



Date: 20 February 2026

Our ref: 13967

Bethan Tinning
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Horsham District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/26/0063
Location: Grainingfold Farm House Horsham Road Five Oaks Billingshurst West Sussex RH14 9AT
Proposal: Formation of agricultural access and hardstanding (off Horsham Road).

Thank you for consulting Place Services on the above application.

No ecological objection	☐
No ecological objection subject to attached conditions	☐
Further information required/Temporary holding objection for European Protected Species (Hazel Dormouse)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

[Please refer to Horsham District Councils advice regarding Water Neutrality requirements following Natural England's Withdrawal Statement \(31st October 2025\).](#)

Summary

We have reviewed the Preliminary Ecological Appraisal (The Ecology Co-op, October 2026) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. Please note that comments on mandatory biodiversity net gain are provided by Horsham District Council in-house.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that further information with regard to Hazel Dormouse is provided prior to determination. The reasons for this are outlined below:

European Protected Species – Hazel Dormouse

We support the implementation of a winter hand search for Hazel Dormouse summer nests as recommended in Section 4.6 of the Preliminary Ecological Appraisal (The Ecology Co-op, October 2026). This is because the hedgerow on the northern boundary provides some potentially suitable habitat for this species. [Government Standing Advice](#) says it is an offence under the Wildlife & Countryside Act 1981 to intentionally or recklessly:

- disturb Hazel Dormouse while they occupy a structure or place used for shelter or protection
- obstruct access to a place used for shelter or protection

The survey information for Hazel Dormouse is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional Comments

We note from the Preliminary Ecological Appraisal (The Ecology Co-op, October 2026) that there are no buildings onsite and we understand that there are no trees to be impacted by the works which have Potential Roost Features for bats. Therefore, we agree that no further surveys for bats are required.

The site lies approximately 6.6km northeast of The Mens Special Area of Conservation (SAC) ([MAGIC maps](#)) is therefore within the 12.0km Wider Conservation Area for this SAC, within which significant impacts or severance to flightlines must be considered. This is because the habitats within this zone are considered to encompass the wider conservation area which is the full extent of the range of foraging areas required by populations of Barbastelle bats, the qualifying feature of the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol).

The site lies approximately 11.7km east of Ebernoe Common Special Area of Conservation (SAC) and therefore lies within the 12.0km Wider Conservation Area for this SAC. No European Protected Species Mitigation Licences (EPSML) have been granted within 2km of the site ([MAGIC maps](#)). There are approximately 15 records of bats within 2km of the site, including Common Pipistrelle and Brown Long-eared Bat (SBISx – accessed under licence). The site lies approximately 11.0km north of Arun Valley SAC, SPA and Ramsar site.

We support the implementation of a Precautionary Method Statement for reptiles and mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) as recommended in Sections 4.8 and 4.10 of the Preliminary Ecological Appraisal (The Ecology Co-op, October 2026). This needs to be secured by a condition of any consent and implemented in full.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified by a suitably qualified ecologist and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures need to be outlined within a separate Biodiversity Enhancement Strategy and secured by a condition of any consent.

Please note that we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the [NatureSpace Partnership](#).

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Hayley Dean MCIEEM MSc BSc (Hons)

Senior Ecological Consultant

Place Services at Essex County Council

Email: PlaceServicesEcology@essex.gov.uk



Place Services provide ecological advice on behalf of Horsham District Council.

Please note:

- *This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.*
- *We are unable to respond directly to applicants/agents or other interested parties.*
- *Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.*

