Appeal against refusal of application DC/24/1573

Use of land for the stationing of 4no. static caravans for residential purposes, together with the formation of hardstanding and associated landscaping and the construction of associated utility buildings (part retrospective).

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

V1 19th April 2025

Location

The site amounts to approximately 0.34 hectares and is located to the north of Stall House lane

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

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

The Proposal

The proposal is for the use of the land for the stationing of 4 static caravans and 4 touring caravans for residential purposes for a gypsy traveller family, together with the formation of hardstanding and associated landscaping and the construction of utility buildings.

An application was submitted on 8th October 2024. The application was refused on 30th January 2025

The reasons for refusal stated were:

Reason 1

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

Reason 2

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

Rebuttal

The reasons for refusal both relate to effect on the rural character of the countryside location and reason one is further in relation to the impact on the setting of the nearby listed building.

The following addresses the issues directly with reference to the officer report.

This should be read in conjunction with the document submitted with the original planning submission.

Landscape impacts

The starting point must be that the likely location of any new Gypsy Traveller site in Horsham will be in the Countryside. The PPTS accepts that gypsy sites will be in the countryside.

Simply because a site is within the countryside is not an automatic assumption that it will be harmful to the character of the area. Each site must be assessed for landscape sensitivity and the impact of the proposal must be considered.

The appeal site has no statutory or local landscape designation, it is not within the Green Belt and is not a National Landscape or National Park. The appeal site is therefore exactly the type of area in which Gypsy Traveller sites are likely to be found.

The application site is well screened on all boundaries and is not readily visible from Stall House Lane or any residential properties. It would not impact the amenity of local properties, none of which are adjacent to the site.

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

The proposed extent and layout of development would not directly alter the pattern of irregularly sized fields.

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

The landscape comments provided by Place Services set out that the proposal would have an adverse impact on landscape character *'because of the predominant rural character of the immediate area, with limited residential properties and farms'*

This is to say that development on any site which is located in any area with limited residential properties or farms would have an adverse impact on landscape character. This cannot be the case and a fuller assessment of the sensitivity of the site, the impact of the development and the opportunities for mitigation must be made.

Indeed, the Place Services comments acknowledge that views are partially mitigated by the presence of the hedgerow along the roadside boundary which prevents some views into the site. This is understated as it is clear from a site visit that the dense, high and mature hedgerow along the land prevent any perceptible view of the site. (which will be further mitigated by the proposed planting to thicken this hedge)

The landscape comments received from Place Services state that there are *'limited residential properties and farms'* and as a result state that *'the proposal would have an adverse impact on landscape character.'*

The comments do not acknowledge however that the lane is characterised by small sporadic development in individual parcels along the lane. The developments comprise dwellings, stables and barn and form part of the character of the lane.

There are a cluster of dwellings opposite the site.

The proposal, rather than being at odds with this pattern of development, reflects this character of small scale development and thus integrates in to the area.

The applicant acknowledges that the application Site is located within Landscape Character Area (LCA) South Low Weald (LW5) of the Landscape Character Assessment of West Sussex (2003) and LCA J1 Billingshurst and North Heath Farmlands of the Horsham Landscape Character Assessment.

The key characteristics of these LCAs however remain unchanged. Characteristics such as small to medium fields enclosed by hedgerows, mature field trees following hedgerows and lanes and a semi enclosed landscape all remain unaltered by the proposal.

The impact on the landscape in this area is therefore limited.

The LPA report and decision notice state that the proposal does not accord with the criteria outlined for acceptable development under Policy 26 Countryside Protection.

An assessment against this policy is at odds with Policy 23 and the PPTS, and an assessment must be made against the latter which are plan led.

Strategic Policy 23: Gypsy and Traveller Accommodation states that any planning applications for non-allocated sites must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. (our underlining added)

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

PROW 2298 runs north to south along the western boundary, outside of the application site. WSCC PROW Team raised concerns regarding impact on the footpath, noting

> *'that the definitive line of Public Footpath 2298, which runs along the S/W boundary, may be obstructed by the perimeter fence of the proposed site.'*

The applicant has been in communication with the PROW officer and agreed to ensure any obstructions are removed, they have also carried out maintenance of the hedgerow that was encroaching on to the PROW and have applied for a kissing gate from the PROW officer so this can be installed to ensure the PROW remains accessible. The PROW will not therefore be obstructed.

The LPA officer report states that the proposed works and use of the land would impact on the users of the footpaths experience. They further state that the proposal does not incorporate appropriate mitigations to reduce this impact on the surrounding area or users of the footpath, which would result in an adverse impact on their amenities.

The plans however clearly show new native hedging being planted the full length of the footpath which once established would mitigate any impact and would reduce intervisibility between the site and the footpath.

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

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

These comments are supported in the Landscape Assessment prepared by Furse Landscape Architects Ltd which accompanied the original submission who draws a similar conclusion.

The harm to the landscape character is clearly not of a level where it could be deemed unacceptable. Any resulting harm is of such limited magnitude that it carries limited weight in the planning balance.

Attention is drawn to appeal APP/L3815/W/20/3254259 at Newells Lane, West Ashling PO18 8DD for the stationing of a single caravan for residential purposes.

Whilst this is in a different district the development was of a similar, albeit of a smaller scale. The appeal was heard alongside a number of other similar proposals on the adjoining sites. In this appeal the inspector concluded at paragraph 20 that:

> *'The development of any residential caravan site on previously undeveloped land will inevitably result in some change to the character and appearance of the area.*
>
> *I find the change has resulted in harm by the generally unsympathetic use of internal fencing and the extensive hard surfacing on this and the other appeal sites.*
>
> *Nevertheless, even when considered cumulatively with the other appeals, the identified harm could not be said to be of a magnitude that it dominates the settled community.*
>
> *Moreover, I consider that the appearance of the site could be improved through a suitable hard and soft landscaping condition, on this and the other appeal sites.'*

This clearly demonstrates that the inspector considered that the resultant harm from uncontrolled fencing and hardstanding would result in some limited harm but was clear that suitable conditions could be used to overcome this.

At paragraph 33 of the appeal decision the inspector found that the planning balance was very finely balanced with a number of factors that weigh significantly in favour of the development including the contribution of additional gypsy and traveller pitches against an identified need.

This fine balance was tipped in favour of a dismissal by the lack of a nitrates neutrality solution, but the harm identified to the landscape was not, on its own, considered to outweigh the benefits which would have warranted a dismissal. The development was subsequently approved under a resubmission which included a nitrates solution.

This issue is to be discussed further in the planning balance and conclusion.

Heritage impacts

The site sits to the northeast of the 17th Century (Grade II listed) Laurel Cottage which is located on the opposite side of Stall House Lane but is not directly opposite the development site.

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

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

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

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

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

The reason for refusal states that proposed development 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. (our underlining added)

The listed building is not in fact adjacent to the site. The Oxford dictionary sets out the ordinary meaning of adjacent which is:

> *Next to or very near something else; neighbouring; bordering, contiguous; adjoining.*

The application site in relationship to the listed building meets none of these definitions. It does not border, neighbour or adjoin the listed building. It is separated by a road and heavy mature hedgerows and is not even directly opposite.

Furthermore, the development proposed is set back from the hedgerow which heavily screens the site and this hedgerow will be heavily interplanted to thicken it and provide additional screening.

There is limited visual impact on the setting of the listed building as it cannot be seen or appreciated in context with the proposed development given the fact the development site and the listed building are not directly opposite each other and are in any case separated by two heavy hedge lines and a road.

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

The field does not form part of the setting of the nearby listed building which would contribute to its significance and so there is no resultant harm to the special interest of the listed building.

Appeal APP/L3815/W/18/3209147 at Keynor Lane, Sidlesham is relevant and draws similarities to the development site as it was located in a field adjacent to a Grade II listed farmhouse

The inspector considered the impact that the development would have on the setting of the listed building. At paragraphs 40-42 they noted that

> *'The importance of a building's setting is how it contributes to the asset's significance. The decision notices refer to Historic England's guidance in relation to the assessment of the Setting of Heritage Assets.*
>
> *I agree with the appellant's consultant that this sets out a process to assist in establishing whether the setting of a heritage asset is of significance.*
>
> *It appears to me that apart from noting that the dwelling is visible from within and across the field, the Council has failed to establish how the field contributes to the significance of the listed building or the ability to appreciate that significance.*
>
> *In any case, the immediate relationship between the field and the dwelling has been somewhat diminished by the extensions to Mutton Farmhouse's garden and its domestic features.*
>
> *On the basis of the evidence before me, I conclude that the significance of the listed building is derived from its original detailing and historic fabric.*
>
> *Although I agree that both appeals would alter the land use of part of the adjoining field, the details that give rise to heritage significance are not seen in the context of the field.*
>
> *I conclude that neither development would result in harm to the significance of the listed building, as the appreciation of the dwelling's listed features and historic fabric would remain unchanged.*
>
> *As such, there is nothing before me to suggest that the field has particular significance in relation to the listed building, I conclude that the developments would preserve the listed Mutton's Farmhouse and its setting and any features of special architectural and historic interest which it possesses.*
>
> *In any case, the extension of Mutton Farmhouse's garden into areas of the field has created a buffer and I find the Council's argument in respect of the visibility of this dwelling from Keynor Lane overstated.*
>
> *Moreover, the planting I noticed on the garden boundaries suggest that views across and from within the field will in any case be obscured with the passage of time. This buffer would also provide spatial separation between Mutton's Farmhouse and the development of Appeal'*

Concluding at paragraph 44 that

> *'Accordingly, neither appeal would be contrary to LP Policy 47 which states that proposals should conserve or enhance the special interest and settings of designated heritage assets. Nor would the developments be contrary to the provisions of Section 16 of the Framework, which is concerned with the protection and enhancement of the historic environment, or the requirements of the Act.*
>
> *Furthermore, the appeals would not be contrary to the Historic England guidance in this regard.'*

The Keynor Lane case draws many parallels with the appeal proposal and was in fact immediately adjacent to the listed building, whereas the appeal site is separated by a road and dense hedgerows.

Applying a similar assessment to the Keynor Lane case the following conclusions must be drawn:

Laurel Cottage is not a farmhouse; it is a 17th century timber framed cottage and would not have had large amounts of land.

Its significance is attributed to its character and surviving fabric and to its immediate setting in which it is appreciated. This setting comprises the immediate land around the building which appears to have comprised orchards and small parcels of land to the south and east.

This is in contrast to the larger parcels of arable land to the north of the land (including the development site) which historically have always been under separate ownership and use and were farmed differently.

The immediate setting and the wider setting which comprises the small fields to the south have been heavily eroded by modern development which comprises a number of 20th century dwellings to the south and the out of character extension to the listed building itself, which can be seen to have had a detrimental effect when contrasted with the character and appearance of the original building.

These clearly have affected setting and have visually devalued the attributes of the listed building considerably.

The setting which contributes to the special interest of the cottage as a designated heritage asset therefore is limited to the south side of the road.

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

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

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

The proposed development will, as is the case with any development, result in an increase in noise and perceived domestic activity including vehicular movement and domestic exterior light.

This activity however would be limited and would not be to a greater degree than many applications for residential development close to listed buildings which are regularly approved by LPAs throughout the country.

Any concerns over exterior lighting can be suitably controlled by condition so as to preserve the tranquillity of the area.

Whilst it is acknowledged that the development would result in a small increase in noise and perceived domestic activity it is not considered that this would result in harm to the setting of the listed building.

Similar conclusions were drawn under appeal APP/Z3825/W/20/3246486 at parsons Field Stables within the same parish as the appeal site and for a similar development. With the inspector stating at Paragraph 32

There is agreement between the main parties that the development is not considered to result in any harm to the significance of the nearby heritage assets. (Whitehall Cottage, which is Grade II Listed (1027352) and Cherry Tree Cottage, which is Grade II Listed (1285958). Both properties were first listed on 9 May 1980.)

In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.

I find the significance of both Whitehall Cottage and Cherry Tree Cottage derive from their 17th Century origins, if not earlier in the case of the timber framed Cherry Tree Cottage, and their traditional design, which has largely been maintained, even though some later extensions have been added.

Similar to the observations made by the Council, I consider that the existing boundary treatments to the site and the distances maintained to the listed buildings ensures that the development does not harm the setting of the heritage assets.

Thus, I find that the development conserves the heritage assets in a manner appropriate to their significance in line with the Framework and the Act.

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

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

Whilst it is maintained that the special interest of the listed building is not harmed by the proposals, even if there is considered to be a degree of harm this can be no higher than the lower end of less than substantial (as set out by the LPA) and so any public benefit would need to be of limited weight to outweigh such harm as required by paragraph 215 of the NPPF.

In an application on the adjacent site for an agricultural barn (reference DC/23/0185) The LPA concluded that the barn located some 26m north-west of Laurel Cottage resulted in less than substantial harm to the setting and character of the listed dwelling, citing the harm to be towards the lower end of the scale.

The officer in permitting the application concluded that

"Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The barn is used in connection with an agricultural small holding. The submitted design and access statement indicates that the activity relates to a farming enterprise, thus the use of the site does contribute to the local economy. Furthermore, the barn provides necessary shelter for the animals when in lambing, in addition to security for the storage of feed and equipment, therefore deterring any potential rural crime.

As above, any harm to the setting of the listed dwelling is on the lower end of less than substantial. It is considered that the resultant economic benefits from the associated use of the barn within the wider site, in

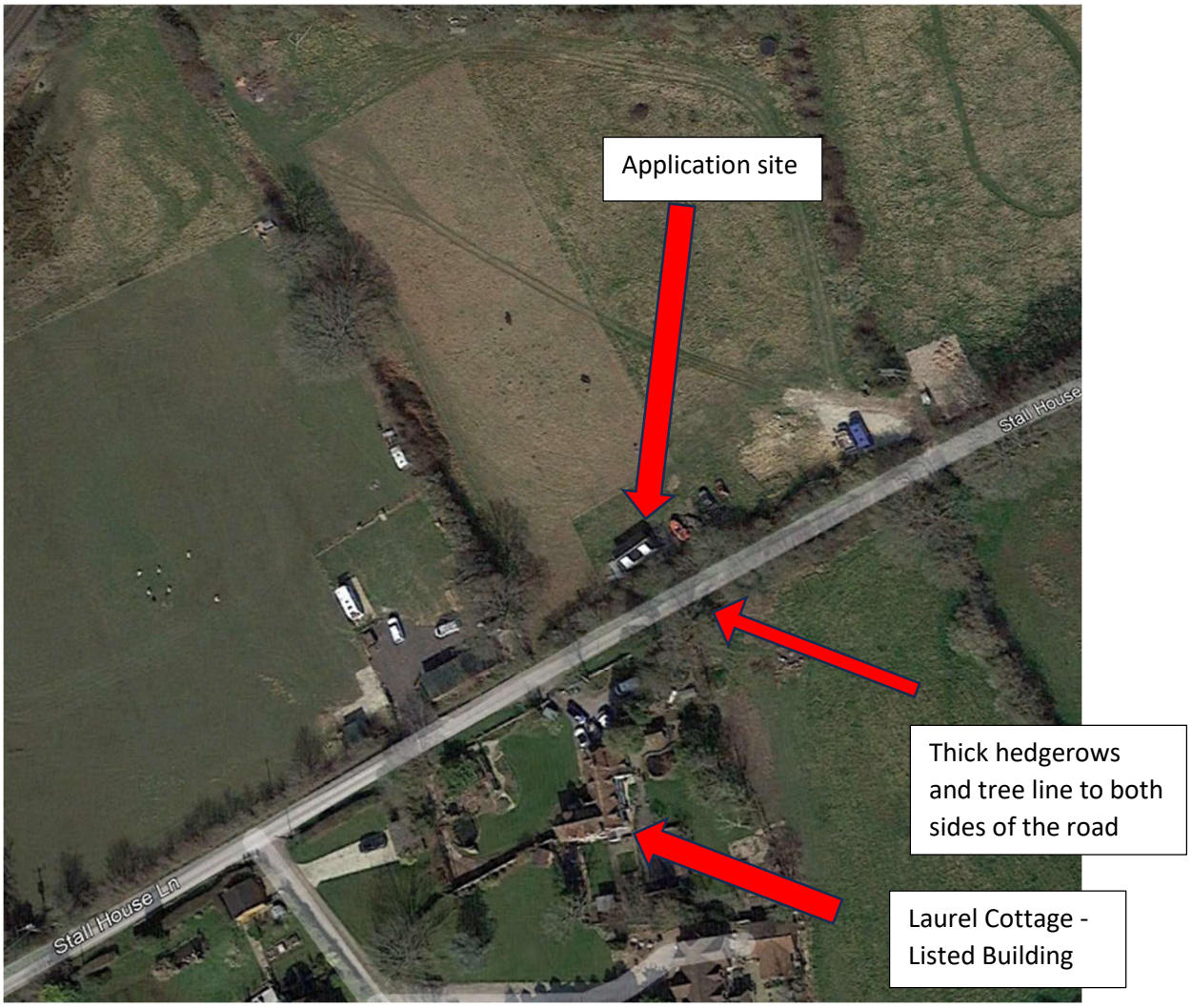
addition to benefits to the welfare of the livestock and security, would outweigh the identified harm, as per paragraph 202 of the NPPF.

The proposal is therefore considered to accord with Policy 34 of the HDPF "

It is clear therefore that lower end of less than substantial harm (which is concluded by the LPA in both this example and the appeal scheme) was outweighed by a very limited public benefit (in this case welfare of livestock, security and a small economic benefit)

The Public Benefits needed to outweigh the lower end of less than substantial harm identified by the LPA would not therefore need to be of a significant magnitude.

This issue is to be discussed further in the planning balance and conclusion.



Relationship of the application site and the Grade II Listed Building – Laurel Cottage

Factors weighing in favour of the appeal.

The following factors weigh in favour of the application:

i) The proposal complies with Policy 23 and the presumption in favour of the plan applies.

Strategic Policy 23: Gypsy and Traveller Accommodation states as follows (our comments in red):

The following criteria will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non-allocated sites:

a. *There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;*

The site is outside of a flood zone with no known drainage issues, no contamination issues or hazards such as overhead lines. The site is level and accessible.

b. *The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;*

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

c. *The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;*

There is power on the site and water will be supplied by rainwater harvesting system. Foul drainage will be addressed by way of a package treatment plant and the site is located on a lane with a number of dwellings so waste collection services will be readily available. Sufficient parking and turning is available on site as well as sufficient amenity space for the families.

d. *The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;*

As recognised by the LPA:

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

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

Future occupiers would benefit from indirect access into these larger settlements, which provides services and facilities, with public transport access to larger settlements.

e. *The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

As set out above. The application site is well screened on all boundaries and is not readily visible from Stall House Lane or any residential properties. It would not impact the amenity of local properties, none of which are adjacent to the site.

The site is not a protected or sensitive landscape and whilst any development will result in some change to the character of a site, the changes are not considered to be harmful.

The field does not form part of the setting of the nearby listed building which would contribute to its significance and so there is no resultant harm to the special interest of the listed building.

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

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

ii) The identified need for Gypsy Traveller pitches is not being met and issues with water neutrality make it even more difficult for the LPA to meet this need. Therefore, where a suitable site comes forward that meets the requirements of Policy 23 and can demonstrate water neutrality they should be granted.

iii) No suitable available alternative sites are available, as recognised by the LPA. This is unlikely to change due to the issues around water neutrality and the lack of solutions to the issue.

iv) The LPA cannot demonstrate a five-year supply.

v) There is a clear failure of Policy. The LPA have failed to deliver on their allocations so did not meet the identified need for 93 pitches (even though that was an underestimate.) From 2015 to date the Council has relied on a discriminatory definition that has tainted their entire approach. There has been a clear failure of policy.

vi) Public Sector Equality duty is relevant to the proposal. The effect of the discrimination is set out in the Lisa Smith judgement and the change of definition led to a reduction on need by some 2/3. The Council have been working on the wrong figures since at least 2020 and this engages the Public Sector Equality duty. There has been a clear breach and this is factor that must be taken into account.

vii) The likely location of any new Gypsy Traveller site in Horsham will be in the Countryside. The PPTS accepts that gypsy sites will be in the countryside. Simply because a site is within the countryside is not an automatic assumption that it will be harmful to the character of the area. The application site has no statutory or local landscape designation, it is not within the Green Belt and is not a National landscape or National Park. The site is therefore exactly the type of area in which sites are likely to be found.

viii) Personal circumstances should weigh heavily in the planning balance, and these are set out in detail in the submitted personal circumstances document. It is clear that:

a. There is a personal need for accommodation for these 4 local families.
b. The Article 8 and Article 10 rights of the families must be considered.
c. The welfare of the children and the medical issues of the proposed occupants are clearly set out and the provision of a permanent site will allow them to register locally with doctors' surgeries to receive the care required.
d. The best interests of the children must be considered. As set out in the personal circumstances document there are 5 children under the age of 18 that would reside on the site.

Need

The following sets out the current position on need taken directly from the officer report.

> *The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document – Preferred Strategy, in 2017 for the plan period beyond that of the HDPF.*
>
> *This set a pitch requirement for 60 gypsy pitches over a 10-year period (up to 2027), and a 15-year requirement for 78 pitches. The 10-year requirement, which is essential, includes a backlog of 40 gypsy pitches, a need for 1 pitch in years 1-5 (2017-2022) and a requirement for a further 19 pitches between 2022-2027.*
>
> *This document initially identified a supply of 68 gypsy pitches to meet the 10-year requirement need for 60 pitches. However, following the drafting of this DPD, the site at Bromeliad Nursery, Billingshurst was withdrawn, which meant the removal of 15 pitches from the 68 pitches identified.*
>
> *On this basis a supply of 60 pitches over the 10-year plan period (up to 2027) could not be demonstrated, and the document did not proceed to formal submission or adoption.*
>
> *The Council progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA) in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. 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 accompanied the Local Plan Review (Regulation 18) Consultation which ran from February to March 2020. The GTAA Report provides an evidence base for the provision new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2019 to 2036. The GTAA identifies that there is a need for 93 pitches for Gypsy and Traveller households over the plan period (2019-2036).*
>
> *The need of 93 pitches for Gypsy Traveller Households stated in the GTAA dated January 2020 has been updated by Opinion Research Services for Horsham Council and published in December 2023. The update indicates a need between 2023-2040 (the plan period) for 128 pitches.*
>
> *This follows the result of the Lisa Smith Judgement where the Planning Policy for Traveller Sites (PPTS) was updated in December 2023 to revert back to the 2012 PPTS planning definition of a Traveller by reintroducing those who have ceased to travel permanently due to education, ill heath, or old age into the definition (now referred to as the 2023 PPTS).*
>
> *This includes those who: a) meet the (PPTS) definition of 'gypsy and traveller' (79) and b) do not meet the definition (as per a) (20), and; c) are 'undetermined' (29). The Revised Gypsy and Traveller Accommodation Assessment (September 2024, ORS) document details a need to accommodate of 79 (50 in the first five years, and the remaining to 2040).*
>
> *The above needs will be delivered by Policy 43 (Gypsy, Traveller, and Travelling Showpeople Accommodation) of the submitted Regulation 19 Horsham District Local Plan (HDLP) which states that the Council will meet the identified current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople in Horsham District through the regularisation or intensification of existing sites, and through the allocation of new sites*

The Horsham District Local Plan Regulation 19 document was approved at the meeting of full Council on 11 December 2023.

Consultation on the draft document is took place between 19 January to 1 March 2024, and was formally submitted to the Planning Inspectorate on Friday 26 July 2024.

Public hearings on the contents of the draft plan began in December 2024, though the hearing were paused on 12 December 2024 as further information was requested by the Inspector. The Council has since written to the Inspector and that it will be able to carry out any necessary Local Plan updates within the Government's preferred six-month timescale.

This means that there is a pathway open to the Inspector to resume the hearings and progress the current Plan. The plan is expected adopted in the Autumn / Winter of 2025. The draft Local Plan has yet to be adopted and is of limited weight. It does however provide guidance with respect future policy direction, demonstrating that the identified need (as above) will be met through the democratic allocation process, and a direction of travel for such sites to be developed.

In terms of the Council's current policy position: Policy 23 is now considered to be 'out of date', thus the Council is unable to demonstrate a five year supply of pitches. Paragraph 28 of the PPTS (updated December 2024) outlines 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.

Paragraph 11 of the NPPF states that the presumption in favour of sustainable development should apply where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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 this Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and provision affordable homes, individually or in combination.

Additional changes have taken place under the most recent changes to PPTS including the definition of Gypsies and Travellers for the purposes of planning policy, where as amended includes 'Persons of nomadic habitat of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's 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 show people or circus people travelling together.'

Conclusion and Planning balance

The resulting impact from the development on the character of the landscape is limited and can be further reduced by way of planning conditions.

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

Any resulting harm is of such limited magnitude that it carries limited weight in the planning balance.

The Council cannot currently demonstrate a five-year land supply for gypsy / traveller sites, and at present there remains a significant identified undersupply of available sites within the district.

According to Paragraph 28 of PPTS in this instance the provisions of Paragraph 11(d) apply, which states

> *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:*
>
> *(i.)* *the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed;*
>
> (ii.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination[9]*

Footnote 7 clarifies that the policies of '*particular importance*' includes policies that would affect (among other things) designated heritage assets.

The LPA Officer report states that the policy referred to would be

> *(in this case, Policy 34 of the HDPF)*

However, this is an incorrect interpretation of Paragraph 11(d) as it refers to policies in the Framework not within Development Plans. As such the relevant policies are paragraphs 202-221 (section 16) of the Framework.

An assessment of the setting as carried out above and in accordance with paragraphs 202-221 of the Framework concludes that the proposal will preserve the special interest of the listed building and its setting for the reasons stated.

The application is not therefore contrary to the provisions of Section 16 of the Framework, which is concerned with the protection and enhancement of the historic environment, or the requirements of the Act.

There is not therefore a strong reason for refusing the development as set out in Paragraph 11(d)(i) of the NPPF and so the presumption continues to apply.

Even if harm were identified to the setting of the listed building this can be no higher than the lower end of less than substantial (as set out by the LPA) and so any public benefit would need to be of limited weight to outweigh such harm as required by paragraph 215 of the NPPF.

The LPA consider that the only benefits are that the development would:

> *contribute towards a need for this type of housing within the district, which would bestow some public socio-economic benefits, the negligible overall contribution would not be in the interest of the public, which would be further countered by the resultant landscape / character harm.*

Further stating that

> *The benefits of the proposal include a small number of pitches, being only for four total pitches, which would have a limited benefit in terms of the extent to which it would alleviate the shortage. No other discernible benefits have been identified that would arise from the proposal.*

Concluding that

> *As such, the perceived benefits of the proposal would not outweigh the harm identified.*

The LPA have fundamentally understated the benefits and have failed to give proper weight to the true benefits from the scheme which are set out in the preceding section 'Factors weighing in favour of the appeal'.

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

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