Addendum to Statement of Case for the Local Planning Authority

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PLANNING INSPECTORATE REFERENCE:	APP/Z3825/W/25/3372733
HORSHAM DISTRICT COUNCIL REFERENCE:	DC/24/0298

Town and Country Planning Act 1990

Planning appeal by **Mr Phil Rowe** at:

Oakhurst Centre, West Chiltington Lane, Coneyhurst, Billingshurst, RH14 9DN

Appeal to be determined by an Inspector appointed by the Secretary of State by way of the **informal hearing** procedure.

18 November 2025

1.0 Introduction:

1.1 This addendum seeks to provides the Council's response to the Appellant's submission of additional documents in relation to reason for refusal 2, and additionally, the Inspectors 'pre-hearing note' dated 14 November 2025. These matters have been addressed individually below:

2.0 Submission of additional information - Reason for Refusal 2:

Introduction

2.1 A NatureSpace District Licence Report and Impact Plan have been submitted to address reason for refusal 2. These documents were first provided to the Council via email on 3 November 2025.

2.2 It is noted that the appellant's submission includes two District Licence Reports and two Impact Plans. Whilst this is understood to be as the appellant has two applications registered with the District Licencing Scheme, only the District Licence Report directly referencing this appeal (APP/Z3825/W/25/3372733), and the Impact Plan with the file name '202506013a1_Impact_Plan_V01' are relevant to this appeal. In the interest of clarity, and as a means of reference, these files have been included as appendices to this addendum (**Appendix 1 and 2**).

Assessment

2.3 Reason for refusal 2 for application / appeal DC/24/0298 states:

It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would avoid possible adverse effects upon Great Crested Newt and their habitat, or that potential adverse effects are capable of being successfully addressed through the incorporation of relevant mitigations. The proposals, therefore, are contrary to the requirements of Policy 31 to the Horsham District Planning Framework (2015) and the Authority's duties pursuant to the Conservation of Habitats and Species Regulations (2017) (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2007 (as amended).

2.4 The Council's Statement of Case, dated 23 October 2025, reiterates the delegated report and the comments provided by NatureSpace. It is outlined that the site falls within the 'red' impact risk zone for the Great Crested Newt (GCN), modelled in accordance with Natural England standing advice, and that 11x ponds and the River Adur fall within a 500m radius of the site. It was additionally highlighted that the proposal would potentially impact onsite habitat including (scrub), and hedgerow features with the potential to provide connectivity to adjacent ponds. As such NatureSpace were not satisfied that no impacts upon GCN or their habitat would arise were the development to be approved.

2.5 It is emphasised that no Naturespace certificate / report, details of appropriate mitigation/compensation, or site-specific surveys to rule out impacts to Great Crested Newts were submitted either with the application (DC/24/0298) or within the initial appeal submission. The Council therefore maintains that it was correct in including the possible adverse effects upon great crested newts and their habitat as a second reason for refusal in this instance.

2.6 Notwithstanding this, the appellant has now submitted a District Licence Report and Impact Plan issued by Naturespace, which is welcomed. Following a review of these documents and direct engagement with Naturespace, officers are satisfied that the appeal scheme is able to use the Council's District Licence Scheme. Subject to the

conditions outlined within the report, any potential impact on Great Crested Newts are capable of being appropriately managed. It is also understood that officers from Naturespace have provided a comment to the Inspectorate directly, confirming this position.

2.7 Should the Inspector be minded to allow this appeal, the below conditions as outlined within the District Licence Report must be included within any final decision notice. This is to ensure that the proposal is delivered in full accordance with the licencing scheme and that a certificate is secured. It is emphasised that without these conditions it cannot be concluded that possible adverse effects upon Great Crested Newts and their habitat would be appropriately managed. These conditions are as follows:

Condition 1

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Oakhurst Centre: Impact plan for great crested newt District Licensing (Version 1)", dated 30th October 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Condition 2

No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Condition 3

No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

2.8 With the above conditions in place, the Council is satisfied that the potential impact to Great Crested Newts will have been appropriately mitigated for at this stage, and reason for refusal 2 would in effect fall away. An updated list of all the recommended conditions has been provided to the Inspector alongside this addendum.

2.9 Notwithstanding this, it is emphases that reason refusal 1, pertaining to Flood Risk, remains unaddressed, and would itself render the appeal scheme unacceptable. It is additionally noted that the absence of reason for refusal 2 is not considered to impact the overall planning balance, and the appeal scheme, when considered as a whole, remains unacceptable.

3.0 Council Response to Pre-Hearing Note

Demolition of existing buildings:

3.1 The Inspectors pre-hearing note seeks clarity on the proposed demolition of buildings and the proposal wording. At present the proposal wording states:

"Proposed settled gypsy accommodation site comprising 10no pitches and associated utility buildings."

3.2 It is noted whilst some ambiguity remains regarding precisely which buildings would be removed to accommodate the proposal, the scheme could not be delivered without the removal of buildings to the southern portion of the site, and the site plan as proposed, shows only the retention of a static unit. It is additionally noted that the proposal seeks the change of use of the site in its entirety, and therefore, the proposal would not be compatible with the retention of existing facilities.

3.3 It is acknowledged, however, that the proposal does not expressly reference or detail the demolition of existing commercial facilities within the proposal or the proposal wording. Additional clarification on this matter would be welcomed.

Land Ownership:

3.4 The Inspectors pre-hearing note states that an interested party at Kettlesbridge Farm has indicated they own land within the application site boundary.

3.5 The Appellant's application form and appeal statement includes a 'Certificate B', outlining that notice was served on only one land owner. Whilst it would be appropriate for the Appellant to comment on this matter directly, the Council notes that representations were received from Kettlesbridge Farm during the course of the application and within this appeal. The interested party is therefore not considered to have been prejudiced from engaging with the application or appeal process.

Highway Safety:

3.6 Officers understand that there remains a discrepancy between the width of the site access shown on drawing 2305089-TK02, and the 'on the ground' road width.

3.7 This is discrepancy was highlighted by WSCC Highways in their Initial Comment dated 28th March 2024 which states:

"I do note that access and egress for a refuse vehicle has been demonstrated in the Technical Note, the plans of which suggest that two such vehicles could pass one another whilst using the main access. WSCC mapping would suggest otherwise, and given the width of this access road, it would appear too narrow for two vehicles to pass one another. However, WSCC mapping suggests that there are two or three

potential passing places further in the site, where vehicles can wait and allow another to pass. This is an existing practice and given there are opportunities within the site for vehicles to wait and pass, the LHA raise no concerns over this regard."

3.8 The site access has, therefore, been assessed on the understanding that there would be insufficient space for two vehicles to pass along the access itself. This is outlined in officers refence to a single track access. Notwithstanding this, the appeal scheme seeks to introduce a dedicated passing place as shown on the Proposed Block Plan (Drawing Number: 2209OA_R2.3). The WSCC Highways Authority have additionally outlined that there would be sufficient space for vehicle to pass where the access meets the public highway.

3.9 The Inspector has noted a triangular area of land adjacent to the access which has been included within the site boundary. Notwithstanding matters of ownership, the unsuitability of this land to serve as a passing place was raised with WSCC Highways, and subject to their comment dated 23rd April 2025. In their comments the WSCC Highway Authority outlined that they were unlikely to raise an objection to the application with reference to the private driveway/passing places.

3.10 The officer's report therefore assesses the proposal on the basis that there would be insufficient space for two vehicles to pass along the access itself, and that the 'dedicated passing place' would be the sole passing place available. Officers conclude in that whilst 'less than ideal', the access would be acceptable.

3.11 The Inspector additionally asks whether the application site extends to the public highway. Having reviewed WSCC Highway Boundary data, it appears that the red line boundary of the application site does extend and connect with the public highway.

Water Neutrality:

3.12 On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites (**Appendix 3**). Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

3.13 To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

3.14 In this instance, the officers report outlines that the proposed increase in water consumption could be offset within the SNWCS. Whilst the SNWSC will no longer be launched, the LPA is of the view that the proposed increase in water consumption could be accommodated within the capacity previously to be use by the Sussex North Water

Certification Scheme (SNWCS), as outlined above. In this instance, a condition to secure compliance with the Building Regulations Part G standards is not considered appropriate, however notwithstanding this, there remains sufficient offsetting capacity for the proposed development.

3.15 It is noted that the Inspector is the Competent Authority during this appeal, however, a shadow / draft Appropriate Assessment produced by the Council has been included within **Appendix 4.**

3.16 Given the above, the Council remains of the view that where offsetting within the SNWCS capacity is secured, and an Appropriate Assessment undertaken, the proposal would be acceptable in terms of Water Neutrality, and would not result in adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar designations.

Outstanding Documents

3.17 The Inspector's pre-hearing note additionally requested the following documents which will be provided alongside this addendum:

- Relevant extracts from the Landscape Character Assessment.
- Gypsy and Traveller Accommodation Assessments.
- Annual Monitoring Review
- Listing descriptions of the listed buildings referred to in the Council's Delegated Report.

Statement of Common Ground

3.17 A revised Statement of Common Ground which reflects the changes to reason for refusal 2 has been shared with the appellant and will be provided to the inspector once agreed by both parties

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