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12 May 2025

Our ref: 33313527700/A3/AJ

**BY EMAIL**

Head of Planning  
Horsham District Council  
Parkside  
Chart Way  
Horsham  
RH12 1RL

**For the attention of Mr Matthew Porter**

Dear Sir

**REPRESENTATIONS TO PLANNING APPLICATION REF. DC/25/0151 AT LAND TO THE NORTH AND SOUTH OF MERCER ROAD, WARNHAM**

An application for full planning permission for 304 homes, a retail unit, train station car park and associated infrastructure on land to the north and south of Mercer Road, Warnham ('the Site') was validated by the Council on 27 March 2025 (LPA reference DC/25/0151).

The Site sits outside of a Built Up Area Boundary as per the adopted Policies Map (2015) and to the west of the Mowbray strategic development that benefits from outline planning permission for up to 2,750 homes with associated services, facilities and infrastructure (LPA reference DC/16/1677).

Mowbray is being brought forward by Legal & General (Strategic Land North Horsham) Ltd ('L&G') as a comprehensive mixed-use development. Significant highways improvements have been completed to ensure the new neighbourhood at Mowbray is well-connected to Horsham including a new A264/ Rusper Road roundabout with improved pedestrian and cycle crossing facilities and a new foot/ cycle bridge.

Additionally, a new all-through primary and secondary school is complete and operational, a supermarket and village centre with local retail and complementary facilities are proposed and detailed permission has been granted for a Sports Hub and community centre to serve the new community.

Few other facilities exist to the north of the A264.

The 304-home development proposed at the Site is to the west of Mowbray in a location that, without Mowbray, is isolated and severed from Horsham to the south by the A264. This development would be entirely reliant on the infrastructure and facilities being delivered at Mowbray but with no mechanism to contribute. Moreover, the connections to the main facilities will be through Phase 3 which is some years away. Thus, if new homes at the Site were to come forward in the short-term, these would remain detached from key facilities at Mowbray with the Mercer Road development being almost entirely car-dependent to reach schools and other facilities/ amenities.

L&G has expressed concerns about development of the Site in its representations to the emerging Local Plan including in respect of access, sustainability and reliance on Mowbray. These concerns are now compounded through the submitted application and give rise to further concerns as outlined below:

### **Draft Local Plan**

The Planning Statement (December 2024) sets out the emerging Local Plan policies and draft allocation for the Site. At the point of submission of the application, the emerging Local Plan was at examination. However, following the first stage of hearing sessions, the Inspector has recommended that Horsham District Council ('HDC') withdraws the Plan owing to concerns over legal compliance and soundness (letter dated 4 April 2025). Given this, it is considered that very little, if any, weight can be attached to the draft site allocation for the Site.

### **Sustainable Development**

The Planning Statement concludes by highlighting HDC's shortfall in five-year housing land supply and that the NPPF 'presumption in favour of sustainable development' is engaged.

L&G agrees that this is the case but it is clear from a review of the Site and proposals that sustainable development would not be achieved here and thus permission ought not be granted.

Paragraph 11d) of the NPPF (2024) states:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.*

Footnote 7 lists the 'areas or assets of particular importance' which includes 'areas at risk of flooding'.

### **Flood Risk**

The latest Environment Agency flood maps show that the Site is at risk from fluvial and surface water flooding now which increases in extent from 2036:

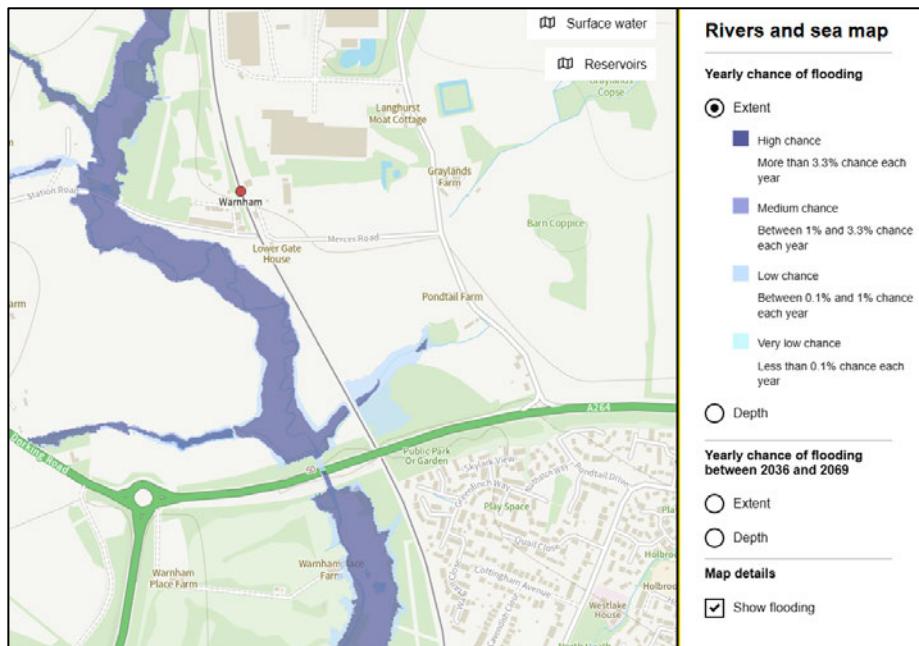


Figure 1: Fluvial Flooding (extract from EA flood maps<sup>1</sup>)



Figure 2: Surface Water Flooding (extract from EA flood maps<sup>2</sup>)

<sup>1</sup> <https://check-long-term-flood-risk.service.gov.uk/map> [accessed 08/058/2025]

<sup>2</sup> <https://check-long-term-flood-risk.service.gov.uk/map> [accessed 08/058/2025]

The NPPF requires the application of the Sequential Test to sites at risk now or in the future from any form of flooding to confirm that there are no reasonably available alternative sites at lower risk from flooding (see paragraph 173-175).

The Flood Risk Assessment (December 2024), submitted in support of the application, acknowledges that the Site is at risk from surface water flooding. A Sequential Test ought to have been undertaken and submitted with the application on this basis. The updated EA maps now show areas also at risk from fluvial flooding. The Site is therefore at greater risk from flooding than when the application was made.

A Sequential Test does not appear to have been submitted. It cannot therefore be confirmed at this stage that there are no sequentially preferable sites for development and whether flood risk provides a strong reason for refusing the application pursuant to NPPF paragraph 11d)i. For example, L&G has land available for development to the north of Mowbray at lower risk from flooding than the Site indicating that sequentially preferable sites exist in the local area.

#### Adverse Impacts vs. Benefits

NPPF paragraph 11d)ii states that, for an application to be refused, the adverse impacts should significantly and demonstrably outweigh the benefits.

The Planning Statement outlines the 'benefits' of the development. These are summarised below with L&G's comments on the weight to be attached to each:

CLAIMED BENEFIT	L&G COMMENTS
Market Housing	The proposals would deliver 274 market homes which would make a contribution to housing supply.
Affordable Housing	Only 30 affordable homes are proposed, or 10%.  The submitted Viability Report (February 2025) tests several scenarios from 40% to 0% AH and all are found to be 'non-viable'. It is noted that a commercial decision has been made to provide 10% AH.  The deliverability of the scheme is therefore questionable.  Moreover, the low amount of AH proposed can only be considered a minor benefit thus attracting limited weight in favour of the development.
Jobs – construction phase and post construction retail	Some economic benefit but limited post-construction owing to the small scale of the retail unit. L&G questions the viability of a retail unit in this location, not least owing to the proposed supermarket and additional local retail being brought forward at Mowbray.
Open Space	At a level expected for a development of this size/ type; neutral weight in the planning balance.
Public Right of Way Improvements	It is proposed to realign PRoW 1574 from Mercer Road to within the Site. This would take the PRoW off the highway which does not have a footway on either side and would be a minor benefit.

CLAIMED BENEFIT	L&G COMMENTS
New Planting	<p>Tree and hedgerow removal proposed for access with further incursions into RPAs that risk additional tree retention. The planting proposed is no more than would be expected to compensate for losses and for a development of this type/ size; neutral weight in the planning balance.</p> <p>The BNG Report (February 2025) advises BNG of <b>-1.28%</b> (para 3.16). Whilst off-site options can be pursued, there are no known habitat banks in Horsham District thus credits would need to be purchased from further afield resulting in harm to biodiversity locally and improvements elsewhere that have no direct relationship to the areas.</p> <p>The Report also targets 10% when the emerging local aspiration is for 12% BNG which will be more challenging/ costly, a concern when the Viability Report already indicates that the scheme is not viable.</p>
Public Car Park for Warnham Station	<p>Representations from North Horsham Parish and Warnham Parish indicate that they have not been engaged on the emerging proposals. It is therefore unclear whether there is local support for a public car park at Warnham Station.</p> <p>Improved walking and cycling access/ facilities at the Station would be preferable to facilitating/ encouraging additional travel to the Station by car. Such additional car movements associated with the Station car park and 304-home development would change the character of Mercer Road (a narrow tree-lined lane) resulting in adverse impacts locally.</p>

Thus, aside from the provision of additional market homes, the further benefits of the development are limited.

In the absence of a Sequential Test, it has not yet been confirmed that there are no sequentially preferable sites for the development. As such, this is a factor that could weigh significantly against the Mercer Road development in the planning balance.

L&G also has a number of concerns in respect of technical matters related to access and transport. A Technical Note, considering these concerns in detail, has been prepared by Glanville Consultants and is enclosed. This Note should be read in full but a high-level summary of the key issues is set out below:

- *Lack of a vision-led approach* – a requirement of the 2024 NPPF but none of the transport documents consider or demonstrate how the vision-led approach has been applied to the development.
- *Sustainability/ accessibility* – poorly located to facilitate trips by active travel modes and bus in the short-term; reliant on Mowbray in the longer term.
- *Access* – interim A264 crossing solution relies on speed limit reduction on the A264 from 70mph to 50mph which requires a TRO and cannot be guaranteed; without this the interim solution would not comply with current design standards. The interim solution would complicate delivery of Mowbray's approved junction improvements and the programme for the works.

In short, the Site is not in a sustainable location, has poor accessibility by sustainable transport modes to existing and planned facilities/ amenities, cannot guarantee a safe crossing of the A264 to connect it to Horsham without Mowbray's junction improvements but threatens to complicate the delivery of those improvements, their programme and likely cost.

These are all technical matters that further weigh against the development. It is L&G's view that the adverse impacts outweigh the limited benefits and indicate that it will not provide for sustainable development as required by the NPPF and ought to be refused.

We trust this is in order and look forward to confirmation of receipt. Should you require further information or have any queries, please do not hesitate to contact me.

Yours faithfully



**ALEX JONES**  
Planning Director



**STANTEC UK LIMITED**

cc: Tom Davies – L&G

Enc.