



PROMETHEAN PLANNING

Land West Of Parsons Field Stables,
Pickhurst Lane,
Pulborough,
West Sussex,
RH20 1DA

Use of land for the stationing of 2 static caravans for residential purposes and associated day rooms. Associated landscape works.

Planning Statement

28th February 2025

Location

The site amounts to approximately 0.6 hectares and is located to the south of Pickhurst Lane.

The site is accessed via an existing entrance from Pickhurst Lane.

The site to the immediate east benefits from planning permission for the change of use of land for stationing of up to 3 caravans for occupation by Gypsy and Traveller family with associated development (timber utility shed, utility trailer, septic tank, hard standing and additional landscaping)

This was granted at appeal under reference APP/Z3825/W/20/3246486

This appeal was following refusal of application DC/19/2105, dated 15 October 2019, which was refused by notice dated 31 January 2020.

The application sought to extend a planning permission Ref DC/16/2388 (the original permission), dated 18 January 2017 which granted consent by way of condition for a limited period up to 31 December 2019.

The site is enclosed by established hedging to its western and southern boundaries as well as an established hedgerow to the northern boundary with Pickhurst Lane.

The land is currently used as grazing for horses.

Public right of way 1983/2 runs along the western boundary of the site and is separated from the appeal site by woodland.

The surrounding area is characterised by sporadic development, comprising residential, agricultural, commercial and equestrian developments.

The site is well screened from the road and neighbouring fields by mature hedgerows and trees.

The Proposal

The proposal, which is in part retrospective, is for the use of the land for the stationing of 2 static caravans for residential purposes for a gypsy traveller family, together with the formation of hardstanding and associated landscaping.

The plans include space for the stationing of a touring caravan for each pitch. The plans also include parking for 2 cars for each pitch and a bike and bin store, a day room / utility building.

Relevant policies

Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development, seeking to support certain forms of development related to the needs of rural enterprise and sustainable rural development, while seeking to prevent a significant intensification of use and retain important components of rural character.

Policy 23 of the HDPF sets out the criteria for assessment in the determination of planning applications for non-allocated gypsy and traveller development, seeking to ensure that sites are appropriate in terms of ground conditions, vulnerability to flood risk, served by safe and convenient vehicular/pedestrian access, appropriate to local character, appearance and neighbouring amenity.

Policy 23 of the HDPF seeks to support sites located in or near existing settlements, within reasonable distance of local services and community facilities, in particular to schools and essential health services.

Paragraph 22 of the Planning Policy for Traveller Sites (PPTS) (2015) confirms that applications for planning permission should be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

Paragraph 23 of the PPTS confirms that applications involving traveller sites must be assessed in accordance with the presumption in favour of sustainable development, and the application of specific policies contained within the PPTS and NPPF relating to traveller sites.

Paragraph 24 of the PPTS sets out that Local Planning Authorities must consider the following issues amongst other relevant matters, in the determination of applications for traveller sites:

- a.) The existing level of local provision and need for sites;
- b.) The availability (or lack) of alternative accommodation for the applicants;
- c.) Other personal circumstances of the applicant;
- d.) That the locally specific criteria used to guide the application of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e.) That they should determine applications for sites from any travellers and not just those with local connections.

Paragraph 25 to the PPTS sets out that LPAs should strictly limit new traveller site developments in the open countryside that are away from existing settlements or outside areas allocated in the development plan.

Paragraph 27 of the PPTS confirms that if an LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent determination when considering applications for the grant of temporary planning permission. An exception, however, exists for defined protected landscapes, Sites of Special Scientific Interest and/or areas protected under the Birds and Habitats Directive.

Need

At this time, the District is subject to a substantial unmet need for gypsy and traveller pitches which has subsisted for a number of years, with no clear pathway for resolution through the adoption of a new local plan.

The latest study for gypsy and traveller accommodation (January 2020) identifies a need for 93 pitches in the District between 2019 and 2036.

This figure is not the current need. Following The Lisa Smith case (Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31st October 2022)) and the Dec 2023 PPTS change of Definition, the GTTA cannot be relied upon because it was based on a discriminatory assessment of need from the 2015 PPTS.

The figure of 93 need is based on the illegal definition and can therefore no longer be relied upon. The need is clearly much higher.

The best figure that can be taken from the 2020 GTAA is 118 (figure 1 page 8 of the GTAA), this is a combination of assessed need including unknowns and those who do not meet the definition. This should represent the minimum figure. However, added to that is an unknown figure representing those who were not interviewed and those who were assessed as not meeting the definition.

Due to the failure to interview a large number of persons living on pitches, the GTAA is flawed. Out of 127 pitches ORS only interviewed 82 i.e. 66% of the population, (see figure 7 page 37/38 of the GTAA) so a third of the population was not interviewed at all. No numbers for concealed households or emerging households could therefore be identified, which would have increased the 118 significantly.

It is impossible for anyone to put a figure on this but the minimum figure is in excess of 118.

From figure 9, page 45 of the GTAA, for those meeting the definition there was a need of 19 for concealed households and 17 for emerging households. A total of 36. A conservative way of calculating what it might have been for the unknowns and those not meeting the definition that were not interviewed is to divide the 36 by one third (the number not interviewed) which is 12. Making the minimum figure 118 plus 12 = 130.

Whilst the figure is impossible to calculate accurately it is clear that the minimum figure is at least 130 but probably much higher.

This constitutes a major consideration weighing heavily in favour of the proposal provided that the development does not significantly depart from the criteria laid-out in Policy 23 of the HDPF and the PPTS.

Location

The application site is located within a rural area in an area characterised by sporadic development including residential caravans.

The site is in close proximity to Billingshurst and Pulborough, providing access to employment and educational opportunity in addition to a full range of services, amenities and transport options.

This situation, however, is not dissimilar to circumstances considered in the determination of appeal ref: APP/Z3825/W/20/3265226, (LPA ref: DC/20/1993), where the Inspector noted at paragraph 18 that future occupiers would prove highly dependent on the use of the private car, though, neither HDPF Policy 23 nor the provisions of the PPTS explicitly require gypsy and traveller sites to be located within reasonable walking and cycling distance of a town or village, or otherwise preclude a high degree of reliance on the private car at paragraph 17.

The Inspector considered at paragraph 19 that the likelihood of short car journeys to nearby settlements would constitute a factor weighing in favour of a gypsy or traveller proposal, noting that NPPF paragraph 105 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural environments, and found the appeal proposal acceptably located at paragraph 20 such to comply with the requirements of HDPF Policy 23

Similar conclusions have been reached in appeals relating to more remote sites, including APP/Z3825/C/21/3271264

It is therefore considered that the site constitutes an acceptable location for the proposed development in relation to HDPF Policies 23 and 26

Landscape impacts

The starting point must be that the likely location of any new Gypsy Traveller site in Horsham will be in the Countryside. The PPTS accepts that gypsy sites will be in the countryside.

Simply because a site is within the countryside is not an automatic assumption that it will be harmful to the character of the area. Each site must be assessed for landscape sensitivity and the impact of the proposal must be considered.

The application site has no statutory or local landscape designation, it is not within the Green Belt and is not a National Landscape or National Park. The application site is therefore exactly the type of area in which Gypsy Traveller sites are likely to be found.

The application site is well screened on all boundaries and is not readily visible from Pickhurst Lane or any residential properties. It would not impact the amenity of local properties, none of which are adjacent to the site.

Whilst any form development will result in some change to the character of a site, the changes here are not considered to be harmful. The character of the site is that of a residential caravan site and it is not considered that the proposal will result in change to the established character that would result in harm to the character of the area.

In the allowed appeal decision for the site to the east DC/19/2105 the Planning Inspector stated in their appraisal of the site that

'overall, the extent of the vegetation surrounding the site, comprises sufficient mitigation to screen the development, preventing any significant harm to the visual amenity of the surrounding area'.

The inspector concluded that

'the development does not create any significant harm to the character and appearance of the site or the surrounding area. The scheme therefore complies with the design, character and appearance aims of HDPF Policy 23 e. which requires development not to have an unacceptable impact on the character and appearance of the landscape and are sensitively designed to mitigate any impact on its surroundings, amongst other things. The scheme also accords with the requirements of the Framework'.

It is considered that this remains the case and the development is unlikely to have any additional impact on the visual amenity of the surrounding area due to the mature site boundaries.

Strategic Policy 23: Gypsy and Traveller Accommodation states that any planning applications for non-allocated sites must not have an **unacceptable impact** on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. (our underlining added)

The resulting impact is limited and certainly could not be considered to meet the threshold of **'unacceptable harm'** as set out in the policy.

Highways and Access

The site is accessed via an established access from Pickhurst Lane.

It is clear that the proposed development would be serviced by a safe and suitable means of access such as to satisfy the requirements of HDPF Policies 23 and 40

Policy 41 of the HDPF seeks to ensure that the proposed development is supported by adequate parking, including for vehicles, electric-vehicles and cyclists.

The proposed layout provides that each pitch would benefit from hardstand providing a space for 2x cars, a touring caravan and a refuse store incorporating an EV charging point and storage for 2x cycles.

It is therefore the case that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and therefore is not contrary to the National Planning Policy Framework.

Ecology

The proposal would not result in the removal of any trees or hedges and so would not impact on any protected species.

Protected species surveys have been carried out and are included with the submission.

The scheme provides for ecological enhancement, including the installation of bird boxes and additional native hedge planting.

As the application is retrospective Biodiversity Net Gain is not required to be demonstrated.

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Water neutrality

The application site falls within the Sussex North Water Supply Zone, where increased demand for mains-water would exacerbate demand for the continued use/scale of public groundwater abstractions at Hardham Water Works contributing to associated adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.

The attached water neutrality demonstrates a strategy which would result in no net increase in water usage and follows a method which has been accepted numerous times on other applications within the district.

The proposal would not result in an increase in water abstraction in the River Arun and Western Streams catchment of the Sussex North WRZ.

Therefore, it would not adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites. Consequently, it would be consistent with Policy 31 of the HDPF which seek to protect the hierarchy of designated sites and habitats.

Foul water and surface water Drainage

The applicant proposes foul water disposal by a highly efficient package treatment plant.

In the absence of mains drainage this is considered to be an appropriate means of foul water disposal which would avoid harm to the quality of the soils.

The new package treatment plant will be a Rewatec Solido Smart 2-8 Person Sewage Treatment Plant manufactured by Premier Tech Aqua, 2 Whitehouse Way, South West Industrial Estate, Peterlee, Co Durham, SR8 2RA.

The package treatment plant will be installed and fully operational prior to occupation of the development. The package treatment plant will be installed in accordance with the manufacturer's recommendations and instructions, and in accordance with the Building Regulations.

The package treatment plant will be serviced by a qualified British Water accredited engineer on an annual basis in accordance with the manufacturers servicing and maintenance guide to ensure it is operating efficiently and effectively.

This should include a desludge to ensure a solids build-up doesn't compromise the treatment chamber if the sludge level reaches 70% of the permitted maximum.

The annual service should include an assessment of the activated sludge volume in the reactor in accordance with the manufacturers servicing and maintenance guide.

The annual service should include checking of all working parts including:

- Air blower strength/efficiency
- Air filter check/change
- Final water quality
- Mechanical component checks/replacements
- Air pipe checks
- Diffuser checks
- Health of bacteria

The runoff from the treatment plant will be taken to a soakaway drainage field.

The site is not within a flood zone as identified by the Environment Agency.

Surface water will be discharged by infiltration. This will be designed following infiltration testing in accordance with BRE365, at the location and depth of proposed devices.

Infiltration devices will be located 5m from structures and boundaries, in addition to avoiding Root Protection Zones.

The applicant expects a detailed drainage design will be required prior to commencement of the development and is happy to accept a drainage condition requiring further details.

Sustainability statement

The proposal seeks to utilise sustainable design and construction techniques, for example, energy conservation and efficiency, water efficiency, reducing waste, re-using materials and recycling materials to ensure the most efficient use of limited resources.

The application seeks to meet these aims in the following ways:

- Provision of an electric vehicle charging point for each plot
- Improvements to the biodiversity of the site through substantial additional planting to the boundaries including enhancing existing hedgerows.
- Provision of separate waste and recycling bins along with suitable covered storage.
- Water limiting measures will be provided to ensure the water neutrality.

Factors weighing in favour of the appeal.

The following factors weigh in favour of the application:

- i) The proposal complies with Policy 23 and the presumption in favour of the plan applies.

Strategic Policy 23: Gypsy and Traveller Accommodation states as follows (our comments in red):

The following criteria will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non-allocated sites:

- a. *There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;*

The site is outside of a flood zone with no known drainage issues, no contamination issues or hazards such as overhead lines. The site is level and accessible.

- b. *The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;*

The site has a safe established access

- c. *The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;*

There is power and water on the site. Foul drainage will be addressed by way of a package treatment plant and the site is located in a residential lane with other dwellings so waste collection services will be readily available. Sufficient parking and turning is available on site as well as sufficient amenity space for the families.

- d. *The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;*

The site is located 0.5 miles from the nearest built-up area boundary (Pulborough)

Future occupiers would benefit from indirect access into the larger settlement, which provides services and facilities, with public transport access to larger settlements.

- e. *The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

As set out above. The application site is well screened on all boundaries and is not readily visible from Pickhurst Lane or any residential properties. It would not impact the amenity of local properties, none of which are adjacent to the site.

The site is not a protected or sensitive landscape and whilst any development will result in some change to the character of a site, the changes are not considered to be harmful.

The resulting impact is limited and certainly could not be considered to meet the threshold of 'unacceptable harm' as set out in the policy.

- ii) The identified need for Gypsy Traveller pitches is not being met and issues with water neutrality make it even more difficult for the LPA to meet this need. Therefore, where a suitable site comes forward that meets the requirements of Policy 23 and can demonstrate water neutrality they should be granted.
- iii) The LPA cannot demonstrate a five-year supply.
- iv) There is a clear failure of Policy. The LPA have failed to deliver on their allocations so did not meet the identified need for 93 pitches (even though that was an underestimate.) From 2015 to date the Council has relied on a discriminatory definition that has tainted their entire approach. There has been a clear failure of policy.
- v) Public Sector Equality duty is relevant to the proposal. The effect of the discrimination is set out in the Lisa Smith judgement and the change of definition led to a reduction on need by some 2/3. The Council have been working on the wrong figures since at least 2020 and this engages the Public Sector Equality duty. There has been a clear breach and this is factor that must be taken into account.
- vi) The likely location of any new Gypsy Traveller site in Horsham will be in the Countryside. The PPTS accepts that gypsy sites will be in the countryside. Simply because a site is within the countryside is not an automatic assumption that it will be harmful to the character of the area. The application site has no statutory or local landscape designation, it is not within the Green Belt and is not a National landscape or National Park. The site is therefore exactly the type of area in which sites are likely to be found. The proposal results in limited impact on the landscape character of the area.

Overall, therefore, the limited impact considered to arise for the development proposals would be far outweighed by the significant benefits as identified above.

It is, therefore, considered that planning permission should be approved.