PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	3rd March 2026
DEVELOPMENT:	Application for a two pitch settled gypsy accommodation site. Retention of reduced hardstanding and proposed biodiversity enhancements.
SITE:	Woodlands Farm, Broadwater Lane, Copsale, West Sussex, RH13 6QW
WARD:	Nuthurst and Lower Beeding
APPLICATION:	DC/25/1195
APPLICANT:	**Name:** Mr J Chatfield **Address:** C/O PROwe Planning Solutions

REASON FOR INCLUSION ON THE AGENDA: By request of Councillor Dennis Livingstone

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks permission for the change of use of the land from equestrian to a mixed use including settled gypsy accommodation site comprising 2No. pitches. The application also proposes biodiversity enhancements.

DESCRIPTION OF THE SITE

1.3 The application site is positioned to the east of Broadwater Lane, outside of any designated built-up area boundary. The site is positioned approximately 0.95km to the east of Southwater and is accessed via an existing gated access.

1.4 The site consists of a number of buildings/structures including two static caravans, a barn, some smaller outbuildings for the keeping of the dogs in the applicant's ownership and a small storage/manure building which is currently used to house various personal items within the applicant's ownership.

1.5 The various built form on site also pertains to an area of rough hardstanding, mixture of materials including various construction materials, broken brick, stones, plastic, metal, gravel and concrete block. An enforcement notice sought to remove the imported waste material which was upheld at appeal under EN/24/0316. Since the appeal, the removal of waste has commenced, although it is noted that a considerable quantity of the waste remains on site.

1.6 No alterations are proposed under the current application to the paddocks south of the application site.

1.7 The site is bounded to the north and east by trees, with the site adjoining an Ancient Woodland to the north-east of the site in close proximity to the Public Right of Way which runs along horizontal axis along the north-east most part of the land within the blue line boundary.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework (Dec 2024)**

2.3 **Horsham District Planning Framework (HDPF 2015):**
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 4 - Strategic Policy: Settlement Expansion
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 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

2.4 **Nuthurst Parish Neighbourhood Plan 2015-2031**
Policy 1: A Spatial plan
Policy 14: Green Infrastructure and Biodiversity

Parish Design Statement:
Nuthurst Parish Design Statement

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/0636	Change of use of land for the provision of four (4) no. pitches for gypsies and travellers.	Refused 01.12.2020 [*DISMISSED ON APPEAL*]
DC/19/0845	Change of use of land for the provision of two pitches for gypsies and travellers and the erection of a shared day room.	Permitted 20.09.2019
DC/24/1018	Change of use of land to a mixed use including settled gypsy accommodation site comprising 2No. pitches. Retention of existing hardstanding and proposed biodiversity enhancements.	Refused 08/04/2025
EN/24/0316	Without planning permission, material change in the use of the Land from equestrian use to a mixed use of equestrian and residential involving the stationing of one mobile home for the purposes of human habitation (in the approximate position shown hatched orange on the attached plan) together with associated operational development compromising the importation of soil and waste material to create a hard surface (in the approximate position shown hatched blue on the attached plan), change of land levels, the installation of a septic tank (in the approximate position shown hatched brown on the attached plan) and excavation of land for services; and Without planning permission, the breach of conditions 2 and 3 of planning permission (ref DC/18/2627) dated 28 January 2019 for the retention of a temporary mobile home.	Enforcement notice (f) upheld 26/03/2025

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses and representations 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 https://www.horsham.gov.uk/planning/planning-applications/view-and-comment-on-planning-applications.

3.2 **HDC Arboriculture:** Objection

3.3 The appeal against enforcement notice EN/24/0316 was dismissed; temporary residential permissions ended in 2021.

3.4 A section of the site includes Ancient Woodland which would require a buffer zone away from the residential use proposed. The site contains a small portion of land designated as a spur of the AW situated to the East which forms the Northern tip of the Gill woodland that flanks either side of the stream, running in a N-W orientation.

3.5 The proposal therefore does not meet NPPF guidance on protecting AW, despite the area currently lacking trees or understorey,

3.6 The officer suggests withdrawing the application and seeking clarification from Natural England on whether the degraded aera still qualifies as Ancient Woodland.

3.7 Currently, the spur of AW concerned is not discernible as woodland on the ground. No trees/understorey are present.

3.8 Historic clearance of trees would have damaged soils and seed banks so ecological information would be needed on how to restore this area.

3.9 Alternatively, as things stand, if the application is to be supported in other planning terms the applicant may wish to amend the red site line/ proposed area of change of use, to give an agreed buffer to the designated AW. Post and rail buffer fence is recommended.

3.10 **HDC Arboriculture:** Updated comments subsequent to amendments [Summary]

3.11 The Officer agrees that past works have significantly damaged the woodland's soil and seed bank. Although the current proposal improves on the existing situation, it does not fully address the historic damage or meet best practice for protecting Ancient Woodland. Positive changes are noted, including a revised site boundary, a larger ancient woodland (AW) buffer, and more fencing, but part of the proposed residential area still intrudes into the buffer zone.

3.12 Planning guidance requires a minimum 15-metre buffer to protect ancient woodland roots, and this has not been fully demonstrated. However, due to earlier clearance, few remaining trees are large enough for their root protection areas to be affected by the proposal.

3.13 Guidance also states that buffer zones should contribute to wider ecological networks and green infrastructure. While the proposed buffer is an improvement, it would need further enhancement to meet this aim. Ideally, the buffer should consist of semi-natural habitats (such as woodland, scrub, or grassland) using appropriate native species. If the development is otherwise acceptable, these habitat improvements could be secured through a landscaping condition.

3.14 **HDC Strategic Planning**: No Objection

3.15 Collectively, 50 pitches are identified as being needed for the first five years of the eLP (2023-2028) for those who meet the definition and also suggested a further need of 11 pitches for members of the community who it could not be determined whether they met the definition or not.

3.16 The latest Authority Monitoring Report (published in March 2025) identified that one pitch had been delivered in the district since 2023 and a further nine pitches approved.

3.17 **WSCC Highways**: No Objection

3.18 No alterations are proposed to the existing vehicular access arrangement, with visibility suitable in both directions for the anticipated road speeds in this location. The proposed development would not be anticipated to give rise to a significant material intensification of use of the existing access point. No recorded injury accidents within the vicinity of the site in the last 5 years.

3.19 There is sufficient space within the site to accommodate a suitable amount of vehicular parking and turning space. The site is located in a rural area that lacks access to nearby services and amenities. In addition, Broadwater Lane lacks footways and street lighting, which may steer residents to rely on the private car for most trips. The LPA may wish to secure cycle parking provision if they deem it appropriate for this location, to promote sustainable travel.

3.20 **Ecology Consultant**: No Objection

3.21 Subject to conditions there would be no objection to the development.

3.22 **Natural England**: Standing Advice

3.23 **Environmental Health:** More information required

3.24 Lack of detailed information with regards to the rainwater harvesting system which gives rise to concern over drinking water supply in the context of water tanks being installed underground in some proximity to imported waste materials.

3.25 **Southern Water:** Comment

3.26 Previous comments on last application are still valid, the construction of the development should not start until means of foul drainage have been submitted to the LPA.

3.27 **Public Rights of way officer:** Objection

3.28 Having consulted the online documents it seems there is no reference to the existing public footpath that enters the red line boundary to the east of Woodlands Farm and then travels west through the site into the Gill. Records show that this line has been unlawfully diverted away from the red line boundary into the woodland to the east of Woodlands Farm.

3.29 Therefore place a holding objection until it is clearly set out how the legal line of the footpath is suitably accommodated within this site.

3.30 **West Sussex Fire and Rescue Service:** Comment

3.31 Nearest fire hydrant for the supply of water for firefighting is 280metres away, 105 metres further than the 175 metre distance required for a domestic premises. If an alternative supply is considered, it would need to comply with relevant design guide.

3.32 **Woodland Trust:** Initial Objection

3.33 Although a 15-metre buffer is recommended in the Preliminary Ecological Appraisal, the submitted plans do not clearly show the buffer boundary, its design, or how it would be managed.

3.34 Proposed development appears to be very close to the buffer, and aerial imagery suggests vehicles or structures may already be within it. Key elements such as vehicle charging points, cycle storage, and waste areas are not clearly located, and proposals for any existing development within the buffer are unclear.

3.35 Natural England and the Forestry Commission's standing advice highlights the risks of development near ancient woodland. To mitigate these risks, the buffer must be clearly defined on plans and on site, designed to reduce indirect impacts like noise and light pollution, and managed to prevent future encroachment and support woodland regeneration.

3.36 Overall, it has not been demonstrated that the proposals would avoid deterioration of the ancient woodland, as required by the NPPF and national guidance.

PUBLIC CONSULTATIONS

3.37 **Parish Council:** The objection raises several concerns about the proposed development, including:

- Emergency access: There is no adequate nearby water supply for firefighting.
- Environmental harm: The scheme would negatively impact ancient woodland and lacks plans for sewage or wastewater management.

- Public rights of way: No proposals are included to reroute the existing PROW, potentially causing safety and access issues.
- Policy conflict: The site lies outside the built-up area, is not included in the Neighbourhood Plan, and is in an unsustainable, remote location without public transport. The Parish Council does not consider the proposal to constitute a legitimate Gypsy site.
- Water neutrality and animal welfare: Housing up to 16 ponies on 7 acres exceeds recommended densities without a track system.
- Lack of justification: The land was previously approved only for time-limited racehorse rehabilitation, which has not occurred, and the proposal does not meet agricultural or countryside-related needs.
- Planning history: A professional assessment found the site non-viable, and enforcement notices reportedly remain in place. Submitting similar applications is viewed as prolonging the unresolved planning breach.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 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.

4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Background

6.1 There is extensive planning history relating to the use of the application site. An application was refused under DC/14/2280 and allowed at appeal for the temporary retention of mobile home which was to facilitate the care of up to six horses in respect of rural workers accommodation. A further permission was granted under DC/18/2627 for the temporary retention of the same mobile home.

6.2 An application was refused DC/24/1018 for the change of use of land to a mixed use including settled gypsy accommodation site comprising 2No. pitches. Retention of existing hardstanding and proposed biodiversity enhancements.

6.3 An Enforcement Notice (EN/24/0316) was served on 30th August 2024 for the importation of waste and other material, change of land levels, creation of a hardstanding base and excavations of land for services on the land. The Enforcement Notice was largely upheld at appeal APP/Z3825/C/24/3352762 other than increasing the time to vacate the land and restore it to 9 months and 12 months respectively.

6.4 The Enforcement Notice is relevant given that the similarities in the nature of the application with the enforcement case. The application seeks to change the use of the land to incorporate two caravans and biodiversity enhancements, whilst keeping a reduced area of hardstanding.

6.5 The Inspector noted in paragraph 46 of the Enforcement appeal that the hardstanding consisted of stone brick fragments and course earth that is considered landfill waste. The Inspector upheld the notice which would seek to remove the imported material and restore the previous topography of the site. Given the unknown provenance of the hardstanding it was noted that possible land contamination is an issue. Since this time, it was noted during the Planning Officer site visit that a significant mass of the hardstanding had been dug up and piled for collection, with the applicants evidently in the process of attempting to comply with the Enforcement Notice. The location of the waste in the process of being removed from the site is within the blue line boundary.

6.6 A further reason for upholding the Enforcement appeal was the concern about an absence of an Arboricultural desk top survey to support the appellant's assertion that the Root Protection Area of the nearest trees within the Ancient Woodland would be would not be impacted. The appellant's demonstration of the mobile home being over 15 metres from the Ancient Woodland was considered imprecise and it is considered there may be root compaction impacting on the trees that would go unremedied. The siting of the caravans have been altered since the previous refusal and further information has been submitted as part of this application pertaining to Arboriculture matters which will be discussed in further details in a following section.

6.7 The current application seeks to retain the two caravans within the site and seeks to overcome the Inspector's reasons for upholding the enforcement notice by providing sufficient Arboricultural information and removing much of the waste material within the site that comprises the hardstanding within the blue line boundary. Details of the Enforcement decision will be found in the appendix A under EN/24/0316.

Policy Background and the Principle of Development

6.8 The Council has 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. 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).

6.9 To inform the development of Strategic Policy 43 of the submitted Local Plan the Council undertook a Gypsy and Traveller Accommodation Assessment (GTAA, November 2023) and a Targeted Update (September 2024) was also produced in response to changes regarding the PPTS's definition of who is a member of the G&T community for the purposes of planning policy. Collectively, 50 pitches are identified as being needed for the first five years of the submitted Local Plan (2023-2028) for those who meet the definition and also suggested a further need of 11 pitches for members of the community who it could not be determined whether they met the definition or not.

6.10 It is my understanding that by the end of February 2026, 32 pitches had been permitted/allowed **on** appeal or have resolution to grant, since the GTAA was undertaken. As such, the demonstrable need is less than the assessed need in the GTAA. Nevertheless, the tilted balance would be in effect if all the conditions in Footnote 7 are satisfactorily addressed.

6.11 In terms of the Council's current policy position, Policy 22 and 23 of the HDPF are considered to hold great weight, allowing speculative gypsy and traveller sites to come forward in principle. Paragraph 28 of the PPTS (updated December 2024) outlines that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

6.12 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 the 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. This presumption is disengaged where footnote 7 exceptions provide a strong reason to refuse. Such exceptions include impacts on ecology or designated heritage assets. These matters are discussed further below.

6.13 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 26 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*".

6.14 Policy 23 (Gypsy and Traveller Accommodation) of the HDPF seeks to resolve specific issues regarding un-allocated sites (rather than the principle of a development), and states that the following criteria (a-e in subsequent sections of this report) 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. In terms of the site's location, the Policy states that it must be demonstrated that:

> *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;*

6.15 The development would provide two pitches in the context of a considerable shortfall in the number of pitches required and identified as outlined in the preceding paragraphs. Given the small scale of development, it is not considered that the development would be of a density or number as to overwhelm the nearby locality and would improve upon what is considered a significant shortfall in the five-year housing land supply to accommodate an identified need of Gypsy and Travelling Showpeople sites within the District.

6.16 These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. The principle of development of the scale proposed on this site is therefore considered acceptable, subject to all other material considerations, as set out below.

Character and Appearance

6.17 Policy 23(e) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that:

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.

6.18 In addition, 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.

6.19 Since the previous application, further information has been submitted to change the red line boundary so that the land proposed for residential use has moved away from Ancient Woodland designation. Furthermore, as part of the current application, the nearest caravan would be located approximately 18 metres away from the Ancient Woodland.

6.20 On assessment of the details submitted with the application and following the Planning Officer site visit, it is considered that the site is largely enclosed by virtue of the surrounding woodland, where there is existing built form on the site. When considered alongside the existing built form, the two caravans would appear subservient, with the established siting of 1no. caravan considered to have established a precedent in respect of visual impact. The addition of 1no. caravan in this context is not considered to result in such significant visual harm to justify a reason for refusal.

6.21 The proposed development would be contained within the existing established boundary and would not materially encroach into the wider surrounding countryside. The quantum of development is low, where this density would not affect the character and appearance of the area, given that it would not be visually dominant within the surrounding landscape. Furthermore, it is recognised that the Inspector at appeal raised no objections with the quantum of development in this location. The pitches would be seen in the context of the existing barns as previously noted and would not therefore have an unacceptable urbanising effect.

6.22 The applicant has submitted a site plan which removes two small structures within the application site, helping to reduce visual clutter. It is considered that the visual impact of the proposal would be acceptable, and is in accordance with the above policies.

Amenity Impact

6.23 Policy 33(2) of the HDPF states that development will 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(e) of the HDPF also requires an assessing of amenity impact for non-allocated gypsy / traveller sites.

6.24 It is noted that there have been objections in regards to concern over the impacts of the proposal on residential amenity, traffic and the unlawful development onsite. Whilst these have been considered, the proposal is well screened from the nearest neighbouring property to the north, particularly given the re-siting of the caravans, and it is unlikely that two pitches would result in unacceptable noise impacts.

6.25 It is considered that given the single storey nature of the caravans/buildings/structures on site and the distances maintained that the proposed would not cause unacceptable harm to neighbouring amenity.

6.26 For these reasons, the amenity impacts of the proposal are considered acceptable and in accordance with the above policy.

Highways Impact

6.27 Policy 23(b) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that:

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;

6.28 In addition, 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.

6.29 The site is accessed from a lay-by on Hill Farm Lane over which the appellants have a right of way. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

6.30 The existing access would be used for the current proposal and there appears to be suitable visibility such that no objections are raised in this regard. Two parking spaces have been proposed per pitch which would be a suitable level of parking for the development size.

6.31 The proposal is acceptable in light of policy 23(b).

Water Neutrality

6.32 A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

6.33 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. 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.

6.34 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.

6.35 Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day. Natural England have been consulted on this Appropriate Assessment and have provided standing advice which raises no objection to this approach.

6.36 Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with s.70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Other Matters

Public Rights of Way

6.37 WSCC Public Rights of way have commented objecting to the proposal noting that the Public Right of Way has been unlawfully diverted. The Public Right of Way is located outside of the development site, therefore this matter cannot reasonably be addressed as part of the application.

Barriers to Development

6.38 Policy 23(a) of the HDPF states that development for non-allocated gypsy / traveller sites states that:

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

6.39 The site is located in a flood zone 1 for fluvial flooding and is not within an area identified as susceptible to surface water flooding as such it is not considered for the applicant to submit a Flood Risk Assessment. Given the transient nature of a caravan, the development would not be of a nature that would be likely to result in an increase to the risk of flooding.

6.40 The structures on site would not be considered to result in a greater risk of flooding and it would therefore not be reasonable in this regard to warrant a refusal on the basis of lack of information.

Services

6.41 Policy 23(c) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that:

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;

6.42 Given the existing use of the site where two caravans are already in situ the site benefits from power and means of foul drainage.

6.43 As discussed in the preceding sections of the report, WSCC Highways have been consulted and have no objections to the proposal in respect of vehicle turning space.

6.44 No foul drainage information has been submitted, however given that the application site already has a residential use and is in some proximity to residential dwellings it is evident that foul drainage is possible within the site. Whilst no details have bene included at this

stage, these details can be requested by way of a suitably worded pre-commencement condition.

6.45 In addition to the above, whilst the amenity space serving each of the caravans would be modest, it is not an unacceptable provision. With the above in mind, the proposal is considered to accord with the provisions of HDPF Policy 23(c).

Ecological and Arboricultural Impacts

6.46 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.

6.47 The site comprises agricultural use currently, with an existing access and hedgerow as the site boundary treatment. The submitted plans indicate that none of the existing hedgerows will be detrimentally impacted by the proposal, with the submitted plans including details of further planting to be undertaken as part of the development. It is considered that the proposal will have no adverse effect on protected species or habitat.

6.48 A Preliminary Ecological Appraisal has been submitted and considered by the Council's Ecologist, raising no objection to the proposed development subject to the inclusion of relevant suitably worded conditions. It is considered that the proposal will have no adverse effect on protected species or habitat.

6.49 A small area of Ancient Woodland to the north eastern part of the application site (in the blue line boundary) contributes to the rural vernacular and provides irreplaceable habitat. Paragraph 193(c) of the National Planning Policy Framework says that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland, should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. It is considered that development should be a minimum of 15 metres from Ancient Woodland.

6.50 The Council's Arboricultural officer has been consulted during the course of the application and has concluded that they would object to the development. It is understood as an irreplaceable habitat Ancient Woodland must be afforded the recommended buffer from the curtilage of new residential development. The Arboricultural Officer recommended that the applicant seek to gain confirmation from Natural England as to whether the area of Ancient Woodland partially within/abutting the site remains within the designation. If the area denuded of trees/understorey over the past decade were to be formally withdrawn from Natural England's provisional inventory of Ancient Woodland then development may be supported. Alternatively, as things stand, if the application is to be supported in other planning terms the applicant may wish to amend the red site line/ proposed area of change of use, to give an agreed buffer to the designated Ancient Woodland.

6.51 Following further information submitted during the course of the application, a second consultation was received from the Arboriculture officer. The red line boundary was moved to increase the distance between the residential use of the application site and the Ancient Woodland. Further information was submitted during the course of the application to outline the location and materials of a protective tree fence around the Ancient Woodland which forms a buffer zone. This would keep the Ancient Woodland separate from the residential use. The further details submitted have been accepted as part of the application, and the planting included on the submitted site plan is acceptable.

6.52 The historic loss of Ancient Woodland over the last 10 years is regrettable, however the caravans themselves would be outside the 15 metre buffer zone away from the Ancient

Woodland and subject to a condition for the development to be carried out in accordance to the submitted and accepted plans, there would be no objections in this respect.

6.53 The ecological impacts of the proposal have been considered and are acceptable, subject to condition in light of 31 and 33 of the HDPF.

Biodiversity Net Gain (BNG)

6.54 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.55 The application is retrospective in nature, with one of the caravans on site currently being occupied. Retrospective applications are exempt from mandatory Biodiversity net gain requirements.

Conclusion and Planning Balance

6.56 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. Paragraph 11(d) of the NPPF 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 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 the Framework taken as a whole. In this context it is recognised that the proposal would go some way to addressing the identified need. This is a material consideration of *significant weight* in the overall planning balance.

6.57 The Inspector at paragraph 46 of the Enforcement appeal (EN/24/0316) raised concerns with the area of hardstanding and upheld that it be removed. The current application seeks to retain the two caravans within the site and seeks to overcome the Inspector's reasons for upholding the appeal by providing sufficient Arboricultural information and removing much of the waste material within the site that comprises the hardstanding within the blue line boundary.

6.58 It is considered that although the application site is located within the countryside it is within a reasonable distance of services and facilities. Further, the scale of the site and its relationship with surrounding properties and land is such that there would be no adverse impacts on neighbouring amenity, highways safety concerns and landscape character subject to appropriately worded conditions. It is considered that the regularisation of the land under the relevant enforcement notice upheld at appeal would be sufficient to ensure no harmful impacts on the landscape character of the site, mitigate against tree root compaction and avoid unacceptable contamination from the imported waste material. No other adverse findings have been found in respect of any other material consideration.

7. RECOMMENDATIONS

7.1 To approve full planning permission, subject to the conditions set out below:

1 **Approved Plans**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition:** Within three months of the application being determined, a drainage strategy detailing the proposed means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The development will be within three months of the granting of this permission, carried out in accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal and Roost assessment (received 21/07/2025).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

5 **Regulatory Condition:** The caravans hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6 **Regulatory Condition:** Unless otherwise agreed by the Local Planning Authority, no trees or hedges on the site within 15 metres of the formal designation of the Ancient Woodland, including the land indicated within the blue line boundary will be wilfully damaged or uprooted, felled/removed, topped or lopped.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition:** This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex

1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2024).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition:** No industrial, commercial or business activity shall be carried out on from the site, including the storage of materials.

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition:** No Heavy Goods Vehicles (defined as any vehicle having 3 axles or more and with a weight exceeding 3,500kg) shall operate to or from the site or be stationed, parked or stored on the site at any time.

Reason: In the interest of highway safety and amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition:** Within three months of the granting of this permission, a post and rail fence of no more than 1.5 metres in height shall be installed along the perimeter of the Ancient Woodland to enclose it away from the residential uses within the site. The enclosed area shall form an exclusion zone where no development is permitted. Other than the permitted post and rail fence, no other boundary treatments shall be erected within 15 metres of the formal designation of the Ancient Woodland.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

11 **Regulatory Condition:** Within three months of the granting of this permission, details of a Wildlife friendly lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

12 **Regulatory Condition:** Within three months of the application being determined, details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles shall be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. USE OF AI

8.1 This report has not been prepared with the support of artificial intelligence tools.

9 Appendix

A) EN/24/0316 - APP/Z3825/C/24/3352762