



Appeal Decision

Site visit made on 18 November 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/Z3825/W/25/3371919

Land at Hatches House, East Street, West Chiltington, West Sussex

- 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 Concept Developments Ltd against the decision of Horsham District Council.
 - The application Ref is DC/22/0639.
 - The development proposed is the erection of 8 dwellings and associated access and other works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 8 dwellings and associated access and other works at Hatches House, East Street, West Chiltington, West Sussex in accordance with the terms of the application, Ref DC/22/0639, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site address has been given in various forms in documentation by both parties including "land Parcel at 509312 118478". I have used the description given on the application form in this decision.
3. The appeal included an updated Automatic Traffic Count (ATC) and whilst this is new evidence it does not represent an attempt to evolve the scheme. This is because its results do not fundamentally change the findings of the original Transport Statement. There would therefore be no procedural or substantive unfairness by my taking this into account.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on highway safety, and
 - 2) whether the site is in a suitable location having regard to maximising active travel and non-car modes of transportation.

Reasons

Highway safety

5. The proposed access to the site would be on to East Street. East Street varies in width along its length from a tight single track lane at the entrance to the village to being wide enough to accommodate passing vehicles in both directions, although

this can be limited due to parked cars. The road features no pedestrian footways or street lighting in the vicinity. It also serves the local primary school.

6. The evidence indicates that East Street is a very lightly trafficked road with a 7 day, 12 hour average of between 419 and 528 vehicles. I do, nevertheless, appreciate the views of members and local residents that, due to the road's narrow width and presence of the school, there may be times of congestion. I have been mindful of resident's observations regarding the safety of the road although the County Council, as highway authority, has indicated that there were no recorded personal injury incidents (at the time of their advice) and I have no information to indicate that this situation has changed. The access from the proposed development itself with East Street would be constructed to modern standards and have satisfactory visibility given the surrounding road conditions.
7. The addition of eight dwellings would add traffic to this narrow lane and some of this would be during peak times. Even so, the National Planning Policy Framework (the Framework) advises at paragraph 116 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. There is no evidence to indicate that this would be the case.
8. Accordingly, it follows that the modest addition of eight dwellings would cause an unacceptable impact on highway safety and, whilst possibly inconvenient at times, the effects of eight new dwellings on the road network would not be severe. The proposal therefore complies with policy 40 of the Horsham Development Planning Framework 2015 (HDPF) and provisions of the Framework insofar as it provides suitable access for the type and scale of development proposed.
9. I am aware that the draft allocation in the emerging plan suggests access from the site to be taken via Granary Orchard. It has been suggested that this access is preferable as the junction of Granary Orchard with East Street is over a slightly wider part of the road. However, Granary Orchard is a very narrow cul-de-sac and I would be more concerned about an intensification of the use of this small lane as its lack of vehicle passing space means that vehicles could end up reversing onto East Street to the detriment of highway safety. This would be of particular concern as this access is closer to the school. Times of congestion are reported as including around school drop-off times where younger and more vulnerable pedestrians would be most likely to be present. Therefore positioning a more modern, and wider, access away from the school would be preferable in this context

Suitability of location

10. The appeal site is set on the edge of the village of West Chiltington. This comprises a relatively small and intimate village. However, it is associated with the larger and typically more modern West Chiltington Common to the south. The site itself is formed of a slightly overgrown parcel of land to the north of East Street. It is beyond the settlement limits of the village under the current HDPF. I am mindful that it is an allocated housing site in the draft Local Plan although I can only afford this limited weight here as this emerging plan is yet to be adopted. Indeed, there are questions as to whether it will be adopted at all. As such, there is no guarantee that the policies (and site allocations) will be adopted as presently read.

11. Policies 2, 4 and 26 of the HDPF do not direct this form of residential development to locations such as this as it is outside the settlement limits. Indeed, policy 2 seeks to focus development around the main town of Horsham whilst maintaining the district's unique rural character. Policy 26 sets out 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. The proposal is not near the main town of Horsham and nor does it fall within the limited categories of development that may be considered acceptable in this rural location. I therefore find that there is a conflict with policies 2, 4 and 26 of the HDPF.
12. Nevertheless, the Framework sets out at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development. This means granting permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
13. The Council accepts that the current development plan is over five years old. Moreover, it accepts that it cannot demonstrate a five year supply of deliverable housing land and it estimates this figure to be 2.9 years' worth of supply. The appellant nominates the deliverable housing land supply to be only 1 year. In either scenario it remains apparent that the Council is a long way short of meeting its housing need. For these reasons, the provisions of paragraph 11 d) ii. of the Framework are engaged. Of particular regard here are policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
14. In this case, the Council has expressed concerns that the site is not in a sustainable location. This is not an unfair assessment as West Chilmington is set in a distinctly rural context. Even so, it benefits from some local services in the form of a primary school, post office and shop and a pub. Moreover, it is not especially remote as it benefits from relative proximity to the larger settlements of Pulborough and Storrington. I do accept that the public transport infrastructure serving the village is minimal to nil as buses only serve the village on two days of the week at best. Some evidence suggests this is even lower. Even so, the concept of sustainability will vary between urban and rural areas and the modest increase in population here will be of assistance in supporting local businesses.
15. The proposed scheme is relatively low density but this is suitable for the setting of the site on the edge of this small village. The layout of the proposal offers opportunity for landscaping to integrate it into its surroundings. The layout also offers ample gardens and the use of softer wood materials in the design would assist in integrating the proposal with its rural context. There are a variety of house sizes proposed and although these do trend towards the larger end, there would still be a variety of house types on offer.
16. On balance, in view of the site's relative degree of sustainability for a rural area, lack of demonstrable housing land supply and that the proposal is a pleasantly designed scheme with a mix of house sizes that would contribute to the overall supply, I conclude that the proposal accords with the development plan and Framework when taken as a whole.

Other Matters

17. In reaching my conclusions here I have had regard to the proximity of the site to the nearby Grade II listed buildings at Naldretts Farm and Naldretts Barn. These are, respectively, a C16 timber-framed house and C17 timber-framed barn that has been converted to a home. These buildings are set on the opposing side of East Street and due to this separation and lack of historical relationship with the land in question, the proposal would not have an adverse effect on their setting.
18. I have also been mindful of the views of local residents and I have considered the principal concerns in my commentary above. I am satisfied that the design of the homes would integrate well with the local area given the style and use of materials. I accept that there is limited public amenity space locally however the homes do benefit from generous gardens and are set within a rural area with public footpaths. Concerns relating to flooding and drainage are addressed through the use of planning conditions. Matters relating to biodiversity are also considered in conditions and it should be noted that the application preceded the introduction of the mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (the Act).

Conditions

19. The Council has provided a schedule of conditions in the event the appeal is to be allowed and I have applied these with modifications and edits having regard to the PPG and paragraphs 56 and 57 of the Framework. A number of conditions are pre-commencement conditions and the appellant has been consulted on these having regard to s100ZA the Act and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
20. I have imposed a general time limit as condition 1 to accord with the Act and a plans condition for certainty at condition 2.
21. Conditions 3 and 24 are imposed to ensure a managed format of construction of the site having regard to local residents, the environment and highway safety. Condition 4 is to ensure the development is suitable for its surroundings. Conditions 5 to 7 are also in the interests of the local environment with particular regard to trees and landscaping. Condition 8 is to ensure the site is suitably drained.
22. In relation to condition 9, I have been mindful of the appellants final comments insofar as this relates to achieving water neutrality that may no longer be required. However, I have insufficient detail before me to confirm this. To avoid re-consultation with the parties on this matter, I have modified the condition such that it may be agreed with the Council if it transpires that such measures are no longer required.
23. Conditions 10, 14, 26 and 27 are to ensure the development is in the interests of public health and to avoid ground contamination. Condition 11 is in the interests of biodiversity and local ecology. Conditions 12, 13, 15, 16, 17, 18 and 25 are in the interests of the character and appearance of the area and the local environment.
24. Conditions 19 to 21 are to ensure the development is adequately served by refuse and cycle storage and that there is sufficient parking clear of the carriageway. Condition 22 is for highway safety purposes.
25. Finally, condition 23 is imposed to ensure digital connectivity to the site.

Planning Balance and Conclusion

26. S38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
27. I have found that the proposal would not be detrimental to highway safety. I have concluded, however, that the proposal would not be in accordance with spatial objectives of directing development towards the main built-up area of Horsham and would amount to development in the countryside. It is thus not in accordance with policies 2, 4 and 26 of the HDPF.
28. However, I have found the proposal to be well designed, offers a mix of housing types and has an acceptable impact on highway safety. It is not in the most sustainable area but, even so, it is far from being in a remote and isolated location. It is affiliated with a fairly well served village in terms of local services and facilities. The addition of eight dwellings would represent a modest, but important, addition of homes to the overall supply.
29. Therefore, due to the absence of an up-to-date development plan, lack of five year supply of deliverable housing land and a paucity of other planning related concerns, I must conclude that the benefits of the development significantly and demonstrably outweigh the adverse impacts. The appeal is allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with plan nos. CONC24508 10 B dated 5 February 2022, P001, P002, P003, P004, P005, P006, P007, P008, P009, P010, P011, P012, P013, P014 and P015 dated 29 March 2022.
- 3) The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
 - a) Details of site management contact details and responsibilities;
 - b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - i. location of site compound,
 - ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - iii. site offices (including location, height, size and appearance),
 - iv. location of site access points for construction vehicles,
 - v. location of on-site parking,
 - vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
 - c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
 - d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
 - e) Details of the timing of HGV movements having regard to student pick up and drop off times and in consultation with local members.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

- 4) No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.
- 5) No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Survey and Planning Integration Report 25 March 2022. The development shall thereafter be carried out in accordance with the approved details.

- 6) No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
- a) All trees on the site shown for retention within the Arboricultural Impact and Method Statement (Quaife Woodlands AR/4178/jq), as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - b) Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - c) Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

- 7) No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 8) No development shall commence until a drainage strategy detailing the proposed means of surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Evidence of infiltration tests undertaken to BRE DG 365 must be provided to demonstrate infiltration is

feasible. Any discrepancies between the drainage strategy and supporting Causeway modelling must be addressed. The development shall be carried out in accordance with the approved scheme.

9) No development shall commence until either:

- a) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme or,
- b) That such credits are not required, or
- c) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and off site mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and the development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme pursuant to part ii) has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

10) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site and extant structures shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
 - i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

11) No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures

contained within the Updated Ecological Walkover (Wychwood Environmental Ltd., September 2022), Bat Activity Survey Report (Wychwood Environmental Ltd., November 2021), Ecological Appraisal Report (Wychwood Environmental Ltd., September 2020) and Reptile Survey (Wychwood Environmental Ltd., September 2020), shall be submitted to and approved in writing by the local planning authority.

- 12) No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes of the PROW 2536 (in accordance with Public Rights of Way Standard Details Drg 14259/1 Rev A) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved. A minimum PROW width of no less than 2m wide should be maintained at all times and all the approved PROW works shall be completed prior to first occupation of the development.
- 13) No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:
 - a) Drawings to a scale not smaller than 1:5 fully describing: Roof details including sections through the roof ridge, hips, valleys, eaves and verges.
 - b) Samples or specifications of external materials and surface finishes.
- 14) Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition 11 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.
- 15) Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
 - a) Details of all existing trees and planting to be retained and removed
 - b) Details of all proposed planting
 - c) Coordination of planting plans with biodiversity enhancement layout to be submitted and as set out in enhancement measures contained within Updated Ecological Walkover (Wychwood Environmental Ltd., September 2022), Bat Activity Survey Report (Wychwood Environmental Ltd., November 2021), Ecological Appraisal Report (Wychwood Environmental Ltd., September 2020) and Reptile Survey (Wychwood Environmental Ltd., September 2020)
 - d) Details of all hard surfacing materials and finishes
 - e) Details of all boundary treatments
 - f) Details of proposed planting along the northern boundary and native hedgerow planting adjacent to the Public Right of Way 2536

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

16) No part of the development hereby permitted shall be occupied until a Landscape Management and Maintenance Plan (LMMP) has been submitted to and approved in writing by the Local Planning Authority. The details should apply to all communal hard and soft landscape areas and shall include:

- a) Long term design objectives
- b) Management responsibilities
- c) A description of landscape components
- d) Management prescriptions
- e) Maintenance schedules
- f) Accompanying plan delineating areas of responsibility

The landscape areas shall thereafter be managed and maintained in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

17) No part of the development hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved

scheme. The approved plan will be implemented in accordance with the approved details.

- 18) No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity based on GN: 08/23 shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other external lighting be installed without prior consent from the local planning authority.

- 19) No part of the development hereby permitted shall be occupied until provision for the storage of cycles has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.
- 20) No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.
- 21) No dwelling hereby permitted shall be occupied until the car parking spaces (including garages and car ports where applicable) necessary to serve it have been constructed and made available for use in accordance with the approved plans. The car parking spaces permitted shall thereafter be retained as such for their designated use.
- 22) No part of the development hereby permitted shall be occupied until the vehicular access serving the development, including the necessary visibility splays, has been constructed in accordance with the details shown on the approved drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- 23) No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabytes per second through full fibre broadband connection has been provided to the premises.
- 24) No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

- 25) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Ecological Walkover (Wychwood Environmental Ltd., September 2022), Bat Activity Survey Report (Wychwood Environmental Ltd., November 2021), Ecological Appraisal Report (Wychwood Environmental Ltd., September 2020) and Reptile Survey (Wychwood Environmental Ltd., September 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 26) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- 27) No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.

End of Schedule