



Appeal Decision

Site visit made on 20 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/Z3825/W/25/3361573

The Royal Oak, Friday Street, Rusper RH12 4QA

- 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 Mr D Bell against the decision of Horsham District Council.
 - The application Ref is DC/22/0355.
 - The development is described as the proposed erection of two 3 bedroom dwellings with integral garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the proposal having regard to the spatial strategy for the district; and
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings.

Reasons

Suitable location

3. The appeal site lies within a small cluster of houses. It was formerly the car parking area of a public house which has since been demolished and replaced by two semi-detached properties which adjoin the appeal site. The site is currently gated and has an existing vehicular access onto Friday Street.
4. As the appeal site is set within a small cluster of buildings in residential use, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is in a rural setting, some distance from the nearest settlement.
5. Policy 2 of the Horsham District Planning Framework (2015) (HDPF) outlines the Council's spatial strategy, which focusses significant development in Horsham. Further growth shall be distributed across a range of settlements outlined within a hierarchy in Policy 3.

6. Policy 4 of the HDPF supports the expansion of settlements beyond built-up area boundaries, provided that the site is allocated either in the Local Plan or a Neighbourhood Plan, and adjoins the existing settlement edge. In this case, the appellant confirms that the appeal site lies outside and is physically separate, by approximately 2.5 miles, from the nearest settlement boundaries of Horsham and Rusper. Moreover, Policy RUS1 of the Rusper Neighbourhood Plan (2020) (NP), as illustrated on the Policies Map, defines the built-up area boundary for Rusper, which does not include the appeal site. Accordingly, the proposal would be in conflict with Policy 4 of the HDPF.
7. Policy 26 of the HDPF states that, outside built-up area boundaries, development must be essential to its countryside location and must also satisfy the criteria set out within the policy. To meet the policy requirements, proposals must be needed to support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use, or enable the sustainable development of rural areas. Given the residential nature of the proposal, it would not meet any of these stated criteria.
8. As the Council is currently unable to demonstrate a five-year housing land supply in accordance with existing development plan policies, it has produced the Facilitating Appropriate Development Document (2022) (FAD) to support the delivery of housing in the interim period, pending adoption of the a new Local Plan. While the FAD is guidance rather than policy, it adopts a more positive approach to residential development outside settlement boundaries. Notably, it allows for the consideration of unallocated sites located outside but adjoining built-up area boundaries. The main parties agree that the appeal site is not located in close proximity to any built-up area boundaries, and therefore the extent to which it would comply with the other criteria within the FAD is of limited relevance.
9. To access services and facilities within Rusper or Horsham the occupants of the proposed dwellings would, for a large proportion of the route, have to walk or cycle along the remote, narrow rural lanes, which are unlit and would be a less attractive route outside daylight hours. Therefore, the route is unlikely to be an attractive option for walking and cycling outside of daylight hours or during inclement weather.
10. For the reasons given, essential services, facilities and employment opportunities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport.
11. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment opportunities. The proposal fails to accord with policies 1, 2, 3, 4, and 26 of the HDPF and policy RUS1 of the NP. Amongst other things, these policies set out the settlement strategy, seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities.

Character and appearance, including listed buildings

12. The appeal site is located within a small cluster of dwellings in a rural setting, accessed via quiet, narrow country lanes. This grouping is characterised by a loose and informal layout, with plot sizes that are generally large but varied. Historic dwellings with vernacular architecture are typically set well back from the public highway, contributing to a spacious character. The street scene is distinctly rural, defined by mature vegetation along front boundaries which provides a soft, green edge and often screens properties from public views.
13. In contrast, the proposed dwellings would be positioned close to the public highway, with areas of car parking adjoining it, and with limited landscaping or vegetation to soften the visual impact. As a result, the development would appear as a particularly prominent addition to the street scene.
14. The proposal adopts a traditional design approach, incorporating pitched roofs and materials that reflect elements of the adjoining semi-detached dwellings. Whilst I acknowledge these recently constructed properties, they are not particularly representative of the wider character of the area, which is defined by a more informal and spacious pattern of development.
15. As a result, the proposed dwellings' siting close to the appeal site's front and side boundaries, would not reflect the established pattern of development in the area. The arrangement would erode the green buffer that currently contributes to the rural setting and would result in a layout that appears cramped.
16. Moreover, the scheme would introduce a more uniform and continuous run of built form. Despite the potential for future landscaping, the cumulative visual effect of four dwellings in close proximity would have a pronounced suburbanising appearance. While I acknowledge that the appeal site constitutes previously developed land, the proposed layout would nonetheless be incongruous with the prevailing rural character and would fail to respond appropriately to the site's context.
17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to have special regard to the desirability of preserving the listed buildings, or their settings, or any features of special architectural or historic interest which they possess.
18. The List description confirms that the Grade II listed Friday Farm, was listed in 1980 and dates from the sixteenth century, with a small nineteenth century addition at its southern end. It is two storeys in height, and is set deep in its plot away from the public highway. Amongst other things it is described as a timber-framed cottage with plaster infilling and curved braces at first floor, with a tiled roof and casement windows.
19. From my observations on the site visit and the evidence before me, the significance of Friday Farm is derived mostly from its age, architectural quality and its contribution to the rural character of the area. There is no disagreement between the parties that the proposal would be within the setting of the listed building. Given the proximity of the proposal to the heritage asset, I see no reason to disagree.
20. Friday Farm provides an attractive backdrop to views from the east along Friday Street. From this vantage point, the proposal would be clearly visible on the left-hand side of the street, forming part of the wider view towards the listed building.

The proposal, in combination with the adjoining pair of semis, would create a run of buildings across a relatively large area which would appear in the view as a sprawling and suburbanising development, which would be in stark contrast to the rural setting of the listed building. As a consequence, there would be less than substantial harm to the setting of Friday Farm.

21. There are two other Grade II listed buildings, known as Howells and Little Benhams. The significance of these listed buildings is derived mostly from their age and architectural quality. The proposal would be located some distance from Howells, separated by the built form of intervening dwellings, and would not be prominent in views of the listed building. Whilst the appeal site is opposite Little Benhams, given that listed building's significant set back from Friday Street, there would be limited intervisibility of the properties. Consequently, the proposal would have a neutral effect on the setting of these other nearby listed buildings.
22. However, in failing to preserve the character and the setting of Friday Farm, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposal would provide benefits such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land.
23. The appellant also indicates the proposed dwellings will be built to a high standard and would be energy efficient, and that there is an opportunity for landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.
24. However, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the setting of the LB and the great weight given to the conservation of designated heritage assets.
25. For the above reasons, I find that the proposal conflicts with Policies 25, 26, 32, 33 and 34 of the HDPF and Policy RUS3 of the NP, which collectively support development of a high-quality design that relates sympathetically with the built surroundings, seek to protect the landscape character, and prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance.

Other Matters

26. Various objections have been raised by neighbours including in relation to issues such as highway safety and the effects on wildlife and biodiversity. However, as the appeal is to be dismissed there is no need to address these in detail.
27. The appeal site falls within the Sussex North Water Supply Zone. The Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites are vulnerable to pressures arising from groundwater abstraction from this

supply zone. The Council indicate that subject to a section 106 agreement to secure offsetting, the proposed mitigation measures are acceptable and would result in the proposal being water neutral. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, as amended, indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not necessary to consider this matter further.

28. I have been referred to planning appeal decisions at Marlpost Meadows, Cowfold Lodge Cottage and Wappingthorn Lodge¹. However, in each of these decisions, the Inspectors did not find that the proposals would cause harm to the significance of designated heritage assets. For this reason, the circumstances within the appeals differ to the proposal before me. Notwithstanding this, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
29. The Framework seeks to significantly boost the supply of homes. Paragraph 73(d) supports the development of windfall sites. The proposal would involve the re-use of the appeal site and paragraph 124 supports the effective use of land. It also encourages the optimal use of underutilised land, and states that, where there is shortage of land for meeting identified housing needs, planning decisions should avoid homes being built at low densities. However, any weight attributed to these factors is tempered by the Framework's expectation that developments prioritise pedestrian and cycle movements. The appellant asserts that the site is previously developed land, which is not disputed by the Council. However, while the Framework requires substantial weight to be given to the value of using suitable brownfield land for homes, this is for land within settlements which would not be the case with the scheme before me.
30. I recognise that the proposal would be energy efficient and that future landscaping could serve to enhance the Council's Green Infrastructure Network. These matters weigh in favour of the proposal.
31. The proposed dwellings would also have good internal space, with a functional layout and future occupiers would have sufficient external amenity areas. Compliance with the development plan in relation to issues such as landscaping and amenity of neighbouring occupiers are expectations for all development. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.

Planning Balance and Conclusion

32. The appellant and the Council are in agreement that the Council cannot demonstrate a 5-year housing land supply. The appellant indicates that the Council has a 2.9 year supply of housing land, and this is reflected in the Council's most recent Authority Monitoring Report (AMR) 2022/23 (January 2024).
33. In these circumstances, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); the application of policies in the Framework that protect areas or assets of particular importance provides a clear

¹ Appeal references: APP/Z3825/W/22/3303603; APP/Z3825/W/23/3325926; APP/Z3825/W/24/3341171

reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

34. As the proposal relates in part to the setting of a designated heritage asset, the application of policies in the Framework that protect areas or assets of particular importance, as given in footnote 7 of paragraph 11(d)(i), provide a clear reason for refusing the development proposed.
35. Alongside my findings in respect of the designated heritage asset, I have found that this site is not a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment opportunities.
36. The harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR