG

<sup>2</sup> Hearing document 1

<sup>3</sup> Hearing documents numbered 2 – 5 inclusive

5. A draft version of a unilateral undertaking (UU) was received on 12 March 2025. A further alternative draft was received on the 24 March 2025 and was discussed at the hearing. A completed UU, dated 7 April 2025, was submitted. The Council and West Sussex County Council (County Council) also provided Community Infrastructure Levy (CIL) Compliance Statements in respect of the various obligations. Insofar as the UU secures a 35% provision of affordable housing and infrastructure contributions in relation to the second reason for refusal, these aspects fell away. I consider the other sustainable transport related obligations within the UU further below.

## **Main Issues**

6. The main issues in the appeal are:
  - whether the scale and location of the proposal accord with the development plan;
  - whether the proposal would be sustainably located in relation to facilities and services to minimise the reliance of future residents on private vehicles; and
  - whether the proposed development would be in a suitable location with regard to flood risk.

## **Reasons**

### *Context of site and settlement*

7. The appeal site was previously used as a mushroom growing and processing business which closed at some point in 2022. It comprises around 15 hectares of land, including some open areas to the north, and many largescale buildings in the southern and central portion of the site. Existing dwellings forming part of Thakeham/Abingworth adjoin the southern parts of the appeal site.
8. The appeal proposal seeks to construct 247 dwellings in place of the existing buildings, including 86 affordable homes (35%). A local centre, incorporating flexible Class E uses, would also be constructed in the centre of the site. The main public open space areas, including an orchard and community park, would be located around the periphery of the site.
9. Thakeham (The Street) is an older, smaller part of the settlement to the north and other than a modest number of dwellings, accommodates a church and public house. The settlement of Thakeham/Abingworth is separated from Thakeham (The Street) by a section of Storrington Road which exists within a cutting and which is relatively narrow with high banks either side. There is no footway along the carriageway edge, though a public right of way (PROW) connects the two parts of the settlement.
10. Whereas much of the settlement previously centred around Storrington Road, Thakeham/Abingworth has materially expanded over recent years. Abingworth Meadows was developed on the site of a former nursery as part of an enabling development linked to the former mushroom business on the appeal site and extended the settlement by around a further 200 dwellings in an easterly direction.
11. As part of the Abingworth Meadows development, a number of other areas of open space, a village hall and café have been developed. The cafe also hosts a small area for general top-up shopping purposes which is available during its opening

hours, broadly during the working day on weekdays and part of the day on Saturdays.

12. There are sports pitches within Thakeham/Abingworth which host a number of club activities. Allotment gardens are also yet to be constructed. There is also a small animal vet practice operating from a unit adjacent to the café. A pre-school building sits to the south of the Abingworth Meadows development but has not operated recently and whether it will reopen is as yet, uncertain. Workshops which were proposed within the Abingworth Meadows development have not yet been developed due to a lack of demand and exploration of potential alternative uses are currently ongoing.
13. To the south and around 1.3 km away is the separate small town/large village of Storrington. The north-eastern area of Storrington contains 'Thakeham School' and an adjoining secondary school. On leaving Thakeham/Abingworth and heading in a southerly direction, the road descends and winds through a cutting which allows for two-way traffic but is absent of footways. The footway resumes around halfway between the outer edges of Thakeham/Abingworth and Storrington.
14. In a wider context, West Chiltington and West Chiltington Common are separated from the appeal site by fields, over which passes a PROW. The alternative routes by rural roads to West Chiltington/Common are in excess of around 2km. The key settlement of Horsham is in the region of 16 km to the north.

#### *Scale and location*

15. In policy terms, the development plan currently includes the Horsham District Planning Framework (adopted 2015) (HDPF) and the Thakeham Neighbourhood Plan (TNP) (adopted 2017).
16. Policy 2 of the HDPF seeks to focus development around the key settlement of Horsham and allows for growth in the rest of the district in accordance with the identified settlement hierarchy through an appropriate scale of development which retains the existing settlement pattern.
17. Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built-up areas. The policy places the combined settlement of Storrington and Sullington within the category known as 'small towns and larger villages' which are settlements with a good range of facilities and services, strong community networks and employment provision, together with reasonable rail and bus services. These settlements are known to act as hubs for smaller villages to meet their daily needs but also have some reliance on larger settlements. West Chiltington Village and Common are classified as a medium village which have a moderate level of facilities and community networks along with some access to public transport, providing some services but leaving some degree of reliance on small market towns and larger villages for a number of requirements.
18. Under Policy 3 of the HDPF, Thakeham (The Street and High Bar Lane (Abingworth)) is collectively classified as a smaller village. The listing of these two separate areas of the village highlights their physical separateness. In general, smaller villages are listed in the Policy as having *"limited services, facilities, social networks but with good accessibility to larger settlements (e.g. road or rail) or settlements with some employment but limited services and facilities or*

*accessibility*". It is highlighted that residents are reliant on larger settlements for most of their requirements.

19. Policy 4 of the HDPF states that the expansion of settlements will be supported where sites are allocated either within a Local or Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; is demonstrated to meet the identified local housing needs or will assist in the retention and enhancement of community facilities and services; and where its impact would not prejudice comprehensive long-term development.
20. Policy 26 seeks to resist development outside of built up area boundaries (BUABs) other than where it is essential to its countryside location and to meet either the needs of agriculture or forestry, mineral or waste extraction, quiet recreational uses or for some other reason to enable sustainable rural development.
21. The site falls outside of the defined BUAB of Thakeham (The Street/High Bar Lane/Abingworth) and is therefore in the countryside in policy terms. Hereafter, unless where specified, I refer to all areas of the settlement taken collectively as Thakeham.
22. Policy 3 of the TNP covers the appeal site and areas of land to the east and south. Policy 3 of the TNP states that provided that all reasonable efforts have been made to secure an agricultural and horticultural use of the site, the 'Mushroom Site' could be used for one or more of either a recreational use compatible with the countryside location; a solar array use; a light industrial/commercial use and/or tourism use within the existing developed area of the site with the remainder returned to an open agricultural use.
23. In October 2022, the Council published the Facilitating Appropriate Development advice note (FAD) in order to respond to the acknowledged shortfall in housing land supply and to assist in the assessment of proposals outside of BUABs. The FAD enshrines positive support for proposals outside of BUABs where they meet the following criteria:
  - *The site adjoins the existing settlement edge as defined by the BUAB;*
  - *The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;*
  - *The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;*
  - *The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and*
  - *The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.*
24. The FAD did not seek to change the categorisation of settlements as set out in HDPF Policies 3 and 4.
25. The Council prepared evidence in support of the production of its emerging *Horsham Local Plan 2023 - 2040* (eLP). This includes the *Settlement Sustainability Assessments*, one from December 2022 and an updated version from July 2024<sup>4</sup>.

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<sup>4</sup> Local Plan Review – Background Paper - Settlement Sustainability Assessment 2019-2022

Both Assessments note that the level of services and facilities has increased in Thakeham with the recent development of Abingworth Meadows but that the reliance on larger settlements still persists. They note that additional development would generate an increase in unsustainable travel patterns and that an improved bus service would be beneficial. Both versions of the Assessment incorrectly identify the existence of a limited employment provision at Thakeham Mushrooms; which given its closure also means that more out commuting from the village occurs than was previously the case. Overall, there is limited differences in the commentary on the village facilities and services but the 2022 Assessment indicates that the scale and function of the village is 'medium' and the more recent 2024 Assessment indicates that the village should be regarded as small.

26. A key point of contention with the proposal is whether the level of expansion proposed is appropriate to the scale and function of Thakeham.
27. In terms of scale considered numerically, the TNP uses the 2011 Census data for the population and numbers of dwellings within the wider parish. The appellant's evidence focusses on the area more specifically around Thakeham and notes that in the 2021 Census, 585 dwellings were recorded, up 139 dwellings since the 2011 Census. This number excludes the 75 dwellings which have since been completed from Phase 3 of Abingworth Meadows. The Council's evidence on dwelling and population numbers seeks to exclude the addresses within the south of Thakeham parish which are effectively located on the edge of Storrington and functionally linked thereto. I adopt this logical approach. The appellant seeks the inclusion of the dwellings within The Street as part of Thakeham in numerical terms, which is also logical. On the basis of combining the two approaches and including the recently completed dwellings in Phase 3 of Abingworth Meadows, the current baseline figure for numbers of dwellings in Thakeham is around 550 dwellings. A further 53 dwellings<sup>5</sup> (of 65 allocated under the TNP) are also planned for the settlement. Relative to this baseline figure and as is clearly apparent from visiting the village, 257 dwellings would be a very significant increase in scale, particularly in the context of the scale of expansion that the village has already undergone in recent years.
28. The appellant's various assessments<sup>6</sup> point out that some additional facilities exist now that did not exist before the Abingworth Meadows development. However, a removal of employment opportunities (through the closure of Thakeham Mushrooms), closure of the preschool and uncertainty about workshops previously approved in the Abingworth Meadows scheme further detract from the village's ability to sustain its residents without the need to travel to higher functioning settlements by private vehicle. Furthermore, the categorisation of Thakeham as a small village which is said to have 'good' connectivity to larger settlements, such as West Chiltington/Common and Storrington, obscures the reality that the current connectivity is almost exclusively through residents using private vehicles given the very limited bus service and poor walking and cycling routes; a point to which I return below.
29. The proposal includes a Local Centre on the ground floor of Block A which would allow for a retail unit and/or a small number of units of varied uses to be delivered

<sup>5</sup> Including 25 dwellings approved under HDC Ref. DC/20/2577 and 28 dwellings under consideration under HDC Ref. DC/23/2146

<sup>6</sup> as per the *Former Mushroom Farm Site Facilitating Appropriate Development in Thakeham* (Lichfields FAD), the related *Hearing Statement Addendum Input* and further explained at the hearing

in a position visible from Storrington Road. A related letter from Rapleys<sup>7</sup> indicates that the 2021 Census data population of 2,380 individuals is unlikely to generate sufficiently strong or consistent market demand for a convenience store to be viable, but with the appeal proposal, recently completed Phase 3 development and other planned developments, with potential for an initial rent-free period, a convenience store operator would be more attracted to a unit of the size proposed.

30. The Parish-wide population data of 2021 cited in the Rapleys' letter exceeds that relied upon for the population of Thakeham from the Lichfields FAD of 1,467 people. If applying a 2.4 average occupancy increase to the dwellings recently completed in Thakeham and those that are committed and planned by the proposal, a population of 2,380 individuals would still not be achieved and would fall further short of the number expected to attract a convenience store operator. The lack of demand for retail and or similar non-residential floorspace is a reoccurring theme from earlier consents at Abingworth Meadows which has been brought to my attention. These factors suggest that whilst the proposed local centre would be located more favourably than that previously planned and provided in Abingworth Meadows, and despite obligations on the appellant to actively pursue such through the UU, the delivery of this aspect as a means to enhance the sustainability of Thakeham would be uncertain at best.
31. The relative scale and functionality of Thakeham has been compared to other villages like Cowfold and Slinfold in the appellant's evidence. The existing convenience retail provision in at least Cowfold is one notable difference between it and Thakeham. However, the limited detail on the existence, or otherwise, of useable public transport connections or connectivity to larger settlements renders it difficult to make a meaningful analysis about the options available to residents in those other small villages.
32. Another aspect of the appellant's evidence is the extent to which villages contain previously developed land (PDL). Though there are some villages in Horsham that may have large areas of PDL, this has not materially influenced the settlement hierarchy. However, in my view, it does not undermine the policy and evidence base conclusions specifically on settlement scale and functionality and would not preclude the reuse of PDL forming a material consideration where relevant.
33. I have also considered the appellant's suggestion that the scale of Thakeham with the proposal and other planned developments, at around 800 – 900 dwellings should be considered appropriate when compared to other villages that fall into the small village categories. I have also approached the assessment on the more holistic basis being encouraged, however, taking account of the evidence, I consider that the proposal would not be appropriate by virtue of being grossly out of scale with the settlement of Thakeham and its limited existing functionality. The proposed means of altering the function of the settlement are not certain to succeed and do not alter my view in this regard.
34. Accordingly, the proposal entirely conflicts with Policies 2, 3, 4 and 26 of the HDPF and Policy 3 of the TNP. For the reasons outlined above, the proposal would also fail to accord with the guidance in the FAD.

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<sup>7</sup> Hearing Document 2

## *Sustainability*

35. In respect of sustainable travel, the aspirations for the HDPF are expressed in Policy 40 which supports developments that promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities and, in particular, where they are appropriate and in scale to the existing transport infrastructure, including public transport. Policy 40 also seeks for development to be located in areas where there are or will be a choice in the modes of transport available, and minimises the distance people need to travel and conflicts between traffic, cyclists and pedestrians. The Policy also seeks to deliver better bus and rail services in partnership with operators and increasing opportunities for interchange between the public transport network and all other modes of transport.
36. The introduction to the TNP indicates that despite the building of some housing estates in the 20th century in the south and centre of the village, Thakeham's access to many employment opportunities remains by car, with the network of sunken lanes making walking and cycling difficult. Within the settlement itself, and as agreed in the Highways SoCG, people can walk to the café/shop, open spaces and village hall. A slightly longer but relatively safe walk can be made to the public house and church on The Street via a tarmacadam PROW. The bus stops are also conveniently located on Storrington Road in the village centre.
37. Storrington Road has some sections through the cuttings both to the north and south which are narrow, constrained and, in my view, difficult enough to navigate with due care and attention even in a typical vehicle. Whilst there is no prohibition on cyclists using the road and even assuming that the surface condition could be improved at the outer edges of the carriageways, there is no prospect of them being widened to assist with the perception of protection from vehicles to encourage a greater uptake of purposeful journeys to local destinations. As such, the option to cycle even to Storrington within the carriageway is likely to remain one for experienced cyclists only. Taking an alternative road route via West Chiltington presents some similarly challenging sections and a longer route overall which seems similarly unlikely as a regular commuting option. For similar reasons to that outlined above, the opportunity to walk the most direct route to Storrington along the carriageway edge is unsafe and has limited prospects of being made meaningfully safer.
38. There is a PROW which connects Thakeham with West Chiltington (and West Chiltington Common). There are also PROWs and bridleways that also connect with Storrington Road near the Kingdom Hall from where continuous footways resume towards Storrington centre. A number of improvements are proposed by the appellant to upgrade many of these routes, including<sup>8</sup> upgrading some PROWs to bridleways which allows for cyclists, pedestrians and horses and riders to use them. Some upgrades to all-weather surfaces are proposed, in addition to signage improvements as part of a package of improvement works extending out from Thakeham.
39. However, even assuming no impediment to delivery of any part of the package of improvement works and related signage, my view is that a limited number of journeys would be made using these routes on foot or bicycle for purposeful

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<sup>8</sup> Bridleway 2483, Footpath 2405 and Footpath 2448

journeys to work, to shops, leisure destinations or to school. The reasons for the lack of take up would be due to a combination of the journey times along lengthier, indirect routes; undulations along the routes which present a difficulty for some users; the absence of street lighting; and related safety concerns due to their largely rural contexts. In short, in my view, whilst a beneficial package of improvements, they would serve more readily as enhancements to the recreational offer for Thakeham residents rather than offering a genuine choice of useable sustainable travel options to minimise reliance on private vehicles.

40. In terms of bus travel, there are two bus stops within Thakeham, one on each side of Storrington Road. Presently, there is only one service a day operating in each direction. The appellant's evidence<sup>9</sup> indicates that at present, even the Monday to Friday peak buses to Horsham are minimally used, meaning that the TNP is correct to say that residents of Thakeham rely heavily on private vehicles to make journeys out of the village for work or other day-to-day reasons.
41. Through the UU, the proposal includes a contribution towards 'Bus Service Improvements' totalling an amount not exceeding £869,660. The terms of the UU specify that this would include at least a peak hour service to Horsham and Storrington, and three other off-peak services to both destinations. The contribution is to be paid to the 'Bus Service Operator' to fund the improvements through a 'Bus Service Contract' entered into between the Operator and Owner (developer), with the first 50% payable prior to occupation of the 25<sup>th</sup> dwelling and the balance payable prior to occupation of the 125<sup>th</sup> dwelling.
42. Looking to the supporting evidence<sup>10</sup>, the potential service improvements are listed as Option A or Option B and the maximum contribution figure in the UU is based on the implementation of the more expensive of the two options, Option A, multiplied by 5, being the number of years over which the funded period is suggested to run. However, the UU omits to specify that the service would operate over five years, or that the service improvements would be weekday only and there is no draft contract appended to the UU that clarifies the terms on which such a contribution has been based. Even though there is an opportunity for the County Council to approve the terms of the contract between the Owner and Bus Service Operator, the absence of clarity within the UU on such basic terms presents a material risk.
43. Added to the risk identified above is the arrangements for the final 50% instalment being made when the developer is ready for the occupation of the 125<sup>th</sup> dwelling, which would be beyond the control of the Bus Service Operator and for which there is limited detail of any anticipated build out projections. Furthermore, as the contract would solely be between the Owner and Operator, any contract failure on the part of the Operator would be for the Owner to seek to remedy, without any terms in the UU to ensure a continuation of service until at least the unspecified end of the term of the contract. These factors all point towards a lack of certainty that the services would even run successfully over an initially funded period.
44. Beyond the funded period of any contract, any services operating would be expected to be either commercially viable with patrons from Thakeham and users from other settlements on the route, for example Barnes Green, or subsidised in full or part by the County Council. The predicted number of bus patrons per day

<sup>9</sup> Report Ref: 2206671-R13, July 2024

<sup>10</sup> Transport Assessment Addendum – WSCC Comments, Appendix B – Ardent, July 2024

outlined in the Transport Assessment is a low figure<sup>11</sup> which was acknowledged at the hearing as not having been updated to take into account the proposed enhanced bus service. It is therefore difficult to quantify the mode shift effect of the enhanced bus service, its wider beneficial effects on changing the behaviour of existing residents, or the likelihood of the service becoming commercially viable beyond any funded period. As such, there is a lack of substantive evidence on which to base any conclusions about the commercial viability of the bus services beyond any funded period. Whilst the appellant points to the lack of evidence from the Council to support that it would not work, the opposite is also true.

45. My attention has been drawn to two appeal decisions which deal with funding towards bus services<sup>12</sup>. In one example, the Local Highways Authority provided evidence that the service would be intended to become commercially viable beyond the initial funding period and would take the responsibility for procuring the bus service. The other example refers to evidenced forecasts that the bus services would be profitable by the end of the build out without the need for subsidy and details requirements within the relevant S106 to manage and monitor bus services, including step-in rights for the Council. Therefore, setting aside the more urban contexts of both of those examples which differ from the appeal site, the evidence and contractual terms offered in both cases appears more robust than what is before me as part of the current appeal proposal.
46. I understand that an Electric Mini Bus and electric vehicle (EV) charging point was approved in association with the Abingworth Meadows development. The appeal proposal, through the completed UU, also seeks to provide a contribution towards the provision and/or maintenance of an Electric Bus or procurement of the service of such, with the contribution to be made to an as yet, unspecified party.
47. However, It became clearer during the hearing that the proposed contribution of £90,000 proposed towards this aspect was not specifically related in scale and kind to the current proposal having, in essence, been lifted from the previous Abingworth Meadows development of a different number of houses and without the application of any indexation uplifts since that point in time, nor specifically related to the current projected costs of such. The amount of the contribution was indicated as being 'reasonable' in the view of the appellant, but what it could achieve in terms of additional capacity and private vehicle trip offsetting is unclear, particularly given that the previously approved similar service which has influenced the contribution is not yet operational, some years since it was expected to be delivered and long after the occupation of the completed development.
48. A further obligation seeks to provide an electric car club and charging infrastructure for the benefit of residents. Whilst electrifying the mode of transport would be beneficial to reduce carbon emissions, such trips would still involve the use of a vehicle rather than specifically assisting with a shift towards non-car modes of travel. The UU also offers £250 per dwelling in the form of travel vouchers to be used in accordance with the terms of a Travel Plan towards either bicycles or subsidised bus travel. In addition to service improvements and vouchers for such, there would be some improvements to the bus stops in the village, including the provision of digital bus service information boards.

<sup>11</sup> Transport Assessment, Ref 2206671-R03A, para 6.14 and table 4.2 indicate 11 additional bus trips

<sup>12</sup> APP/V1505/W/23/3325933 and APP/T2350/W/19/3221189

49. I have considered the appellant's point that Thakeham has been found suitably sustainable for the total 65 no. dwellings as allocated under the TNP and with related supportive comments from the Local Highway Authority that contradict the finding that the site is unsustainable for the current proposal. The approach under the HDPF is based on the scale of new development being appropriate to the transport infrastructure and choice in the modes of transport available or proposed. The scale of the proposal, at 247 dwellings, would present a significant additional number of residents with a real lack of genuine choice as to how to access everyday facilities and employment destinations both now and in the future; a point supported by the objections from Active Travel England.
50. Taking into account all of the above, the proposal would not be sustainably located to minimise the reliance of such a high number of future residents on private vehicles and would not robustly secure appropriate realistic or attractive alternative travel choices to mitigate against the serious resultant harm, contrary to the aforementioned HDPF settlement strategy policies and Policy 40 of the HDPF.

### *Flood Risk*

51. The Flood Risk Assessment (FRA) submitted with the appeal application acknowledged that the Environment Agency (EA) online flood risk maps show nominal amounts of pluvial flooding originating from within and around the site, albeit no pluvial flows entering the site from adjacent land. The related finding was that, even in light of the acknowledged risks, the development was at a low risk of flooding from pluvial sources.
52. The evidence also suggests that the small areas of the site known to be at risk of flooding from pluvial sources are due to the very presence of the buildings and hardstandings on site, rather than any underlying geological reasons. Through the development and the implementation of a Sustainable Urban Drainage system (SUDs), these localised areas of pluvial flood risk would no longer exist. The Council did not refuse the development on the absence of proof that there were no sequentially preferable sites in flood risk terms and did not disagree with the FRA's conclusion on the level of risk of pluvial flooding given the characteristics of the site. Whilst not explicitly documented in its Officer Report or SoC, the Council indicate that the factors influencing the flood risk was applied and negated the need to refuse permission or seek further information on sequentially preferable alternatives.
53. The suggestion in the appellant's Addendum SoC is that the update to the Framework in December 2024, in addition to the updates to the EA online mapping, intensified the degree of flood risk from pluvial sources and elevated the matter to one that necessitated the submission of a sequential test. This reasoning differs from that in the *Flood Risk Sequential Test Report*<sup>13</sup> (Sequential Test Report) which indicates that the need arose in light of a number of recent appeal decisions, albeit these were not provided. Nevertheless, in the interests of comprehensiveness, I do not find a reason to disagree and have considered the submitted Sequential Test Report and related evidence.
54. Having communicated its intentions as to the methodology for such with the Council in February 2025, the appellant submitted the Sequential Test Report the day prior to the opening of the hearing and an update to the same during the

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<sup>13</sup> Hearing document 1

hearing itself. The Council's Addendum SoC raises issues with the methodology used, specifically in relation to the alternative sites needing to identically accommodate the proposal of 247 dwellings, with a trajectory to allow completions from 2026 and to share the characteristics of having buildings and hardstandings present, i.e. not largely greenfield in nature. Having regard to the Framework, the Mead judgement<sup>14</sup> and other proffered appeal decisions<sup>15</sup> on this aspect, my view is that the approach taken in respect of site characteristics, the need for an identical fit and closely aligned trajectory are overly prescriptive, such that sites have been too hastily discounted from the appellant's search that may be considered sequentially preferable in flood risk terms.

55. Of those that the Council highlight in its Addendum SoC referenced from the appellant's evidence and the SHELAA<sup>16</sup>, at least one site<sup>17</sup> could be considered sequentially preferable insofar as it has no flood risk constraints and would accommodate the development. That site has specifically been discounted because it does not share the characteristics of the appeal site in relation to the presence of buildings and hardstandings. However, in my view, this is not a robust reason to discount the site. Such an approach may lead to sites at higher risk of flooding being chosen over those at lower risk purely on the basis of the presence of built structures, which cannot always secure the most sustainable or logical outcomes.
56. The Council also consider three other sites or clusters of sites to be sequentially preferable<sup>18</sup>, though correspondingly small areas of similar risk of surface water flooding are present in each. As such, even if there are greater prospects of those sites being developed without buildings or site accesses over those areas of flood risk than when compared to the appeal site, I have taken them at face value as being equivalent to the site in flood risk terms.
57. Nonetheless, on the basis of the evidence, I find there to be at least one other sequentially preferable alternative site to the appeal site and thus, the proposal conflicts with paragraphs 170 and 175 of the Framework in flood risk terms.

### Other Considerations

58. The SoCG outlined that as at an agreed base date of 1 April 2023, the Council was only able to demonstrate a 2.9 year supply of housing land against the minimum five year requirement under the Framework. The SoCG also outlines that the Council's performance against the Housing Delivery Test for the previous three years was 62%<sup>19</sup>. The Addendum SoCs of both parties cover aspects of the changes that occurred with the publication of the updated Framework in December 2024. The appellant highlights the materially increased housing requirement for the district of 1,357 dwellings per annum, plus 20% buffer using the Framework's standard method. The Council also acknowledge in its Addendum SoC that it can now only demonstrate a 1 year supply of housing land against the new requirement which means a shortfall in the order of 6,700 dwellings or more.

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<sup>14</sup> *R (Mead and Redrow) v SoS LUHC [2024] EWHC 279 (Admin)*

<sup>15</sup> Appeal refs 3314268 and 3326187

<sup>16</sup> Horsham District Council Strategic Housing and Economic Land Availability Assessment (SHELAA), 2018

<sup>17</sup> Site SA-497: Land East of Hampers Lane, South of Rock Road, Storrington

<sup>18</sup> Site SA-639: Land off Fryern Road Storrington, Site SA-520: Land at Oast House Farm, Ashington And SA-384, SA-499 & SA-469: Cluster at Rock Road/Storrington Road, Thakeham and Storrington

<sup>19</sup> HDT results 2023, published in December 2024

59. In its Addendum SoC, the Council also indicated that progress on the eLP had halted in early 2025 and would not be likely to resume in the near future. As such, the Council state that no weight should be attached to the eLP's emerging policies.
60. Part of the reason for the acute housing land supply position and delays with the eLP stem from water supply issues in the Sussex North Water Resource Zone (WRZ), which is an area of serious water stress and which has implications for the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites (the Protected Sites), designated under the Habitats Regulations<sup>20</sup>. A strategic mitigation scheme is being developed that the Council and partner organisations hope will be implementable in the near future.
61. In light of the submitted *Water Neutrality Report*<sup>21</sup> and *Shadow Habitats Regulations Assessment*<sup>22</sup>, the main parties agree that conditions could be used to ensure that the scheme would be able to offset the previous land use and/or utilise an on-site borehole. As this would avoid water being drawn from the WRZ and would not rely on the strategic mitigation scheme, the development proposed would be water neutral and would thus avoid adverse effects on the Protected Sites.
62. The appeal site and buildings were previously used for the production of mushrooms which is an agricultural operation and which is excluded from the Framework's definition of PDL. The Council has clarified an erroneous statement in its SoC that the reuse of PDL weighs in favour of the scheme, which in fact does not apply in this case. However, the site is large, has some brownfield characteristics and there would be some aesthetic enhancements from the removal of the buildings and replacement the new scheme.
63. The appellant raises the point that there would be consequences beyond the denial of the boost to housing supply if I were to dismiss the appeal. These consequences include the need to maintain costly 24/7 site surveillance to prevent antisocial behaviour, the continued dereliction of the site, the lack of potential for the site to be reused in a similar manner to its former use, and the reintroduction of a significant number of HGV movements through Thakeham in the event that a similar processing operation were able to recommence. I have taken these factors into account.
64. I have also taken account of the representations made by interested parties in support of the scheme that highlight its ability to help meet housing needs, the aesthetic improvements from replacing the existing buildings, improvements to walking routes and planting of many trees. These representations are far fewer in number than those in objection to the scheme, but that does not undermine the validity of the points raised.

## Planning Balance

65. I have found that the proposed scheme would conflict with the spatial strategy of the HDPF and TNP in relation to its nature, substantial scale and poor relationship to facilities and services, particularly by sustainable modes of travel. The proposed facilities within the scheme, improvements to various PROWs, bus service improvements and associated travel plan measures could not overcome the

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<sup>20</sup> As designated under the Conservation of Habitats and Species Regulations 2017, as amended

<sup>21</sup> Quantum CE, February 2024

<sup>22</sup> Aspect Ecology, February 2024

locational disadvantages of the site or materially reduce the reliance on private vehicles. I also find that there are sequentially preferable sites in flood risk terms, which is a further harm that weighs against the scheme.

66. The HDPF housing targets are now inconsistent with the standard method required by the Framework. The under delivery against the HDT and current undersupply of housing land deems these related policies out of date under the terms of the Framework in any case. The TNP is also over five years old and no longer benefits from the protection of paragraph 14 of the Framework. Accordingly, Policy 3 of the TNP attracts reduced weight, as too do the specific aspects of policies 2, 3 and 4 of the HDPF that seek to constrain development specifically in relation to BUABs, policy allocations and a rigid spatial strategy.
67. However, the Framework requires, in paragraph 110, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, taking into account the differences between urban and rural locations. Policy 40 of the HDPF promotes this approach and therefore attracts full weight. Policies 3 and 4 of the HDPF also advocate that development should be appropriate in terms of scale and function to the settlement to which it would adjoin. These aspects are relevant to how much people need to travel and what transport modes are, or can be made available to them and are fundamental principles of sustainable development, seeking to ensure developments are of an appropriate scale, type and location. Accordingly, Policies 2, 3 and 4 of the HDPF are still capable of attracting moderate weight. Given my findings, these conflicts and the associated harms weigh substantially against the proposal.
68. There would also be a number of benefits from the scheme to balance against the harms. Clearly, the provision of 247 homes would make a significant contribution towards meeting the critical housing shortfall in the district. The site is owned by a developer already locally present that would seek to commence building homes without delay. Future policies under the eLP that may advocate a planned approach to meeting housing needs are also some way off. As such, this aspect attracts substantial weight in favour of the scheme.
69. The main parties agreed that the need for affordable housing in the district of Horsham is pressing. Of the 247 dwellings, 86 would be affordable tenures, comprising 5% would be First Homes, 25% would be shared ownership dwellings and 70% would be affordable rented dwellings. This contribution to affordable housing as a component of the scheme attracts substantial weight.
70. The scheme would deliver spaces for new flexible Class E uses which could serve a range of purposes and add to the facilities and services available to both new and existing residents. New residents, and the longer-term economic and social input to the area, would also help to support existing community infrastructure. Short-term economic benefits through the construction industry would also flow from the scheme. Collectively, I attach moderate weight to these benefits.
71. The provision of open space of a broad range of typologies and secured by way of planning obligation, would also be a benefit of the scheme that attracts moderate weight in favour of the proposal.
72. The scheme would deliver a range of upgrades to the surrounding PROW network, footways and bus stops. The combination of these measures would be

advantageous for future and existing residents of Thakeham. Future residents could also beneficially apply for travel vouchers and access an electric car club.

73. Though potentially desirable, the certainty of delivery and maintenance of the bus service improvements that could be used by the public at large is in doubt both during any period of a funded contractual arrangement and beyond any such period. Consequently, I afford very limited weight to this aspect of the scheme. Similarly, the lacking clarity on the intention for and scope of the electric bus contribution results in very limited weight being attached to this aspect of the scheme.
74. I note that the scheme would deliver a Biodiversity Net Gain in the order of at least 12% and the planting of 300 trees throughout the site. These are modest benefits of the scheme. The scheme would also be well-designed and would incorporate energy and climate change resilience measures through building fabric and fittings, which along with the aforementioned aesthetic enhancements from removal of the existing buildings, attract additional weight in favour of the scheme.
75. The appellant advances that the total Community Infrastructure Levy receipts that would be generated by the scheme would be in the order of £2.7 million. As this is intended to fund infrastructure improvements to accommodate new development in the area, it does not attract more than limited weight. For similar reasons, the avoidance of other harms is of neutral impact, neither weighing for or against the scheme.
76. The provisions of paragraph 11 d) of the Framework are engaged in this instance. The footnote 7 policies of the Framework that protect areas or assets of importance have been considered in this case. The ability to secure a bespoke water neutrality package and avoid adverse effects on the integrity of the Protected Sites does not equate to a strong reason for refusal.
77. Though there are conflicts with the flood risk objectives of the Framework, for the reasons outlined above in relation to the characteristics of the site, the nature of the risks and anticipated resolution to such through the development itself, this does not represent a strong reason for refusal under footnote 7.
78. Under Framework paragraph 11 d) ii), consideration must be given to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Having given due regard to these matters, in particular the need to direct development to sustainable locations, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the totality of the benefits outlined above.
79. Taking account of the above and the other points advanced in favour of the scheme, there are no considerations of such weight that indicate that a decision should be taken other than in accordance with the development plan, when taken as a whole.

## **Conclusion**

80. For the foregoing reasons and taking all other matters into account, the appeal should be dismissed.

*H Nicholls*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

|                        |                                                     |
|------------------------|-----------------------------------------------------|
| Hashi Mohamed          | Counsel instructed by Julian Goodban                |
| Julian Goodban         | Regional Planning Director - Bellway Homes          |
| Madeline Anderson-Wood | Strategic Land and Planning Manager - Bellway Homes |
| Andrew Braun           | Associate Director - Ardent                         |
| Bethan Haynes          | Associate Director - Lichfields                     |
| Kieran Wheeler         | Director - Savills                                  |
| Robert Steele          | Director – Savills                                  |
| Claire Fallows         | Charles Russell Speechlys LLP                       |

### FOR THE LOCAL PLANNING AUTHORITY:

|              |                                                 |
|--------------|-------------------------------------------------|
| Jason Hawkes | Principal Planning Officer                      |
| Adrian Smith | Majors Team Leader                              |
| Stephen Gee  | Principal Planner – West Sussex County Highways |
| Noman Kwan   | Senior Neighbourhood Planning Officer           |

### INTERESTED PARTIES:

|                   |                                  |
|-------------------|----------------------------------|
| Andrew Brown      | Clerk to Thakeham Parish Council |
| Philip Heims      | Local resident                   |
| Alan Manton       | Ward Councillor for Thakeham     |
| Caroline Instance | Local resident                   |
| Chris Jones       | Local resident                   |

### HEARING DOCUMENTS:

|            |                                                                |
|------------|----------------------------------------------------------------|
| Document 1 | Flood Risk Sequential Test Report dated March 2025             |
| Document 2 | Letter from Rapleys dated 24 March 2025                        |
| Document 3 | Letter from Aspect Ecology dated 24 March 2025                 |
| Document 4 | Updated draft planning obligation and accompanying plans 1 – 4 |
| Document 5 | Comparison draft planning obligations                          |

|             |                                                                               |
|-------------|-------------------------------------------------------------------------------|
| Document 6  | Motion Transport Assessment on behalf of Thakeham Parish Council (reprovided) |
| Document 7  | Flood Risk Sequential Test Report: Update Note                                |
| Document 8  | Completed UU dated 7 April 2025                                               |
| Document 9  | West Sussex CC response dated 24.04.25                                        |
| Document 10 | Email from PROW officer                                                       |
| Document 11 | Council SOC Addendum with appendices                                          |
| Document 12 | Letter from Principal Ecology Consultant                                      |
| Document 13 | Inspectors findings on emerging Local Plan                                    |
| Document 14 | Representation from Chanctonbury CLT                                          |
| Document 15 | Representation from A Edge                                                    |
| Document 16 | Representation from P Fung                                                    |
| Document 17 | Representation from L Gould                                                   |
| Document 18 | Representation from M Hall                                                    |
| Document 19 | Representation from J Hammond-Wyatt                                           |
| Document 20 | Representation from K Hardman                                                 |
| Document 21 | Representation from B Hough                                                   |
| Document 22 | Representation from C Jenkins                                                 |
| Document 23 | Representation from C Jones                                                   |
| Document 24 | Representation from M Oliver                                                  |
| Document 25 | Representation from K Shuttlewood                                             |
| Document 26 | Representation from U Suter                                                   |
| Document 27 | Representation from Thakeham Parish Council                                   |
| Document 28 | Horsham District Council CIL Compliance Statement                             |
| Document 29 | Horsham District Council Infrastructure Funding Statement                     |
| Document 30 | Horsham Council CIL Charging Schedule                                         |
| Document 31 | West Sussex County Council CIL Compliance Statement                           |

DOCUMENTS RECEIVED AFTER THE HEARING:

|             |                                                     |
|-------------|-----------------------------------------------------|
| Document 32 | Council's response to appellant's costs application |
| Document 33 | Appellant's response to Council's costs application |

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