

Planning Statement

PLANNING APPLICATION FOR THE MATERIAL CHANGE OF USE OF LAND TO A MIXED USE OF THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES AND THE KEEPING OF HORSES, WITH A DAYROOM, HARDSTANDING AND STABLE BLOCK ANCILLARY TO THAT USE

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Client: Mr. W. Ward

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APPENDICES:

- **Appendix PS1** *Details of Access Easement attached to Title No. WSX413604*

1. INTRODUCTION

- 1.1. Green Planning Studio Ltd (“GPS”) have been instructed by Mr. Wayne Ward (“the applicant”) to submit an application for full planning permission for the *‘material change of use of land to a mixed use of the stationing of caravans for residential purposes and the keeping of horses, with a dayroom, hardstanding and stable block ancillary to that use’* (“the application”) at Land East of Coolham Road, West Chiltington, West Sussex (“the site”).
- 1.2. This Planning Statement forms part of the application documents and should be read in line with the accompanying plans and technical reports.
- 1.3. This Planning Statement provides an overview of the site and surrounding context, including relevant planning history, before considering both national and local planning policy. It then describes the development proposals through a detailed assessment of the application against the relevant planning policy and other material considerations.
- 1.4. The conclusions drawn demonstrates that planning permission should be granted and the application approved.

2. SITE & SURROUNDINGS

- 2.1. The site is located in a rural area on the western side of Coolham Road, covering approximately 9,000 sqm. It is rectangular in shape and is well-screened by existing vegetation and tree cover along its northern, western, and eastern boundaries. Beyond the eastern boundary, Coolham Road (B2139) runs adjacent to the site, with agricultural land surrounding it on all other sides.
- 2.2. The nearby village of Thakeham is located 750 metres to the south, offering a range of amenities, including sustainable transport options, eateries, and a church. The site is also well-connected to West Chiltington (2.9 km) and Storrington (3.5 km), both of which provide additional services, contributing to the site’s sustainable location. These settlements, along with Thakeham, Abingworth, and Storrington, are within walking or cycling distance.
- 2.3. In addition, the applicant has the benefit of an easement permitting use of an “access route” which provides them access to Thakeham village as opposed to requiring travel along Duke’s Hill. Details of the Easement and access route are provided in **Appendix PS1**. Further, this route allows site residents to access the Bus stop at The Street in the same manner providing further access to public transport (approximately 1.3km from the site using the access route).
- 2.4. An approved development of 146 homes, approved at Abingworth 1.5 km from the site, will provide additional amenities, including sports facilities, a community hall, a nursery, and retail outlets.
- 2.5. Vehicular access to the site is via a shared track along the southern boundary, which provides safe entry, turning, and exit in a forward-facing direction.

- 2.6. Currently, the site is occupied by a single gypsy pitch with an associated stable block, a use that has been in place since December 2020. The applicant seeks to formalise the change of use for a single gypsy pitch with the associated stable block, reflecting the ongoing use.

3. PLANNING HISTORY

- 3.1. A planning history search was undertaken to establish whether any relevant planning history exists for the land subject of this application. The results of such are detailed in **Table 1** below:

Table 1: Relevant planning history surrounding the site at Coolham Road.

Reference	Description	Decision
DC/10/1598	Retention of stock fence and gate.	Approved - 04/10/2010
DC/12/0194	Retention of stock fencing and gate to the boundaries of existing access route.	Approved - 21/03/2012
DC/18/1488	Proposed site for settled gypsy accommodation for 1 pitch with associated stable block.	Refused - 04/03/2019

- 3.2. Application DC/18/1488 was recommended for approval by the planning officer but was refused on 4th March 2019 by Planning Committee on the following ground:

“The proposed development is in an unsustainable location remote from services in Thakeham, and school and health facilities, and is not readily accessible by sustainable means. The extenuating circumstances provided by the applicant are not considered sufficient to outweigh this harm. The proposal therefore fails to comply with policies 23 & 26 of the Horsham District Planning Framework and Policy 9 of the Thakeham Neighbourhood Plan.”

- 3.3. An appeal (Appeal Ref. APP/Z3825/W/19/3228245) was subsequently lodged and ultimately dismissed. However, the inspector did address the main issues (including refusal reasons) within their decision:

- (1) The Inspector found that the Council could not demonstrate a five-year supply of gypsy and traveller sites and that considerable weight should be attached to this factor.
- (2) The Inspector considered that the Site was located in a sustainable location, given its small scale and the need for additional gypsy and traveller sites in rural locations.

- 3.4. The Inspector concludes that the proposed development which had been raised by the Council in its reason for refusal were, on the Inspector’s reasoning, overcome.

- 3.5. The sole reason for the dismissal of the appeal related to the issue of water neutrality, which was not relevant as at the date of the determination of Application DC/18/1488, and arose during the appeal following Natural England’s Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone in September 2021, and later updated in February 2022.

- 3.6. The suitability of the site for the proposed development was echoed in the High Court decision **Ward v SSHCLG** [2024] EWHC 1780 handed down on the 13th June 20216, whereby it was stated that:

“...the Inspector noted that [...] the development was otherwise acceptable in planning terms...”

- 3.7. The Court ultimately upheld the appeal decision on the basis of the absence of an appropriate water neutrality mitigation strategy. Such a strategy has now been forthcoming and is detailed in this planning statement.
- 3.8. As a result, all the reasons for the previous refusal and appeal dismissal have now been addressed. It is considered that planning permission should be granted, consistent with the previous appeal decision.

4. THE PROPOSAL

- 4.1. This application seeks full planning permission to regularise the existing use on site i.e., a single gypsy/traveller pitch and stables.
- 4.2. Following a site visit and consultation with the client, the site layout, as depicted on 24_1333_003 Proposed Site Plan, has been determined to best meet the applicant's requirements and although it has been withdrawn by Government, in the absence of any replacement document, the pitch has been designed with reference to the standards that were defined in 'Designing Gypsy and Travellers Sites – A Good Practice Guide (2008)'.
- 4.3. Proposed plans and elevations have been provided to indicate the extent and impact of the proposed development. The proposal incorporates a mobile home, touring caravan, utility/dayroom and a stable block, as well as sufficient parking, turning, and private amenity space.
- 4.4. The proposed caravans will conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968 and therefore plans and elevations of individual units are not required.
- 4.5. The dayrooms will provide facilities that enable the occupants of the caravans to minimise the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene. The dayroom will be constructed out of timber to be in keeping with nearby existing buildings.
- 4.6. The existing stable block comprises 2no. loose boxes and 1no. tack/store room, totalling 76.21 sqm. Said stable block is proposed to be retained.

Technical Documents

- 4.7. This application has been submitted with the following accompanying technical documents and drawings
- 19_1022A_001 Site Location Plan

- *19_1022A_002 Existing Site and Block Plan*
- *19_1022A_003 Proposed Site Plan*
- *19_1022A_005 Proposed Dayroom - Plans and Elevations*
- *19_1022A_007 Proposed Refuse Store - Plans and Elevations*
- *19_1022A Planning Statement*
- *19_1022A Water Neutrality Statement*

5. PLANNING POLICY

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2. The current Local Development Framework for the application is made up of Horsham District Planning Framework (2015).

National Planning Policy, Guidance & Legislation:

- 5.3. The revised National Planning Policy Framework (NPPF) was published in December 2024, coming into effect immediately. The NPPF 2024 replaces the previous NPPFs published in 2023, 2021, 2019, 2018 and 2012.
- 5.4. The NPPF is relevant and a material consideration in planning decisions as per NPPF paragraph 2.
- 5.5. Key elements of the NPPF relevant to this application are:
 - Paragraph 61 - seeks to ensure sufficient land is developed to boost the supply of homes including 'that the needs of groups with specific housing requirements are addressed.' The 2023 NPPF expanded this paragraph and states 'The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.' This remains a focus of the 2024 NPPF.
 - Paragraph 63 - requires that the needs of travellers must be addressed, both those that meet the definition in the PPTS and those that don't.
 - Paragraph 63 - sets out how "context, size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to...travellers...)"
 - Paragraph 135c - stipulates that "planning policies and decisions should ensure that developments are sympathetic to local character".
- 5.6. Additional key points that should bare consideration during the decision-making process consist of:

- Paragraph 8: setting out the three dimensions to sustainable development.
- Paragraph 11: setting down the presumption in favour of sustainable development.
- Paragraph 39: stating that decision-makers at every level should seek to approve applications for sustainable development where possible.
- Paragraph 49 & 50: setting out how weight should be attributed to Development Plan policies.

5.7. Planning Policy for Traveller Sites (“the PPTS”) is the current National Policy in relation to provision for gypsy caravan sites. It was published on Monday 26th March 2012 and came into effect on Tuesday 27th March with the publication of the National Planning Policy Framework. The PPTS was amended in August 2015, December 2023 and most recently December 2024.

5.8. Elements of the policy with significant relevance to this application are:

- The clear intention of paragraph 4 to increase the number of gypsy sites with planning permission.
- In Policy A at paragraph 7(c) the need for a ‘robust evidence base to establish accommodation needs.
- In Policy B at paragraph 10(a) the need to maintain a five-year supply of sites.
- Policy C which deals with traveller sites in rural areas and the countryside.
- Policy H which deals with determining applications. In particular paragraph 24 which refers to the presumption in favour of sustainable development and paragraph 25 which sets down some of the material considerations to be considered by the decision maker.
- Paragraph 28 sets out that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.
- Annex 1: Sets down the revised definition of “gypsies and travellers” as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

Horsham District Planning Framework (2015):

5.9. The most important policies for the determination of the Application are: Policy 23 – Strategic Policy: Gypsy and Traveller Accommodation.

Table 2: Policy 23 Strategic Policy: Gypsy and Traveller Accommodation

Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation

1. 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;

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;

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;

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;

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.

2. In assessing sites for Travelling Showpeople or where mixed-uses are proposed, the site and its surrounding context must be suitable for mixed residential and business uses, including storage required and/or land required for exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

- 5.10. Policy 23 is the most relevant policy to this application. However, the policy is inconsistent with the NPPF and PPTS.
- 5.11. The PPTS determines within policy C that gypsy and traveller sites are acceptable in principle in the countryside. Limb 1(d) of Policy 23 restricts the location of any potential site to "near existing settlement".
- 5.12. The NPPF promotes sustainable development but does not restrict development to locations near to existing settlements. In fact, the NPPF encourages development within rural areas as per paragraphs 84.
- 5.13. Limb 1(e) of Policy 23 sets out that development cannot have an unacceptable impact on the surroundings or amenity of neighbouring properties. Whilst the NPPF promotes 'good design', it does not go so far as to restrict an 'unacceptable' impact on the surroundings, which is

arguably a subjective assessment open to individual interpretation. Neither does it restrict development for the amenity of nearby properties, save for light pollution.

- 5.14. Taking these inconsistencies with national policy into account, Policy 23, is out of date, therefore triggering paragraph 11 (d) NPPF.
- 5.15. Additional local policies that bare consideration for the determination of the application include “Policy 26 – Strategic Policy: Countryside Protection” and “Policy 29: Equestrian Development”.
- 5.16. Policy 26 is considered uncompliant with the NPPF and PPTS. The NPPF at paragraph 170 seeks only to protect and enhance ‘valued’ landscapes, whereas this policy looks to protect, contribute to and enhance all countryside with a list of criteria. Additionally, the PPTS shows within policy C that gypsy pitches in the countryside are acceptable development, paragraphs 78 and 79 also make it clear that rural sites would be acceptable. This is not reflected in Policy 26.
- 5.17. Policy 26 is considered to further the engagement of paragraph 11(d) of the NPPF.
- 5.18. Policy 29 however, is generally consistent with the NPPF and supports the use of land for the keeping of horses as presented through this application.

Horsham District Council Local Development Scheme 2025 – 2028

- 5.19. It is noted that the council are in the process of preparing a new local plan.
- 5.20. The Examining Inspector’s review as set out in Inspector's Interim Findings Letter (ID08) is uncomplimentary of such, cancelling local plan examination hearings after just one session, expressing that the Planning Inspectorate have 'significant' soundness and legal concerns.
- 5.21. In February 2025, the Council submitted a Local Development Scheme (LDS) to the Government setting out a timetable for progressing a new Local Plan. This indicated that a new style plan would be progressed with preparation beginning in the Autumn of 2025.
- 5.22. The LDS was approved by cabinet on the 26th February 2025.
- 5.23. The LDS advances that the likely date of submission of a new local plan would be July 2028. Given the previous delays and difficulties encountered by the Council in adopting a new Local Plan, it remains unclear if this timetable will be adhered to.
- 5.24. In addition to the failure of policy, the length of time before a new development plan is adopted to provide an allocation of pitches are circumstances that weighs in favour of granting this application.

6. PLANNING ASSESSMENT

- 6.1. For the main considerations relating to the application are the relevant National and Local Planning Policies, as set out above, and the following principal matters:

- Use of Land for the Keeping of Horses,
- Gypsy & Traveller Need,
- Sustainable Location,
- Water Neutrality; and,
- Other Site Considerations

Use of Land for the Keeping of Horses

- 6.2. It is well established that the keeping of horses and ancillary stables are considered to constitute an appropriate use within a countryside location.
- 6.3. The proposal incorporates an existing, modest, single storey stable of timber construction positioned within an inconspicuous location within the paddock. The size of the stables proposed are correlative to the size of the paddock.
- 6.4. The stable block is set back from the highways edge and positioned between the sites access, forming the only public viewpoint into the site, and the proposed pitch. It would have a conventional appearance and form that would reflect its rural function, forming two-loose boxes and a secures storage/tack room.
- 6.5. The stables were erected by the applicant in early 2019, prior to the applicant moving to the site in December 2020 in light of the Covid 19 restrictions as they were unable to find any other land suitable for him to pull onto. The structure is therefore lawful through the passage of time.
- 6.6. The applicant works in the trading and training of horses and will require a stable on site in order to facilitate his work. By allowing this application, this would lead to a cumulative reduction in vehicle movements to and from another location where the applicant would need to stable any horses. This would reduce additional journeys to tend the horses, which is a benefit towards the sustainability limb.
- 6.7. The proposal insofar as it relates to the use of land for the keeping of horses and stables ancillary to that use do not cause harm to the countryside location and forms an appropriate part of the rural landscape. Consequently, there is no conflict with the provisions of Policy 26 and 29.

Gypsy/Traveller Need

- 6.8. In terms of Gypsy and Traveller need, there is a generally acknowledged national need for additional traveller sites.
- 6.9. More locally, it is understood that Horsham District Council’s current position regarding the provision of Gypsy and Traveller Pitches is set out in Horsham Borough Council GTAA Report (2023), as summarised in **Table 3**:

Table 3: Need for Gypsy and Traveller households in Horsham (2023-2040)

Status

2023-2040

Meet Planning Definition	77
Undetermined	20
Do not meet Planning Definition	31
TOTAL	128

6.10. By the council's own admission, a 5-year supply of gypsy and traveller pitches cannot be demonstrated. This is a material consideration in favour of the application.

6.11. In a recent appeal (Appeal Ref.: APP/Z3825/W/25/3360345) the planning inspectorate concludes:

"...having regard to the local planning authority's position that they cannot demonstrate an up-to-date 5 year supply of deliverable sites, there is a presumption in favour of sustainable development and a grant of planning permission, unless criteria (i) or (ii) in paragraph 11(d) apply."

6.12. This has been reiterated in recent planning decisions (e.g., Planning Ref.: DC/25/0150) where it is stated that:

"...the Council are not currently able to demonstrate a five-year housing land supply to accommodate an identified need of Gypsy and Travelling Showpeople sites within the District. It is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the District. These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. "

6.13. An unmet need for additional gypsy and traveller pitches; the lack of a five-year supply of gypsy and traveller pitches; the absence of suitable, acceptable, affordable and available alternative pitches; and the failure of the development plan to provide for the needs of the gypsy and traveller community are all material considerations that should be given weight in favour of a grant of permission when determining applications.

6.14. Additionally, the GTAA is based upon the 2015 PPTS, including the definition of gypsy and traveller therein, which has since been superseded by an updated PPTS to reflect the Court of Appeal judgement in the case of **Lisa Smith v SSLUHC** [2022] EWCA Civ 1391. The Lisa Smith judgement was handed down on 31st October 2022. It is clear from the Court of Appeal judgement in Lisa Smith that the PPTS (2015), indirectly discriminates against elderly and disabled gypsy and travellers pursuant to both the European Convention on Human Rights and Section 19 of the Equality Act 2010. As such any LPA who seeks to rely on the 2015 PPTS definition in providing allocations and/or provisions for gypsy and traveller pitches are engaging in a discriminatory practice which has no legitimate aim and cannot be justified; it is unlawful.

6.15. Furthermore, the GTAA was published prior to both the 2024 PPTS and 2024 NPPF. As of 12th December 2024, the PPTS definition is as follows:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

6.16. Following the change in the PPTS definition it is anticipated to be common ground that the need for all Travellers who live, or wish to live, in caravans, will need to be met by the Council through the PPTS; increasing the need beyond that identified in the GTAA.

6.17. It is the applicant’s position that the Council are unable to demonstrate a five-year supply of sites, which further engages the balance at paragraph 11(d).

6.18. The site and the applicant partook in the GTAA. The site is referenced as ‘Land East of Coolham Road’ and categorised as a single unauthorised pitch. In both the GTAA and PPTS (paragraph 4(f)) decision-taking should aim to reduce the number of unauthorised developments and encampments.

6.19. By approving this application not only would it contribute to meeting the un-met need in the Borough but also contribute to a reduction of unauthorised sites.

6.20. When considering the timeframes set out in the LDS, it is unlikely that the current shortfall set out above will improve until 2030 (allowing time for planning and delivery of sites following the adoption of a new Local Plan). Before such a date, windfall site such as this make a meaningful contribution to addressing the unmet need.

Location: Sustainability, Character & Appearance

6.21. It is established in the ‘Site & Surroundings’ section that the site has sufficient access to services and facilities, supporting its sustainable location.

6.22. In terms of location, Appeal Decision APP/Z3825/W/19/3228245 assesses whether the application is in a suitable location with regard to services and facilities. The following conclusion is drawn by the inspector:

“I am satisfied that, in terms of the current case, the limited and low-key residential use of the land for gypsy and traveller purposes, which is better located relative to Thakeham and Abingworth, is consistent with the policy’s objective that development should be located within reasonable distance of a range of local services and community facilities.”

6.23. The application is also deemed to be acceptable in terms of character and appearance whereby the inspector makes the following conclusion:

“The development is small in scale and does not have an unacceptable impact on the character and appearance of the landscape.”

- 6.24. The inspector further notes that *“Given the identified need for new gypsy pitches, and the realisation that sites in rural locations such as this will likely be identified”*. For reference, 3km north of the site, in a countryside location, an application for 2no. residential pitches was granted permission on the 10/03/2025 (Planning Ref. DC/24/1409) supporting the inspector’s conclusions.
- 6.25. No issue should be found with the principle of the development in terms of location, sustainability or character and appearance, in keeping with the previous decisions both on site and in the vicinity.

Water Neutrality

- 6.26. The proposed development falls within the Sussex North water supply zone. As set out in Natural England’s Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site.
- 6.27. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.
- 6.28. Policy 31 of the Horsham District Planning Framework (2015) seeks to protect the Arun Valley SAC, SPA and Ramsar site, including requiring adequate measures are put in place to avoid or mitigate any potential adverse effects on the ecological integrity of the site.
- 6.29. Off-setting measures to achieve water neutrality on the site are set out in detail in the accompanying document ‘19_1022A Water Neutrality Statement’.
- 6.30. It is concluded that there will not be unacceptable risk of harm on the integrity of the Arun Valley SAC, SPA and Ramsar, in keeping with Policy 31 of the HDPF and the NPPF.

Other Site Considerations

- 6.31. In accordance with Planning Practice Guidance (PPG) [Paragraph: 003 Reference ID: 74-003-20240214] Biodiversity net gain does not apply to retrospective planning permissions made under section 73A.
- 6.32. Personal circumstances only need to be considered if the council finds a departure from policy and/or other harm and then finds that the other material considerations are insufficient to outweigh the identified harm.

7. CONCLUSION

- 7.1. This planning statement supports the application made to Horsham Borough Council in respect of the ‘material change of use of land to a mixed use of the stationing of caravans for residential purposes and the keeping of horses, with a dayroom, hardstanding and stable block ancillary to that use’ at Land East of Coolham Road, West Chiltington, West Sussex.

- 7.2. It is concluded that the site presents a sustainable location for the proposal and is in accordance with the NPPF and PPTS, and relevant policies from the Horsham District Planning Framework (2015), namely Policy 23 and 31, the most important policies in the determination of the application.
- 7.3. Material considerations in favour of the application include the local, regional and national need; failure of Policy; the length of time before a new development plan is adopted; lack of a five-year land supply; the keeping of horses and sustainability.
- 7.4. Following the determination of the previous application, and subsequent appeal and high court judgments, the only outstanding matter of water neutrality has been addressed.
- 7.5. The conclusion reached is that principle of the proposed development is acceptable in this location and also that there are no site-specific reasons why the site is unsuitable for its proposed use. As such this statement provides the justification required to allow the Council to approve this application.

APPENDIX PS1

Details of Access Easement attached to Title No. WSX413604

Insert other receipt as appropriate:

10 The transferor transfers with

full title guarantee

limited title guarantee

11 Declaration of trust. The transferee is more than one person and

they are to hold the property on trust for themselves as joint tenants

they are to hold the property on trust for themselves as tenants in common in equal shares

they are to hold the property on trust:

12 Additional provisions

Definitions

12.1.1 "the Access Route" means the strip of land coloured blue on the Plan

12.1.2 "the Perpetuity Period" means the period of 80 years from the date hereof being the Perpetuity Period for the purpose of the Perpetuities and Accumulations Act 1964.

12.1.3 "the Plan" means the Plan annexed to this transfer

12.1.4 "the Retained Land" means the remainder of the land comprised in this title as at the date hereof

12.1.5 "the Service Media" means all pipes drains wires sewers watercourses cables channels gutters soakaways conduits and other conducting media whatsoever (and any structures incidental to the use thereof) now or hereafter constructed

Rights granted for the benefit of the property

12.2.1 The right for the Transferee its successors in title and its invitees in common with the Transferor and all other persons who have or may in the future have the like right at all times