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## Appeal Decision

Site visit made on 24 October 2024

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> November 2024

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**Appeal Ref: APP/Z3825/W/24/3345055**

**Land Parcel At 520128 116244, Stonepit Lane, Henfield,  
West Sussex BN5 7QU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Ives against the decision of Horsham District Council.
  - The application Ref DC/24/0367, dated 5 March 2024, was refused by notice dated 7 May 2024.
  - The development proposed is the *Use of land for the stationing of 3 static caravans for residential purposes along with utility buildings, the formation of hardstanding and associated landscaping.*
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### Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of 3 static caravans for residential purposes along with utility buildings, the formation of hardstanding and associated landscaping at Land Parcel At 520128 116244, Stonepit Lane, Henfield, West Sussex BN5 7QU in accordance with the terms of the application, Ref DC/24/0367, dated 5 March 2024, subject to the conditions set out in Appendix A.

### Background

2. The proposal is for the use of land for the stationing of 3 static caravans for residential purposes along with utility buildings, the formation of hardstanding and associated landscaping. Ostensibly, it is a resubmission of an earlier scheme (ref DC/23/2100) which was refused by the Council, and seeks to address the reasons for refusal. There was also a refused scheme (in 2022) for a detached five bedroom dwelling on the site. This was dismissed at appeal in June 2023 (ref 3285552). I have taken into account the planning history of the site in assessing the proposal subject to this appeal.
3. The Appellant details in their statement of case, that the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites for gypsy and travellers. Whilst an update is provided within the Council's Officer's Report on local planning policy, it also confirms that Horsham District Council is unable to demonstrate a 5 year supply of Gypsy and Traveller pitches.
4. I see no reason to not concur with what appear to be a common position between the main parties in respect of their being an absence of Gypsy and Traveller supply within this area. In accordance with Policy H, Paragraphs 24 and 27 of the *Planning Policy for traveller sites* (PPTS), local provision does not meet local need in this instance and if local planning authorities cannot

demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision<sup>1</sup>.

5. In light of this local deficit (against need of around 93 pitches), I afford the provision of three pitches in this case moderate weight in favour of the proposal. In principle, therefore, the provision of Gypsy and Traveller pitches is acceptable in this instance, subject to the consideration of relevant policies in the development plan and the PPTS.

### **Main Issues**

6. The main issues are:

- i) The effect of the proposed development on the character and appearance of the area, and;
- ii) The effect of the proposal on trees within and/or close to the site.

### **Reasons**

#### *Character and appearance*

7. The appeal site is located on the western outskirts of the settlement of Henfield. Approximately 150m to the east of the site lies a new residential housing development north of West End Lane. The appeal site is situated on the southern side of Stonepit Lane to the east of the dwelling called Flocktons. Stonepit Lane itself is a narrow single track road which is lined with a mixture of mature trees and hedging.
8. The surrounding area is predominantly characterised by a mix of residential development and large expanses of agricultural and equestrian land. To the north of the site lies Stonepit Nurseries, which the Planning Officer's report indicates opens to the public seasonally. To the south of the site the area appears as agricultural land. Public Right of Way 2524 runs adjacent to the site and Stonepit Lane to the north of the site.
9. The site itself is characteristic of the isolated residential built form on the western edge of Henfield. I saw during my site inspection that where there are buildings, these are typically surrounded by clusters of trees which can project out into the open fields. Such relationships can be found at Flocktons (to the west of the site), the buildings at the junction of Stonepit Lane and West End Lane, and buildings located to the south of the appeal site facing onto West End Lane. There is pedestrian access to a recently built housing development to the east off Stonepit Lane, with the settlement of Henfield and the daily amenities there a short walk, cycle or drive from the appeal site.
10. I also saw that the site appears to partially have a bowl shape, with the boundary along the southern boundary of the site raised above that on the northern side (along Stonepit lane). This is evidenced by fence posts which appear to be elevated above the highway level on Stonepit Lane, which suggests that the appeal site is at a lower ground level than the adjacent agricultural field to the south.

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<sup>1</sup> Paragraph 27 refers to temporary permission, but the overall thrust is clear towards considering this matter as a significant material consideration.

11. The Council alleges that the proposal would fail to protect, conserve and enhance the landscape character of the area. However, the proposal would not result in any radical or discernible changes to the landscape of the area. For example, there is limited indications that the ground levels or landscaping features would be drastically changed. Put another way, if the proposed development were removed in the near future the site would likely be able to return to its existing form without the need for any significant changes to the landform, for example. I therefore find that the landscape character of the wider area would remain unchanged by the proposal.
12. With regard to character and appearance, the proposal comprises three static caravans and three day room buildings with associated hardstanding. The combination of the apparent changes in ground levels, and the likely height of static caravans, and the height of the day rooms shown, suggest most if not all of the urbanising features would be screened; especially from views from the south towards the site from West End Lane. Landscaping is proposed, which would further ameliorate the visual effects of the proposal when seen from further afield.
13. More immediately, the landscaping along Stonepit Lane would comprise native hedging, this would not be dissimilar to that found along Stonepit Lane, which I saw during my site inspection has been grown to a considerable height. This is further reinforced by the fact that the Council's Appeal statement indicates that *'this part of Stonepit Lane comprises a rural appearance which is characterised by trees, hedging and planting which predominantly lines the lane.'* The proposal would reinforce such characteristics, which could be secured by planning condition.
14. Furthermore, I saw that isolated residential dwellings which are located adjacent or near to the highway are a typical feature of the area. The combination of the context of the appeal site; including its topography, the nature of the proposal being single storey in form, the potential for the sensitive use of landscaping to reinforce existing soft landscaping on the site, and the nature of the proposed development on this site which is on the edge of Henfield and not dissimilar in character to the sporadic residential development in the area lead me to the conclusion that the proposal would not have an adverse effect on the character and appearance of the area.
15. Accordingly, the proposal would not conflict with Policies 23, 25, 26 and 33 of the *Horsham District Planning Framework 2015* (HDPF) and Policy 12 of the *Henfield Neighbourhood Plan*, which, amongst other aims, seek to ensure that development would not have an unacceptable impact on the character and appearance of the landscape.

#### *Trees*

16. Policy 31 of the HDPF indicates that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. Policy 33 of the HDPF continues that development presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks, and watercourses. These policies generally accord with s197 of the

TCPA, which includes a duty for Local Planning Authorities for the preservation or planting of trees.

17. The appeal proposal has been rationalised in order to concentrate the proposed development and stationing of caravans towards the centre of the site and away from trees on the edge of the site. The submitted drawings, together with the submitted Arboricultural Method Statement, set out the trees to be retained on the site, including their root protection areas.
18. Whilst I note the Council's observations in respect of the potential for future pressures to reduce or remove trees to the south of the site, that is not the scheme before me. There is little indication that such changes would be sought in the near future – whether due to the needs of occupiers or through general good management of trees. Moreover, planning conditions can be reasonably used to ensure that landscaping and biodiversity measures, including bat and bird boxes, are secured on the site.
19. I therefore find that the proposed development would accord with Policies 31 and 33 of the HDPF and Policy 12 of the *Henfield Neighbourhood Plan*, which seek the aforesaid aims.

### **Other Matters**

#### *Interested parties*

20. Concerns have been raised by a number of interested parties, including local residents, Henfield Parish Council, and the Campaign to Protect Rural Henfield (CPRH). I have taken into account the main points raised above in the main issues.
21. There are some other matters, including the suggestion that the proposal is not in accordance with the Neighbourhood Plan. However, I have considered the proposal in respect of local planning policy and found that it would not conflict.
22. With regard to land contamination, possibly arising from material such as ammunition and/or explosives, there is limited evidence before me which indicates that such substances are still present on the land. It would be for the developer to ensure that the requirements of other regulatory regimes are followed, should that be necessary.
23. In terms of impact on wildlife and ecology, it would be possible to use a planning condition requiring the ecological measures – such as bird and bat boxes – to be installed prior to occupation.
24. I do not find, whether individually or cumulatively, that the other matters raised by interested parties provide justification for the dismissal of the appeal in this instance.

#### *Other appeal decisions*

25. The Council, in its Officer's Report, have pointed me to other appeal decisions locally where Inspectors have considered matters of accessibility of other sites. This concludes that *'The application site is located 150m from the built-up area boundary of Henfield, and within 1.5km of the village centre. Stonepit Lane is a designated public footpath reference HEN/2524/5 which provides walking access to the village, with the option to pass through the new housing development to the north of West End Lane. There are a number of bus stops*

*with walking distance of the site, with the site also within walking distance of the village centre. Future occupiers would benefit from direct access to the village centre, which provides services and facilities, with public transport access to larger settlements.'*

26. I see no reason to disagree with that assessment and find that the other appeal decisions do not indicate a conclusion otherwise here.

### **Conditions**

27. A number of conditions have been suggested by the Council. I have considered these in light of Paragraph 56 of the *National Planning Policy Framework* (the Framework) and the national Planning Practice Guidance on the use of planning conditions.
28. Conditions in terms of time limit for implementation and in accordance with the submitted drawings are necessary to provide certainty. The submission of a drainage strategy is necessary in order to ensure the effect drainage of surface and foul water. Conditions requiring the submission of materials and, soft and hard landscaping details for approval are necessary and reasonable in order to ensure that the materials and landscaping are appropriate for the sites location.
29. The suggested planning conditions requiring details of refuse, recycling and cycle storage are not necessary as these are provided in the submitted drawings. These could be amended so that they are retained in order to encourage their usage and promote recycling.
30. Conditions requiring the position of the parking and turning areas and electrical charging points are necessary and reasonable to ensure highway safety and encourage sustainable transport modes.
31. A condition restricting external lighting is reasonable given the rural location of the appeal site.
32. Conditions restricting the occupiers to those defined in the PPTS is necessary and the number of caravans on site is reasonable in order to control usage of the site and restrict the land use to the purposes sought. However this should be restricted to three unit rather than the four suggested in the condition to reflect what permission has been sought for. Similarly, conditions preventing commercial or business activities on site, and no vehicles over 3.5 tonnes being stored on site are necessary to reflect what permission has been given for and to ensure that the site is only used for residential purposes.
33. A condition prohibiting burning on site at any time is imprecise and would not be reasonable. I have not, therefore, imposed this condition.

### **Conclusion**

34. The proposal would accord with the adopted development plan for the area and there are no material considerations that indicate otherwise than in accordance with it. Accordingly, the for the reasons given above, I conclude that the appeal should be allowed.

*C Parker*

INSPECTOR

## **Appendix A – List of conditions imposed**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2311ST\_R1.3\_000, Existing and Proposed Block Plan 2311ST\_R1.3\_001, Proposed Block Plan 2311ST\_R1.3\_002, and Proposed Day Room 2311ST\_R1.3\_100.
- 3) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the day room(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.
- 5) No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
  - Details of all existing trees and planting to be retained and measures to protect their root protection areas;
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
  - Details of all hard surfacing materials and finishes;
  - Details of all boundary treatments.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development.

Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

- 6) The facilities for the storage of refuse and recycling facilities shown on the approved plans shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

- 7) The secure and covered cycle parking facilities for the occupants of, and visitors to, shown on the approved plans shall be provided before any building is occupied or use hereby permitted commenced. The provision for cycle parking shall thereafter be retained for use at all times.
- 8) No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on drawing Existing and Proposed Block Plan 2311ST\_R1.3\_001 and shall be thereafter retained as such.
- 9) No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.
- 10) No external lighting or floodlighting shall be installed other than that shown on the approved plans. All such lighting shall be maintained in accordance with the approved details.
- 11) This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of *Planning Policy for Traveller Sites* (Department for Communities and Local Government 2015 (2023)), and/or any other updated or replacement version of that document.
- 12) No more than three (3) caravans (of static or mobile home type), as defined in the *Caravan Sites and Control of Development Act 1960* and the *Caravan Sites Act 1968* (or any Act revoking or re-enacting these Acts), shall be stationed on the site at any time. There shall be no more than three (3) touring caravans stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.
- 13) No industrial, commercial or business activity shall be carried out on or from the site, including the storage of materials.
- 14) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on the site.
- 15) The ecology features shown on Drawing 2311ST\_R1.3\_002, including bat and bird boxes, shall be installed prior to occupation of any accommodation on the site. Thereafter, the ecology features shall be retained.

**\*\*\* END OF CONDITIONS \*\*\***