DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0497
Land at , Marches Road, Warnham, West Sussex,

DESCRIPTION:

Change Of Use of land for the siting of 2no. static caravans, 2no. touring caravans for human habitation to be occupied by Gypsys and Travellers, with associated parking, relocation of existing access and erection of day room. (Retrospective).

RELEVANT PLANNING HISTORY:

DC/24/1551	Change of use of land for the siting of 2no. static caravans, 2no. touring caravans for habitation to be occupied by Gypsys and Travellers with associated parking and relocation of existing access. (Retrospective).	Application Refused on 21.03.2025
DC/23/2057	Application to confirm the continuous use of land and buildings for storage purposes for a period in excess of ten years (Lawful Development Certificate - Existing)	Application Refused on 11.03.2024
DC/24/0426	Application to confirm the siting of shipping containers used for B8 Storage and Distribution and Laying of hardstanding for a period in excess of ten years (Lawful Development Certificate - Existing).	Split Decision on 17.09.2024

DESCRIPTION OF THE SITE

The application site lies to the north of Long Wells Vineyard in the parish of Warnham outside of the Built-Up-Area within a countryside location. It is partly screened by trees to the north and south boundaries and is accessed via an existing gate from Marches Road. A new 2 metre high close boarded fence and access gate has been erected along the road frontage and a new access installed further towards the middle of the road boundary.

DESCRIPTION OF THE APPLICATION

The proposal seeks the retrospective change of use of land for the siting of 2no. static caravans, 2no. touring caravans for habitation to be occupied by Gypsies and Travellers with associated parking and relocation of existing access, and erection of day room. It is understood that the day room has not yet been constructed and the site layout and additional planting/ play area has not been implemented.

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 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
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 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Warnham Neighbourhood Plan (2017):
Policy W1: Built-Up-Area-Boundary

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 2.9 years. 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.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31: Rural Economic Development
Strategic Policy 43: Gypsies and Travellers

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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:

INTERNAL CONSULTATIONS

HDC Strategic Planning: Advice/ No Objection
[Summary]

The application (in part, retrospective) is for Gypsy & Traveller (G&T) provision on a site not identified in the development plan. It is therefore not supported by HDPF Policy 21. An assessment against the criteria in HDPF Policy 23 must take place by the case officer.

The site lies within Warnham Parish, which has an adopted Neighbourhood Plan. There are no policies of direct relevance to the provision of G&T sites. As such, it is unlikely to have a significant bearing on the application

It is noted that the site is not identified as an allocation in the Council's Local Plan that was submitted for examination in July 2024. However, the Inspector examining the Local Plan has recommended that the Council withdraw the plan from examination.

The scheme will need to demonstrate that the proposed development would be water neutral. It is for the case officer to consider any information provided relating to this. It is understood that the speculative proposals would not qualify for credits from the SNOWS offsetting scheme.

The case officer will need to consider the merits of the application against Policy H of the Planning Policy for Traveller Sites (PPTS). Should water neutrality be demonstrated, of critical importance to the application is the fact that the Council cannot demonstrate a five year supply of deliverable G&T sites. Per national policy (as expressed in the NPPF and PPTS), relevant policies for the HDPF should be considered out of date and the 'tilted balance' should be engaged. The case officer should therefore recommend approval unless the adverse impacts of doing so would significantly outweigh the benefits.

Based on the information considered and presented in this consultation report, do not object to the principle of the proposed development.

OUTSIDE AGENCIES

Ecology Consultant: No Objection
[Summary]

There is an absence of ecological information included. Some trees on site have already been felled- which may have impacted roosting bats. In addition, the removal of part of the hedgerow for a new highways access may have impacted Hazel Dormouse, which is a European Protected Species, as there appear to be good quality hedgerows around the site connected to ancient woodland to the north and south in the wider landscape. These hedgerows appear to provide suitable Hazel Dormouse habitat (MAGIC maps). Therefore, Hazel Dormouse may have been present and affected by the development.

Therefore recommend the implementation of a bespoke compensation package for the loss of native hedgerow and trees and in order to maintain connectivity of habitats within the landscape. The package should be appropriate for the site and the scale and nature of the development. The measures should

be detailed within a Biodiversity Compensation and Enhancement Strategy to be secured by a condition of any consent. This should include the replanting of native hedgerow across the existing access to be closed and reasonable biodiversity enhancements for protected, Priority and threatened species (such as bird and bat boxes), as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024).

Welcome the submission of Proposed Bat Box Details Drawing Number GP/09/25 (Imageon Designs Ltd., March 2025) and Proposed Block Plan Drawing Number GP/03/24 (Imageon Designs Ltd., March 2025). Note that the locations of single crevice bat boxes on the Proposed and the Proposed dayroom is provided on the Proposed Block Plan Drawing Number GP/03/24 (Imageon Designs Ltd., March 2025). Also note that an area of proposed enriched grass species with native planting and a further area of proposed native planting are shown on the Proposed Block Plan Drawing Number GP/03/24 (Imageon Designs Ltd., March 2025). However, highlight that the area sizes need to be confirmed, together with the specifications of the species to be planted i.e. the seed mix if used. Also highlight that a native hedgerow should be replaced across the existing access to be closed.

Also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts on nocturnal species from light disturbance.

Satisfied that there is sufficient ecological information available for determination of this retrospective application, excluding Great Crested Newt. With appropriate biodiversity compensation and enhancement measures secured, the development can be made acceptable.

Nature Space: Comment

The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. Therefore, no comments to make at this time.

Natural England: Further Information Required to determine impacts on designated sites

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

The appropriate assessment concludes that the authority is unable to rule out an adverse effect on the integrity of the Arun Valley designated sites, due to insufficient consideration as to how the proposed application will not result in a net increase in abstraction within the Sussex North Water Supply Zone. Having considered the assessment, Natural England concurs with the conclusion you have drawn. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

As submitted, the application could have potential significant effects on Arun Valley Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA), as well as Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Robust information demonstrating how the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

WSCC Fire and Rescue: Comments

The nearest fire hydrant is 290 metres awa, 115 metres further than the 175 metre distance required for a domestic premises.

WSCC Highways:

19.05.2025: Advice

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. DC/1551/24 which sought for a similar proposal and use.

Further information was sought regarding the access, visibility splays and proposed use. It was outlined at this time that it was not clear whether the existing B8 use was to be retained alongside the Traveller site use. Similarly, the visibility splays provided, directly intersected the 2m high fencing at the point of access, which rendered the splays unusable as a driver within a vehicle at this access point has an eyeline height of approx. 0.6m and the close boarded fence offered no visibility past this point. The gated access had been set back into the site to accommodate a vehicle off the highway whilst the gate was operated, whilst this was supported by the LHA there were questions raised regarding whether this would be sufficient to accommodate a tourer caravan as this would be one of the types of vehicles making use of the access as proposed.
The application was decided by the Local Planning Authority (LPA) to refuse the proposal- on grounds unrelated to highway safety.

The proposal now seeks to apply for planning permission for the stationing of 2 static caravans and 2 touring caravans on land at Marches Road, whilst removing the possibility of a full B8 storage use. The removal of the B8 storage use would be anticipated to see a reduction in potential movements generated to and from the site, although traffic generation data is unknown to the applicant at this time and therefore a robust comparison cannot be made.

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been a single recorded highways collision to the west of the site near the bend in Marches Road, this was not recorded as being caused by any existing highways safety concern or defect with the highway at this point. No collisions or personal injury claims have been recorded at the existing site access.

Any new vehicular access onto the publicly maintained highway is subject to a license obtainable from WSCC Highways Authority. No works can be commenced on the highway prior to the license being obtained. The access is required to be surfaced with a bound material for the first 5m back into the site from the carriageway edge.

In addition to obtaining planning permission applicants must also obtain formal approval from WSCC to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.
The proposed VCO has been demonstrated as an 8m wide crossover from the highway. The Highways Licensing Team operate on a maximum width of 6.4m for a single crossover. Although this is not a highways safety concern or a material consideration at planning, the applicant is advised that this will be the requirement when obtaining a license to carry out the highway works and that the applicant should update their plan to reflect this matter.

The gated access has been set back 5m from the edge of the highway into the site, it has also been outlined that automated gates will be included to further reduce the amount of time a vehicle waits to enter the site. The applicant is reminded that the hinge orientation of the gate should allow for opening inward of the site which permits vehicles to pull into the access clear of the highway whilst the gate is in use.

From observation of the revised access plans, it appears that whilst the gates have been set back 5m into the site, the parking spaces opposite the access have not been repositioned, therefore once the gate is opened- a vehicle appears to immediately face conflict if the spaces are in use.

It does appear however that the parking in question can be relocated within the site to a more suitable location. Space exists for the parking provision to be accommodated without causing obstruction or concern to other residents or road users, and it is not anticipated that the parking would be utilised as currently shown opposite the gate.

The applicant should demonstrate the remaining access details within a plan to be provided prior to commencement. Within the additional details and plans the applicant should demonstrate the appropriate VCO access widths, gate type/widths and details of gate automation.

The applicant has provided a visibility splay plan from the new proposed site access point; these plans demonstrate that a wider visibility splay is achievable in the eastern direction over that achievable within the existing access point. The eastern visibility splay is the immediate direction of oncoming vehicles along Marches Road when manoeuvring the access.

The visibility splays demonstrate an overall improvement in the eastern direction, lengthening splays from 61m to 85m from a 2.4m set back distance from the highway. In the western direction, visibility splays of 138m can be achieved from the proposed site access.

The boundary fence has now been set back from the property boundary into the site, which enables the fence to be constructed behind the sightlines required along Marches Road.

Marches Lane is in a location remote of local shops and amenities, this does place some reliance on the use of a car for a number of the anticipated journeys. Bus services do operate on Bognor Road (A29) and Dorking Road (A24), both with services to Horsham and Dorking. Marches Road is not served with street lighting or linked pedestrian footways which may see the use of this service more undesirable for future residents.

Secure and covered cycle parking has been proposed alongside the development; however, cycling may only be desirable for more confident and competent cyclists given the nature of the roads linking Marches Road to the more built-up urban locations. The cycle parking facilities should be conditioned alongside any approval of this proposal; a suitably worded condition has been included below.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

29.04.2025: More Information

It is accepted that the original B8 use within the site may have the potential to generate additional movements over that generated by 2 static and 2 touring caravans. The Local Highways Authority however must thoroughly consider each application on its own merits ensuring that the requirements can be sufficiently demonstrated and met.

Please can the applicant provide:

- Demonstration that visibility can be achieved and splays maintained at a height of below 0.6m on land within the control of the applicant
- Demonstration that a set back distance to the gate can be provided with details as to whether the gate will be manually operated or automated
- Demonstration that any changes to the gated access arrangement does not impair the ability for vehicles to turn/manoeuvre within the site and that access and egress can be retained in a forward gear.

PUBLIC CONSULTATIONS:

Representations:

Two letters of Objection have been received from two addresses, objecting to the application on the following grounds:

- Highways concerns and fast moving traffic
- Rural area
- No more merit than previous application
- Landscape Character Impact
- Water Neutrality
- Residential amenity

Parish Comments:

Warnham Parish Council: Objection

This follows a previously refused application (DC/24/1551) and continues a concerning pattern of unauthorised development being followed by attempts to legitimise it after the fact. The proposal is contrary to multiple national and local planning policies and has already caused measurable harm to the local environment and community.

1. Inappropriate Development in the Countryside – Policy 26 (HDPF)

The site lies in open countryside, outside any defined settlement boundary and outside the Warnham Neighbourhood Plan area. As such, HDPF Policy 26 applies, which protects the countryside from development not essential to its location. This application does not meet any rural justification and has already eroded the rural character of the site through:

- Removal of mature hedgerows and trees, which previously contributed to local biodiversity and acted as screening for neighbouring homes;
- Introduction of urban features, including hardstanding, fencing, and artificial structures.

This is not development that integrates sensitively into a rural setting; it is a visual and ecological intrusion.

2. Visual Impact and Loss of Residential Amenity – Policies 32 & 33 (HDPF)

The site borders residential properties on Northlands Road, which previously enjoyed mature screening from the adjacent land. The unauthorised clearance of hedgerows and trees has resulted in a direct loss of privacy, screening, and peace for those homes - contrary to Policy 33, which seeks to protect neighbouring amenity.

Policy 32 requires development to respect the character of the local area - this proposal does the opposite. The site now stands as a conspicuously urbanised plot in a rural context, visually intrusive from both the A29 and Marches Road.

3. Unsubstantiated Traveller Status – Misapplication of Policy 23 (HDPF)

The application asserts this is a Gypsy and Traveller site, but provides no evidence under the definition in the Planning Policy for Traveller Sites (PPTS). Without a valid Traveller status, this is functionally a private caravan park, which should be assessed under mainstream planning policies — not under Policy 23.

Even if Policy 23 were to apply, the proposal still fails to meet its criteria:

- Not near a settlement, with no access to schools, healthcare or other services;
- No evidence of adequate water, drainage or waste infrastructure;
- Detrimental to visual character and residential amenity.

This is not a suitable location for Traveller provision under either local or national planning policy.

4. Access and Safety Concerns – Unsustainable and Hazardous Location

The site is located off a rural road with no pavements or safe pedestrian access, adjacent to the high-speed A29 junction. This raises significant concerns for safety, particularly for minors or families.

Paragraph 84 of the NPPF is clear: isolated homes in the countryside should be avoided unless essential — and this application does not meet any exception. The location is fundamentally unsustainable for residential development of any kind.

5. Intentional Unauthorised Development – Material Consideration Against Approval

The land has been developed in defiance of planning refusal, with access installed, hardstanding laid, vegetation cleared, and caravans sited — all without consent. Government policy (including the 2015 Ministerial Statement and NPPF Enforcement guidance) is unambiguous:

Intentional unauthorised development is a material consideration that weighs against granting permission.

Warnham Parish Council is deeply concerned that approval would reward disregard for the planning process, set a dangerous precedent for future breaches, and undermine public trust in the planning system.

6. Precedent Risk and Likely Expansion

We are aware of concerns that the applicant (or associated parties) may seek to extend occupation into adjacent land (Longwells Vineyard). Approval here could create a de facto gateway for the future development of a far larger site, with enforcement becoming impossible once occupation is entrenched.

This is not speculation but an established pattern, observed at other locations in the District. Planning policy must be applied firmly at this early stage, not retroactively once expansion has occurred.

7. Non-Conformity with the Warnham Neighbourhood Plan

The site lies outside the designated area of the Warnham Neighbourhood Plan, which was created precisely to guide responsible, sustainable development within the parish. This proposal runs counter to the values and objectives of the plan, and approval would directly conflict with its spatial strategy.

Warnham Parish Council strongly urge Horsham District Council to:

- Refuse this application based on clear and multiple policy conflicts;
- Recognise the intentional breach of planning control as a material factor against approval;
- Initiate immediate enforcement action to prevent further harm and expansion;
- Uphold the principles of the Horsham District Planning Framework, the NPPF, the PPTS, and the Warnham Neighbourhood Plan.

This site is inappropriate, unsustainable, and non-compliant - and approving it would risk irreparable damage to the character and governance of the area.

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

Principle of Development:

Policy 23 of the Horsham District Planning Framework (HDPF) (2015) mandates the provision of 39 additional permanent residential pitches for Gypsies and Travellers between 2011 and 2017, with a commitment to meet further needs beyond this period as identified in the Council's Accommodation Needs Assessment. To address current and future unmet needs, specific sites were allocated for development. The identified sites, in addition to granted windfall proposals, therefore met the needs of the District at the time.

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. 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.

In terms of the Council's current policy position: Policy 23 is now out of date, thus the Council is unable to demonstrate a five year supply of pitches. Paragraph 27 of the Planning Policy for Traveller Site (PPTS) (2023) states that if a local planning authority cannot demonstrate an up–to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. In the absence of an adopted DPD, the Council is unable to demonstrate a five-year supply of Gypsy and Traveller pitches. In accordance with Paragraph 27 of the PPTS, the absence of such a supply is a significant material consideration, and this weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant planning policies (further detailed and assessed below).

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 25 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".

Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 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.

As the Regulation 19 HDLP presently still holds limited weight in the determination of applications, policies contained within the HDPF remain relevant. As above, as the Council cannot currently demonstrate a five-year supply for traveller sites, restrictive housing policies are afforded reduced weight in the overall planning balance (further detailed below). However, Policy 23 (Gypsy and Traveller Accommodation) seeks to resolve specific issues regarding 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;

A number of recent appeal decisions for gypsy and traveller sites have considered the location of these sites. The Inspector recognised under APP/Z3825/W/21/3284138 (DC/20/1488) Valewood Farmhouse, Mobile Home, Valewood Lane, Barns Green, that the lane connecting the site to the village has no pavements or lighting. However, it was noted that the site was not a significant distance to Barns Green and the lane has good forward visibility, where there is a reasonable prospect of trips to and from the village being made by means other than by motorised transport. The Inspector thereby concluded that the location of the site was acceptable.

In considering the appeal under reference APP/Z3825/W/20/3265226 Hillybarn Farmhouse (DC/20/1993), The Mount, Ifield, the Inspector recognised that residents of site were unlikely to walk to facilities given the separation distances. Also, only a limited bus service travels along Ifield Wood to Horsham and so it was unlikely to provide a realistic travel option for most trips. The development was considered to be within a reasonable cycling distance of Crawley, although it was recognised that this would be an unattractive choice of transport for many journeys, particularly during inclement weather. As such, it was noted likely that occupants of the development would be highly reliant on the private car. However, the Inspector considered that occupants of Gypsy and Traveller sites would have less opportunity to travel by foot, cycle or public transport as they are allowed outside settlements under HDPF policy 23 and the PPTS. In light of the policy context, the short car journeys to Crawley were considered to add in favour of the development. It was thereby concluded that the site would be a suitable location for the development.

Under APP/Z3825/W/22/3290615 at Redgates, Burnthouse Lane, Lower Beeding (DC/21/1233), the Inspector noted that the nearby narrow and twisting lanes lack facilities for pedestrians, with no footways or street lighting, although due to their nature, traffic speeds are unlikely to be high. It was noted that there are public rights of way that provide shorter routes to nearby villages, but these are unlikely to be readily useable on a daily basis or throughout the year as they are unlit and may not be easily accessible. The Inspector noted that it was likely that most journeys would be made by the private car, with these likely to be relatively short. While the site is not in or near to an existing settlement or part of a strategic allocation, it was recognised to be within a reasonable distance of a range of local services and community facilities in nearby villages by car. It was acknowledged that the PPTS and relevant development plan policies do not specifically refer to avoiding reliance on the private car. The Inspector was therefore of the view that the site was a suitable location for the development due to its accessibility to local facilities and services.

In the case of the Pear Tree Farm appeal APP/Z3825/W/22/3311819 (DC/21/1796), the Inspector found the proposal for a settled gypsy accommodation site with five pitches to align with policies supporting accommodations for gypsies and travellers. Although the site is outside the designated area for new developments, the Inspector concluded that it met sustainability criteria for access to local services and facilities, with no major traffic or safety concerns. In addition, the Inspector concluded that the development's visual impact on the surrounding countryside would be minimal. Due to existing tree cover and hedgerows, the site would remain largely screened from public view, and the increased activity was not seen as harmful to the rural character.

It is considered, taking into account the above decisions, that the site is in an acceptable location for the intended use, particularly as it is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the District. These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. On the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Character and Appearance:

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.

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.

The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS paragraph 26 states 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". Furthermore, it advises that any sites in rural areas respect the scale of, and do not over-dominate, the nearest settled community.
Paragraph 27 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-

a) effective use of previously developed land (brownfield), untidy or derelict land;
b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The site is situated outside of any Built Up Area Boundary (BUAB), in a countryside location. It is irregularly shaped, bounded by newly erected closeboard fence, with the exception of stock proof fence on the southeastern boundary.

The site falls within I2 Warnham & Rusper Wooded Ridge Landscape Character Area (LCA) as defined by the Horsham District Landscape Character Assessment (2003). Key relevant characteristics of D2 experienced within the site and contextual landscape include *secretive wooded ghylls*, a *strong pattern of shaws and hedgerows*, *an intricate patchwork of small pasture field*s and *mostly rural character*. Key issues affecting this LCA include *localised intrusion from suburban features and poor woodland and hedgerow/shaw management*. Planning and land management guidelines considered relevant to this development state to *conserve the rural wooded character of the area.*

The site now comprises newly laid hardstanding, 2no. storage containers, 2no. static caravans and accompanying vehicles. Prior to the laying of the hardstanding and erection of close boarded fence (evidenced from historic satellite imagery) the site was well treed and benefitted from dense hedgerow and vegetation abutting Marches Road, thereby screening views on to the site. Before the hardstanding was laid unlawfully, the site was of a green appearance, complimenting and blending in with the countryside surrounds. While glimpse views of 1no. storage container may have been an urbanising detractor, it was seen in the context of agricultural surrounds and did not result in a domestic or residential appearance.

The previous application DC/24/1551 was refused partly due to the adverse visual and landscape impact and harm to the character and setting of the site. Due to extensive tree and vegetation removal that has taken place, the site is now visually open to the wider countryside, therefore it is particularly sensitive to views from the north. No mitigation was included in the previous application. This resubmission has sought to overcome the concerns raised and now includes the following mitigation:

- Additional infill planting and native planting to the entire boundary of the site
- Proposed enriched grass species and native planting area to the north of the pitches
- New enclosed play area to the north of the pitches./ south of plating area

Although this landscaping is not shown in detail, there is certainly some scope to soften the appearance of the site and reduce the landscape impact and the play area and planting area are welcomed. However, there is some concern that this planting is positioned behind the existing closeboarded fence on Marches Road rather than in front of it and would actually have little impact on the sites appearance as the large area of hard standing remains, as does the domestic fence. It is considered that on balance, even with the proposed mitigation, the urbanising form has an adverse effect on visual amenity of the nearby public right of way (PRoW) and receptors on Marches Road, as well as an eroding effect on the rural landscape character of the area, contrary to policy 23 (e), 25 and 33 of the HDPF.

It is noted that the submission considers the current use of the site to be unrestricted Class B8 (storage and distribution). It is though considered that the recent lawful development certificate, ref: DC/24/0426,

established the lawful presence of one storage container on the site, with the related site plan only identifying this container. It is not therefore accepted that the use of the wider site would fall within Class B8.

Amenity Impact

Policy 33(2) continues that development shall 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) is also of material consideration when assessing amenity impact for non-allocated gyspy / traveller sites.

The proposal now includes an 'amenity building' which is welcomed to ensure the site is serviced to the required standards.

It is acknowledged that objections have been received in relation to increased noise and disturbance from the proposed use. However, the application site is located at a distance from nearby residential properties, the nearest residential dwellings are situated around 100 metres to the southwest at the vineyard and around 100 metres to the north east at Stonefarm and Milestone Barn. Given the distance between the site and the nearest residential properties, and in considering the residential nature of the proposed development, it is not anticipated that the proposal would result in harm through overlooking, loss of privacy, or unacceptable noise and activity over and above the agricultural use on the site.

Highways Impact

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;

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.

The Local Highways Authority requested clarification on sightlines in their first representation, particularly in relation to trees. Further information in relation to visibility/ sightlines and access gates has been provided. Should the application be considered acceptable in all other regards, the LHA would require additional information in relation to the layout of parking, so as not to impede the access, and the size of the crossover proposed, but it is considered that these details could be provided as part of a condition (requiring details to be provided within a certain time period).

It is not considered that the proposed number of pitches would result in a significant increase in intensity of vehicle movements to and from the site, with the access considered acceptable for the intended use.

Other Matters

<u>Barriers to Development</u>

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 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 does not sit within any designated flood zone, surface water flood area or groundwater protection zone.

<u>Services</u>

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;

The site is historically agricultural and is unlikely to have direct access to the sewage network. No detail of the means of treatment and disposal of sewage are provided in this application, other than a box ticked for a package treatment plant in the application form. If the application were to be approved details would be required in order to assess the suitability of a development which is not on mains sewage and the need for rainwater collection in lieu of a main water connection.

Ecology

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.

The application site comprises agricultural land. The site is adjacent to a corridor of hedgerow linked to ancient woodland to the south and the north, with potentially high ecological / wildlife and biodiversity value with agricultural fields and linking hedgerows located within the vicinity.

A number of trees appear to have been removed from the site (from historic aerial photographs), particularly from the north-eastern boundary of the site, with hardstanding laid and some hedgerow removed. The planning statement says that the hardstanding was laid before the current owner purchased the site, but this is not a matter relevant to this planning application and the hardstanding is considered to be unlawful.

The site has / had the potential to be used as habitat and a connector for various species. The applicant has now made some ecological provisions within the application including bat boxes, native hedge planting and an area of enriched grass species planting. Although details are lacking it is now considered that ecological mitigation could be secured via conditions if the application were to be approved. This would include a requirement to submit a biodiversity compensation and enhancement strategy within 3 months of a decision, and a wildlife sensitive lighting scheme.

Biodiversity Net Gain (BNG):

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). The application is retrospective, made under Section 73(A) of the Town and Country Planning Act, and therefore considered exempt.

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

Each caravan will have an average occupancy of 2.47 people (4.94 people in total on site) with a total water use of 317.64 litres per day or 115,938.6 litres per year. However, current occupancy levels on the site are in excess of this, with 6 persons present on the site. In this scenario it is considered more appropriate, and precautionary, to examine water consumption based on actual known occupancy, rather than a potential average occupancy which may never take place. Based on this the estimated total water use is calculated as 385.8 litres per day or 140,817 litres per year.

The strategy seeks to ensure the proposal is water neutral through the installation of rainwater harvesting to provide 100% of the required water. The calculations submitted and set out in the WNS show there is sufficient roof area on the site to collect the required amount of rainwater if the existing smaller caravans are replaced with caravans that have a roof area of 72 square metres per unit. The rainwater would also be collected from the two onsite shipping containers and the proposed dayroom.

The calculation in the submitted WNS show sufficient water available with a 60 day drought assurance based on the collectable roof area above. However, it is not considered to be reasonable to apply a condition to a permission requiring each occupier to have a mobile home of a certain size and enforceability would be a barrier. This is especially as the current units on site are much smaller than the proposed units. Ensuring the scheme was retained for the lifetime of the development would not be reasonable given the likely transient nature of the occupiers of the site over its lifetime and given that planning permission would not be required to replace either mobile home with an alternative mobile home. A replacement mobile home could have a much smaller roof area and therefore not be able to collect enough rainwater to serve the development. This matter was considered at combined appeals at Oaks Farm, Wineham Lane, Wineham under references APP/Z3825/C/24/3350120/121/122/123/124/125/126/127/128, where the Inspector considered that there was no surety over the size of caravans to be installed on each ploy, where the calculations for water collection, based on a certain area of roof, would not reflect the capacity on site. The Inspector therefore considered that a condition requiring each occupier to have a mobile home of a certain size would not be reasonable. Furthermore, the Inspector noted that ensuring the scheme was retained for the lifetime of the development would not be reasonable given the likely transient nature of the occupiers of the site over the lifetime of the development.

Without the proposed static caravans this would reduce the yearly collectable about of rainwater to 52,479 litres which is 88,000 litres less than is shown as required within the Water Neutrality Statement.

As it is not considered to be reasonable to apply a condition to limit the size of the caravan to a minimum size, it has not been proven beyond reasonable scientific doubt that the proposal is water neutral. It is therefore concluded that insufficient evidence has been provided to ensure that the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. Natural England have been consulted on this position, and have raised similar concerns.

Conclusion and Planning Balance

The Council cannot currently demonstrate a five-year 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 clear 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. It is therefore recognised that the proposal would go a small way to addressing the identified need, but two pitches are considered limited in their contribution. This is a material consideration of *significant weight* in the overall planning balance.

As the Council cannot currently demonstrate a supply for gypsy / traveller sites, it is considered that the relevant policies would be considered ‘out of date’ as per Footnote 8 (FN8) associated with this paragraph of the NPPF. However, footnote 7 of paragraph 11 confirms that the policies referred to in the Framework are those relating to, among others, habitat sites. Insufficient information has been provided to

demonstrate that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. Paragraph 11(d) is not therefore engaged in this instance. As the proposal would result in adverse harm to the Arun Valley protected sites, Footnote 7 would be triggered. Accordingly, whilst the tilted balance in favour of sustainable development as per Paragraph 11(d) is engaged, this is reset to the neutral position and not in favour of granting the permission.

Whether or not the harm identified would significantly or demonstrably outweigh the benefits of meeting the unmet need is a matter of consideration in the planning balance. The benefits of the proposal include a number of pitches (two), which would have a welcomed but *small benefit* in terms of the extent to which it would alleviate the shortage.

It is considered that the proposal would result in a sense of domestic sprawl to the detriment of the undeveloped character and quality of the local landscape. Due to extensive tree and vegetation removal, the site is now visually open to the wider countryside, therefore it is particularly sensitive to views from the north. The proposal and retrospective works will be at odds with the undeveloped nature of the surrounding area and does not relate sympathetically to the local landscape. In the absence of a landscape and visual appraisal (LVA), it is considered that the urbanising form and further loss of existing boundary vegetation has an adverse effect on visual amenity of the nearby public right of way (PRoW) and receptors on Marches Road, as well as an eroding effect on the rural landscape character of the area, contrary to policy 23 (e), 25 and 33 of the HDPF.

With the above in mind, it is considered that the provision of two additional gypsy pitches on this site is not justified when balanced against the lasting harm that the development would cause by virtue of the issues outlined above. It is considered that given the nature of harm identified, including the position in respect of water neutrality and the protected Arun Valley sites, that a temporary or personal permission would not overcome or alter the above planning balance. It is therefore recommended that planning permission be refused.

Recommendation: Application Refused

Reason(s) for Refusal:

1 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2024), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would not result in an adverse visual and/or landscape impact, or cause harm to the semi-rural character and setting of the site, with particular reference to the laying of hardstanding and removal of vegetation and pressures to remove more on the boundary with the road. The development is therefore contrary to Policies 23, 25 and 33 of the Horsham District Planning Framework (2015).

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.

Plans list for: DC/25/0497
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Proposed Block Plan	GP/04/24 Rev B	27.03.2025
Elevation & Floor plan	Proposed Day Room Floor Plans and Elevations	GP/10/25	27.03.2025
Plans	Refuse/Recycling Storage	GP/07/25	27.03.2025
Supporting Statement	Water Neutrality Statement by White Planning & Enforcement dated 26 March 2025	NONE	27.03.2025
Details plan	Proposed Bat Box Details	GP/09/25	27.03.2025
Plans	Proposed Ebike Storage, Charging, Lighting	GP/08/25	27.03.2025
Plans	Existing Access Visibility Splays	GP/02/24	27.03.2025
Location plan	Location Plan	GP/01/24	27.03.2025
Block plan	Proposed Block Plan	GP/04/24 Rev A	27.03.2025
Block plan	Proposed Block Plan	GP/03/24 Rev C	27.03.2025
Block plan	Proposed Block Plan	GP/03/24 Rev D	27.03.2025

DELEGATED

Case Officer sign/initial Kate Turner Date: 22/5/25

Authorising Officer sign/initial Tamara Dale Date: 22/5/2025