Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0857
Pear Tree Farm , Furners Lane, Woodmancote, West Sussex, BN5 9HX

DESCRIPTION:
Removal of condition 8, 9, 10 and 11 of previously approved application reference DC/21/1796 (Proposed settled gypsy accommodation site comprising 5 pitches and associated utility buildings) to allow updated approach to water neutrality.

RELEVANT PLANNING HISTORY:
There is an extensive planning history for the site, of most relevance to this application is: -

DC/21/1796	Proposed settled gypsy accommodation site comprising 5 pitches and associated utility buildings.	Allowed on Appeal 29.02.2024
DISC/24/0100	Approval of details reserved by conditions 3 (a-f) and 4 to approved application DC/21/1796	Split Decision on 26.07.2024

DESCRIPTION OF THE SITE
The application site comprises a level area of land that is set in a rural area, some 850m east of the Henfield Built-Up Area Boundary. The site is accessed off a single-track lane that serves a number of other residential and farm properties, and which is also a designated public footpath (2540). It would appear that Furners Lane is a private track, with the County Council maintained area extending approximately up to the Henfield Built Up Area boundary line (BUAB).

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development.
Policy 2 - Strategic Policy: Strategic Development.
Policy 3 - Strategic Policy: Development Hierarchy.
Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations.
Policy 22 - Gypsy and Traveller Sites.
Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation.
Policy 24 - Strategic Policy: Environmental Protection.
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
Policy 26 - Strategic Policy: Countryside Protection.
Policy 31 - Green Infrastructure and Biodiversity.
Policy 32 - Strategic Policy: The Quality of New Development.
Policy 33 - Development Principles.
Policy 34 - Cultural and Heritage Assets.
Policy 40 - Sustainable Transport.
Policy 41 - Parking.
Policy 42 - Strategic Policy: Inclusive Communities.
Policy 43 - Community Facilities, Leisure and Recreation

Henfield Neighbourhood Plan

Policy 1: A spatial Plan
Policy 4: Transport, Access and Car Parking
Policy 10: Green Infrastructure and Biodiversity
Policy 12: Design Standards for New Development

Henfield Parish Design Statement

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

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 1 year. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

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

Consultations:
Natural England: Standing Advice issued.

Representations:
None received.

Parish Comments:
No comment, save to say that the conditions imposed by the Planning Inspector were presumably made for good reason and should be maintained. The Committee note that the SNOWS scheme credits are understood to be not yet available for use.

Member Comments:
None received

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

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

PLANNING ASSESSMENT

Background:

The development was approved at appeal on 29.02.2024 for "*Proposed settled gypsy accommodation site comprising 5 pitches and associated utility buildings"*, ref: APP/Z3825/W/22/3311819. This decision was subject to the following conditions, which the current application seeks to remove: -

Condition 8
No development shall commence until evidence that water from the spring has been sampled by a suitably qualified person and analysed by an accredited laboratory and the findings submitted to the local planning authority. In the event the samples show that any of the parameters are above prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and approved in writing by the local planning authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any pitch and it shall be retained and maintained thereafter at all times.

Condition 9
No development above ground floor slab level shall commence until a management and maintenance plan for the spring water supply system has been submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include the following details:

(a) The sampling regime and parameters etc, recognising that the sampling will need to be undertaken by a suitably qualified person and accredited laboratory.

(b) Detail on how any failure of any samples will be investigated and managed.

(c) Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each of the five pitches.

(d) Detail on what type of treatment will be installed on the supply, with information clearly indicating that it is appropriate for the amount of water being used.

(e) Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to rainfall/use.

(f) The completion and sharing of Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supplies (England) Regulations 2016) prior to the water supply being put to use.

(g) Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

(h) Details of contingency plans to ensure any failures or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local planning authority.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management and maintenance plan shall be implemented without the prior written approval of the local planning authority.

Condition 10
No pitch shall be first occupied until evidence has been submitted to and approved in writing by the local planning authority that water taken from the water treatment plant meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016.

Condition 11

No pitch hereby permitted shall be connected to or draw supply from the mains water supply. Where a temporary failure has occurred, the occupiers shall undertake the contingency measures set out in the management and maintenance plan agreed under condition 8 until such time as the system is fully operational.

The above conditions were imposed in response to a 2021 Position Statement from Natural England, which 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 this date required to demonstrate water neutrality.

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.

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.

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 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.

Following the withdrawal of the Natural England position statement the removal of the conditions decided at appeal would not result in a form of development that would increase mains water abstraction. The conditions outlined in the preceding section of this report can be removed and replaced with a regulatory restricting the daily water use to 110 litres per person per day.

Accordingly, Officers consider that removal of the above conditions 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 Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF. The removal of the subject conditions does not raise any new conditions beyond those identified as part of the original planning permission.

Recommendation: Application Permitted

Conditions:

1 **Standard Time Condition:** The development hereby permitted must be commenced by the 29.02.2027

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

2 **Regulatory Condition:** The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; and Proposed Utility Building Plans (Scale 1:100@A4).

Reason: For the avoidance of doubt and in the interest of proper planning.

3(1) **Regulatory Condition:** The development shall be carried out in strict accordance with the 'Site Development Scheme' as set out below: -

b) The facilities for, and the location of, the storage and collection of refuse and recycling as approved under application ref: DISC/24/0100.

d) The internal layout of the site as approved under application ref: DISC/24/0100.

f) Ecological enhancements as approved under application ref: DISC/24/0100.

Reason: As these matters are fundamental to safeguard the ecology, the adequate provision of recycling facilities and to ensure the protection of the landscape in accordance with Policy 31, 33 of the Horsham District Planning Framework (2015).

3(2) **Regulatory Condition:** Within 2 months of the date of this application a Site Development Scheme shall be submitted to the Local Planning Authority for its approval in writing. The Site Development Scheme shall include a timetable for its implementation and details of:

a) The means of foul and surface water drainage of the site.

c) External lighting on the boundary of and within the site.

e) Tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities.

Reason: As these matters are fundamental to safeguard the ecology, the adequate provision of recycling facilities and to ensure the protection of the landscape in accordance with Policy 31, 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The development shall be carried out in accordance with the schedule of materials approved under application ref: DISC/24/0100.

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).

5 **Regulatory Condition:** There shall be no more than five pitches on the site and on each of the five pitches hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a static caravan.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity and to enable the Local Planning Authority to control the use of the site, in accordance with Policies 21, 22, 23 and 26 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

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

7 **Regulatory Condition:** No industrial, commercial or business activity shall be carried out on the five pitches hereby approved.

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

8 Not used

9 Not used

10 Not used

11 Not used

12 **Regulatory Condition:** The pitches hereby permitted shall limit the water usage of each pitch of no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policies 31 and 37 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).

POSITIVE AND PROACTIVE STATEMENT

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

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 03.12.2025