



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1213

Rascalls Farm, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BG

DESCRIPTION:

Non Material Amendment to previously approved application DC/24/0249 (Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping) as amended by DC/26/0135 (Variation of Conditions 1, 5, 6, 11, 13, and 19 and Removal of Conditions 7 and 9 of previously approved application DC/24/0249) for amendments relating to the landscaping strategy.

RELEVANT PLANNING HISTORY:

DC/24/0249	Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping.	Application Permitted on 05.06.2025
DC/25/1975	Non Material Amendment to previously approved application DC/24/0249 (Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping) relating to differing unit types for Plots 1 and 2, additional sub-station, and temporary parking area.	Application Permitted on 11.03.2026
DISC/25/0381	Application for Approval of Details Reserved by Conditions 7 (Biodiversity environmental management plan (CBEMP)) and 10 (programme of archaeological works) Content of Written Scheme of Archaeological Investigation ONLY to approved application DC/20/0695 (Outline application up to 100 residential units with all matters reserved except access (excluding internal estates roads).	Application Permitted on 23.01.2026
DISC/26/0026	Approval of details reserved by conditions 5 and 8 to approved application DC/20/0695	on
DC/26/0135	Variation of Conditions 1, 5, 6, 11, 13, and 19 and Removal of Conditions 7 and 9 of previously approved application DC/24/0249 (Reserved matters application for the erection of 96 dwellings and ancillary parking and landscaping following approval of outline application DC/20/0695 (up to 100 residential units with associated vehicular and pedestrian access), relating to layout, scale, appearance and landscaping) relating to plans, arboricultural measures and water neutrality.	Application Permitted on 01.07.2026
DISC/26/0103	Approval of details reserved by conditions 6, 9, 11, 12 to approved application DC/20/0695.	on

DISC/26/0104	Approval of details reserved by conditions 2 (Levels), and 6 (Materials) to approved application DC/24/0249 (in relation to Plots 1 and 2 only)	Application Permitted on 23.06.2026
DISC/26/0148	Application for Approval of Details Reserved by Condition 13 and 14 to approved application DC/20/0695.	Application Permitted on 29.07.2026
DISC/26/0155	Application for Approval of Details Reserved by Condition 3 to approved application DC/24/0249.	on
DISC/26/0173	Application for Approval of Details Reserved by Condition 4 to approved application DC/26/0135.	Application Permitted on 21.09.2026
DISC/26/0236	Partial Approval of details reserved by condition 10 to approved application DC/20/0695	Application Permitted on 15.09.2026
DISC/26/0239	Approval of details reserved by conditions 6, 8 and 12 to approved application DC/24/0249	on

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 25- Strategic Policy: The Natural Environment and Landscape Character

Policy 26- Strategic Policy: Countryside Protection

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 34- Cultural and Heritage Assets

Neighbourhood Plan:

Parish Design Statement:

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:

None received

Parish Comments:

None received

Representations:

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

The main consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

The proposed amendment seeks to supersede a total of 2 approved documents relating to the landscaping strategy (Illustrative masterplan and General arrangement). The covering letter states that this is following the setting out onsite and identifying the previously proposed location of the PROW improvements would require approximately 800m² of woodland clearance. To minimise clearance of Ancient Woodland designated land and Ancient Woodland adjacent land, including recorded active Dormouse habitat, the amended plans seek to amend the PROW route to run adjacent to the woodland boundary, but still terminating at the previously approved connection points. The majority of this route will follow the current trodden path used as the Public Right of Way route at the point Reserved Matters Permission was granted. The improvements will still be delivered as no-dig self-binding gravel, as approved in the detail drawing 'GLS_160_143_1701 REV A'.

Following the amended PROW route, the mown pathway from the spine road to the open space pathway has been altered to connect directly to the consented seating area location as a desire line.

The PROW officer from West Sussex County Council has responded to the proposed amendments with a 'no objection' response. This would be subject to a formal diversion application being submitted to re-route the footpath.

The proposed surfacing must still be delivered as a zoned no-dig limestone dust path as stated on the plans and agreed previously. The cover letter has a typo and should be disregarded in relating to surfacing materials.

The landscape amendments are very minor and would not appreciably impact on the appearance of the site or amenities of adjacent occupiers, and would give rise to no other material impacts. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

NOTE TO APPLICANT

The applicant is advised that they must apply for a diversion of FP1889 by means of a Public Path Order (PPO) (under the Town & Country Planning Act (TCPA) 1990 Section (S)257) through Horsham District Council prior to development. The WSCC PRow Team will be a formal consultee as part of this diversion Order application process. Development affecting the currently recorded legal line of FP1889 must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

The PPO must be confirmed before WSCC PROW Team can grant the temporary path closure necessary for development to commence. More information on this can be found on our website at <https://www.westsussex.gov.uk/land-waste-and-housing/public-pathsand-the-countryside/public-rights-of-way/request-a-change-to-a-public-path/>

However, if development has already commenced and is considered to be substantially complete, you cannot apply to divert the footpath under S257 of the TCPA 1990 - there is case law which sets out what is considered to be substantially complete, but ultimately the Local Planning Authority (Horsham District Council) need to consider this. If a development has commenced, and considered substantially complete, the application to divert must be made using S119 of the Highways Act 1980.

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/26/1213

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Illustrative landscape master	GLS_021_197_120 0 REV B	30.07.2026
Plans	Landscape general arrangement	GLS_021_197_130 0 REV B	30.07.2026

DELEGATED

Case Officer sign/initial Kate Turner Date: 29.9.2026

Authorising Officer sign/initial Adrian Smith Date: 29/09/2026