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Mr Neil Devereux
Zone 3C Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref WEALD/26/03
Your ref 3375037

12.02.26

Dear Mr Devereux,

APPEAL AGAINST THE NON DETERMINATION OF A PLANNING APPLICATION FOR THE CHANGE OF USE OF LAND FROM EQUESTRIAN TO A NATURAL BURIAL GROUND INCLUDING PARKING AREA, SINGLE STOREY PAVILION AND LANDSCAPING INCLUDING NEW TREE PLANTING, POND AND WILDFLOWER MEADOW AT SPRING ACRES, WEST END LANE, HENFIELD, WEST SUSSEX, BN5 9RE; PINS REFERENCE APP/Z3825/W/25/3375037

I refer to the appeal at the above site. I have been instructed by a number of local residents to review the appeal documents and submit representations on their behalf. Having reviewed the appeal statement submitted by the appellant and the grounds of appeal, this letter sets out an **OBJECTION** to the proposal. I was instructed by the residents to review the planning application documents during the determination process, and I submitted letters objecting to the development of a number of local residents on 02.08.24 and 04.09.24. These letters are appended to this letter for the convenience of the Inspector.

The appellant has submitted an appeal statement with the appeal forms. This has been reviewed and comments are set out below. It is noted that in the opening section, the statement sets out that "*all consultees as far as we are aware have no objection or are suggesting planning conditions*". However, the latest response from the Council's Environmental Health team is dated 08.10.24, and raises objections to the proposal based on the potential noise and disturbance likely to be generated by the development, and the impact of that on the amenity of the occupiers of nearby dwellings, and that the supporting information setting out the rainwater harvesting system does not identify the author, and it is not possible for the Environmental Health team to form a view on the competence of the report. The note dated 08.10.24 concludes that the application is insufficiently detailed to be determined. Despite the appellant submitting a "Supplementary Water Neutrality Statement" dated October 2024, there is no further comment from the Environmental Health team withdrawing their objection. In relation to noise and disturbance, there is no noise impact assessment submitted with the application documents.

The opening section of the appeal statement also highlights that "*questions have been raised about the need for the development and we have responded*." However, it appears that the need for the development is supported by letters issued by Haven Memorials, Sussex Green Burials and The Natural Death Centre. However, two of these letters are from commercial operations, who have a vested interest in increasing the supply of burial grounds, as it increases the commercial opportunity for business development. Indeed, the letter from Surrey Green Burials dated 08.05.25 sets out that they would predict "*15 burials per week by year 3*." However, the third organisation- The Natural Death Centre- is a charity and as their email of 28.03.25 states, are "*seen as the 'go to' organisation for those venturing into the world of natural burial*". That the appellants have not been in touch with this organisation is of considerable significance, and no doubt the Inspector will note this.

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The Inspector should also note that this organisation makes the following comments;

"Anyone who operates natural burial grounds or is looking to acquire one knows how long it takes to build the business and the decades it can take to see a return. Sites that do sell are valued based on previous years profits. If this is not available the site is worth little more than the pony paddock value. This is especially true of sites that are not on the immediate outskirts of major metropolitan areas.

From my experience and observation of our member sites around the UK. I would predict that a rural site like Henfield would possibly realise one burial per month in the first few years rising to one a week by year 10."

The above comments, from the recognised "go to" organisation for the natural burial sector, should be afforded significant weight by the Inspector, and are in direct conflict with the assumption that there would be "15 burials a week by year 3" as highlighted above.

There is further evidence in relation to the claimed need for the development from the Council's Parks and Countryside Manager in the consultation response note to the case officer dated 29.01.25. the note sets out that;

"*The churchyard in Henfield has a closed graveyard, but there is a cemetery run by the Parish Council has been extended, so does have capacity (DC /19/1581) There is also a separate burial ground in Shermanbury https://shermanburyparishcouncil.co.uk/the-cemetery/. Nationally 80% of interments are cremations, so most people in Henfield would choose to go to Worthing crematorium.*

So I don't think there is an immediate shortfall. There is also a well- established natural burial site at Clayton Wood in Hassocks, which is only 8 miles from Henfield, so again, if the choice is for a natural burial there is provision relatively nearby."

It is clear that there is not the need claimed by the appellant for the proposed development. Even if there were a need, the appellant has not provided any evidence that demonstrates that there are opportunities within the identified settlement areas, or immediately adjacent to the edge of a settlement that have been considered and discounted. This is significant because the wording of Policy 43 (relating to Community Facilities, Leisure and Recreation) at paragraph 2 is that *"……..sites located outside built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists."* It has not been demonstrated that this site is the only practicable option and it is not well related to an existing settlement.

The appellant's statement that "*questions have been raised about the need for the development and we have responded*" is not therefore correct. The Inspector should attach little weight to this comment.

The appellants statement of case continues to describe the site and surrounding area. However, there is no reference to the District Landscape Character Assessment, which identifies the overall character of the area as having medium

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to large arable fields with low gappy hedgerows near the scarp with more pasture fields and a stronger hedgerow network with mature trees in the north. The character and landscape features are therefore fields laid to pasture or arable, with hedgerows bounding them. In addition, the area is identified as being highly sensitive to change. The description of the character of the site and surrounding area is therefore limited. The Inspector will be able to make their own judgement when carrying out the site visit, but the Character Assessment is evidence that helps to put the site in context.

The Inspector will also see at the site visit the relationship between the appeal site and the edge of the settlement boundary some 700m to the east. The Inspector will note that the centre of the settlement of Henfield (the High Street) is some 1.8km to the east. The nearest bus stop (in Station Road) is approximately 1km from the site. West End Lane itself is a narrow rural lane with no footways or pavements. The site is clearly not well related to the existing settlement as Policy 43 requires and there is therefore a conflict.

Following a description of the proposed development, the appellant's appeal statement then goes on to a section headed "Planning Policy Assessment". The first part of this section identifies the policies of the development plan (the Horsham District Planning Framework and Henfield Neighbourhood Plan) and also references the NPPF. However, the NPPF that is referenced in the heading is the 2023 version, although it appears that most of the paragraphs referenced are from the current (2024) version.

Having identified the development plan policies and having quoted the paragraphs of the NPPF that the appellant considers are relevant, the following four pages (pages 12 to 15) further describe the proposed development. However, within this section, there is no analysis of the compliance of the appeal proposal with the policies of the development, and no identification of any conflicts with the policies of the development plan, and whether there are any material considerations that carry any weight in the determination of the proposal.

For the sake of brevity and to avoid duplication, the Inspector is referred to the previously submitted letters of objection. The letters issued to the Council set out an analysis of the proposed development and assesses it against the relevant policies of the development plan. This analysis clearly demonstrates that the appeal proposal results in a number of conflicts with the policies of the development plan and does not therefore fall within the definition of sustainable development having regard to paragraphs 10 and 11 of the NPPF. There is therefore no presumption in favour of the development, and the appeal should be dismissed and planning permission should be refused.

However, the following issues are highlighted to the Inspector in relation to the policies of the Horsham District Planning Framework;

- There is conflict with Policy 43 as there is no identified need for the development, there has been no assessment to demonstrate that this site is the only practicable option, and the site is not well related to an existing settlement;
- There is conflict with Policy 26 as the development is in the countryside but is not essentially required to be in the countryside and does not meet any of the four criteria set out in the policy, and there will be a significant increase in activity (in particular vehicle trips along West End Lane) in the countryside a8s a result

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of the development;
- There is further conflict with Policy 26 and Policy 25 as the development results in a significant change to the landscape character of the area in an area of high sensitivity to change;
- There is a conflict with Policy 32 of the development plan as the proposal does not demonstrate a clear understanding of the local, physical, environmental and policy context for the area;
- There is a conflict with Policy 33 as the amenities of the occupiers of the adjoining properties are likely to be significantly impacted by the increased noise and disturbance caused by the traffic generation associated with the proposed use. At present the site generates no traffic movements, and even with the extant planning permission fully implemented, the traffic generation will be negligible. However, the proposed use will result in up to 48 traffic movements three times a day, over six days of the week (or seven days, depending on which of the application documents are relied upon);
- There is conflict with Policies 40 and 41 as the site is not capable of supporting sustainable modes of transport, and there is no robust case to demonstrate that the proposed parking requirement is suitable and appropriate.

The following issues are highlighted to the Inspector in relation to the policies of the Henfield Neighbourhood Plan;

There is a conflict with Policy 1 as the development does not comply with the policies of the District Planning Framework, as highlighted above;
There is a conflict with Policy 4 as the development does not demonstrate that safe pedestrian routes can be achieved, and that the proposed car parking is adequate, in accordance with the guidance issued by West Sussex;
There is a conflict with Policy 12 as the appeal proposal does not have regard to the relevant requirements of the Henfield Parish Design Statement, and does not respect the amenities of the occupiers of the nearby residential properties due to the increased noise and disturbance likely to be generated by the proposal and the scale, massing, landscape design, layout and materials of the appeal proposals are not of a high quality and do not reflect the architectural and historic character and the scale of the surrounding buildings, street-scene and landscape.

The planning policy assessment section concludes with the following comments;

"In terms of the need for an overall planning balance, particularly given the multitude of applicable considerations in this instance, it is respectfully and forcefully made out that the proposed development suitably meets and creates positive outcomes against the requirements of each of the policies."

There is no evidence submitted with the appeal documents to assess whether the proposal "*suitably meets and creates positive outcomes against the requirements of each of the policies*". Applications for planning permission (and appeals) should be determined in accordance with the policies of the development plan, insofar as they are relevant, unless material considerations indicate otherwise. There is no assessment or analysis from the appellant as to whether the development is in accordance with the development plan. The evidence set out in the attached letters, and above, clearly demonstrate that the appeal proposal is not in accordance with the relevant policies of the development plan. It is only in such circumstances (when the proposal is not in accordance with the development plan) that a balancing exercise should be carried out, with relative weight afforded to identified material

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considerations and planning benefits, and a judgement made as to whether that weight is sufficient to outweigh the harm caused by the conflict with the policies of the development plan. Although the appellants statement includes the comment that "*the proposed development creates the opportunity to create a significant planning betterment*"- however, the exact nature of the "betterment" is not explicitly identified or made clear, let alone the weight that should be afforded the any "betterment".

The statement goes on to say that "*the proposal is for a form of development that would not normally be considered appropriate within existing traditional development and therefore, by default, not within existing settlement boundaries*". However, within Appendix 1 of the appellant's statement, reference is made to the planning permission granted under reference DC/19/1581 for the change of use of land to a burial ground as an extension to Henfield cemetery. The Inspector will note that the appellant has quoted from the officer's report for that application, which states that *"It is considered that a change of use to burial ground within a defined built-up area would be in accordance the spatial strategy of the Development Plan*". It is clear from this that, contrary to the appellant's assertion, the provision of a burial ground within the defined built up area can be considered appropriate and is in accordance with the Council's spatial strategy.

As part of the appeal documents, the appellant has submitted a draft Statement of Common Ground. As the appeal procedure has been determined by PINS to be by the written process, a Statement of Common Ground is not required or appropriate. Whilst the consideration of whether the issues identified in the Statement of Common Ground can be agreed is a matter for the Council, it is submitted that there are significant and material issues that cannot, and should not, be agreed. These include;

- 5- whilst it can be agreed that proposals must meet one of the four criteria of Policy 26, it is clear that none of the criteria are met;
- 6-11- these matters appear to be from the pre application advice sought from the Council, which is not binding upon the Council, and is subject to the details of the formally submitted application;
- 12- it has not been demonstrated that there is an unmet need for natural burial ground spaces;
- 15- the supply of housing is not relevant to this proposal, therefore the tilted balance of paragraph 11(d) of the NPPF does not apply;
- 17- the evidence above demonstrates that the proposal is not in accordance with the relevant policies of the Neighbourhood Plan;
- 18- Policy 11 is not relevant to the proposed development. The support for new community facilities in Policy 43 is subject to various tests being met- the evidence contained within this representation demonstrates that the tests are not met.
- 19- the "tilted balance" at paragraph 11(d) of the NPPF does not apply. Paragraph 14 of the NPPF only applies in relation to the provision of housing.

The evidence submitted by the appellant does not demonstrate that the proposal is in accordance with the policies of the development plan, and the analysis set out above and in the accompanying letters makes it clear that the appeal scheme does not fall within the definition of sustainable development. As a result, the appeal should be dismissed and planning permission refused.

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Yours sincerely,

[redacted]

Enclosures- letters of 02.08.24 and 04.09.24

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Mr Giles Holbrook
Planning Officer
Horsham District Council
Parkside
Horsham
West Sussex
RH12 1RL

Our ref WEALD/24/01
Your ref 24/0062

02.08.24

Dear Mr Holbrook,

DC/24/0062- CHANGE OF USE OF LAND FROM EQUESTRIAN TO A NATURAL BURIAL GROUND INCLUDING PARKING AREA, SINGLE STOREY PAVILION AND LANDSCAPING INCLUDING NEW TREE PLANTING, POND AND WILDFLOWER MEADOW AT SPRING ACRES, WEST END LANE, HENFIELD, WEST SUSSEX, BN5 9RE

I refer to the above application. I have been contacted by a number of residents who live close to the application site. They have asked me to review the application documents submitted and submit representations on their behalf. Having reviewed the submitted documents, my clients wish to **OBJECT** to the proposed development.

The development plan consists of the Horsham District Planning Framework, adopted in November 2015, and the Henfield Neighbourhood Plan which was made in 2021. Applications for planning permission should be determined in accordance with the policies of the development plan, insofar as they are relevant, unless material considerations indicate otherwise. The relevant policies are set out below;

- Policy 1- Sustainable Development
- Policy 25- District Character and the Natural Environment
- Policy 26- Countryside Protection
- Policy 32- The Quality of New Development
- Policy 33- Development Principles
- Policy 38- Flooding
- Policy 40- Sustainable Transport
- Policy 41- Parking
- Policy 43- Community Facilities, Leisure and Recreation

The relevant policies of the Henfield Neighbourhood Plan are set out below;

- Policy 1- A Spatial Plan
- Policy 4- Transport, Access and Car Parking
- Policy 12- Design Standards for New Development

The site is located outside the defined limits of the settlement in the open countryside. There are no other policy

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constraints that apply directly to the site.

Other material considerations- in relation to other material policy considerations, the NPPF was published in December 2023 and provides Government guidance on a number of matters, including conserving and enhancing the natural environment. In particular paragraph 180 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The submitted Planning Design and Access Statement seeks to support and justify the development. At the start of the Statement, it is identified that the site "*lies within rural area a short distance from the Henfield settlement boundary that lies to the east*". The entrance to the site lies approximately 700m from the edge of the settlement boundary as defined in the development plan measured along the length of West End Lane. However, from the edge of the settlement boundary, West End Lane is a narrow rural lane, in places only wide enough for a single vehicle to pass, with no footway or pavement. It is noted that the stable block allowed on appeal under reference 11/2631 has been partially implemented by the laying out of a base for the permitted structure. It is noted that this is described as a "modest" structure.

The applicant appears to have carried out a pre application advice meeting with the Council. The officer dealing with the pre application approach is quoted as saying that;

"*The need for community facilities to be located in the countryside (outside of built-up areas) is recognised in Policy 43, with the nature of the enquiry such that there is potential for the site/use to relate appropriately to surrounding development and landscape features. It is therefore considered a countryside location could be justified for the proposed development."*

The actual wording of Policy 43 (relating to Community Facilities, Leisure and Recreation) at paragraph 2 is that;

"……..sites located outside built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists."

There are two tests to be met in the policy. Firstly, sites outside the built up areas will be supported where this is the only practical option. Secondly, such development will be supported where a suitable site is well related to an existing settlement. It is submitted that the proposed development does not meet either of the tests. There is no evidence that this site is the only practical option for the development. It appears that the applicant has not carried out an assessment of the availability of any other sites, both within and outside of the settlement boundaries, or indeed whether there is a demand or under supply within the District for this type of facility. Having reviewed the evidence base for the current Local Plan review, the District Wide Community Facilities Assessment 2021 does not include any references to burial grounds, or the need for them. It is further submitted that the site is not well related to an existing settlement. Whilst it is the case that the access to the site is located approximately 700m from the edge of the settlement boundary, the centre of the settlement of Henfield (the High Street) is some 1.8km to the east. The nearest bus stop (in Station Road) is approximately 1km from the site. As noted above West End Lane is a narrow

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rural lane with no footways or pavements. The aerial view demonstrates the relationship between the application site and the settlement;



As can be seen, the site is separated from the edge of the settlement by mainly open fields and clearly separated from the settlement. The site cannot be said to be well related to an existing settlement. The proposed development therefore is in conflict with Policy 43 of the development plan.

In addition, Policy 26 relates to Countryside Protection. It states that outside built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

There are a number of tests to be met to comply with this policy. Firstly, the proposal must be essential to a countryside location. It is submitted that a countryside location is not essential for the proposed development. The development could conceivably be located within the built up area, but as highlighted above, there has been no assessment to establish whether there are any other more suitable sites available. In addition, there are four further tests to be met. It is clear that the proposal does not support the needs of agriculture or forestry, is not related to mineral or waste development, does not provide for quiet informal recreational use, or enable the sustainable development of a rural area.

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Policy 26 sets out that development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change.

The proposed development will, inevitably, result in a significant increase in the overall level of activity in the countryside. Currently the site is an unused field, although there is an extant permission for the keeping of horses as a result of the partial implementation of the planning permission allowed on appeal under reference 11/2631. The appeal decision letter (dated 25.02.13) records the permitted building as being 3.1m x 14.4m, and containing private stabling for two horses plus a tack room and hay store. Any increase in activity therefore needs to be assessed not just against the current use of the field and the activity it generates, but also the potential use of the field as a result of the extant planning permission.

The submitted Transport Statement identifies that it is proposed to offer three services per day (lasting two hours) over six days of the week. It is proposed to provide 24 parking spaces on the site. As a result, there is potential for 48 trips to be generated for each service, resulting in (3 x 48) 144 additional vehicle movements per day over six days of the week- a total of (6 x 144) 864. This does not take into account people who want to visit the site not as part of a formal service but to visit the resting place or memorial for family and friends. This level of activity compared to the current use of the site (which appears to be unused at the time of visiting the site) or the potential use of the site for the stabling of two horses for private family use should the stables eventually be built is significant. If the field is used for private stabling of horses, then this is likely to generate between two and four vehicle trips per day (assuming the owner of the horses visits once or twice a day), resulting in up to 28 vehicle trips a week. The proposed development therefore conflicts with the policy requirement to not significantly increase the level of activity in the countryside.

There are several farms along West End Lane that use the road as access for large farm machinery, including tractors, and there are a number of equestrian based facilities in the vicinity, and horses and riders use West End Lane on a regular basis. In addition, behind the dwellings on the southern side of West End Lane just to the east of the application site is a long established joinery business and timber yard. The vehicles that deliver materials to this yard are long flat bed lorries and LGV's. Because of the limited access arrangements to the yard, the delivery vehicles have to stop in the highway outside and the materials off loaded by hand. Whilst this is taking place, the highway is obstructed. The increase in traffic will result in increased congestion, and increased conflict with other road users.

In addition, West End Lane is very popular for dog walking, hiking and cycling due to the surrounding network of footpaths. West End Lane gives access (where there is a small carpark next to the Old Railway public house to the east) to the Downs Link- a long-distance footpath and National Trail that connects the North Downs Way in Surrey with Shoreham-by-Sea on the coast. This leads to increased amount of car and foot traffic which will add further to increased traffic conflict and risk to pedestrians using the road in the absence of footways and pavements. There is also limited street lighting along the length of West End Lane, which further increases the risk of hazard to pedestrians during the hours of darkness.

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Policy 26 also requires development to have regard to the sensitivity of change and the features and characteristics of the landscape character of the area. As part of the evidence base for the current development plan, the Council commissioned a District Landscape Character Assessment prepared by Chris Blandford Associates, dated October 2003. The application site is located within an area identified as D2- Henfield and Small Dole Farmlands, within the scarp footslope rolling farmlands character area. The document identifies the overall character as having medium to large arable fields with low gappy hedgerows near the scarp with more pasture fields and a stronger hedgerow network with mature trees in the north. The character and landscape features are therefore fields laid to pasture or arable, with hedgerows bounding them. In addition, the area is identified as being highly sensitive to change.

The proposed development will result in a field, which is currently laid to pasture and therefore reflects the landscape character of the area, being changed to a developed site with a large building in the corner, an extensive area of hard surfacing to accommodate car parking, feature paving and gravel paths, artwork structures in a number of locations, together with ornamental shrub and hedgerow planting, ornamental grass areas and bulb drifts, none of which reflect the identified landscape characteristics of the area. Given that the sensitivity to change is high, it is submitted that the proposed development would not reflect the natural landscape feature and character of the area, in conflict with policy 26.

The Planning Design and Access Statement claims that the design and development objectives include a "high quality rurally appropriate design with siting, layout, scale, form and appearance, absorbing the development in the landscape and respecting local vernacular", but for the reasons set out above, it is submitted that this is not achieved. Although it is claimed that the development is landscape led, there is no reference to the Landscape Character Assessment highlighted above, or any recognition of the existing landscape character and features. The character of the surrounding area is made up of open fields, mainly in agriculture use or pasture, with small ribbons or enclaves of built for. The proposed development will result in a highly managed and artificially created site, with ornamental planting and artworks/sculptures, and hard surfaced areas. This will not enhance the landscape character. The submitted Landscape Design Statement is more a description of the proposed planting and the planting method statement, and a management plan, and does not include any justification for the landscape design approach taken, with no assessment or evaluation of the existing landscape character and the degree to which the proposed change can be accommodated.

The Planning Design and Access Statement sets out that the change of use of the field to a natural burial ground will be developed at the same time with ground modelling. This infers that the development of the site will involve changes in the levels and the topography of the land. No information has been provided to demonstrate the extent of the ground modelling, and any modelling is likely to alter the natural slope of the land from the ridge to the north to the road to the south.

As a result of the above, it is clear that the development will conflict with policy 25, which requires development to protect the natural environment and landscape character of the District, including the landscape, landform and development pattern against inappropriate development.

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The Planning Design and Access Statement goes on to describe the proposed building and notes that it will be located in a substantially similar position to the extant permission for stables. However, the main consideration is not whether the proposed buildings would comprise essential facilities that would be reasonably required to facilitate the change of use of the land to a natural burial site, but rather the impact of the built form on the rural and countryside character of the area.

It is noted that in comparison to the extant stables (with a footprint of 44.64 sqm) the proposed building is to be 93.3 sqm. This is an increase in footprint of 109%. It is further noted that the pavilion "*would comprise a concrete base with oak frame, externally glazed façade, sedum roof and a bit of vertical timber cladding to break things up*". The roof form is an "inverted pitch" with the valley in the middle of the building and raised eaves around the edge of the roof. However, the District Landscape Character Assessment, under the heading "Planning and Land Management Guidelines" for this character area (at page 61) seeks to ensure any appropriate new development responds to traditional local design and materials, including flint/brick and sandstone. The design and form of the building is not traditional, and the use of materials does not respond to the local vernacular. The building is therefore harmful to the rural and countryside character of the area due to the size, scale, form, design and use of materials.

Policy 32 of the development plan requires new development to be based on a clear understanding of the local, physical, social, economic, environmental and policy context for development. It is clear that the proposed development does not demonstrate a clear understanding of the local, physical, environmental and policy context for the area. The development does not complement locally distinctive characters of the district, and does not contribute a sense of place both in the buildings and spaces and in the way they integrate with their surroundings and the historic landscape in which they sit. As a result there is a conflict with policy 32 of the development plan.

Policy 33 of the development plan sets out development principles that need to be complied with in order that developments conserve and enhance the natural and built environment. One of the principles is that development should ensure that it is designed to avoid unacceptable harm to the amenity of occupiers and users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development. In this regard, the amenities of the occupiers of the adjoining properties are likely to be significantly impacted by the increased noise and disturbance associated with the traffic generation associated with the proposed use. At present the site generates no traffic movements, and even with the extant planning permission fully implemented, the traffic generation will be negligible. However, the proposed use will result in up to 48 traffic movements three times a day, over six days of the week. This will have a significant impact in terms of increased noise and disturbance on the amenities of the occupiers of the residential properties immediately opposite the site and adjoining it to the east and west, notwithstanding the highway and traffic impact (assessed below).

For the reasons described above, the proposed development does not ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings and landscape, as required by principle 3 of the policy. Principle 4 requires development to be locally distinctive in character, respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of the recommendations and

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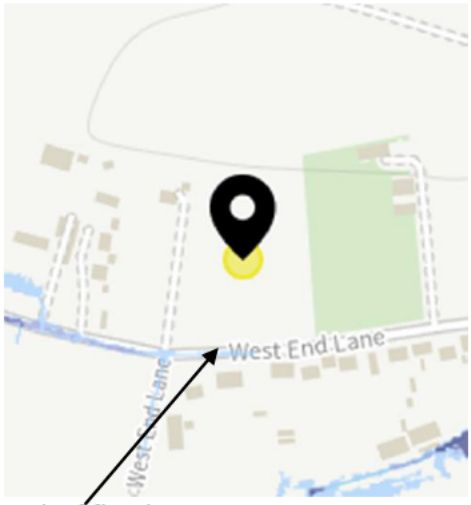
policies of the relevant Design Statements and Character Assessments. It is shown above how the proposed development does not take account of the District Landscape Character Assessment. Henfield Parish Council have published a Parish Design Statement (dated 2019). In Part 2 of the document, it sets out design guidance which includes the following;

- *Recommended materials to reflect the predominant character of the area are: - plain clay roofing tiles and tile hanging; red-brown handmade brickwork; wooden door and window frames;*
- *Architectural details to blend with the local character include:- steep roof pitches, use of hipped gables, small dormer windows below ridge height and with pitched roofs, small-paned windows set in reveals for greater shadow and relief;*
- *Modern innovative designs are to be encouraged, but should still have regard to their surroundings.*

It is clear that the proposed development has not taken into account the above principles.

As a result of the above, it is clear that there is a conflict with policy 33 of the development plan.

Flooding is the subject of policy 38. As the site is over 1 ha in area, a Flood Risk Assessment is required. It is noted that in relation to the risk of flooding from rivers. However, the submitted FRA does not address surface water drainage, and this is raised as an objection by the Local Lead Flooding Authority in their comments of 05.04.24. Although the FRA claims that surface water runoff has been considered by the inclusion of an attenuation pond. However, there is no assessment as to whether this pond is of an appropriate size to accommodate surface water runoff, what the current level of runoff is, and what the runoff will be as a result of the development, with a grater area of built form and hard surfaces likely to slow down and prevent percolation into the ground. The road in front of the site is identified as being at risk of flooding on the Government's flood risk maps- see below, and also on the Council's Strategic Flood Risk Assessment (SFRA) compiled as part of the evidence base of the development plan;



Risk of flooding

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Anecdotally the local residents have reported that the land at the bottom of the field and the highway is subject to flooding, particularly at times of heavy rain and in the winter months, and photographs of these incidents have been forwarded to you by local residents. As a result of the development of the site, there is concern that the flooding will increase in volume and frequency- the submitted documents do not demonstrate that the development will not result in an increased risk of flooding on the site or adjoining land. There is therefore a conflict with policy 38 of the development plan.

Policy 40 of the development plan relates to sustainable transport. And sets out that development proposals which promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities, will be encouraged and supported. Development will also e supported where it Is located in areas where there are, or will be a choice in the modes of transport available and minimises the distance people need to travel and minimises conflicts between traffic, cyclists and pedestrians.

However, the development proposal does not promote a re-balancing in favour of non car modes, as the site is located away from public transport links, and towards the end of a narrow unlit road with no footways or pavements. The site is located 1km walking distance from the nearest bus stop in Station Road to the east, but given the lack of footpath between this bus stop and the site, it is not a safe mode of getting to and from the site. In addition, given the narrow and unlit nature of the road, it is not a safe or attractive proposition for cyclists. It is clear that the development is not sited in a location where there is a choice of modes of transport available, and there are no plans or proposals to improve this. The development will not minimise the distance people need to travel given the distance from the major settlements in the surrounding area, and will not reduce, but rather would be likely to increase conflicts between traffic, cyclists and pedestrians. The Transport Statement submitted by the applicant recognises this possibility by highlighting that the junction of West End Lane (although to be accurate, this is Church Street, which runs into Upper Station Road, which in turn runs into West End Lane) and High Street/London Road "*can get congested at peak times*". However, there is no assessment of the impact of the development on this junction, which is likely to be the junction used most frequently by visitors to the site. Given the above, and notwithstanding the comments of the Highway Authority, it is submitted that it has not been demonstrated that there will not be a severe impact on the highway network, and that there is a conflict with policy 40 of the development plan.

Parking is the subject of policy 41. There is no adopted parking standard for the proposed use- rather, the West Sussex County Council: Guidance on Parking at New Developments document published in September 2020 sets out that for development in F1 use (non-residential institutions (education, art gallery, museum, public library, public exhibition hall, places of worship, law courts)) a site-specific assessment based on travel plan and needs is required. The Highway Authority requested more information in relation to the number of vehicle movements that the site will generate, which is related to the number of car parking spaces. In response, the submitted Transport Statement notes that "*from our research it is rare that as many as 40 people would attend most funerals*". However, this "research" appears to be a simple Google search asking how many people on average go to a funeral. It is submitted that this is not a sophisticated or robust gathering of evidence, and no weight should be afforded to this figure. It is certainly not a site-specific assessment based on needs and a travel plan. In the absence of any robust assessment of

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the likely traffic generation and therefore the parking requirement, there can be no guarantee that the parking provided will be suitable and adequate. If there is insufficient car parking on site, there will be no option but to park on the highway in the immediately surrounding area, and there is no capacity to do this given the width of the highway in this location and the presence of residential driveways, which limit on street parking opportunities. There is therefore conflict with policy 41 of the development plan.

The Henfield Neighbourhood Plan is also part of the development plan. Policy 1 sets out a spatial plan for the Parish and sets out that development proposals outside of the settlement boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside. As the evidence set out above demonstrates, there are a number of serious conflicts with the Horsham District Planning Framework. The development therefore conflicts with policy 1.

Policy 4 is aimed at transport, access and car parking. The policy states that development proposals should demonstrate that safe pedestrian routes from residential and employment sites to community facilities including education, health and recreational facilities can be achieved; irrespective of whether the road network is adopted. The policy also requires that adequate off-road car parking should be provided for all developments in accordance with West Sussex Parking Standards. As explained above, the development does not demonstrate that safe pedestrian routes can be achieved, and that the proposed car parking has not been demonstrated to be adequate, in accordance with the guidance issued by West Sussex. There is therefore a conflict with this policy.

Design standards for new development are set out in a set of criteria within policy 12. It has been demonstrated above that the development does not have regard to the relevant requirements of the Henfield Partish Design Statement, and furthermore, the development;

- Does not respect the amenities of the occupiers of the nearby residential properties due to the increased noise and disturbance likely to be generated by the proposal;
- The scale, massing, landscape design, layout and materials of the development proposals are not of a high quality and do not reflect the architectural and historic character and the scale of the surrounding buildings, street-scene and landscape.

There is therefore a conflict with policy 12 of the Neighbourhood Plan.

It is clear that the proposal does not accord with the policies of the development, and therefore it is necessary to consider whether there are any material considerations that weigh in favour of the development. There is little in the submitted documents that set out a case for material co0snideration or planning benefits that would outweigh the harm caused and the policy conflicts highlighted above, other than a comment under the heading “Planning policy assessment” that states that “*Substantial weight can be given to unmet need, sustainable development and the positive planning balance against the assessment of the multitude of applicable planning policies as a whole.”* However, there is no evidence produced for the need for this facility, and even if there was a demonstrable need,

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there is no evidence to suggest that this particular site, with poor access, remote from the nearest settlement, in an area with a high sensitivity to landscape change should be developed. The Planning Design and Access Statement repeatedly makes the claim that "*due to the modest scale, siting, sympathetic design and materials of the proposed buildings and the sympathetic landscaping proposals, there will be no adverse impact on the character of the area, setting of the adjacent conservation area or amenities enjoyed by neighbouring properties."* Notwithstanding the fact that the application site is some 1.5km from the Conservation Area, it has been demonstrated above that the design, scale, siting and materials are not sympathetic, that the landscape proposals will change the site from an open, undeveloped, natural grass field to a site developed with an unsympathetic building and highly managed landscaping (including avenues of trees and ornamental planting) and art works and sculptures- not features that are characteristically rural. There will be an impact on the amenities of the occupiers of the neighbouring properties, as demonstrated above. In any event, if the development were to do as described in the submitted documents, this would only result in compliance with policy. There would be no planning benefits or other material considerations over and above compliance with the policies of the development plan (despite the fact that it is submitted that the development does not comply). It is submitted therefore that the applicant has not presented any material considerations or planning benefits of any consequence or weight that would outweigh the harm caused and the conflict with the policies of the development plan in the planning balance. It is clear, despite the comments set out in the Planning Design and Access Statement that the "*proposal will contribute positively and appropriately to the environment and biodiversity in a well landscaped location, that will place no additional burden on local services. There are no technical or other reasons that would give rise to a reason for refusal"* that the harm caused and the conflict with the policies of the development plan should be determinative.

As a result of the above, the proposed development demonstrably does not comply with the policy requirements of the development plan. The proposed development therefore does not fall within the definition of sustainable development as set out in paragraphs 10 and 11 of the NPPF, and planning permission should not be granted.

Yours sincerely,

[redacted]

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Mr Giles Holbrook
Planning Officer
Horsham District Council
Parkside
Horsham
West Sussex
RH12 1RL

Our ref WEALD/24/01
Your ref 24/0062

04.09.24

Dear Mr Holbrook,

DC/24/0062- CHANGE OF USE OF LAND FROM EQUESTRIAN TO A NATURAL BURIAL GROUND INCLUDING PARKING AREA, SINGLE STOREY PAVILION AND LANDSCAPING INCLUDING NEW TREE PLANTING, POND AND WILDFLOWER MEADOW AT SPRING ACRES, WEST END LANE, HENFIELD, WEST SUSSEX, BN5 9RE

I refer to the above application. You will recall that I previously submitted a letter setting out the objections of a number of local residents dated 02.08.24. Since that time, a Groundwater Risk Assessment has been submitted dated 14.08.24.

The submitted document purports to follow guidance outlined by the Environment Agency (EA) in relation to undertaking a groundwater risk assessment in support of cemeteries and burials. The guidance was updated by the Government in October 2023, and is therefore up to date.

It is noted that the assessment includes trial pits that were dug in order to assess the underlying geology, but they also revealed the depth that water was discovered in the pits. In section 2.3.2 of the assessment, it is noted that;

"*During trial pitting, groundwater seepages were encountered at 2.7m BGL within two of the three trial pits; it is recognised that these are not representative of a true water table and relate to stored water within the limited porosity of the clay.*"

However, the trial pits that were dug in order to assess the underlying geology were dug in the wrong place and the survey of groundwater may not have been carried out after heavy rainfall when the whole of West End Lane is badly affected by flooding. The pits were not dug in the location where the water pools but approximately 25m further up the incline of the field- the land rises up to the north. The area of the field that has large pools of water sitting for long periods of time on the surface is in the lower area of the field nearest to the road and where the entrance gate to the site is located. The photographs below illustrate this point.

The document goes on to set out that this is apparently not representative of a "true" water table and is likely to be stored water. However, the local residents have experience of the bottom of the field and the road on the southern boundary flooding in times of rainfall and consistent wet weather, and as set out in my previous letter, West End Lane at this point as being at risk of surface water flooding. The flooding at times extends across the road and into

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the properties on the southern side of West End.

The photographs below illustrate that flooding occurs at the bottom of the field, the highway and the properties opposite.





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The above photographs were taken from the occupier of Coombe Cottage (a little to the east of the site) and she has confirmed that flooding has been experienced in the local area for some years every winter and in recent years this has got worse. Coombe Cottage is the lowest point in the road and without doubt will be adversely affected by any

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increase in groundwater run off. The existing road drainage system is outdated and inadequate, and unable to cope with the large amounts of rain water and the run off from all the fields.

It would appear that the assessment identifies that water is effectively stored in the clay because it is of limited porosity. This would suggest that in times of consistent and heavy rainfall, there is a likelihood that the clay will reach capacity of the "storage" of water, leading to the flooding experienced by the local residents at the bottom of the field and on the highway.

It is further noted that the Environment Agency have responded by letter dated 22.08.24. The EA comment that the assessment indicates that burials would be shallower than the recommended 1 metre minimum depth, which has not been justified. Justification should be made for this.

In the light of the above, it is the concern of local residents that the development would increase the risk of surface water flooding in the local area. Removing clay to create space for burials will effectively reduce the storage capacity of the sub soil to contain water and prevent it from running off, downhill, onto West End. This would not be acceptable without appropriate mitigation. There is no evidence that the attenuation pond proposed would be able to accommodate any surplus runoff water.

As a result of the above, the local residents remain of the view that planning permission should not be granted.

Yours sincerely,

[redacted]

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