

Use of land for the stationing of 2no. static caravans for residential purposes, together with the formation of hardstanding and associated landscaping and the construction of associated utility buildings (part retrospective).

Staalcot Farm Stall House Lane North Heath West Sussex RH20 2HR

16th August 2025

Location

The site amounts to approximately 0.28 hectares and is located to the north of Stall House lane

The site is accessed via an existing entrance to the east with permission for an agricultural barn located to the west of the entrance. The surrounding area is characterised by sporadic development, comprising residential, agricultural, commercial and equestrian developments.

The site is screened from the road and neighbouring fields by mature hedgerows and trees. There is a public footpath running along the western boundary and the railway line running along the northern boundary of the wider site.

The Proposal

The proposal is for the use of the land for the stationing of 2 static caravans and 2 touring caravans for residential purposes for a gypsy traveller family, together with the formation of hardstanding and associated landscaping and the construction of utility buildings.

A previous application for 4 pitches was submitted on 8th October 2024 under reference DC/24/1573. The application was refused on 30th January 2025

The reasons for refusal stated were:

Reason 1

The proposed development, due to the quantum and spread of development across the site, and including the level of hardstanding and amount of development, would formalise the rural character of the countryside location, and would result in less than substantial harm to the setting of the adjacent listed dwelling, Laurel Cottage. The proposal would therefore fail to protect, conserve and enhance the setting of the adjacent designated heritage asset, contrary to Policies 23, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Paragraph 215 of the National Planning Policy Framework (2024).

Reason 2

The proposed development, due to the quantum and spread of development across the site, and including the level of hardstanding and amount of development, would formalise the rural character of the countryside location, would adversely impact on the user amenity and experience of the adjacent Public Right of Way 2298 (footpath). The proposal would therefore fail to protect, conserve and enhance the landscape character of the area, and would result in unacceptable harm to the character and appearance of the area, contrary to Policies 23, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

The decision was appealed under appeal reference APP/Z3825/W/25/3360345. The appeal was dismissed on 10th June 2025

This application seeks to address the reasons for dismissal and proposes a smaller scheme of 2 pitches with further information in relation to ecology and landscaping.

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 of 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 Council has progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA) in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. In January 2020, the 'Gypsy and Traveller Accommodation Assessment (GTAA) – Final Report' was published.

This Report was part of the background evidence base that accompanied the Local Plan Review (Regulation 18) Consultation which ran from February to March 2020.

The GTAA Report provides an evidence base for the provision new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2019 to 2036. The GTAA identifies that there is a need for 93 pitches for Gypsy and Traveller households over the plan period (2019-2036).

The need of 93 pitches for Gypsy Traveller Households stated in the GTAA dated January 2020 has since been updated by Opinion Research Services for Horsham Council and published in December 2023.

The update indicates a need between 2023-2040 (the plan period) for 128 pitches. This follows the result of the Lisa Smith Judgement where the Planning Policy for Traveller Sites (PPTS) was updated in December 2023 to revert back to the 2012 PPTS planning definition of a Traveller by reintroducing those who have ceased to travel permanently due to education, ill health, or old age into the definition (now referred to as the 2023 PPTS).

The needs assessment produced to support the local plan review provides the most up to date evidence base.

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. Whilst there are no dedicated pedestrian pavements or street-lighting in the immediate locality the site is located close to the A29 which has a regular bus route.

The site is in close proximity to Pulborough which is located 1 mile, providing access to employment and educational opportunity in addition to a full range of services, amenities and transport options.

There is a convenience store some 0.4 miles to the west of the site.

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

No objection to the location in this respect was raised in the previous applications DC/23/2098, DC/24/0356 and DC/24/1573

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 appeal 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 appeal 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 Stall House Lane or any residential properties. It would not impact the amenity of local properties, none of which are adjacent to the site.

The site lies in the South Low Weald (LW5) and Billingshurst and North Heath Farmlands (J1) local character areas identified in the Landscape Character Assessment of West Sussex (2003) and Horsham Landscape Character Assessment (2003)

Key characteristics include remote rural character, winding lanes linking scattered farmsteads, small to medium fields, hedgerow enclosure, woodland blocks and copses, mature field trees and undeveloped character. The appeal site is representative of those landscape characteristics

Policy 25 of the Horsham District Planning Framework (HDPF) seeks to ensure that the natural environment and landscape character of the District, including the landscape, landform and development pattern is protected against inappropriate development.

Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. It requires development proposals to be essential to its countryside location, enable the sustainable development of rural areas and be of a scale appropriate to its countryside character and location.

Policy 23 of the HDPF sets out the criteria to be taken into consideration when determining any planning application for Gypsy and Travellers for non-allocated sites. Criteria (e) requires the development to not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and to be sensitively designed to mitigate any impact on its surroundings.

Caravan sites such as this are a form of development that are often found in the rural area, and the Planning Policy for Traveller Sites, December 2024 (PPTS) makes it clear that such sites for Gypsy and travellers can be acceptable in the countryside.

The previously dismissed proposal was for four pitches which would span the width of the site and be aligned perpendicular to Stall House Lane

The previously dismissed appeal however considered that

the scale and form of the proposal would have a significant urbanising effect on the rural character of the appeal site.

And that it

would not reflect the low density pattern of existing development in the area and would have a harmful and urbanising impact on its rural character.

The Inspector however concluded that

Having regard to the existing development that has taken place on the site, it seems to me that the development of one or two pitches for Gypsy and travellers could be accommodated on the site without causing material harm to the character of the area, and would reflect the dispersed low density pattern of development which is currently found along the northern edge of Stall House Lane.

Whilst any form of development will result in some change to the character of a site, the changes proposed with the revised scheme are not considered to be harmful.

In assessing the most appropriate layout for the revised scheme consideration has been given to the Inspectors comments which stated that:

The visual impact of the development on the users of PROW2298 would be a significant detractor. Having regard to the proximity of the proposed mobile homes to the footpath, there would be a high magnitude of visual effects, the development would be substantial, obvious, would draw the eye and its scale and form in this location would not be commonplace.

The development would have an adverse visual impact on users of the right of way which could not in my view be mitigated by the planting of further hedgerows. Even with new planned established hedgerows along the northern and western site boundaries, the consolidated form of development as a whole would remain a visually intrusive form of development in this rural setting. Furthermore, the planting of a hedgerow alongside the PROW would detract from the spatial character of the field and on how its rural character and surrounding natural environment is appreciated by users of the PROW.

The proposed layout has therefore been focused to the eastern part of the site away from the PROW. The proposal would include planting along the western and northern boundaries so as to provide a degree of screening and separation from the rest of the field and to reduce its visibility from the footpath.

A hedge would be planted along the side of the PROW but will ensure the path width is not compromised and the hedge will be maintained at low level below 1.2m to avoid detracting from the spatial character of the field while maintaining a clear separation between the PROW and the wider field.

Overall, the proposed development is of a moderate size and is not anticipated to significantly affect the visual qualities of the area.

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 proposed plans include significant mitigation to limit any impacts on the surroundings with existing planting augmented with native species hedging to restrict views from the footpath and lane.

The plans propose interplanting to the front boundary along the lane to strengthen the hedgerow and provide further screening. The appellant is happy to accept conditions requiring further details as set out above and to undertake further planting of trees and hedgerows should this be considered necessary.

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

Heritage impacts

The proposed site sits to the north east of Laurel Cottage, which is a statutory Listed building designated in May 1980. The listing reads:

LAUREL COTTAGE

Location: North Heath, West Sussex, RH20 2HR

District: Horsham (District Authority)

Date Listed: 9th May 1980

List Entry No: 1027317

Grade II

Description: Restored C17 or earlier timber-framed cottage with plaster infilling. Tiled roof with pentice on both sides. Modern windows. One storey and attic. Two windows. One dormer. Modern swing to south-east.

The proposed site sits within the boundaries of the red Archaeological Notification Area (ANA) DWS8561 - Prehistoric Lithic Working, Mine Pits, Glass Working Industry and Medieval Farmsteads, West Chiltington and Pulborough.

Historic mapping has been provided in the heritage statement within the original submission as well as research in to the Tithe Apportionment. There is no evidence that the field was ever connected to the listed building in ownership or use.

The 1839 Tithe map and its accompanying Tithe Apportionment indicate the plot was 'arable land', which belonged to Colonel George Wyndham and tenanted to James Comper.

The development site and the listed cottage appears to have been always under different ownership. The Tithe Map confirms that the development site related to Stone Farm, which is located far west of the proposed site and on the east side of Stane Street.

As such there is no historical association between the site and the listed building other than that they share the same wider landscape setting.

The application site and the listed building are not visible together given the heavy screening and the fact they are not immediately opposite.

The proposed location will result in limited impact on the rural character of the area. Any potential paraphernalia related to the proposed residences will be well screened from public areas by the existing and proposed vegetation.

The field does not form part of the setting of the nearby listed building which would contribute to its significance and so there is no resultant harm to the special interest of the listed building. The setting which contributes to the special interest of the cottage as a designated heritage asset therefore is limited to the south side of the road.

The development site in no way contributes to the significance of the listed building or the ability to appreciate that significance.

The details that give rise to heritage significance are not seen in the context of the field and as such the development would not result in harm to the significance of the listed building, as the appreciation of the dwelling's listed features and historic fabric would remain unchanged.

The development of the application site therefore cannot and does not detract in any way from the setting of the listed building.

The proposed development will, as is the case with any development, result in an increase in noise and perceived domestic activity including vehicular movement and domestic exterior light. This activity however would be limited and would not be to a greater degree than many applications for residential development close to listed buildings which are regularly approved by LPAs throughout the country.

Any concerns over exterior lighting can be suitably controlled by condition so as to preserve the tranquillity of the area. Whilst it is acknowledged that the development would result in a small increase in noise and perceived domestic activity it is not considered that this would result in harm to the setting of the listed building.

In the recent appeal decision in the site the Inspector concluded that

The proposed development would be well screened from the lane and not viewed in the context of Laurel Cottage. Laurel Cottage will retain its open frontage and clear visibility from the road where its heritage significance is experienced from, and the proposed development would not result in harm to the significance of the listed building, as the appreciation of the dwelling's listed features and historic fabric would remain unchanged.

Concluding that

the proposed development would preserve the setting of Laurel Cottage and there would be no conflict with the heritage aims of Policy 34 of HDPF. Nor would the development be contrary to the provisions of Section 16 of the NPPF which seeks to protect and enhance the historic environment, or the requirements of the Act⁵. Furthermore, there would be no conflict with the Historic England guidance in this regard.

It is clear therefore that a similar assessment of the impact on the listed building's setting should be drawn. Concluding that there is no harm to the building's setting.

The proposal will preserve the special interest of the listed building and would not be contrary to local plan policies which require proposals to conserve or enhance the special interest and settings of designated heritage assets. Nor would the development be contrary to the provisions of Section 16 of the Framework, which is concerned with the protection and enhancement of the historic environment, or the requirements of the Act.

Highways and Access

The site is accessed via an established access from Stallhouse 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.

No highways objections were raised in the previous applications by WSCC, stating that there is no evidence to suggest the existing access has been operating unsafely or that the proposal would exacerbate an existing safety concern.

The Local Highway Authority concluded that it did not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

In the recent appeal decision on the site the Inspector concluded that:

I am satisfied that a safe and suitable access to the site can be achieved for all users. I am also mindful that paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

There is no material change to this scheme which would change that position.

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. A Biodiversity Net Gain strategy is included demonstrating that the scheme will achieve more than 10% gain.

No ecology objections were raised in the previous applications, but this was raised by interested parties at the appeal hearing and as a result was considered by the Inspector.

Due to the absence of Great Crested Newts surveys the Inspector concluded that:

the proposed development does not adequately demonstrate the effect on protected species or the measures necessary to avoid, mitigate or compensate for any negative effects.

This is contrary to Policy 31 of HDPF, which requires appropriate mitigation and compensations for adverse impacts on biodiversity. There is also conflict with paragraphs 187 and 193 of the NPPF which require decisions to contribute and enhance the natural and local environment and advises that development should be refused where there is significant harm to biodiversity, unless it cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

An updated PEA has been supplied with this application which concludes that:

There is one waterbody within 250m of the proposed development. While there is some terrestrial habitat on the site that is suitable for great crested newts, this is mostly contained to the southern boundary and the immediate strip of vegetation that proceeds it. The grassland strip to the south of the site does provide some cover for newts and other amphibians.

The patch of grassland in the middle of the site provides much lower quality habitat, and it is extremely unlikely that great crested newts would be found in this area. There is also a high proportion of higher-quality grassland adjacent to the northern boundary.

Both areas of grassland are to be impacted by the proposed works, however the works in the southern grassland strip are local and will only impact a small amount of habitat to the east. In this instance, a precautionary approach to the works is considered an appropriate mitigation effort when considering the proposed impacts.

Areas of suitable habitat should be cut in two phases using a petrol strimmer. The initial phase should take the vegetation down to a height of roughly 30cm, at which point a suitably qualified ecologist can perform a hand search. After completing a hand search, the final cut can be done which takes the vegetation down to a height of roughly 5cm.

Considering the amount of bare ground within each parcel, this will then render areas unsuitable for amphibians.

It is important that the two phase strim is directional. In the unlikely event any newts are present within either sward, it is important that the two phase strim aims to encourage them into suitable habitat and not leave them stranded in unsuitable habitat where they could be susceptible to predation or to the elements.

Thus, the southern strip of vegetation to be removed should start on the east and work west, and the northern section of grassland should aim to start at the south and work north, moving any potential individuals toward the higher quality grassland outside the development's boundary. This area of grassland will also form the project's enhancement area for mandatory net gain.

In addition to this, if the remaining grassland to south is left long, especially the area toward the south-west, it will have an overall positive effect on the site's suitability for amphibians in comparison to the site prior to any caravans being installed.

Suitable mitigation is proposed to ensure that ecology issues are addressed and that there is no risk of harm to protected species.

The proposal would therefore be in accordance with Policy 31 of HDPPF and paragraphs 187 and 193 of the NPPF

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 report confirms that water will not be abstracted from Hardham and will be served entirely by way of a rainwater harvesting system.

The Inspector concluded at paragraph 42 of the previous dismissal on that site that:

A planning condition to secure the implementation of a management and maintenance plan as set out in the paragraph above would be reasonable, necessary and enforceable having regard to the details contained within the WMP submitted.

Suitable conditions were agreed with the LPA for this during the appeal.

Whilst the appeal was dismissed on other grounds it is clear that the water neutrality approach was not an issue.

There are no material reasons to come to a different conclusion.

The Council have recently confirmed that Gypsy Traveller development will have access to the Councils' own mitigation scheme SNOWS.

It is understood that development deemed compliant with a current or emerging (post-submission) local plan or neighbourhood plan would be deemed eligible for access to purchasing SNOWS water credits.

Gypsy and Traveller proposals are considered to be eligible to access SNOWS to offset the increased water demand associated with the proposal.

SNOWS is not live at the time of this submission, but it is anticipated that it is likely to go live during the course of the application. The applicant therefore proposes that in the event that SNOWS is live before determination of the application that the requisite number of credits be secured through SNOWS as an alternative to the above bespoke mitigation measures.

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 site is not within a flood zone as identified by the Environment Agency and no concerns have been previously raised in relation to surface water drainage from the LLFA. Whilst anecdotally there has been suggestion that there has been localised flooding in the road in a storm event it would appear that this is due to lack of maintenance of the ditches along the lane. With these ditches cleared along their full length there would be sufficient capacity for surface water run off from the site.

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. Surface water will be provided in 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.

Should infiltration not be possible there is a watercourse that runs the full length of Staalcot fields which surface water can be discharged to.

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.

In the recent appeal decision on the site the Inspector concluded that:

The appellant acknowledges the need for a sustainable drainage strategy and is committed to complying with any condition attached to a planning consent in that regard. All hard surfacing would be permeable.

However, the development which includes new built development, would undoubtedly have some impact on surface water drainage. Nevertheless, considering the size of the site, including adjoining land owned by the appellant, there would be sufficient space to accommodate any required infiltration system, drainage field, swale or underground storage system which may be required.

Ms Jolly confirmed at the Hearing that there would be a technical solution to dealing with any increase in surface water resultant of the development and the matter could be controlled by a planning condition.

Details of the proposed foul water/sewerage system could also be controlled by condition.

There is no material change to this scheme which would change that position.

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 safe access and no issues have been raised by the highway authority.

- 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 on the site and water will be supplied by rainwater harvesting system. Foul drainage will be addressed by way of a package treatment plant and the site is located on a lane with a number of 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;*

As recognised by the LPA:

The site is located 2.4km from the nearest built-up area boundary (Pulborough)

The A29 is sited some 0.7km east of the site, travelling north-south to Horsham and Pulborough which has regular bus stops on its route.

Future occupiers would benefit from indirect access into these larger settlements, 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 Stall House 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 field does not form part of the setting of the nearby listed building which would contribute to its significance and so there is no resultant harm to the special interest of the listed building.

Significant mitigation planting is proposed to mitigate any impacts on its surroundings with existing planting augmented with native species hedging to restrict views from the footpath and lane.

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) No suitable available alternative sites are available, as recognised by the LPA. This is unlikely to change due to the issues around water neutrality and the lack of solutions to the issue.
- iv) The LPA cannot demonstrate a five-year supply.
- v) There is a clear failure of Policy. The LPA have failed to deliver on their allocations so did not meet the identified need for 128 pitches. 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.

- vi) 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.
- vii) 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.
- viii) Personal circumstances should weigh heavily in the planning balance, and these are set out in detail in the submitted personal circumstances document. It is clear that:
 - a. There is a personal need for accommodation for these local families.
 - b. The Article 8 and Article 10 rights of the families must be considered.
 - c. The welfare of the children and the medical issues of the proposed occupants are clearly set out and the provision of a permanent site will allow them to register locally with doctors' surgeries to receive the care required.
 - d. The best interests of the children must be considered. As set out in the personal circumstances document there are 4 children under the age of 18 that would reside on the site.

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.

The benefits of the proposed development would significantly and demonstrably outweigh the adverse impacts of doing so, when assessed against the policies in the Framework taken as a whole.

The proposal would therefore be in accordance with Policies 23, 25, 26, 33 and 34 of the Horsham District Planning Framework (2015) and Paragraph 215 of the National Planning Policy Framework.