Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0356
Staalcot Farm, Stall House Lane, North Heath, West Sussex, RH20 2HR

DESCRIPTION:
Use of land for the stationing of 4 static caravans and 4 touring caravans for residential purposes, together with the formation of hardstanding and associated landscaping.

RELEVANT PLANNING HISTORY:

DC/23/2098	Use of land for the stationing of 4 static caravans and 4 touring caravans for residential purposes, together with the formation of hardstanding and associated landscaping.	Application Refused on 19.01.2024
DC/16/2026	Removal of existing agricultural store/barn building and replacement with new agricultrual barn	Application Permitted on 24.10.2016
DC/16/1298	Prior Approval for a new barn for the storage of hay production (two cuts per year) and storage of farm machinery	OBJECTION to Notification on 05.07.2016
DC/08/2520	Retention of timber pole barn for use as shelter for a tractor, feed stuff, ponies and geese	Application Refused on 01.04.2009

SITE AND SURROUNDS
The application relates to an existing agricultural field located on the north-western side of Stall House Lane. The site is laid to grass with mature / established field boundaries, and hosts a single storey agricultural building approved under DC/16/2026, and benefits from an access into the site from the highway. The site is located outside of the built-up area and is wholly rural in character, formed of a sporadic siting of dwellings along Stall House Lane with no discernible pattern of development. A public footpath (2298) runs north to south adjacent to the western boundary of the site (outside of the application site), and neighbours Laurel Cottage to the south (a grade II listed dwelling).

DETAILED DESCRIPTION
Planning permission is sought for a change of use of the land and stationing of 4 static caravans and 4 touring caravans for residential use for a gypsy/traveller family, together with the laying of hardstanding and associated landscaping works. The site would be accessed via an existing entrance on to the site, with a hardstanding drive providing access to each unit, travelling to the north of the existing barn parallel to the southern boundary of the site. Each unit would benefit from its own modest amenity curtilage, in addition to a small outbuilding accommodating cycle and bin storage, in addition to EV charging.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations
Policy 22 - Gypsy and Traveller Sites
Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.
All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Neighbourhood Plan:
Pulborough Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. The following policies are of significant weight subject to water neutrality being demonstrated: -

Policy 1 – A Spatial Plan for the Parish
Policy 15 – Design

Pulborough Design Statement

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
Ecology: No objection subject to conditions.

Landscape Architect Consultant: Object:-

The application has not been supported by a landscape and visual appraisal, though have made the professional judgement that the given the predominant rural character of the immediate area, with limited residential properties and farms, the proposal would have an adverse impact on landscape character. Views are however partially mitigated by the presence of the hedgerow along the roadside boundary which prevents some views into the Site.

Reservations regarding this proposal and the likely impacts it would have on the local landscape. The application Site is located within Landscape Character Area (LCA) South Low Weald (LW5) of the Landscape Character Assessment of West Sussex (2003). Key relevant characteristics of this LCA include low-lying, flat to gently undulating landscape, small pastures, variable condition hedgerow network, old hedgerow alignments marked by isolated oaks, semi-natural copses, remote rural character and winding lanes link scattered farmsteads.

The Site is also located within LCA J1 Billingshurst and North Heath Farmlands of the Horsham Landscape Character Assessment. Key relevant characteristics of this LCA include gently undulating landform, small to medium fields enclosed by hedgerows, copses and woodland blocks, mature field trees following hedgerows and lanes, semi enclosed landscape. The area also has a strongly rural undeveloped character. A key sensitivity to change is the small scale incremental changed eroding the character.

Based on the above LCAs, judge that the proposals will have an adverse impact on the character of the local landscape, particularly considering its rural undeveloped context.

The proposals for 4no. static and 4no. touring caravans will contribute to the overall level of activity along Stall House Lane and therefore impact the sense of tranquillity within this area.

Concerns regarding the potential visual impact of the proposal on the Public Right of Way (PRoW) that runs adjacent to the site on the south-west boundary. Whilst the vegetated boundary of the application site may provide screening of the proposal from the existing footpath, the submitted application does not provide any information on the condition of the site boundaries. It is also feasible that in the winter months when leaf cover is limited, visibility of the proposals may be more.

HDC Conservation: Object:-

The supporting statement relies most readily on the visual impact of the proposed development. However, at the end of the Heritage impact section there is some concession that other impacts that dilute the rural character of the setting of the listed building such as increased perception of activity and noise associated with domestic life may result in harm. Exterior lighting, manicured property boundaries and edges and regular vehicle movements will dilute the rural character of the lane and the setting of the listed building. The level of this harm remains at the low end of less than substantial harm. If it is concluded that public benefit will arise from the implementation of the scheme it should be ensured that this outweighs the harm as described in paragraph 208 of the NPPF.

HDC Environmental Health: The application is insufficiently detailed to be determined:-

- Note that reference is made to Building Regulations, Building Regulations do not however apply to caravan sites, which is why the matters regarding cesspools and soakaways are raised at the planning stage. For all applications for caravan sites we request detail about the type and placement of the cesspools or sewage treatment tanks and the methods for disposing of the

treated or collected sewage. These matters are fundamental to the decision about whether the site is suitable for residential use.

- We do not have information about the extent or location of the Archaeological Notification Area. If the requested details are provided then the LPA, which presumably has this information, will be able to assess whether the ANA will be affected, or whether, as we stated, the methods for collection and disposal of sewage, rainwater storage and drilling of a borehole need to be changed to accommodate the requirements of this ANA. If the applicant or agent cannot provide this information this will affect the decision which the LPA makes.

- It is also important to consider sewage disposal in relation to boreholes, so a plan of the proposed positions of all of these facilities would permit a proper assessment of the interaction and feasibility of each. We also note that since our comments dated 08.04.24 the Environment Agency have now also provided formal comments in relation to this matter.

- In relation to comments made in relation to groundwater quality and the proposed borehole – the underlying geology at this location is the Weald Clay and, in our experience, the groundwater quality of this geological strata can vary significantly.

- We note the comments from the agent in relation the proposed treatment, however with the above comments in mind the chemical and mineral content of the groundwater will affect the effectiveness of the treatment system. In our professional opinion it is crucial therefore that the chemical quality of the underlying groundwater is determined prior to determination and we have sufficient confidence that the treatment of the groundwater to a potable standard can be achieved through planning conditions, as required by the National Planning Policy Framework.

- The above is consistent with our position on similar planning applications where a borehole or boreholes are proposed to supply potable water to a development.

- We also note the comment '*The borehole prognosis report has confirmed that the site is not hydrologically linked to the Hardham site and thus a development which draws water from such a borehole would not have an impact on the Arun Valley site'.* Environmental Health are not qualified to comment on this matter – the LPA should seek independent technical advice on this and whether abstracting from the aquifer at this site will not have an impact on the Arun Valley site.

- We have re-visited the information submitted in relation to the rainwater harvesting system and the amount of detail is welcomed, in our view some further detail is however required in this supporting information.

- Finally, we note that reference is made to planning appeal APP/Z3825/C/23/3318225 in relation to planning application DC/21/1796. To clarify – similar to application currently under discission, Environmental Health formally objected to this application due to lack of supporting information in relation to water quality and proposed treatment. This application was however looking to source water from an on-site spring and not a rainwater harvesting system and so, in our view, is materially different to the current application under discission.

WSCC Highways: No Objection. The LHA does 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. No objection subject to relevant conditions

Environmental Agency: Objection: -

We object to the planning application, as submitted, because the location of development proposed represents an unacceptable use of land because it is likely to result in a significant risk to groundwater resources, from which supplies of potable water are obtained. We recommend that planning permission

should be refused on this basis in line with paragraph 180 of the National Planning Policy Framework.

The development will create a default Source Protection Zone 1 as it includes an abstraction for human consumption where we carefully monitor development proposals of all types (see Position Statement B3 within 'The Environment Agency's approach to groundwater protection' - Groundwater protection position statements - GOV.UK (www.gov.uk)). We designate Source Protection Zone 1 to identify the catchment areas of sources of potable water (that is water supplies usable for human consumption), and show where they may be at particular risk from polluting activities on or below the land surface.

In this instance, the proposed development would threaten potable water supplies as the proposed development includes the provision of sealed sewage storage (cesspools) in Source Protection Zone 1, which is contrary to positions B3 and G6 of the 'The Environment Agency's approach to groundwater protection' (link provided above).

The EA include a strategy for overcoming their objection.

Natural England: Objection. As submitted, the application could have potential significant effects on:

- Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site, The Mens SAC and Ebernoe Common SAC.
- Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI) Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further evidence to demonstrate both the quantity and quality of the water drawn from the proposed onsite borehole.
- A Habitats Regulations Assessment that considers impact to The Mens SAC and Ebernoe Common SAC.

WSCC Fire and rescue: Having viewed the plans for the planning application no. DC/24/0356 for the Use of land for the stationing of 4 static caravans and 4 touring caravans for residential purposes, together with the formation of hardstanding and associated landscaping, the nearest fire hydrant to the furthest point of the site is 260 metres away, 115 metres further than the 175-metres distance required for a domestic premises. If an access path can be provide the opposite end of the site from Staalcot Lan , as shown in a screen shot of our mapping below, this will be considered suitable for the supply of water for firefighting and comply with AD-B B5 requirements.

If this is not achievable, and an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document–B (AD-B) Volume 1: 2019 edition: B5 section 14.

Parish Comments: Objection: -

- Application identical to DC/23/2098 with only difference in water neutrality.
- Water Neutrality concerns, including no water quality assessment since 1937, Part G is not accurate, borehole is within 50 metres of a septic tank (Laural Cottage), proximity to Caravans, 4 cess pits which need to be 50 metres from the borehole is not achievable on the proposed site.
- There is also concern over policies 4,5,6, 26, 32, 33, 34, 40 and 41 of the HDPF.
- No traffic assessment undertaken
- Traffic concerns. yet especially when vehicle movements along this very narrow country lane could increase dramatically.

Representations:
72 letters of representation received from 59 separate addresses (2 of which were received from addresses outside of the district) objecting to the proposal on the following grounds:

- Biodiversity and Habitats would be harmed
- Setting of Grade II building harmed
- Surface water and sewage.
- Traffic creation
- Little change since last application
- Parking
- Loss of General Amenity
- Overdevelopment
- Privacy Light and Noise
- Trees and Landscaping statement.
- Removal of grassland cannot be mitigated by planting more hedges - different habitats (ref ecology report
- False claims in documents submitted.

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The current proposal seeks full planning permission for the provision of 4no. gypsy pitches, with associated hardstanding and landscaping.

The current application under consideration closely reflects that of a previous application for the same application site under DC/23/2098, refused on 19.01.2024. The principle of development was established as acceptable under this application given the context of the site in relation to clusters of other residential properties and transport links such that the proposal would be not considered an unsustainable location. No new site circumstances have arisen since the previous determination such that would warrant a different conclusion in this regard. For the avoidance of doubt as to the principle of the development, much of the rationale from the previous report is included in the section below.

Policy 21 of the Horsham District Planning Framework (HDPF) indicates that provision shall be made for 39 permanent pitches to 2017, with further provision made from 2017 to 2031 through a Site Allocations Development Plan Document (DPD). It is acknowledged that a number of other sites allocated through Policy 21 of the HDPF have yet to come forward, and the Council is therefore currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.

The Council has progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. Consultants were appointed in March 2019 to research the number of pitches currently in use in the District, as well as to identify what the current need for Gypsies and Travellers in the District is likely to be over the next 17 years. In January 2020, the ‘Gypsy and Traveller Accommodation Assessment (GTAA) – Final Report’ was published. This

Report was part of the background evidence base that accompanies 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). Neither the GTAA nor the Regulation 19 Local Plan Consultation document considers sites for potential allocation.

In August 2015, the Government published its Planning Policy for Traveller Sites (PPTS) to be read alongside the NPPF. Paragraph 22 of the PPTS confirms that applications for planning permission be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Paragraph 23 of the PPTTS continues to confirm 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 provides that Local Planning Authority's 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 27 of the PPTS states that if a Local Planning Authority 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 or protected under the Birds and Habitats Directive.

Policy 24 of the Draft Horsham Local Plan states that the Council will meet the identified current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople in Horsham District by: allocating new sites on strategic site locations, and if required, reconfiguring existing private and public sites (which will be determined through a site assessment). Development of additional permanent or temporary Gypsy and Traveller pitches must meet an up-to-date and evidenced need and will be determined in accordance with the National Planning Policy for Traveller Sites (2015) document and Gypsy and Traveller/Travelling Showpeople definitions. Proposals must demonstrate a suitable layout of the site; that the site has essential services such as water, power, sewage, drainage, and waste disposal; and high quality boundary treatment and landscaping of the site. Proposals must have safe and convenient access to the highway and public transport services; there is provision within the site for parking, turning and servicing; the site has reasonable access to local services and community facilities; the proposal would not result in significant adverse impact on the amenity of occupiers of neighbouring sites; and the proposal would not result in significant adverse impacts on the visual amenity of the local area; and sites at risk of flooding should be subject to the sequential and exception tests.

The Horsham District Local Plan Regulation 19 document was approved at the meeting of full Council on 11 December 2023. The draft Local Plan has yet to be adopted and is of limited weight. It does however provide guidance with respect future policy direction.

In the absence of an adopted DPD, Horsham District Council is unable to demonstrate a 5 year supply of Gypsy and Traveller pitches. In accordance with Paragraph 27 of the PPTS, the absence of such a supply is a significant material consideration, and this weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant planning policies.

Policy C of the PPTS relates to sites in rural areas and the countryside, with paragraph 14 stating that "when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community". Paragraph 25 of

the PPTS continues that local planning authorities "should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure".

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal *must be essential* to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development or rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

Policy 23 of the HDPF outlines the criteria that must be considered when determining planning applications for non-allocated sites. These provisions include that the site is located in or near to existing settlements, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 continues that Local Planning Authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

The application site is located 2.4km from the nearest built-up area boundary (Pulborough) (3.8km to the town centre). Stall House Lane is an adopted (Class D) unlit highway with no dedicated pedestrian footpath- a number of public footpaths and bridleways intersect the street, connecting to the wider PROW network. The A29 (a 60mph single carriageway) is sited some 0.7km (as the crow flies) east of the site, travelling north-south to Horsham and Pulborough hosting a few 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, albeit with a 0.7km walk to the nearest bus stop. This provides an alternative means of transport, particularly for future occupiers who may not benefit from car ownership. Given the context of the site in reasonable proximity of clusters of other residential properties, it is not considered that a reason for refusal on the grounds of unsustainable location could be justified.

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. The application site benefits from public footpath access to the facilities and services within the village centre, with public transport options available to larger settlements. the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Design, Character and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy 34 of the Horsham District Planning Framework states that development affecting the setting of a listed building will not be permitted where it would have an adverse impact on the setting or special architectural character or appearance of a listed building.

Policy 12 of the Pulborough Neighbourhood Plan states that all building must be well-designed, sustainable and take appropriate account of climate change. The scale, density massing, height, landscape design, layout, and materials of all development proposals, will be required to reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states that Local Planning Authorities should "very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". Furthermore, it advises that any sites in rural areas respect the scale of, and do not over-dominate, the nearest settled community.

Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-

a) effective use of previously developed land (brownfield), untidy or derelict land;
b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Policy 23 of the HDPF states that development should not have an unacceptable impact on the character and appearance of the landscape and should be sensitively designed to mitigate any impact on its surroundings.

The proposal reflects closely the design of the previous application refused on 19.01.2024 (DC/23/2098), comprising the provision of 4no. gypsy pitches, with associated hardstanding and landscaping. The current proposal would have a static caravan, bike/bin store, parking provision for 2no. vehicles and a touring caravan. Each pitch would benefit from private amenity space and use of the vacant plot for recreation purposes.

The access to the site has not been altered in design since the last application, with access via an existing entrance into the site from the adjoining field, with a hardstanding drive travelling parallel with the southern boundary of the site. The site would retain some grassed landscaping, with a modest amenity curtilage for each unit. Though the units would be set relatively close to the boundary to the street (varying at some 23-26m) the retained mature boundary screening and agricultural barn would limit any views into the site, especially when fully leafed.

PROW 2298 runs north to south along the western boundary of the site. Approximately 2.6m would be retained for the pathway (naturally trodden grass) with the closest static unit being sited some 5.2m from the boundary to the path. The illustrative plans indicate that native hedging would be planted surrounding each unit- though, its species and height are unknown. The applicant has put forth in the submitted Planning statement that the Landscape Officer's comments as per the previous application did not acknowledge that the lane has some small sporadic development. However, the nature of the small sporadic developments would not be considered to impact on the character of the area such that it has altered the area to such a degree that it would not still be considered the site and surrounding area is rural in character, comprised of agricultural holdings, open fields and a sporadic siting of dwellings along Stall House Lane. The proposals would still be considered in this instance, to alter the character of the area and would have a harmful visual impact on the landscape character.

The site is also located some 25m north of a Grade II listed dwelling, Laurel Cottage. The Conservation Officer's conclusion remains as per the 2023 application- though the supporting statement does provide additional commentary relating to heritage and landscape impact, no mitigations against this

impact has been proposed as part of this application. Exterior lighting, manicured property boundaries and edges and regular vehicle movements will dilute the rural character of the lane and the setting of the listed building. Overall, the conservation officer is of the view that the proposal would result in less than substantial harm. There would need to be other public benefits to outweigh the harm as described in paragraph 208 of the NPPF. Whilst it is accepted that the development involves a relatively small area within the wider field systems, the site is directly opposite the listed building- an intense residential use of which would result in harm to the setting of the listed dwelling. The proposed development would therefore dilute the rural setting of the listed building leading to less than substantial harm at the lower end of the scale. The weighting of the impact is detailed in the proceeding section of this report.

Overall, the quantum of development and spread across the site including the level of hardstanding, would have a disruptive suburbanising impact on the locality, where the proposal would appear as an intrusive addition when set against the prevailing settlement pattern and rural character of the site and surroundings. In addition, the setting of the development in relation to the neighbouring listed dwelling and associated activity to and from the site would adversely impact its setting, and would not be supported. The proposal would therefore result in harm to the character and appearance of the area, contrary to Policies 23, 25, 26, 33 and 34 of the Horsham District Planning Framework (2015).

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Policy 23 of the HDPF states that development will not have an unacceptable impact on the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

The relationships with the nearest neighbours have not been altered since the last application and as per the previous application, it is it is not considered that the proposed development would result in harm through overlooking and loss of privacy. There would be an increase in activity on the site, however this would not result in such a significant amenity harm to warrant refusal. It is also not considered that vehicle movements resulting from the development would be significantly greater than other similar residential development in the area.

For these reasons, the proposed development would not result in harm to the amenities of neighbouring properties and users of land, in accordance with Policies 23, 32, and 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. In addition, proposals should minimise conflict between traffic, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The proposal seeks to utilise an existing entrance to the site, which is accessed from Stall House Lane. Areas of hardstanding would be laid to each pitch, providing parking for 2no. vehicles, with a turning head located to the south-west of the site.

The letters of objection have been considered as part of the application which are in part concerned with public safety, safe access, pedestrian safety and the generation of traffic. Following consultation with WSCC Highways, there are no apparent visibility concerns with the existing point of access onto Stall House Lane. In addition, it is not anticipated that the proposed development would give rise to a significant material intensification of vehicular movements to or from the site. The proposed parking provision is considered to be sufficient, with sufficient space for on-site turning to be achievable.

For these reasons, it is considered that safe and adequate access would be provided for users of the site, and the proposed development is not considered to have a severe cumulative impact on the function and safety of the highway network. The proposal is therefore considered to accord with the above policies.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The application was accompanied by a detailed preliminary ecological appraisal and bat roost assessment. Arbtech Consulting Ltd., November 2023. This recommends a sensitive lighting scheme which the Ecologist consulted would support. Overall, there are no objections to the proposal subject to the inclusion of recommended conditions. As per the conclusions of the officer's report for the previous application, if the application were permitted an additional condition would have been attached to ensure biodiversity enhancements are included.

With the above in mind, the proposed development is considered to accord with Policy 31 of the HDPF.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

Planning permission is sought for the use of land for the stationing of 4 static caravans and 4 touring caravans for residential purposes, together with the formation of hardstanding and associated landscaping.

The site is currently in use as an agricultural small holding. No evidence has been provided with regards to the baseline use of the site. The baseline water use is therefore considered to be **nil**.

The submission was not supported by a detailed water neutrality statement describing the proposed water demand. Instead, the submission relies on the use of a borehole for all water supply for the new units. The report suggests that a borehole on this site could provide 20m3 of water per day which would likely meet the needs of the site.

The Council's website includes guidance on the use of boreholes for water supply. Officers note that the report suggests that the borehole could provide the minimum yield (20m3/d). Since the previous application, which raised concern that no test borehole had been carried out, a lined bore Hole has been drilled. The submission included picture evidence of the borehole being drilled.

The WNS notes that its proposed Part G calculations are based on Flow tests undertaken on the caravans, although it is not noted which fixtures this includes. They conclude a proposed usage of 153litres per person per day with a population of 2.47 people based on three bedrooms per caravan, each unit would therefore be 377.91 litres per day per unit (1,511.64 litres per day for the development in total). After the inclusion of Water efficient fixtures proposed, the part G calculator indicates a use of

100.6 litres per person per day such that the total use would be **994 litres per day** for the development.

The applicant's strategy indicates that the bore hole supply could provide a yield volume of 13,680 litres per day such that the borehole would accommodate the proposed demand. In response to the previous officer's report, which noted that the borehole would be sunk within Weald Clay- '*Boreholes sunk into the Weald Clay will likely therefore not be supported unless there is clear evidence of a reliable year-on-year yield sufficient to serve the development proposal.' Weald Clay is not a productive aquifer source, and therefore has no long-term reliable yield.* This would still be a relevant concern with the current application. The applicant outlined that there would be a backup rainwater harvesting system installed on each plot. The WNS indicated that the additional back up source of water (Rainwater harvesting system) would be sufficient in provision based on the roof areas of the caravans and approved barn. They include a long-term maintenance plan and maintenance plans for the RHS and borehole. The WNS outlines that the proposal would be served by cesspool foul drainage with a conclusion that there would be no risks to water quality.

Whilst the above borehole would appear to result in a sufficient provision of water to meet the proposed caravans, there are remaining concerns with the submitted WNS. The Environmental Agency have objected to the proposal owing to the location of the development, which represents an unacceptable use of land as it is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. The Environmental Agency have highlighted that the development will create a default Source Protection Zone 1:

'We designate Source Protection Zone 1 to identify the catchment areas of sources of potable water (that is water supplies usable for human consumption), and show where they may be at particular risk from polluting activities on or below the land surface. In this instance, the proposed development would threaten potable water supplies as the proposed development includes the provision of sealed sewage storage (cesspools) in Source Protection Zone 1, which is contrary to positions B3 and G6 of the 'The Environment Agency's approach to groundwater protection.'

The Council's Environmental Health Officers have further commented in this regard, and note that matters regarding cesspools and soakaways are raised at the planning stage and would not be appropriate to manage via condition. The application has not provided details of the type and placement of the cesspools or sewage treatment tanks and the methods for disposing of the treated or collected sewage- details of which are fundamental to the decision about whether the site is suitable for residential use.

Discussion with the agent during the course of the application had queried the consultation advice in regards to water quality, with concern from Officers that the filtration system would potentially be insufficient. Further information would be required to outline the chemical and mineral content of the groundwater as this would determine how effective the treatment system would need to be to result in confidence that it would achieve a potable standard. In response to the agent query as to whether a condition would be sufficient to ensure water quality, the Council's Environmental Health Officers concern remain that it is fundamental to the application that the borehole would be able to provide potable water and without some indicative understanding of the mineral and chemical content, there is insufficient confidence that this would be safely achieved.

Whilst the applicant has submitted appeal information in respect of condition applied to the officer's report for APP/Z3825/C/23/3318225 (DC/21/1796), this proposal was materially different from that of the proposed as it sourced water from an on-site spring via a borehole. As such, whilst conditions in some cases might be sufficient to overcome Environmental Health concerns in some instances with views to provide certainty around whether water would be potable, this is not the case in respect of the present application owing to the above.

Given that there would be uncertainty as to the consistency of yield from the borehole, that the quality of water provided from it would be unknown such that there is a lack of confidence that the treatment system would be sufficient and that the Environmental Agency would require details as to a potential interaction with the cesspool foul and potable water supply, which details would be needed in advance

of the granting of a permission such that they are fundamental to a decision, there is a lack of certainty over both the quality of water that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 185 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The Council cannot currently demonstrate a five-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. It is therefore recognised that the proposal would go some way to addressing the identified need. This is a material consideration of significant weight in the balance. Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site is located in a wider rural area but adjacent to a few other residential developments, within a predominantly rural context. Though views into the site would be limited, the overall layout and siting of the development within this context would result in an adverse suburbanising impact that would affect the visual amenity of the surrounding area. Given its setting in relation to a Grade II listed dwelling, the increased built form, use of the site and associated residential paraphernalia would result in less than substantial harm to the setting of the designated heritage asset. Owing to the proposed arrangement and siting from nearby residential properties, the proposal would not likely result in adverse amenity harm. Furthermore, the scale of the development is not considered to result in a significant intensification in activity within the countryside location, nor result in unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

While the current shortfall for gypsy sites is a material consideration of significant weight, it has not been demonstrated that the development would not have a likely significant effect on the designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species). Whilst there is a need for this type of accommodation within the District, this does not override this adverse impact. Therefore, granting permission would not result in a public benefit, thus not outweighing the aforementioned less than substantial harm to the setting of the listed dwelling. The proposal would therefore be contrary to Policy 34 of the HDPF and Paragraph 208 of the NPPF. Furthermore, the proposed development, due to the quantum and spread of development across the site, including the level of hardstanding, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the pleasant and rustic characteristics of the immediate locality.

The benefit of providing this form of accommodation within this location is not considered to outweigh the harm as identified. It is not considered that the harm identified could be overcome by the granting of a temporary consent, or indeed a personal permission. The proposal is therefore considered contrary to relevant local and national planning policies, and is recommended for refusal.

Recommendation: Application Refused

Reasons for Refusal:

1. The proposed development, due to the quantum and spread of development across the site, and including the level of hardstanding, 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, with no such public benefit that would outweigh this harm. 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 33 and 34 of the Horsham District Planning Framework (2015) and Paragraph 208 of the National Planning Policy Framework (2023).

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0356

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		2311ST_R0.0_000	05.03.2024
Block plan		2311ST_R0.0_001	05.03.2024
Elevation & Floor plan	Proposed Bike and refuse stores	2311ST_R0.0_100	05.03.2024
Supporting Statement	Borehole Feasibility Assessment	62241301 / 001 / R400 REV A	05.03.2024
Design & Access Statement	and Heritage	none	05.03.2024
Supporting Statement	Preliminary Ecological Appraisal	none	05.03.2024
Supporting Statement	Planning	none	05.03.2024
Supporting Statement	Water Neutrality Strategy Bore Hole Yield Report and Water Management Plan	none	05.03.2024

DELEGATED

Case Officer sign/initial	Hannah Darley	Date:	02.05.2024
Authorising Officer sign/initial	Guy Everest	Date:	03.05.2024