



## **EXAMINATION OF THE HORSHAM LOCAL PLAN**

### **HEARING STATEMENT - MATTER 7**

#### **Economic Development**

On behalf of:  
**Dunmoore Group**

Date:  
**November 2024**

Reference:  
**03019/HDC LP Examination Matter 7**

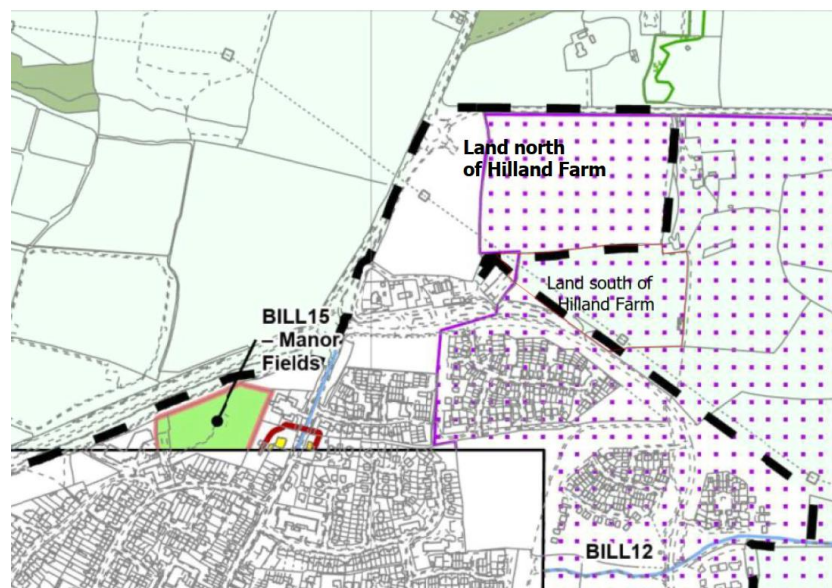
## 1.0 Introduction

- 1.1 This statement is prepared on behalf of Dunmoore Group (Dunmoore) in relation to **Matter 7 – Economic Development** in order to provide responses to Question 1 and 2 raised by the Inspector.
- 1.2 As explained in our representations to the Regulation 19 stage consultation (dated 29 February 2024) our submission is made in the context of Dunmoore’s land at Billingshurst, north and south of Hilland Farm. The land to the north of Hilland Farm is listed at Table 5 of the submission version Local Plan (LP) as an existing commitment as follows:

Site Name	Description
Land north of Hilland Farm, Billingshurst	19,375sqm Flexible use (B2/B8/E(g)iii) Petrol Filling Station with ancillary services.

- 1.3 The site ‘Billingshurst Business Park’ benefits from detailed planning permission and is being built out in phases. Phase 1 at the front/western edge of the site is largely complete, together with petrol filling station, drive through coffee unit and a supermarket occupying the centre of the site. The remaining employment parts of the site are being progressed for development. The infrastructure, including the main access junction and highway improvements linking the site to the A29 and the remainder of Billingshurst, immediately to the south are all in place.
- 1.4 The site (land to the north of Hilland Farm) falls within the settlement boundary of Billingshurst as first confirmed through the made Billingshurst Neighbourhood Plan (June 2021) and the submission version LP policies map aligns with this, as shown in plan 1 below:

**Plan 1: HDC LP Policy Map Extract – Hilland Farm, Billingshurst**



- 1.5 Land to the south of Hilland Farm is located beyond the settlement boundary sandwiched between the built-up area boundary of Billingshurst to its northern and southern boundary, with the site enclosed on three sides by development. The site would be accessed directly from the business park to the north in the same ownership.

## 2.0 Response to the Inspectors' Questions

### Matter 7 - Economic Development

#### Matter 7, Issue 1 – Whether the approach to employment land and supply is justified, effective, consistent with national policy and positively prepared?

*Q1. Is Strategic Policy 29: New Employment sound?*

*a) What is the overall employment land requirement (hectares and floorspace) over the plan period, is this justified and effective, and should this be more clearly specified in the Plan?*

- 2.1 No policy 29 is not sound. As stated in our representations at Regulation 19 stage: it fails to make sufficient provision for employment development<sup>1</sup>; It fails to offer a policy which creates conditions in which businesses can invest, expand and adapt, nor support economic growth which properly takes account of business needs<sup>2</sup>; and it is ineffective in achieving its ambition of providing at least 1 job per new home.<sup>3</sup>
- 2.2 The submission LP suffers from the same problem which afflicts the adopted Horsham District Planning Framework (HDPF) in that the generic wording used expresses a positive approach and ambition to address economic issues facing the district, yet a clearly expressed target-based strategy for doing so is lacking.
- 2.3 The opening page of chapter 9 recites many of the same issues which the LP promises to address, as those which appear in the opening page of the same chapter in the HDPF (Chapter 5). Amongst others these include:
- A key objective to become a first choice business destination;
  - A lack of business stock;
  - Existing business stock which is not of the required grade, size or type to attract new business or enable existing businesses to grow or expand;

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<sup>1</sup> NPPF, paragraph 20a

<sup>2</sup> NPPF, paragraph 85

<sup>3</sup> NPPF, paragraph 9.9

- High levels of out commuting and problems associated with offering job opportunities in sufficient numbers to retain young people, offer local jobs and reduce commuting distances;
- The need for new strategic scale development to provide local employment opportunities for new residents.

2.4 The objectives are laudable but our submission is that without identifying a suitably ambitious employment land or floorspace target nor allocating sufficient sites in appropriate, good quality locations to achieve that target, the LP is planning to fail.

2.5 To answer the question directly there is no directly expressed land requirement in policy 29. Without it the LP is not positively prepared, justified or effective. As stated in our Regulation 19 representations the LP alludes to a figures of up to 179,240sqm (45.1ha), at paragraph 9.12. This is taken from Table 2.10 of the Council's Economic Growth Assessment (EGA) focussed Update (EC01), which itself is over 4 years old. It indicates that B1c (now Eg iii) B2 and B8 will increase by 154,040sqm in the period to 2037 (based on past development rates). This figure needs to be rolled forward to capture the additional plan period to 2040 (181,223sqm). Our concern is that an approach based on past development rates, will tend to perpetuate existing issues and not provide the step change to deliver the choice of high-quality sites necessary to create conditions in which businesses can invest, expand and adapt.

2.6 The Council appears to consider that existing commitments will satisfy much of the need that they have identified, but we remain concerned for the reasons outlined below that the supply side figures should be treated with caution. The Council instead should be pursuing an ambitious plan-led target with good quality sites identified to address the economic challenges which the opening page of Chapter 9 identifies. These must be sites in attractive, accessible locations, close to the main settlements, if the economic conditions which the LP asserts it will address are to be achieved. This target should be linked to housing growth, given the stated aim to provide at least one job per new home.<sup>4</sup>

2.7 This is of particular relevance in this case given that Horsham are seeking to justify a housing target which falls well below the Local Housing Needs (LHN) figures generated by the standard method, due to the impacts of the need to demonstrate water neutrality. Housing figures which are expected to rise significantly again when the new NPPF comes into play. The proposed standard method which would come in at that time projects a need for 1,294 dwellings per annum (dpa), significantly in excess of the current LHN 917dpa, which itself is considerably higher than the submission version LP target (an average of 777dpa).

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<sup>4</sup> Submission version LP, paragraph 9.9

- 2.8 The scale of housing needs identified for Horsham indicates this should be matched by a suitably positive employment land target and this LP provides a good opportunity to identify good quality employment sites, like that at land south of Hilland Farm, to support that growth.
- 2.9 The HDPF suffered from the lack of a clearly defined target or good quality employment allocations, capable of positively and proactively encouraging and supporting sustainable economic growth, with sufficient flexibility included at the outset to accommodate business needs.<sup>5</sup> A lack of a clearly defined employment target, nor well located plan-led sites to deliver against those needs, meant that some major employment sites were brought forward on a speculative basis, including land north of Hilland Farm. This meant uncertainty for both sides, those promoting the site and officers charged with determining such applications in the absence of a clearly expressed development plan target, suitable for measuring progress over the plan period.
- b) What is the total employment land supply (hectares and floorspace) over the plan period including sites allocated in the Plan, is this justified and effective and should this be more clearly specified in the Plan?*
- 2.10 This is not clearly expressed or quantified in the LP. It lacks transparency for the reader and those charged with decision making. It should be more clearly expressed through the plan, including a trajectory of sites relied upon, their planning status and consented use.
- 2.11 Our experience with the HDPF repeated in this submission LP is that it refers the reader to the evidence based Economic Growth Assessment (EGA), yet these rely on data supplied by West Sussex County Council and Horsham Council for extant consents, which by our experience is used at face value, yet when interrogated and audited provides a fraction of the floorspace claimed.
- 2.12 An example of this is the 69,091sqm of B Class floorspace which is contained in Table 3.1 Employment Land Supply of the EGA – Focussed Update for Horsham (EC01), under the description of 'other extant planning permissions'. Only by seeking out the source of this data and looking at it objectively, provides the reader with a full appreciation of the value of the site and the quantum of floorspace it offers, as represented at **appendix 2**. A trajectory of employment sites which the Council relies upon, appended to the LP, would be a more robust and transparent means of understanding what contribution the claimed supply is making to employment needs.
- 2.13 Both the EGA Focussed Update and in turn the LP (Table 5: Existing Commitments) apportion significant weight to 2no. commitments Nowhurst and Brinsbury, which the LP expects to deliver 26,942sqm and 16,850sqm respectively. Both admittedly benefit from planning permissions, yet are in remote locations,

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<sup>5</sup> NPPF, paragraph 86

only readily accessible by car and neither have delivered any business floorspace since they were originally granted planning permission in February 2019 (Nowhurst DC/17/2131) and January 2018 (Brinsbury DC/17/0177). The reliance on these two sites tends to obscure the need to identify well located new employment sites with infrastructure in place, on prominent locations on the highway network, which will be attractive to the market, which are evidently deliverable and can be developed quickly.

2.14 The LP would also benefit from distinguishing between office (E(gi)) and class E(g, ii & iii), B2 and B8 uses in its supply calculations. Under Table 3.1 of the EGA Focused Update for Horsham all of these are grouped together under an umbrella B Class description. They are treated similarly in the commitments at Table 5 of the submission LP. B1a offices (now Egi) have quite different characteristics and locational requirements than those falling in the other categories and grouping them together obscures the true need for each development type.

2.15 Providing a more detailed breakdown of employment sites in this way would make it easier to understand and explore different business needs. In turn this would better align with the emphasis the NPPF places on creating conditions in which businesses can invest, expand and adapt with significant weight placed on the need to support economic growth and productivity. It indicates that planning policies should seek to address potential barriers to investment and be flexible enough to accommodate needs not anticipated in the plan (paragraphs 85 & 86).

*c) Are the overall employment land requirements and supply provided by the Plan justified and effective? What is the evidence that the employment supply will be delivered within the plan period and that the employment requirement will be met?*

2.16 For the reasons explained above we remain of the view that neither the land requirements or supply provision for employment land is clearly expressed, justified or effective.

2.17 Given the points made above regarding the length of time it has taken for two of the major commitments at Nowhurst and Brinsbury to come forward and the constraints and locational challenges which face the allocations which have been made, point to uncertainty of delivery which could be corrected by including high-quality additional allocations at the major settlements, like the Hilland Farm site.

2.18 Without such well-located plan-led sites capable of addressing those needs it is considered that the economic objectives which the submission LP purports to address, like reducing commuting distances, improving the stock of high quality business floorspace etc will not be achieved.

*d) Is it clear whether proposals must meet all criterion 1-10? Is the detailed wording of each of these criteria effective?*

2.19 It is considered unclear, but interpret them to apply independently, i.e it is not necessary to meet all of them. Consistent with our submissions at the Regulation 19 stage and comments made above, some of that confusion would be addressed by treating office uses E(gi) separately from B2, B8 and E(g ii and iii). The uses are quite different and have different locational requirements reflective of offices falling within the category of 'main town centre use' for the purposes of the NPPF.

2.20 Our submission is that a clearly expressed target should be included in the opening of the policy with the text and criteria making it clear the categories of development it applies to are B2, B8 and E (g ii and iii), with office uses treated separately.

*e) Are allocations EM1-EM4 soundly based, with particular regard to the mix of uses and constraints identified?*

2.21 We made the case in our Regulation 19 submission that our clients land south of Hilland Farm should be added to the list of sites at Table 6, on that basis that it represents an excellent deliverable employment site neighbouring Billingshurst Business Park to the north and capable of delivering jobs to the substantially expanded settlement of Billingshurst, via significant housing growth immediately to its south. The suggested addition is as follows:

Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))
Site EM5 - Land south of Hilland Farm/Billingshurst Business Park, Phase 3, Stane Street, Billingshurst	2.7ha is allocated for B2/B8/E(g ii and iii) uses c.10,000sqm

2.22 We do not consider the choice of site allocations EM1-EM4 are soundly based, nor offer positively prepared options to address the economic issues the LP purports to address, when these have been included in the plan ahead of our clients land south of Hilland Farm, which we maintain offers a far better, marketable employment site capable of addressing the key objectives of the LP Economic Development chapter. Further detail is explained in the commentary provided as **appendix 1** to this statement.

*f) Is the geographical application of this policy clear?*

2.23 It is considered that the geographical application of this policy be improved by encouraging and identifying sites which are likely to be attractive to the market, in accessible locations, close to larger settlements wherein an available local workforce can benefit from the jobs available over limited commuting distances. Key objectives of the Economic Development Chapter 9 of the submission version LP.

2.24 For the reasons explained at **appendix 1**, this has not been best achieved.

*Q2. Is Strategic Policy 30 Enhancing Existing Employment sound?*

- a) The Policies Map identifies "Key Employment Areas" and "Sites for Employment" and the policy also refers to "Other Existing Employment Sites" Is it clear which type of sites each criterion is applicable to?*
- b) Should criteria 1 also refer to intensification?*
- c) Does criterion 1 b) require effects not caused by a development proposal to be mitigated, if so, is this consistent with national policy?*
- d) Are there potentially other impacts which should be considered which are not covered by criterion 1 c) and is the policy effective in this regard?*
- e) Is the geographical application of this policy on the submission Policies Map accurate?*
- f) Are the requirements set out in criterion 7 justified and effective?*

2.25 No comment

### **The Merits of Land south of Hilland Farm**

- 2.26 Allowing for our concerns listed above in combination there is clear merit for the consideration of our client's land (approximately 2.7ha in total) at Land north of Hilland Farm, Billingshurst for allocation with Table 6 as part of policy 29.
- 2.27 As explained in our representations at the Regulation 19 stage, the site was considered by HDC in their Regulation 19 Site Assessment Report, under reference SA573. The site was scored neutral for social and economic considerations, but very negative for Environmental Considerations.
- 2.28 The very negative score on Environmental grounds is offered despite the assessment text identifying no clearly identified specific negative impacts, apart perhaps from concerns expressed in the Landscape sub-section that: "some elements of the site are more visually sensitive – development on the ridgeline would be particularly sensitive."
- 2.29 The same sub-section then goes on to refer to a Landscape Capacity Study (2021) as assessing the site to have no/low capacity for employment development, without any clearly explained basis.
- 2.30 This matter was considered in some depth at an appeal hearing when the proposals for the site were considered with detailed landscape evidence presented to counter the Council's reason for refusal on landscape impact grounds RfR no. 2, which alleged significant landscape harm.
- 2.31 The appeal decision (dated 14 February 2023), **appendix 3**, which pre-dates HDC's site assessment, yet post-dates the Landscape Capacity Study (2021) which it refers to, considered landscape impact at paragraphs 16 and 17 of the Inspectors decision letter, in which he states:



*"In addition, the most attractive of the existing views from the PRow are to the east, being the long-distance views over the wooded countryside. The existing views over the appeal site are already truncated and influenced by Phases 1 and 2 of the BTBP, the existing road, and the electricity pylons.*

*However, the proposed development would be appreciated in the context of the existing urbanising influences, in particular the existing BTBP, the pylons, and the road and new residential development. Reserved matters and condition discharge submissions could control the detail of the design, location and height of the proposed buildings, as well as the proposed landscaping and other mitigatory features. Consequently, the proposal would **only result in limited harm to the character and appearance of the appeal site and the surrounding area, including to landscape character.**" *Emphasis added.**

- 2.32 It is a serious error that HDC's assessment of the site, relies on a high-level Landscape Capacity Study from 2021 in rejecting the site, when that matter has been the subject of a detailed site-specific landscape assessment of proposals for the site at appeal and shows the rejection of the site on landscape grounds to be without basis.
- 2.33 In addition to this the neutral score for social and economic considerations is difficult to reconcile with the clear opportunity the site offers to expand the recent economic growth and jobs which have been created at the neighbouring site to the north, located adjacent to one of the largest settlements in the District with substantial committed housing growth with more planned in the submission LP.
- 2.34 It also noted that in scoring the site neutral for economic considerations, this differs from the next site considered, also in Billingshurst (site SA819), where the same category is afforded 'Favourable Impacts'. The supporting text notes how the offer of an additional 7,000-7,500sqm of business floorspace "would increase the employment offer of Billingshurst."
- 2.35 The different ratings given to the same consideration for two sites both in Billingshurst offering development of the same category and broadly the same quantum is difficult to reconcile and indicates the sites in HDC's assessment have not been judged on a fair or equitable basis. As a result our client's land has been omitted from consideration on a flawed basis with reliance on evidence which is not sound.
- 2.36 Its omission is difficult to reconcile with the Council's allocations elsewhere, preferring sites either as subsidiary parts of residential led urban extensions, which will take a long time to come forward, or discrete employment sites (EM1-3) which tend to be in remote locations, offering poor visibility and in relatively inaccessible locations and/or at minor settlements. The selection of the Hilland Farm site, which is backed by a development company with the experience, track record and backing to deliver sites like this one makes its omission all the more surprising given the stated objectives of the LP to enhance the business offer, make it a first choice destination and provide opportunities for residents to live and work locally.

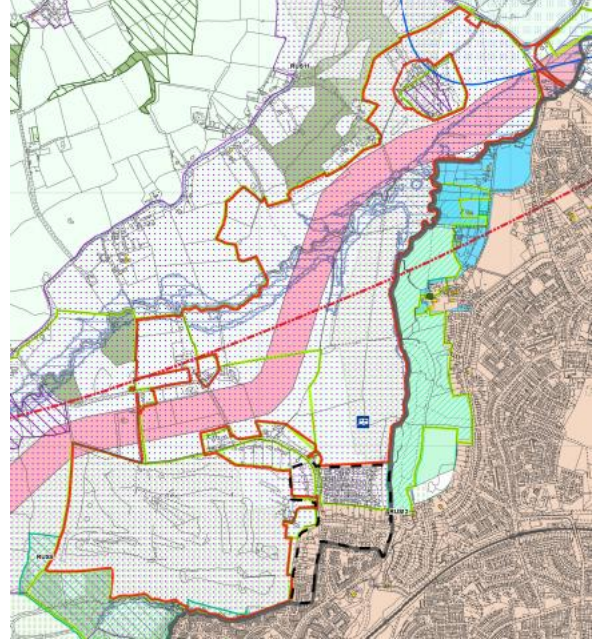
2.37 This is particularly the case given the authors of the EGA commented on the Hilland Farm site as follows:

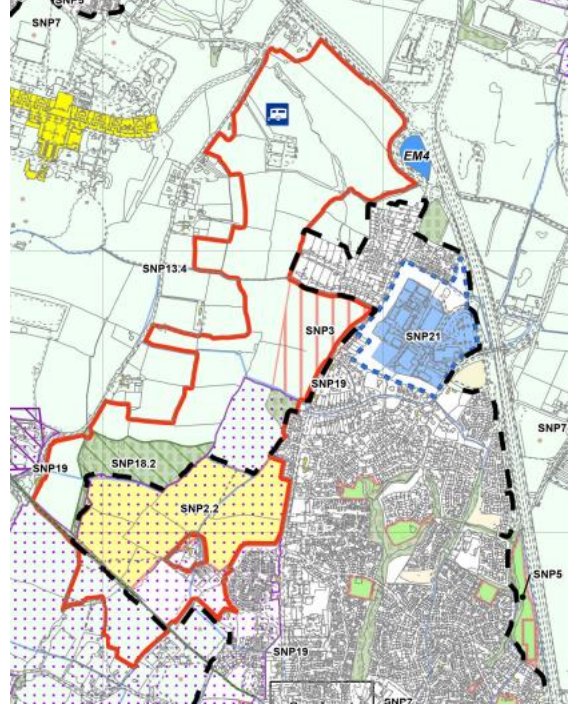
- It is 600m to the services and the facilities within the centre of Billingshurst.
- It is likely to be attractive to the market due to the access and the location that it offers in a prime spot at the edge of the town.
- Significant scope for employment development.

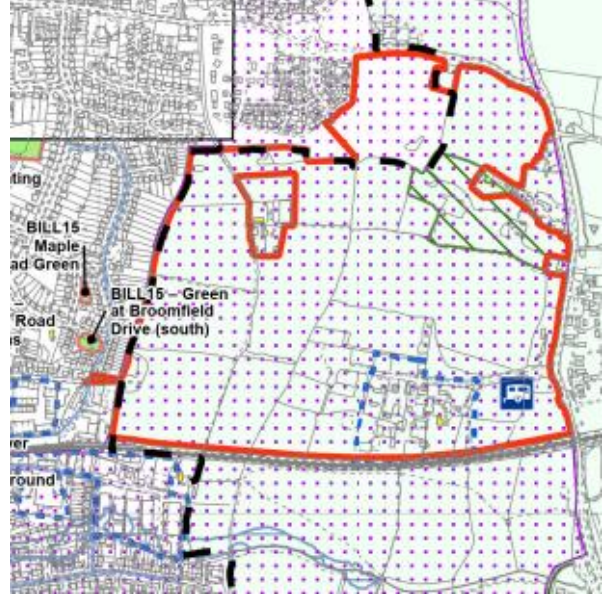
2.38 Whilst we understand that Omission Sites are not being considered at this stage, we urge the Inspectors to revisit our client's site in the event, as we consider must be the case, further good quality, well located sites like this one are needed to positively address the future employment needs of Horsham in a coherent, sustainable, plan led manner over the forthcoming plan period.

**APPENDIX 1**

**SCHEDULE OF TABLE 6: EMPLOYMENT SITE ALLOCATIONS**


Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
HA2 - Land west of Ifield	<p>Strategic mixed use allocations for 3,000 homes including:</p> <p>d) Around 2.0 ha of employment floorspace to incorporate an enterprise and innovation centre, and to include:</p> <ul style="list-style-type: none"> <li>i. non-retail and restaurant E class employment uses (offices, research, professional services and light industrial);</li> <li>ii. B2/B8 uses (general industry and warehouse/distribution; and</li> <li>iii. provision for improved home working facilities and desk space units within the development</li> </ul>	<p>Large settlement extension allocation capable of delivering 3,000no. Homes of which 1,600 planned for delivery in period to 2040.</p> <p>Undeveloped land requiring masterplanned approach, an agreed economic strategy and significant mitigation for road impacts will not be delivered for many years to come.</p> <p>The land identified for employment 2ha, represents a small element of the overall allocation to come forward and complement the housing on a coordinated and phased approach.</p> <p>This is envisaged to deliver a range of units types and uses including an enterprise and innovation centre.</p>	 <p>HDC LP Map 40</p>

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
HA3 - Land north west of Southwater	Mixed use strategic allocation for 1,000 homes including: c) Subject to suitable access being demonstrated, around 4.0 ha of employment floorspace shall be provided (office, including flexible desk space, industrial, storage and /or distribution) within one or both of the following locations: i. the employment area identified to the north of the development site; ii. the neighbourhood centre.	Large settlement expansion allocation for 1,000no. Homes of which 735 projected to be delivered by 2040. Long lead in time for comprehensive masterplanned approach for the site with employment representing a relatively small part 4ha to deliver a range of uses and employment opportunities.	 <p>HDC LP Map 34</p>

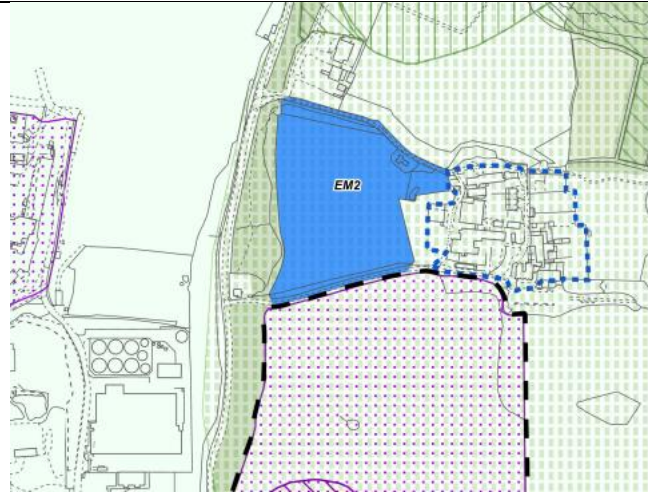
Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
HA4 - Land east of Billingshurst	Strategic allocation for at least 650 homes, including: c) Around 0.5ha employment floorspace shall be provided (office, including flexible desk space, industrial, storage and / or distribution uses) within one or both of the following locations: i. the community hub; ii. land adjacent and to the east of Rosier Business Park to provide compatible employment floorspace.	Allocation for at least 650no. Homes with illustrative masterplan showing 0.5ha of employment land to east of Rosier Business Park. Allocation can only be brought forward in accordance with a masterplan agreed with the Council. Land is currently undeveloped with no planning application submitted. Lacks infrastructure capable of delivering short term employment needs, nor offers the prominence or access to the strategic highway network. By comparison with land south of Hilland Farm where access links and infrastructure are already in place, with far better, sustainable transport links to the centre of Billingshurst and the housing growth at Billingshurst immediately to its south, with retail facilities nearby. HDC commissioned EGA study (appendix 5 – EC02) comparative assessment of the two sites indicates that Rosier Centre (site ref. 17) has a remote location with no pedestrian access to the centre of Billingshurst. By contrast in commenting on the Billingshurst Business Park location (EC02 site ref. 12) it comments how it is likely to be attractive to the market. They further comment it is only 600metres from the services and facilities in the centre of Billingshurst and due to access and location it offers a prime spot at the edge of the town.  The Council’s own assessment of the Rosier Business Park site under SHELAA site ref:	 <p>HDC LP Map 4</p>

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
		<p>SA819 in the Site Assessment Report (H11 Part E) dated Dec 20230 records that:  <i>Currently there is no safe pedestrian access to the site from Billingshurst;</i>  <i>There is access to public rights of way through fields but there are currently no made pedestrian public footpaths from the site to Billingshurst centre or Billingshurst Railway Station which lie over 1.5km by footpath to the west.</i>  <i>The site is relatively remote from any shops. It is around 2km away by car via the A272 from the shops and services within Billingshurst village centre.</i>  <i>It provides a mix of building types, including converted farm buildings and modern warehouse type buildings, and there are large external areas of storage and the operation of coaches, road transport businesses, car services and other vehicles.</i>  <i>The site is located in the countryside to the east of Billingshurst. It is currently separated from the Billingshurst built up area boundary by fields, however, these fields form part of the proposed East of Billingshurst strategic site allocation.</i>  <i>No bus stop is readily accessible.</i></p> <p>HDC Site Assessment Ratings (H11, Part E)                      Environmental: Neutral                      Social: Neutral                      Economic: Favourable</p>	





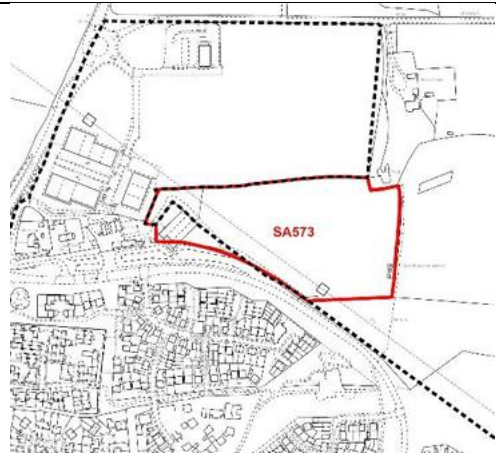
Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
Site EM1- Land South of Star Road Industrial Estate, Partridge Green, RH13 8RA	3.8ha is allocated for B2 and B8 and ancillary office / E(g) uses (c.9,000sqm in total). The ancient woodland must be retained and enhanced, and an appropriate buffer of 15m buffer or greater will be required. An operational buffer must also be provided around the sewage treatments works, as appropriate.	<p>Undeveloped land in hidden location to rear of established employment area with no apparent point of access established. Homelands equestrian facility neighbouring to the east Ref. DC/18/1638 could limit operations and hours.</p> <p>HDC Employment sites assessment (H11 Part E, Site Ref. SA063) notes:  <i>The Landscape Capacity Study (2021) assesses the area to have moderate to high capacity for development (excluding the ancient woodland).</i>  <i>The north eastern section contains an area of Ancient Woodland which is also protected by a Tree Preservation Order (TPO). This would require at least a 15m buffer should development take place on the site.</i>  <i>The site promoter indicates the site comprises some Grade 3a and 3b Agricultural Land. It lies within the Brick Clay (Weald Clay) Minerals Safeguarding area. The site is potentially affected by noise/odour/nuisance from the adjoining Industrial Estate and Sewerage Treatment Works.</i>  <i>A high-pressure gas pipeline and its 150m buffer affects much of the site, it is noted however that this has not unduly limited development on land adjacent.</i></p> <p>HDC Site Assessment Ratings (H11, Part E) SA063                      Environmental: Unfavourable (with potential for mitigation)                      Social: Neutral                      Economic: Favourable</p>	 <p>HDC LP Map 26</p>



Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
Site EM2 - Land to the West of Graylands Estate, Langhurstwood Road, Horsham NR RH12 4QD	3.0ha is allocated for B2 and B8 and ancillary office / E(g) uses (c.9,000sqm in total) as an expansion to the west of the existing employment site, taking into account the proximity of the allocation of Land to the North of Horsham. The ancient woodland must be retained and enhanced, and an appropriate buffer of 15m buffer or greater will be required. Appropriate regard must be given to the nearby waste facilities and comply with Policy 2 of the Waste Local Plan.	<p>Rural location detached from Horsham to the north of it, served by country road with no footways, adjacent to dated countryside business park to the east with limited services available locally.</p> <p>HDC Employment sites assessment (H11 Part E, Site Ref. SA363) notes:  <i>The site falls within Landscape Character Area 10 in the Landscape Capacity Study (2021) and is considered to have no / low capacity for medium and large-scale housing and also no / low capacity for large scale employment.</i></p> <p><i>Ancient Woodland lies within the western and north-eastern borders of the site and any development would need to take account of this and retain, as a minimum, a 15m buffer. A Site of Special Scientific Interest (SSSI) and Local Wildlife 481 Site (LWS) lie near the northern boundary.</i></p> <p><i>A Scheduled Monument lies across a field to the south-west. These would need to be considered should the site be developed.</i></p> <p><i>The split site is relatively tranquil despite the employment operations in between. The site can be subject to smells and / or disturbance from the Landfill site, quarry and Brickworks to the southwest, west and north of the site. It lies within the Brick Clay (Weald Clay) Minerals Safeguarding area and the Warnham Brickworks Permitted Minerals Site consultation area. About a third of the western field (southwestern corner) lies within a Major Hazard 390m consultation buffer zone (Warnham Brickworks). The</i></p>	 <p>HDC LP Map 16C</p>

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
		<p><i>western border covered by Ancient Woodland lies within an intermediate pressure gas pipeline 50m buffer zone. Much of the site lies within a Heat Priority Area. With the exception of the immediate surroundings, the site is in a relatively rural location and not well connected via sustainable transport modes. Public transport links are poor even though Warnham Station lies 1.5km away by road. There is no made footpath to Warnham Station or Horsham.</i></p> <p>HDC Site Assessment Ratings (H11, Part E) SA363 Environmental: Unfavourable (with potential for mitigation) Social: Neutral Economic: Favourable</p>	

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
Site EM3 - Land at Broomers Hill Business Park, Pulborough RH20 2RY	2.7ha is allocated for B2, B8 and ancillary office / E(g) uses (c. 7,000sqm in total) as an expansion of the existing employment site. Appropriate regard will need to be given to any potential impacts from surface water and waste water on the Arun SSSI.	<p>Site to the north of Pulborough adjacent to Stane Street. Undeveloped land with no established point of access.</p> <p>Non-delivery of 10no.industrial units approved in 2013 Ref. DC/13/1048, suggests sub-optimal location.</p> <p>HDC Own evidence base employment sites assessment (H11 Part E, Site Ref. SA385) identifies the following constraints and opportunities.</p> <p><i>The Landscape Capacity Study (2021) assesses the area to have a no / low capacity for development.</i></p> <p><i>The site lies within the Brick Clay (Weald Clay) and Building Stone (Horsham Stone) Minerals Safeguarding area, which may need to be extracted prior to any development.</i></p> <p><i>Public transport links are however substandard for employment uses, with up to an hourly bus service (Mon-Sat) on the A29. Whilst there are bus stops less than 0.5 km distant, pedestrian (and cycle) access to them is unattractive due to the narrowness of the side path and speed of traffic on the A29. Whilst there is a footway (narrow in places) providing access along the A29 to Codmore Hill and Pulborough, it is not a particularly attractive walk (1km to Codmore Hill) and many employees would largely be reliant on private motor vehicles.</i></p> <p>HDC Site Assessment Ratings (H11, Part E) SA385                      Environmental: Unfavourable (with potential for mitigation)                      Social: Neutral</p>	 <p>HDC LP Map 27 and 27B</p>

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
		Economic: Favourable	
Site EM4 - Land South West of Hop Oast Roundabout, Southwater NR RH13 0AX	1ha is allocated for B2 and B8 uses and ancillary office / E(g) uses (c.3,000sqm in total). Appropriate regard will need to be given to any potential impacts from surface water and waste water on the Arun SSSI.	<p>Prominent location at northern entrance to Southwater adjacent to A24/Worthing Road roundabout. Would appear better suited to road side facilities.</p> <p>The site is undeveloped, with no established point of access.</p> <p>HDC Site Assessment Ratings (H11, Part E) SA385                      Environmental: Neutral                      Social: Neutral                      Economic: Favourable</p>	 <p>HDC LP Map 34</p>
SA573 Land at Hilland Farm Billingshurst	Capable of accommodation c. 2.7ha B2/B8/E(g(ii and iii)) floorspace, c.10,000sqm	<p>HDC Site Assessment Ratings (H11, Part E) SA573                      Environmental: Very negative (impacts unlikely/unable to be mitigated)                      Social: Neutral                      Economic: Neutral</p> <p>The ratings applied to this site by the Council are difficult to reconcile with those applied to others which the Council have allocated, considered above.</p> <p>We address our concerns with the manner in which the landscape impact has been assessed by the Council in our Regulation 19 representations dated 29 February 2024 and in our hearing statement on this matter.</p>	 <p>HDC Site Assessment H11, Part E site SA573, page 500</p>

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
		<p>It is equally alarming that the Council considered all other site rated positively for Economic considerations yet rated this one only neutral.</p> <p>This is a site which the appeal Inspector (PINS Ref. 3288070) afforded ‘significant positive weight’ (paragraph 39) to the economic benefits arising from the inward investment and jobs which would be created from its development during the construction and operational phases.</p> <p>Unlike some of the other sites included for allocation the site in question neighbours a successfully implemented business park, which the Council’s economic advisors refer to as being attractive to the market in a prime spot at the edge of the town (EC02, appendix 5, site 12).</p> <p>Unlike the other sites, this one has access infrastructure and services in place to make it an attractive destination, accessible via the strategic highway network, yet also accessible to a large local workforce with good, well established sustainable transport routes. In short the site is capable of delivering the high quality new business floorspace and jobs which provides clear opportunities for residents to live and work locally. Key objectives of the Economic Chapter of the LP.</p> <p>Our submission is that a fairer rating of the site would be as follows:</p>	

Policy 29 : New Employment			
Table 6: Employment Site Allocations			
Site Name	Indicative employment floorspace sqm (Use Classes B2/B8/E(g))	Commentary	Location
		Environmental: Neutral/Limited Unfavourable (capable of mitigation) Social: Favourable Economic: Favourable	

**APPENDIX 2**

**AUDIT OF EXTANT EMPLOYMENT PLANNING PERMISSIONS**

Extant consents relied upon by council in SP Consultation Response								Audited figures (from a sample of checks)						
District Planning Ref	Site Address	B1 mix	B1a	B1c	B2	B8	Total (used in Table 3.1 of EGA Horsham Update)	Comments from initial checks made so far	B1 mix	B1a	B1c	B2	B8	Total
DC/10/1314	Abingworth Nurseries Storrington Road Thakeham			957			957	Mixed use, housing-led development including 146 residential units and community workshops/ studios (957.5 sq m) on "Site A, Abingworth Nursery" (to enables investment in the manufacturing facility on "Site B, Chesswood Nursery".) This figure disregards the extensive demolition of buildings for housing on Site A as part of the business's consolidation. Delete.						-
DC/12/0804	Woodside Guildford Road Clemsfold			150			150	Not yet reviewed.			150			150
DC/12/1186	Kingsfold Nursery Dorking Road Kingsfold					168	168	Not yet reviewed.					168	168
DC/13/1346	Station Works Myrtle Lane Billingshurst		- 478				- 478	Development of 12 dwellings and B1a commercial units. Hence the loss of space is 792 sq m of B1c floorspace and the gain is 314 sq m of B1a.		314	- 792			- 478
DC/13/2288	The Business Park Maydwell Avenue Slinfold				1,416		1,416	Proposed extension of existing buildings for the occupiers. Application form suggests no additional employees. Restricted hours of operation - 06:00 to 19:30 Mon to Fri; 08:00 to 13:00 Sat with no activities on Sundays or Bank Holidays. Record says permitted 2016 but not started and now expired. Consider deletion.				1,030	386	1,416
DC/15/2197	Unit 7 Star Road Partridge Green					88	88	Not yet reviewed.					88	88
DC/16/0211	The Business Park Maydwell Avenue Slinfold					1,565	1,565	Proposed extension to existing warehouse for extra storage by the current occupier with no space for additional employment. (Monitor says not started and now expired but aerial photo suggests it has been built.) Offers no extra employment capacity to offset target unless unexpectedly vacated.						-
DC/16/0599	Bankside House Henfield Road Small Dole		135				135	Not yet reviewed.		135				135
DC/16/0990	Cidermill Farm Knob Hill Warnham			682			682	Not yet reviewed.			682			682
DC/16/1343	Unit R2 Rosier Business Park Coneyhurst Road Billingshurst			96			96	Not yet reviewed.			96			96
DC/16/2006	Broomers Hill Park Broomers Hill Lane			1,650			1,650	Stems from DC/13/1048. Monitor says not started and now expired although planning consultant's website suggests still live.			1,650			1,650
DC/16/2059	Rudgwick Brickworks Lynwick Street Rudgwick				822		822	Monitor says completed and occupied - so no longer extant.						-
DC/16/2595	76B High Street Steyning		100				100	Not yet reviewed.		100				100
DC/16/2827	Newbridge Farm Newbridge Road Billingshurst				676		676	Design & Access Statement for DC/20/2090 confirms that the building was already in use by 2019. Spoken for; delete.						-
DC/16/2911	The Hut at Waterhall Farm Prestwood Lane Ifield				160		160	Not yet reviewed.				160		160
DC/16/2963	Land at Brinsbury Fields Stane Street Pulborough				3,710		3,710	Already spoken for by Harwoods (motor trade). Delete.						-
DC/17/0162	Fulfords Road Itchingfield					119	119	Not yet reviewed.					119	119
DC/17/0223	19 Black Horse Way Horsham		61				61	Not yet reviewed.		61				61
DC/17/0596	Coneyhurst Road Coneyhurst					60	60	Not yet reviewed.					60	60
DC/17/0707	Drewitts Spronketts Lane Spronketts Lane Warninglid					208	208	Not yet reviewed.					208	208
DC/17/1000	Blakers Yard Worthing Road Dial Post	- 551					- 551	Demolition of buildings and erection of 17 dwellings with loss of 801 sq m of B2 space and a gain of 250 sq m of flexible A1/B1 space.		250	- 801			- 551
DC/17/1296	Barnat at Maple Farm Marches Road Warnham					475	475	Not yet reviewed.					475	475
DC/17/1364	Warnham Brickworks Langhurst Wood Road Horsham		318				318	Not yet reviewed.		318				318



Extant consents relied upon by council in SP Consultation Response								Audited figures (from a sample of checks)						
District Planning Ref	Site Address	B1 mix	B1a	B1c	B2	B8	Total (used in Table 3.1 of EGA Horsham Update)	Comments from initial checks made so far	B1 mix	B1a	B1c	B2	B8	Total
DC/17/1544	10 Graylands Estate Langhurst Wood Road Horsham			333			333	Not yet reviewed.			333			333
DC/17/1568	Elmhurst Farm Five Oaks Road Slinfold	234					234	Not yet reviewed.	234					234
DC/17/1801	Stane Court Stane Street Billingshurst		320				320	Not yet reviewed.		320				320
DC/17/2804	Cootham Lea Workshop Pulborough Road Storrington			468			468	Application includes the retention of some existing space and confirmation of some longstanding open storage. The net additional space (split B1c/B2/B8) is 313 sq m.			104	104	104	313
DC/18/0311	The Piggery West End Lane Henfield			135			135	For Certificate of Lawful Development. No extra capacity created; delete.						-
DC/18/0618	Unit 1 and 2 Tickfold Farm Marches Road Kingsfold	385					385	Not yet reviewed.	385					385
DC/18/0621	Bridge House Equestrian Centre Five Oaks Road Slinfold				2,313		2,313	Not an extant consent. Spoken for by ERG to accommodate growth since consent was granted in 2018 (included 800 sq m of office space). There was a net loss of 706 sq m (former riding school).						-
DC/18/0838	Dial Post Park Dial Post Farm Horsham		875				875	Split includes 600 sq m of B1a. (Like much of supply, this is a relatively rural location where farm buildings have been adapted over time, largely for the existing occupier's use.)		600			275	875
DC/18/1087	Baileys Farm Brooks Green Road Coolham		416				416	Not yet reviewed.		416				416
DC/18/1215	Langhurst Wood Road Horsham Horsham					179	179	Not yet reviewed.					179	179
DC/18/1284	Floodgates Castle Lane West Grinstead					555	555	Rural location making use of former farm/forestry property. Not comparable to the proposed development (like many others).					555	555
DC/18/1497	Oak Farm Goose Green Lane Goose Green					950	950	Proposal is to secure retrospective consent and repositioning of doors. No net gain; delete.						-
DC/18/1612	Daux Road Industrial Estate Daux Road Billingshurst				147		147	Not yet reviewed.				147		147
DC/18/1649	Howards Nursery Handcross Road Plummers Plain			181			181	Erection of garage/storage building (part retrospective) and replacement industrial building. Adaptation over the years of dilapidated, low grade rural buildings.			116		65	181
DC/18/1812	Smithers Farm Guildford Road Rudgwick	165					165	Not yet reviewed.	165					165
DC/18/1828	Stables On Land South of Mill Lane Mill Lane Partridge Green		91				91	Not yet reviewed.		91				91
DC/18/1830	Firland Park Industrial Estate Henfield Road Albourne	703					703	Another rural industrial estate (between Henfield and Albourne).	703					703
DC/18/2151	Dawes Farm Bognor Road Warnham			1,930			1,930	Change of use of existing redundant agricultural building. Generally low specification buildings reflecting their original use and rural setting.			1,930			1,930
DC/18/2155	Oakwood Farm Five Oaks Road Slinfold	396					396	No longer extant. Permitted 2018 and built. Rural business units with shipping containers also available for storage. (One of many rural sites that is not comparable to the proposed development.)						-
DC/18/2507	Unit 1A Foundry Lane Horsham Horsham					833	833	Proposal is for conversion to B8 for "self-storage" purposes with few jobs (3.5 FTE staff).					833	833
DC/18/2658	Stane Street Adversane					6,000	6,000	This planning application is for an open storage yard and associated access road. Deduct 6,000 sq m which does not constitute floorspace.						-
DC/18/2725	Bus Station Rear of 1 Station Road Warnham Horsham			186			186	Not yet reviewed.			186			186

Extant consents relied upon by council in SP Consultation Response								Audited figures (from a sample of checks)						
District Planning Ref	Site Address	B1 mix	B1a	B1c	B2	B8	Total (used in Table 3.1 of EGA Horsham Update)	Comments from initial checks made so far	B1 mix	B1a	B1c	B2	B8	Total
DC/18/2735	Rosier Commercial Centre Coneyhurst Road Billingshurst					7,800	7,800	This planning application is for 3 open storage compounds not 3 buildings. Deduct 7,800 sq m which does not constitute floorspace.						-
DC/19/0064	Estate Office Oakendene Industrial Estate Bolney Road Cowfold					162	162	Not yet reviewed.					162	162
DC/19/0133	The Grain Store Great Betley Farm Stonepit Lane Henfield					162	162	Not yet reviewed.					162	162
RW/9/02	Units 1-3 Millfields Barn Rowhook					412	412	Application in 2002 for the conversion of an existing B8 building into 3 units. The application form and Design Statement indicate the property was to be upgraded with no net gain in floorspace.						-
SP/48/98	Ex Arun Feed Mills Sincox Lane Shipley			- 215		-	215	Not yet reviewed.			- 215		-	215
	Fly Farm (Units Y) Sinnocks West Chiltington			69			69	Not yet reviewed.			69			69
	Parsonage Way North Horsham				8,800		8,800	No extant consent recorded. The site is in active operational use as a "civil engineering depot" by the owner and is used for open storage. The owner's agent says development of 1,858 to 4,645 sq m might be contemplated - if so, then only on a pre-let basis. Assume say 4,645 sq m B1c/B2/B8 (but availability and timing uncertain due to current use).			1,548	1,548	1,548	4,645
	Wealden Brickworks Langhurstwood Road North Horsham				11,505		11,505	No extant consent recorded. Area associated with waste management/minerals operations and an incinerator proposal - according to WSCC this entry stems from a lapsed outline application in 2009 and should be disregarded.						-
	Wealden Brickworks Langhurstwood Road North Horsham					10,015	10,015	No extant consent recorded. Area associated with waste management/minerals operations and an incinerator proposal - according to WSCC this entry stems from a lapsed outline application in 2009 and should be disregarded.						-
<b>TOTAL</b>		<b>1,332</b>	<b>1,837</b>	<b>6,622</b>	<b>29,549</b>	<b>29,751</b>	<b>69,091</b>	<b>TOTAL</b>	<b>1,487</b>	<b>2,604</b>	<b>5,857</b>	<b>2,189</b>	<b>5,388</b>	<b>17,525</b>

**APPENDIX 3**

**APPEAL DECISION LAND SOUTH OF HILLAND FARM**



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## Appeal Decision

Hearing held on 29 and 30 November 2022

Site visit made on 30 November 2022

**by O S Woodward BA(Hons.) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 February 2023**

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**Appeal Ref: APP/Z3825/W/21/3288070**

**Land to the south of Hilland Farm, Stane Street, Billingshurst RH14 9HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Dunmoore Group against the decision of Horsham District Council.
  - The application Ref DC/21/0748, dated 18 May 2021, was refused by notice dated 24 September 2021.
  - The development proposed is the development of up to 9,825 sq m of Class E (Industrial Processes), B2 and B8 floorspace.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have changed the description of development to remove the references to the outline nature of the proposal, which could instead be controlled by condition. This was agreed by the main parties at the hearing.
3. The appeal is for outline planning permission with all matters reserved except for access. It has been agreed that the following drawings are the formal drawing set for the appeal: D-101-TP2-LP-01, 01B, and 02B. In addition, an illustrative masterplan and building heights plan have been submitted. I have taken account of these as appropriate throughout my Decision, whilst acknowledging their indicative status.
4. The appellant is also the owner of the Billingshurst Trade and Business Park (BTBP). This lies to the north of the appeal site. Phases 1 and 2 of the BTBP have already received planning permission and are partly occupied, partly under-construction, and partly awaiting construction. The appeal proposal would, in effect, be Phase 3 of the BTBP and would be accessed through Phases 1 and 2. I have taken account of this as appropriate throughout my Decision.
5. The Council has postponed publication of the latest version of its emerging Local Plan. The timetable for adoption of the Local Plan is therefore uncertain and it is highly likely that when it is released it will have been modified, perhaps significantly, from the previously released version in 2020. The emerging Local Plan therefore has very limited weight.
6. A signed Unilateral Undertaking, dated 16 November 2022 (the UU), has been submitted. This secures a payment towards the monitoring of the proposed

Travel Plan. The Travel Plan is required towards mitigation of the effect of the proposal on the transport network and to reduce carbon emissions. I am satisfied that the provision of the UU would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken it into account.

7. The Sussex North Water Supply Zone (SNWSZ) lies in the District. This is a zone linked to the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar. The SNWSZ relies on groundwater abstraction which cannot, with certainty, take place without adverse effect on the integrity of these sites. This has been confirmed by Natural England and is accepted by the main parties. In practice, this means that most proposals within the SNWSZ must be 'water neutral' and supply all their own water requirements, otherwise they would have likely significant effects on the integrity of the sites. I consider this as appropriate throughout my Decision.
8. Submissions were received during and after the hearing, as set out in Annex B. I am satisfied that the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the additional documents.

### **Main Issues**

9. The main issues are:
  - the effect of the proposal on the character and appearance of the area, with regard to landscape character;
  - whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance; and,
  - whether or not there is a need for the type of employment floorspace proposed by the appeal scheme.

### **Reasons**

#### *Character and appearance*

10. The appeal site is a field. It is pleasant but unremarkable. There are two lines of oak trees to the northern boundary and a small clump of further oak trees to the south east corner. Two of these trees are 'category A', the others are 'category B'. Substantial electricity pylons run through the appeal site along the south-west boundary. There is also a mobile phone mast to the western boundary, sitting in a small clump of existing trees.
11. The appeal site is a relatively small field of irregular shape and forms part of a wider pattern of relatively small, irregularly shaped fields in the area, leading south and east away from the appeal site and Billingshurst. This is interspersed, at regular intervals, with wooded areas and substantial tree-lined hedgerows, which foreshorten and limit views from the site over the countryside. Beyond Billingshurst the hills of the South Downs National Park (SDNP) are visible, albeit at a significant distance.

12. The appeal site is heavily influenced by urbanising features. Within the site are the pylons and mobile phone mast. To the north is Phases 1 and 2 of the BTBP. This is partly constructed and occupied and partly under-construction and comprises a number of fairly substantial commercial buildings with associated access roads and car parking. It sits at a lower elevation than the appeal site. To the south and west is a road and on the opposite side residential development, marking the current boundary of Billingshurst. The appeal site is visible from the residential properties to the south and west, from users of the BTBP, from drivers along the road to the south west, and also from a Public Right of Way (PRoW) which runs along the eastern boundary of the site.
13. It is proposed to construct four relatively substantial commercial buildings with associated access roads and car parking. Most of the trees to the northern boundary would be felled, although the 'category A' tree would be retained. The group of trees to the south east corner would be retained. Substantial new tree planting is proposed to the eastern boundary and a green corridor would be retained underneath the pylons along the south west boundary. The provision and detail of these elements could be controlled by condition.
14. The proposal is in outline with all matters reserved apart from access. However, the proposal would be an extension to the existing BTBP and the appearance of the proposed buildings would therefore likely be similar to those already built or under-construction in Phases 1 and 2 of the BTBP. This could be controlled by future reserved matters and/or condition discharge submissions.
15. The proposal would urbanise a currently open field. It would be relatively prominent because it is on an elevated piece of land compared to its immediate surroundings. It would be more visible than the existing BTBP, particularly to the residents to the south west, both due to this higher elevation and because it would be closer to them. However, this would still be appreciated in the context of the existing BTBP, which is visible to the residents of those properties. The scale of the proposal would be appropriate, as it would act as an extension to the existing BTBP, with similarly sized commercial buildings, and a relatively modest expansion to the overall size of the BTBP. The proposal would also sit behind the tall and prominent electricity pylons running along the south west boundary. The proposed green corridor would run underneath and in front of these pylons which would partially mitigate the visual effect of the proposed buildings.
16. The proposal would also introduce substantial built form adjacent to the PRoW. However, the proposed planting to the eastern boundary would significantly reduce the negative effect of the built form on users of the PRoW. In addition, the most attractive of the existing views from the PRoW are to the east, being the long distance views over the wooded countryside. The existing views over the appeal site are already truncated and influenced by Phases 1 and 2 of the BTBP, the existing road, and the electricity pylons.
17. Overall, the proposal would constitute relatively substantial built form on an open, undeveloped relatively small and irregularly shaped field, which is one of the key characteristics of the area. However, the proposed development would be appreciated in the context of the existing urbanising influences, in particular the existing BTBP, the pylons, and the road and new residential development. Reserved matters and condition discharge submissions could control the detail

of the design, location and height of the proposed buildings, as well as the proposed landscaping and other mitigatory features. Consequently, the proposal would only result in limited harm to the character and appearance of the appeal site and the surrounding area, including to landscape character.

18. Nevertheless, although limited, there would be some harm and the proposal therefore fails to comply with Policy 25 of the Horsham District Planning Framework (excluding South Downs National Park) 2015 (the HDPF) which seeks to protect landscape character. It fails to comply with Policy 26 of the HDPF in so far as it relates to rural and landscape character, and scale appropriate to its character and location. It fails to comply with Policy 31 of the HDPF because it would result in the loss of green infrastructure through the development of the existing field. Lastly, the proposal fails to comply with Policies 32 and 33 of the HDPF insofar as they require high quality design.
19. Within Billingshurst, to the south west, is St Mary's Church, a grade I Listed building. The church sits on a hill and views of the church, and in particular its spire, are protected by Policy BILL 17 of The Billingshurst Parish Neighbourhood Plan 2019-2031, Referendum Version May 2021 (the NP). There is ambiguity in the character and appearance reason for refusal because although views toward the church are explicitly mentioned as being harmed, there is no heritage related reason for refusal and nor has such a case been advanced by the Council through the appeal. In any event, the proposal would not affect the setting of the church because it is sufficiently distant so that the church cannot be appreciated within the historic core of Billingshurst. In addition, although the proposal would partially block views of the spire from parts of the PRoW, the spire can only be appreciated in the context of significant intervening built form at present. The proposal therefore complies with Policy BILL 17 of the NP.
20. Similarly, although views from the PRoW towards the SDNP are explicitly mentioned in the reason for refusal, no case has been advanced by the Council that there would be harm to the setting of the SDNP. Given the significant distance to the SDNP and the relatively small scale of the proposal in the context of that distance, I agree that there would be no harm to the setting of the SDNP. The proposal therefore complies with paragraph 176 of the Framework.

#### *Principle of development*

21. Policy 2 of the HDPF is a strategic policy for development in the District. Part 5 of the policy supports an appropriate scale of development which retains the existing settlement pattern. The proposal is for a relatively modest extension to an existing trade park on the edge of the identified Small Town of Billingshurst, which is second in the hierarchy of settlements below only Horsham, as set out in Policy 3 of the HDPF. The proposal would therefore comply with this element of the policy. Part 6 requires development around the edges of existing settlements to be managed so as to prevent the merging of settlements and to protect the rural character and landscape. There would be no merging of settlements as a result of the proposal, either physically or perceptually. However, as established above, the proposal would result in some harm, albeit limited, to the rural character and landscape of the site and area. It therefore fails to comply with this element of the policy. Part 8 encourages the reusing of previously developed land. The proposal would introduce built form onto a

currently open field and would fail to comply with this element of the policy. The proposal therefore fails to comply with Policy 2 of the HDPF.

22. Policy 4 of the HDPF relates to the expansion of settlements and supports proposals that meet all of five different criteria. In this regard, the appeal site is not allocated for development and conflicts with the development strategy for the District, as set out above. The appeal site is not contained within an existing defensible boundary because it is on an open field with an open boundary to the countryside beyond to the east. The proposal therefore fails to comply with Policy 4 of the HDPF.
23. The appeal site lies outside of the defined built-up area of Billingshurst. It is an open field. It is proposed to construct commercial buildings. Policy 10 of the HDPF supports the principle of economic development that maintains the quality and character of the area in such locations, but only for rural economic development, such as farming based enterprises. Insofar as it relates to the principle of development, Policy 26 of the HDPF states that, outside the built-up area boundaries, any proposal must be essential to its countryside location. A number of appropriate development types are listed, none of which are trade park-style commercial development. Policy Bill 1 of the NP directs development to within the defined built-up area apart from a number of exceptions, none of which apply to the proposed development.
24. The proposal therefore fails to comply with any of the Development Plan policies that relate to development outside of the defined built-up area and the appeal site would not be an appropriate location for development of this type.

#### *Need for employment floorspace*

25. The proposal is for 9,825 sq m of Class E (Industrial Processes), B2 and B8 floorspace. Use Class E was formerly Use Classes B1a, B1b and B1c, of which Use Class B1c was for 'light industrial' floorspace and relates to the proposed Class E (Industrial Processes) use.
26. Lichfields has produced two Economic Growth Assessments (EGAs), the first in January 2020 covering Crawley Borough Council, Horsham District Council, Mid Sussex District Council, and the second in November 2020 focussed solely on Horsham District (the Horsham EGA). Both EGA's are based on economic forecasts from Oxford Economics from the last quarter of 2018, past trends and how they might change in the future, and estimates of the future growth of labour supply calculations, ie housing delivery, based on 920 dwellings per annum (dpa) for the period 2019 to 2036. The Horsham EGA, as well as being focussed on Horsham, also starts to factor in the effect of the political and societal changes related to the response to Covid-19, including updated data from Oxford Economics, as well as the revised emerging Local Plan period of 2019-2037.
27. The data provided on employment floorspace requirements in both EGAs lacks precision. Three different methodologies for measuring the need are provided resulting in vastly different conclusions for the required floorspace. Baseline job growth equates to a requirement for all employment floorspace of 13,300 sq m whereas past development rates indicates 179,240 sq m. In addition, a breakdown to show the requirements of just Use Classes E (Industrial Processes), B2 and B8 is not provided, creating further uncertainty. However, the Horsham EGA does provide two important conclusions. Firstly, that even



using the scenario with the highest requirement, a surplus of 36,056 sq m of employment floorspace is predicted. Secondly, that the majority of employment job growth is likely to be in the office sector, with Class E (Industrial Processes) predicted to decline and Class B8 predicted to increase but by a lesser amount.

28. The appellant has criticised the methodology in the Horsham EGA, in particular regarding the correct job creation per sq m of floorspace and the need to allow for a vacancy rate of 10% within current stock. Applying the appellant's suggested changes would reduce the floorspace requirement from c.182,000 sq m to c.131,000 sq m. However, the Council has used a mid-point of the floorspace to job creation ratios that apply for the relevant use classes, which I consider to be a robust approach. The Council has also provided evidence to justify not adopting a blanket vacancy rate deduction for existing employment floorspace, albeit this indicates that the current occupancy rate is 90%, which is in accordance with the 10% vacancy rate suggested by the appellant.
29. Alternative scenarios are presented by both main parties based on either 1,200 dpa or 1,400 dpa housing delivery. However, the District is facing significant problems with future housing delivery because of the requirement to demonstrate 'water neutrality' within the SNWSZ. Achieving these higher housing delivery scenarios is therefore highly unlikely and I place very limited weight on them.
30. The above conclusions factor in supply from various sites, some of which are disputed by the appellant. I assess these below:
- Nowhurst Business Park, c.25,000 sq m of mixed employment use – this has not been built and its original planning permission has lapsed. However, an identical resubmission has been made and is due to be determined shortly and there is no reason to believe it will not be approved. It is unclear if the development will be built, given the original permission lapsed, but the resubmission provides some indication that it might be;
  - Land at Brinsbury College/Brinsbury Fields, c.16,000 sq m of mixed employment use – this has not been built and no substantive evidence either way has been provided regarding likely imminent construction;
  - Land north of Hilland Farm, c.19,000 sq m of mixed employment use - this is Phases 1 and 2 of the BTBP. c.5,000 sq m has been built and further units have been provided. However, the newer units are more focussed on retail than business use, being a petrol filling station, café, and potential new supermarket. c.13,000 sq m of the employment floorspace of the original consents is yet to be built. Overall, the BTBP is an active and expanding trade park and does provide significant employment floorspace. However, the more recent consents and construction indicate a shift towards a more retail-style provision; and,
  - Land southwest of Platts roundabout, c.4,500 sq m of mixed employment use – this has not been built and its original planning permission has lapsed. However, a resubmission has been made and is due to be determined shortly and there is no reason to believe it will not be approved. It is unclear if the development will be built, given the original permission lapsed, but the resubmission provides some indication that it might be.

31. The planning permissions for large employment sites are not routinely being converted into built development and/or are changing to become more retail in character if built. In addition, the appellant discounts the delivery of a number of the smaller sites in the EGA. However, the Council has provided detailed background to its calculations for the small sites, and their methodology is robust and consistent. It is therefore difficult to come to definitive conclusions on the delivery of employment sites in the District. However, due to the status of the large sites, a qualitative judgement must be made that I cannot rely on the full supply that is used in the Horsham EGA, and this must inform consideration of the overall need for new employment floorspace.
32. Overall, the quantitative and qualitative picture is opaque. A recent, robust EGA exists for the District which concludes there is a surplus of employment floorspace. However, relatively small changes in methodology or assumptions make significant changes to the employment need position, particularly when forecasting towards the end of the Local Plan period. Delivery, particularly of larger sites, is also unclear. Nevertheless, there is a strong recent track record of employment floorspace being granted planning permission. All of the large sites may not yet be delivering but they are mostly the subject of active planning applications and their future construction is plausible. Importantly, the Development Plan policies, in combination, are clear on directing new employment development to sites within the built-up area. The appeal proposal is on an unallocated site outside of the built-up area. In this context, I would expect to see compelling evidence that there is a need for the proposed employment floorspace, and this is not before me, because of the uncertainties and conclusions I have set out above.
33. It has not therefore been demonstrated that there is a need for the employment floorspace proposed and the proposal fails to comply with Policy 4 of the HDPF, which states that employment development outside the built-up areas must meet identified employment needs and Policy 7 of the HDPF, which states that additional employment areas must meet the need for new business activity.

### **Other Matters**

34. Two letters of objection have been submitted, raising various concerns, which have largely been assessed above. One of the letters also raised concern regarding unacceptable traffic congestion as a result of the proposed development. I have taken this factor into consideration. However, it is not in dispute between the main parties and no substantiated evidence has been submitted that leads me to any different view.

### **Planning Balance**

35. It is common ground, and I agree, that the caveats in paragraph 11di of the Framework are not relevant to this appeal. Therefore, as set out in paragraph 11d of the Framework, where the policies most important for determining a planning application are out-of-date the 'tilted balance' of paragraph 11dii should be engaged.
36. For employment development, when policies should be considered as out-of-date is not explicitly defined in the Framework. However, the HDPF was adopted with a proviso that it be reviewed within three years, as set out at paragraph 3.27. An emerging Local Plan is in production but has been delayed

by the Council with no clear timetable for the next consultation and eventual adoption. Putting these factors together, I assess that the policies of the HDPF that relate to the location of employment development and the spatial strategy are out-of-date. These are Policies 2, 4, 7, 10 and 26 of the HDPF. The 'tilted balance' is therefore engaged. These policies relate to two of the main issues and are therefore part of the policies most important for determining the appeal.

37. I have found the proposal conflicts with the Development Plan, specifically Policies 2, 4, 10 and 26 of the HDPF and BILL 1 of the NP, because it is for a type of development that is inappropriate on an unallocated, greenfield site, outside of the defined built-up area of Billingshurst. It has also not been demonstrated that there is a need for the type of employment floorspace proposed. The proposal therefore also fails to comply with Policies 4 and 7 of the HDPF. I acknowledge that these policies are out-of-date. However, that it has not been demonstrated that there is a need for the proposed floorspace is an important factor. Without this justification, I still place significant negative weight on the location of the appeal site on a greenfield site outside of the defined built-up area.
38. There would be limited harm to the character and appearance of the area, particularly with regard to landscape character and the proposal fails to comply with Policies 25, 26, 31, 32 and 33 of the HDPF and BILL 17 of the NP. The policies in relation to character and appearance are not directly affected by the expectation of a review of the Local Plan and they are consistent with the Framework in promoting high quality design. They are not out-of-date and I place moderate negative weight on this factor.
39. The proposal would create temporary jobs and inward investment during construction. It would then provide substantial employment opportunities in operation, calculated to be 190 full-time equivalent positions. A range of employment opportunities would be created. As directed by paragraph 81 of the Framework, and because of the clear inherent economic benefits of the proposal, I place significant positive weight on these economic benefits.
40. The proposal would result in a biodiversity net gain. Although there would be some trees lost, new native hedgerow, planting, and trees are proposed. This could be secured by condition and at reserved matters stages. I place moderate positive weight on these biodiversity and environmental enhancements.
41. As set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, a planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraphs 12 and 47 of the Framework reflect this requirement. The Framework is an important material consideration and the 'tilted balance' is engaged. However, the significant harm from the lack of demonstration of economic need and conflict with the spatial strategy, and moderate harm from the harm to the character and appearance of the area, in combination, would significantly and demonstrably outweigh the benefits of the proposal, even allowing for the significant economic benefits and the moderate environmental benefits. I am particularly conscious of paragraph 15 of the Framework and that the planning system should be genuinely plan-led. A wider review of the approach of the

Council to development outside the built-up area should come through the emerging Local Plan process.

### **Appropriate Assessment**

42. The site falls within the Impact Risk Zone of The Mens SAC and Ebernoe Common SAC. It also falls within the SNWSZ where 'water neutrality' is required to demonstrate that the integrity of the Arun Valley SPA, SAC and Ramsar sites would not be harmed. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA. These factors therefore weigh neutrally in the planning balance.

### **Conclusion**

43. For the reasons above, I conclude that the appeal be dismissed.

*O S Woodward*  
INSPECTOR

## **ANNEX A: APPEARANCES**

### FOR THE APPELLANT:

Richard Ground KC  
Roger Welchman MRTPI  
Simon Ward MRICS  
Thomas Souto MRICS  
Alex Marshall CEng MCIBSE  
Michael Joffe CMLI

Cornerstone Barristers  
Associate, Armstrong Rigg Planning  
Founding Director, Propernomics Limited  
Managing Director, Dunmore Group  
Development Director, Dunmore Group  
Associate, Davies Landscape Architects

### FOR THE LOCAL PLANNING AUTHORITY:

Matthew Porter MRTPI

Senior Planning Officer, Horsham District Council  
(HDC)

Adrian Smith MRTPI  
Rebecca Fry MRTPI  
Ines Watson CLMI

Major Applications Team Leader, HDC  
Senior Planning Policy Officer, HDC  
Landscape Architect, HDC

**ANNEX B: DOCUMENTS**

- 1 Council of the City of Newcastle Upon Tyne v SSLUHC[2022] EWHC 2752 (Admin)
- 2 Closing Statement Billingshurst Trade and Business Park, by Richard Ground KC, dated 30 November 2022