Itchingfield Parish Council

9th September 2026

Dear Planning Team

Itchingfield Parish Council (IPC) provides its response to planning application DC/26/0933 which is currently being considered by Horsham District Council.

This representation firstly addresses the status of the made Itchingfield Neighbourhood Plan, the principle of development and the proposal's failure to comply in principle with the adopted development plan. Thereafter the representation provides brief comments in respect of some site-specific matters covering issues including drainage, highways and design.

In preparing this response IPC has taken into consideration both planning consultancy advice and the objections lodged by residents of the Parish. IPC supports and endorses the local concerns to the proposed development expressed by consultee comments.

For the avoidance of doubt, the Parish Council **objects** to the proposed development and requests that Horsham District Council (HDC) refuse planning permission for the reasons set out in this letter.

Given the short timeframe allowed for this consultation period IPC has had limited opportunity to engage with expert advice; IPC reserves the option to provide further comments and/or provide further expert-based input beyond the expiry of the statutory consultation period.

The Development Plan

The UK planning system is plan-led. In England and Wales, Section 70(2) of the Town and Country Planning Act 1990 requires a local planning authority, when determining an application for planning permission, to have regard to the provisions of the development plan and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications *"must be made in accordance with the plan unless material considerations indicate otherwise"*.

The development plan is therefore the primary starting point for decision-making. Where a policy contained in one development plan document conflicts with a policy in another development plan document, Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires the conflict to be resolved in favour of the policy contained in the last document to be adopted, approved or published. In this case, the development plan comprises:

- Itchingfield Neighbourhood Plan (2024 – 2031) (INP)
- Horsham District Planning Framework (2015-2031) (HDPF)
- West Sussex Joint Minerals Local Plan (2018)

National policy sits alongside the development plan as a material consideration. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) restates the statutory position, confirming that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 1 of National Planning Policy Framework says it is a material consideration of *"critical importance"*.

*M*aterial considerations may also include the evidential and technical assessments submitted with an application, consultee responses, and any emerging policies (and the weight afforded such policies, which may depend on their stage of preparation and the extent of unresolved objections).

In practice, this means the decision-maker must identify the relevant development plan policies, assess whether the proposal complies with them, and then carry out a transparent planning balance that explains what weight has been given to any other material considerations and why.

Itchingfield Neighbourhood Plan (INP)

The Itchingfield Neighbourhood Plan was made on 8th October 2025. At the point it was made it became part of the statutory Development Plan for the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004. It is the last (and therefore most up to date) document to become part of the Development Plan.

The foreword to the Neighbourhood Plan confirms that the purpose of the INP is to set out how the parish will develop over the period until 2031, and how it will contribute to the housing build required by central government.

In scope, the INP is not limited to housing. It addresses where development should go, what kind of homes are needed and how development should be designed, while also covering wider land use matters including the environment and heritage, community infrastructure, the local economy and transport. It includes monitoring and review

provisions, policy maps, and an accompanying evidence base that informs the vision, objectives and policies.

The INP provides policy support for a wide range of development, including housing, where it is within the identified Built Up Area Boundary. In respect of housing, the INP expects a minimum of 61 new dwellings in the parish over the plan period, including circa 32 dwellings at Sumners Ponds, circa 20 dwellings at the Old School site, and 9 units anticipated as windfall within the Built Up Area Boundary (Policy 11). The IDP supports additional 'windfall' dwellings within the built up area boundary.

It is noted, and HDC will appreciate, that the site under consideration in this planning application was considered as part of the preparation work and evidence base informing the IDP and was considered 'undevelopable' for reasons including: impact on traffic congestion and safety; harm to the rural environment of the parish; potential to exacerbate surface water runoff onto Chapel Road; out of character with the remainder of the village.

Horsham District Planning Framework (2015-2031)

The HDPF contains both strategic policies and general planning policies and identifies development locations to meet future needs including housing, employment, retail and other uses, while also providing a framework for protecting and enhancing the natural and built environment. It includes a set of strategic allocations and explains that infrastructure requirements arising from development are supported through mechanisms such as the Community Infrastructure Levy and section 106 obligations, particularly on strategic sites.

HDPF Policies 2 and 3 seek to achieve a sustainable distribution of development in the district and to maintain the district's rural character, in part by focusing new development within defined Built Up Area Boundaries.

The application site is located outside the Built Up Area Boundary of Barns Green and is not allocated for residential development. Consequently, insofar as HDPF Policies 4 (Settlement Expansion) and 26 (Countryside Protection) set out criteria for consideration of development in such cases, the proposal would not be in accordance with these policies.

Compliance with Development Plan

It is clear that the adopted development plan does not allocate or provide policy support for new housing development at this site. The proposal is contrary to the HDPF and, significantly, is contrary to the INP.

The INP identifies where housing is intended to be accommodated up to 2031 and, by implication, where it is not, and it re-confirms the Built-Up Area Boundary for Barns Green. The proposed development would therefore represent a departure from a recently made - and by definition up to date – development plan.

In a plan-led system, a departure from the development plan can only be justified where there are material considerations of sufficient weight to indicate otherwise, and where the decision-maker can evidence a clear and transparent planning balance. In this case, the proposal runs directly counter to the settlement strategy and countryside protection approach embedded in the adopted development plan, including both the INP and the HDPF.

Material Considerations

As set out above, development proposals are required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to be determined in accordance with the Development Plan "*unless material considerations indicate otherwise*".

Such material conditions, in this case, included the NPPF and may include HDC's "*Shaping Development in Horsham District Planning Advice Note*" (SDHD), approved by HDC's Cabinet on 17 Sept 2025, as a non-statutory planning guidance document.

NPPF, August 2026

The latest version of the NPPF was released on 17th August and applied immediately. The Framework includes a set of national decision-making policies. HDC will be aware that the latest version of the NPPF excludes the test previously provided by NPPF paragraph 11d, and does not therefore define when a development plan is out-of-date. Rather the NPPF 2026, provides national policy that sets out criteria against which development should be judged, depending on whether it is within or outside a settlement.

Policy S3 of the NPPF requires decisions on development proposals to apply a presumption in favour of sustainable development, and that means for development proposal outside settlements, Policy S5 should be applied.

Policy S5 provides a list of "*certain forms of development*" that should be approved outside settlements. For proposals for residential development on undeveloped greenfield sites, the criteria/list includes:

"*j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or*

scores below 75% in the most recent Housing Delivery Test27), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or

ii. *Comprise major development for freight and logistics purposes which accords with policy E3*.

Notwithstanding Policy S5, Policy S6, which relates to "*Neighbourhood Plans and the presumption*" states that:

"*For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:*

a. The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b. The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2)

The Itchingfield Neighbourhood Plan satisfies criteria a) and b) of NPPF Policy S6.

In respect of Criterion a) the INP became part of the development plan on 8th October 2025, well within 5 years before the anticipated date of decision for planning application DC/26/0933.

In respect of Criterion b), Chapter 6 of the INP addresses housing provision within the INP area, and Policies 9, 10 and 11 provide the policies and allocations to meet the identified housing requirement.

In that context, Policy 6 of the NPPF applies in this case and, given the proposal conflicts with the neighbourhood plan, the expectation of NPPF Policy 6 is that the benefits of approving the development are likely to be substantially outweighed by adverse effects, and therefore the proposal should be refused.

Emerging District Plan

The applicant refers to the site as a draft allocation in the emerging Horsham District Local Plan. This does not materially alter the position. The emerging Local Plan is not adopted and, given the current stage of examination it cannot be afforded significant

weight. The Parish Council also notes that the Inspector examining the emerging plan has recently issued further questions to HDC regarding the proposed main modifications and site allocations, including in relation to the relationship between the main modifications and the Itchingfield Neighbourhood Plan.

Given the emerging plan's current draft status it cannot override the recently made Neighbourhood Plan or establish the principle of development.

Shaping Development in Horsham District Planning Advice Note

HDC's "*Shaping Development in Horsham District Planning Advice Note"* (SDHD), was approved by HDC's Cabinet on 17 Sept 2025, as a non-statutory planning guidance document. The purpose of the SDHD, as described by the officer's report to HDC Cabinet, is to *"to provide advice on the determination of planning applications in the context of the Council being unable to demonstrate a five-year housing land supply (and thus subject to the 'presumption in favour of sustainable development' also known as the 'tilted balance')"*.

As non-statutory planning guidance, the SDHD does not form part of the statutory development plan and is a material consideration only, with the weight afforded it dependent on the facts of the case and its consistency with national policy and the adopted development plan.

Evidently, since the release of the advice note in September 2025, the government has released new national policy - the August 2026 version of the NPPF - and the 'tilted balance' provision of the previous NPPF paragraph 11d no longer applies.

That notwithstanding the SDHD recognises that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and it frames the document as providing "*clarity*" and "*guidance*" about the Council's approach for those engaging with the planning system.

There are, in our view, two sections of the SDHD that are particularly relevant in the context of Horsham Council's consideration of planning application DC/26/0933.

Section 2 of the SDHD discusses the *"weight of the HDPF and other documents"*. Those 'other documents' include the emerging Horsham District Local Plan 2023-2040. The SDHD considers and provides guidance on the weight that can be given to the emerging Local Plan policies by reference to the considerations set out at paragraph 49 of the previous NPPF. Those same considerations are now set out at Policy DM4 of the NPPF August 2026.

For each of the considerations, HDC conclude that there is no justification for applying great weight to the policies of the still emerging HDLP, and paragraph 2.21 of the SDHD

concludes: "*Taking the above together, the general advice is therefore that although the policies of the emerging Local Plan are likely to be material considerations in relation to specific planning applications, the weight to be applied to such policies is, at the time of writing, likely to be limited in most cases. The weight may increase should the examination progress to further stages*."

Since the SDHD was issued in mid-September 2025, the preparation process for the emerging local plan has progressed including consultation (which expired on 27 August 2026) on Main Modifications to the Plan designed to address issues raised by the Inspector relating to housing need and supply.

However, there has been no further material progress to the examination of the emerging Local Plan in respect of specific site allocations, and – as we note above - the Inspector examining the emerging plan issued further questions to HDC on 7th September 2026 regarding the proposed main modifications and site allocations, including in relation to the relationship between the emerging plan and the Itchingfield Neighbourhood Plan.

Section 3 of the SDHD, relates specifically to Neighbourhood Plans, and provides advice in relation to the weight afforded Neighbourhood Plans in the context of (then) NPPF paragraph 11d) and the application of the 'tilted balance'. Paragraph 3.4 of the SDHD makes clear that even if a local authority is unable to demonstrate a 5 year housing land supply, paragraph 14 of the NPPF 2024 would apply providing the neighbourhood plan satisfied the criteria set out in paragraph 14.

As we note above, the latest version of the NPPF was released on 17th August and applies immediately. Policy S6 of the 2026 NPPF repeats the criteria previously applied by paragraph 14. Accordingly, the SDHD advice should be read as now applying to Policy 6 of the NPPF, which is clear that where a proposal conflicts with the neighbourhood plan, the benefits of approving the development are likely to be substantially outweighed by adverse effects, and therefore the proposal should be refused.

In our view, the benefit of some 31 new dwellings, in itself, carries insufficient weight to outweigh the conflict with the INP, and it cannot be sufficient reason to approve the proposal given the role and status of the Neighbourhood Plan and the requirement of Policy S6 of the NPPF.

There are other material considerations that must be considered, including those raised by consultee comments some of which we consider below:

<u>Pedestrian access</u>

The submitted Transport Statement (at paragraph 4.2.4) in respect of the main site access, says the footway along the north edge of the site access will "*continue for approximately 20 metres along the southern side of Church Lane to create a short., clearly defined pedestrian refuge and improve visibility between drivers and pedestrians at the access*" and paragraph 4.2.5 of the Transport Statement says the junction arrangement drawing is provided in Appendix 4 of the statement.

The Parish Council assumes the reference to '*Church Lane'*, "the *southern side of Church Lane*" and a "*20 metre pedestrian footway*" is an error and does not relate to the development proposed.

That notwithstanding, Appendix 4 of the Transport Statement shows the main site access works includes the provision of a pedestrian footway north and south of the access junction. The submitted "*Hard Landscape Proposals Sheet 4 of 4*" indicates that the location of this proposed footway falls outside of the application site, and its provision will therefore be reliant on other parties. It would also appear to conflict with existing, retained trees. It is unclear to the Parish Council whether this pedestrian footway is achievable.

Foul drainage

The Parish Council is concerned that the proposal would place additional pressure on an already constrained foul drainage and sewerage system, with a real-world history of sewer overflows affecting the local water environment. The Parish Council raised similar concerns in its consultation response to proposed development to the south of the application site (planning application DC/25/2057). Whilst the Parish Council acknowledges that Southern Water has confirmed there is "*currently capacity within the local foul sewer network for this development*" it has also confirmed that "*tests are currently being undertaken at Barns Green WTW*".

Development permeability

The Parish Council does not support the proposed entrance gate feature. The effect of the feature will be to perceive the development as a gated development, or otherwise deter permeability and access to the development and its reciprocal relationship with existing neighbouring development.

Policy 10A of the IDP encourages developments to incorporate and promote walking and cycling, and the Parish Council is encouraged that the proposal includes provision of pedestrian access to the site from Muntham Drive. In a similar vein, the Parish Council considers there is potential for the development to improve its permeability and

its connectivity with the wider Public Rights of Way network, by providing a direct pedestrian link to Smugglers Lane PROW to the southwest of the site.

Conclusion

The proposed development is contrary to the adopted development plan in principle. The site lies outside the defined Built Up Area Boundary, is not allocated for housing, and the proposal conflicts with the settlement strategy and countryside protection approach in the Horsham District Planning Framework.

Most significantly, it conflicts with the Itchingfield Neighbourhood Plan, which was made on 8 October 2025 and is therefore the most up to date expression of the development plan for the parish

The Neighbourhood Plan has been examined, endorsed through referendum, and made by Horsham District Council. It identifies how and where housing growth should be accommodated to 2031, and the application site is not supported by that strategy.

Policy S6 of the NPPF applies. The clear direction of Policy S6 is that permission should not be granted for development that conflicts with the Neighbourhood Plan, because the adverse impacts of doing so are likely to significantly and demonstrably outweigh the benefits.

The Parish Council does not consider the benefit of 31 dwellings can be deemed sufficient to reasonably outweigh the direct conflict with the made Neighbourhood Plan, or the spatial strategy of the adopted Local Plan.

For these reasons, and having regard to the additional concerns raised in this letter, Itchingfield Parish Council unequivocally requests that Horsham District Council refuses planning permission.

Kind regards,

Itchingfield Parish Council