

**RE: THE HORSHAM GOLF CLUB APPEAL DECISION
THE INTERPRETATION OF PARAGRAPH 14 OF THE NPPF**

ADVICE

INTRODUCTION

1. I am asked by [REDACTED] of Squires Planning to advise Southwater Parish Council (“SPC”) in respect of the approach adopted by a planning inspector (“the Inspector”) to paragraph 14 of the NPPF in an appeal decision dated 11 July 2025 by which outline planning permission was granted for a mixed use development at Horsham Golf Club, Denne Park, Horsham, RH13 0AX comprising “a Sports and Leisure Hub including the provision of communal facilities, nursery, golf college, sports club house (containing health & fitness spa, changing facilities and food & beverage) and an educational facility for Warren Clark Golfing Dreams (Use Classes E, F1 & F2); a local centre containing a convenience store and co-working space (Use Classes E & F2); the provision of supporting landscaping, open space and related infrastructure; outdoor sports and leisure provision comprising driving range, reprovision of golf (including supporting golf facilities) and hockey (including pitches and training area) (Use Class F2) and up to 800 dwellings (Use Class C3) (all matters reserved save for access)” (“the development”).

PARAGRAPH 14 OF THE NPPF

2. Paragraph 14 of the NPPF provides:

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, 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 policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*

THE INSPECTOR'S APPROACH

3. At paragraphs 58 – 61 of the Appeal Decision, the Inspector considered whether the appeal proposals would comply with the Development Plan and concluded that there would be a conflict with Policies 25, 26 and 27 of the Horsham District Planning Framework (“HDPF”) and Policy 1 of the Southwater Neighbourhood Plan (“SNP”). However, for the reasons given in paragraph 58 (including that Horsham District Council could not deliver a five-year housing land supply), the Inspector accorded limited weight to the conflict with those policies. The Inspector went on at paragraph 60 to say this:

59. [...] In coming to that view, I have carefully considered the implications of the conflict with SNP Policy 1. Given the age of this plan, it is afforded protection from NPPF paragraph 14 which states that conflicts with a neighbourhood plan is likely (my emphasis) to significantly and demonstrably outweigh the benefits, provided it is less than 5 years old and contains policies and allocations to meet its identified housing requirement. As the Council accepted, the inclusion of the word ‘likely’, means that there will be scenarios where development will be acceptable even if there is conflict with a neighbourhood plan.

60. While there is no dispute regarding the age of the SNP, there was much discussion at the inquiry regarding the recommendations in the AECOM Assessment²³ Southwater Housing Needs and whether this amounted to a housing requirement under NPPF paragraphs 69-70. During that discussion it became clear that there are a number of significant flaws in the way the figure in the report was identified by effectively excluding all the need-based figures. I do not consider this can reasonably be claimed to represent a

housing requirement in the terms set out in NPPF paragraphs 69-70.

61. Putting that matter to one side, the requirement of 420-450 dwellings identified in the SNP, must now be considered out-of-date on its own terms²⁴. Even in the alternative, compliance with the second limb of paragraph 14 is not determinative. As set out below, the planning balance is so heavily skewed in favour of the development that any conflict with NPPF paragraph 14 and the SNP would be outweighed by ‘other considerations’ in the case of a s38 balance or the ‘benefits’ of the scheme in the tilted balance under NPPF paragraph 11d) and HDPF Policy 1.

4. At fn 24, the Inspector records: “If the AECOM methodology were used to calculate a housing need figure today, it would be nearly three times the 420-450 figure.”
5. SPC is concerned that the Inspector has not properly applied paragraph 14 of the NPPF and/or that it was inappropriate for the Inspector to interrogate the basis for the housing requirement in the SNP, given that the SNP was the subject of an independent examination and then adopted.
6. In my view, SPC’s concerns about the Inspector’s approach are well founded. Paragraph 14 of the NPPF is engaged where a neighbourhood plan is less than 5 years old and it contains policies and allocations to meet “its” housing requirement. In the case of the SNP, the plan does meet “its” identified housing requirement, that requirement having been accepted to be correct at the time that the SNP was examined and adopted. In my view, it was wrong for the Inspector to find that the protection afforded by paragraph 14 was not engaged in the circumstances of the SNP because the housing requirement in the SNP had not been calculated in accordance with current NPPF policy as set out in paragraphs 69 and 70 of the NPPF.
7. That said, there is some uncertainty as to the proper approach. As I understand it, it is accepted by SPC that the housing requirement in the SNP was not calculated in accordance with the methodology *now* mandated by paragraphs 69-70 of the NPPF and paragraph 14 of the NPPF does explicitly

refer to paragraphs 69-70 of the NPPF in association with the reference to the housing requirement at paragraph 14(b). It could therefore be argued that paragraph 14 is only engaged where the housing requirement in the neighbourhood plan has been calculated in accordance with paragraphs 69-70. I consider this approach is less likely to be correct, although such uncertainty as to the proper approach could only ultimately be resolved by the Courts.

8. In the circumstances of this appeal, even if the Inspector did err in his approach to paragraph 14 of the NPPF by failing to recognise that paragraph 14 of the NPPF is engaged wherever a neighbourhood plan has allocations and policies to meet “its” housing requirement (even if that requirement has not been calculated in accordance with paragraphs 79-70 of the NPPF), any error on the part of the Inspector was not material to the decision to allow the appeal. That is because, at paragraph 61 of his decision, the Inspector considered the position ‘in the alternative’ (i.e. on the basis that paragraph 14 of the NPPF *was* engaged) and found that the benefits of the scheme were such as to significantly and demonstrably outweigh the harms notwithstanding the conflict with the SNP.
9. However, if the approach adopted by the Inspector in the Horsham Golf Club appeal to paragraph 14 of the NPPF were to be adopted by other decision-makers in future in a way which materially affects the outcome of the decision, such decisions will in my view be liable to legal challenge by reference to a misinterpretation of paragraph 14 of the NPPF.

CONCLUSION

10. I trust that this Advice deals with all matters arising. Please let me know if you have any further questions.

19 August 2025


Cornerstone Barristers