



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1996

Downsview Paddock , New Hall Lane, Small Dole, West Sussex, BN5 9YJ

DESCRIPTION:

Proposal for a single pitch settled gypsy accommodation site (Retrospective).

RELEVANT PLANNING HISTORY:

DC/19/2034	Erection of a detached two storey dwelling.	Application Refused on 31.03.20	
		Appeal dismissed on 15.12.20	
		PINS	ref:
		APP/Z3825/W/20/3253186	
EN/20/0610	Without planning permission the material change of use of the land from agricultural and equestrian use to use for the stationing of caravans for residential occupation and associated occupational development of hardstanding.	Appeal Dismissed on 10.11.23	
		PINS	ref:
		APP/Z3825/C/21/3280649	
DC/17/2258	Outline application for erection of a single dwelling with all matters reserved	Application Refused on 22.02.2018	on
DC/11/1630	Outline application proposing the erection of 2 two-storey dwellings together with associated access and parking (Land North of Downsview Nurseries)	Application Refused on 03.10.2011	on
DC/06/2354	Demolition of existing greenhouses and erection of a building comprising of a work unit for B1 (Office or Light Industrial Use) and attached living accommodation to provide 2/3 bed dwelling.	Appeal Dismissed on 08.01.2014	
		Application Refused on 24.11.2006	on
HF/56/02	Erection of 2 dwellings (outline)	Appeal Dismissed on 06.09.2007	
		Application Refused on 19.07.2002	on
HF/113/98	Erection of one house	Application Refused on 29.12.1998	on
HF/18/98	Change of use of mushroom shed to storage	Application Refused on 22.04.1998	on
HF/61/96	Certificate of lawful use for use of the land as a nursery	Application Permitted on 09.07.1997	on
HF/4/95	Demolition of existing nursery buildings and erection of 1 x 5 bedroomed house and garage	Application Refused on 25.04.1995	on

DESCRIPTION OF THE SITE

The application site occupies an approximate area of 0.15ha located to the adjacent west of the defined built-up area of Small Dole. The site was formerly utilised as a nursery with greenhouses now removed, and the site maintained as a grassed paddock. A mobile field stable and mobile home are currently stationed within the site adjacent to the southern and western site boundaries.

A new access onto New Hall Lane has recently been introduced, together with post-rail fencing adjacent to the private highway and newly planted Laurel hedging behind. The site is found adjacent to an irregular building line of dwellings sited to the south of New Hall Lane, and north of a number of agricultural/horticultural buildings to the rear of the site. Whilst rigorously maintained, the site possesses an open rural character.

DESCRIPTION OF THE APPLICATION

Planning permission is sought for the material change of use of land from agricultural and equestrian use to a single pitch settled gypsy and traveller site, including the siting of one mobile home for residential occupation, the provision of, hardstanding, access, parking and associated domestic paraphernalia.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 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 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

Henfield Neighbourhood Plan (2021):

Policy 1: A Spatial Plan for the Parish
Policy 4: Transport, Access & Car Parking
Policy 5: Utility Infrastructure
Policy 7: Education Infrastructure
Policy 8: Broadband Infrastructure
Policy 10: Green Infrastructure & Biodiversity
Policy 12: Design Standards for Development

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy

Strategic Policy 3: Settlement Expansion
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 15: Settlement Coalescence
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 41: Rural Exception Homes
Strategic Policy 43: Gypsies and Travellers

Supplementary Planning Guidance:

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

Parish Design Statement:

Henfield Design Statement

Planning Advice Notes:

Shaping Development in Horsham (SDPAN)
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:

HDC Compliance Officer: Comment (11.03.26)

In July 2021 the compliance team received a complaint regarding the arrival of a mobile home on the site. An enforcement notice was served requiring the owner to cease the use of the mobile home for residential purposes and remove the mobile home from the land. The enforcement notice was upheld at appeal, and the appeal was dismissed but only on water neutrality grounds. Whilst we were waiting for compliance with the requirements of the notice, the water neutrality statement from NE was withdrawn and the agent has subsequently submitted DC/25/1996.

HDC Drainage Engineer: Comment (25.03.26) [Summary]

No drainage information was submitted for this application for the proposed 'settled' gypsy accommodation.

A detailed surface water and foul drainage strategy will be required for this application.

HDC Environmental Health: Comment (13.03.26) [Summary]

More information is needed regarding the foul sewage treatment plant. Consideration should be given to whether this potential for nuisance can be managed by conditions before any permission is given.

HDC Strategic: Comment (10.03.26) [Summary]

To inform the development of Strategic Policy 43 of the submitted Local Plan the Council under-took a Gypsy and Traveller Accommodation Assessment (GTAA, November 2023) and a Targeted Update (September 2024) was also produced in response to changes regarding the PPTS's definition of who is a member of the G&T community for the purposes of planning policy.

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

It is my understanding that by the end of February 2026, 32 pitches had been permitted/allowed on appeal or have resolution to grant, since the GTAA was undertaken. This is demonstrably less than the assessed need and thus the tilted balance would be in effect (should all the conditions in Footnote 7 be satisfactorily addressed).

Place Services Landscape Architect on behalf of HDC: No Objection (26.03.26) [Summary]

From a landscape perspective, the proposals can be accommodated on this site with only minimal adverse landscape effects subject to conditions.

WSCC Highways: No Objection (09.03.26) [Summary]

The LHA does not consider that this 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.

PUBLIC CONSULTATIONS:

Representations:

0 letters of Objection or Support have been received.

Parish Comments:

Henfield Parish Council: Objection (Summary)

Henfield PC consider there to be conflict with Policies 2, 19, 21, 22 and 23 of the Horsham District Planning Framework, including:

- Site is not allocated within the Neighbourhood Plan or Local Plan.
- Proposal does not meet an identified local need for traveller accommodation.
- Site is not an extension to an existing authorised traveller site.
- Concerns regarding suitability of access, availability of essential services, parking provision, and landscape impact.

Reference made to national Planning Policy for Traveller Sites, particularly the need to:

- Ensure development is proportionate to the size and location of the settlement.
- Protect local amenity and the environment.

Parish highlights recent delivery of 9 traveller pitches within Henfield (across three sites), which it considers to represent a disproportionately high contribution (approx. 10%) towards the District-wide need.

Concern raised that the level of provision within Henfield exceeds a reasonable share relative to its size and population.

View expressed that future traveller site provision should be more evenly distributed across the District rather than concentrated within Henfield.

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 and Need

The application site lies outside, but immediately adjoining, the Built-Up Area Boundary of Henfield and is therefore located within the countryside for the purposes of the Development Plan. As such, Policy 26 of the Horsham District Planning Framework (HDPF) applies, which seeks to protect the intrinsic character and beauty of the countryside. However, the site's position directly abutting the settlement boundary means it is closely related to the existing built form and is read as part of the settlement edge.

Policy 2 of the HDPF sets out the overarching spatial strategy for the District, seeking to balance the protection of the rural area with the delivery of sustainable development to meet identified needs. Policy 3 identifies Henfield as a Larger Village, where a level of development is considered appropriate given its range of services and facilities.

The proposal seeks permission for a Gypsy and Traveller pitch on an unallocated site. Policies 21–23 of the HDPF set out the Council's approach to Gypsy and Traveller accommodation. Whilst the site is not allocated under Policy 21, Policy 23 provides a criteria-based framework for assessing proposals on unallocated sites, having regard to matters including accessibility, landscape impact, infrastructure provision and residential amenity. This policy remains up-to-date and is the primary Development Plan policy for determining such proposals.

The Council is currently unable to demonstrate a five-year supply of deliverable Gypsy and Traveller sites. The most recent Gypsy and Traveller Accommodation Assessment (2023), together with its 2024 update, identifies a requirement for 61 pitches within the first five years of the emerging Local Plan period (2023–2028), against which only 32 deliverable pitches can be identified, resulting in a significant shortfall.

In these circumstances, Paragraph 28 of the Planning Policy for Traveller Sites (2024) is engaged, which confirms that where a five-year supply cannot be demonstrated, the provisions of Paragraph 11(d) of the National Planning Policy Framework apply. Consequently, policies relating to the supply of Gypsy and Traveller sites, including site allocation policies, are considered out-of-date and the presumption in favour of sustainable development is engaged. This does not displace the need to assess the proposal against the criteria of Policy 23.

Limited weight is afforded to the emerging Local Plan, including Strategic Policy 43, given its current stage and the unresolved issue of water neutrality. Nevertheless, its criteria broadly align with those of Policy 23 and have been taken into account as a material consideration.

The proposal would deliver one additional Gypsy and Traveller pitch, making a modest but meaningful contribution towards addressing the identified shortfall. The site's location on the edge of Henfield, a Larger Village, provides access to a range of services and facilities within a reasonable distance. National policy recognises that Gypsy and Traveller sites are often located in rural or semi-rural locations and are not required to meet the same level of accessibility as conventional housing.

Appeal decisions within the District have consistently found that sites adjoining settlement boundaries can represent acceptable and sustainable locations for Gypsy and Traveller accommodation, particularly where there is an identified unmet need.

A previous enforcement appeal relating to the unauthorised use of the site for residential occupation (APP/Z3825/C/21/3280649) is a significant material consideration. In that decision, the Inspector concluded that the site represented an acceptable location for Gypsy and Traveller accommodation, with no objection in principle, and found no unacceptable harm in respect of character and appearance or accessibility.

However, the appeal was dismissed solely on the basis that the development failed to demonstrate water neutrality and would adversely affect the integrity of designated habitat sites. This issue has since fallen away as a constraint to development in the District.

Accordingly, the appeal decision carries substantial weight in establishing the acceptability of the site in principle, with the current application requiring reassessment in light of the changed policy context.

Having regard to the significant unmet need, the absence of a five-year supply of deliverable sites, and the site's relationship to the existing settlement, the principle of development is considered acceptable, subject to compliance with the criteria set out in Policy 23 and a detailed assessment of site-specific impacts..

Appeal Decision as a Material Consideration

The Planning Inspector's appeal decision dated 10 November 2023 (Ref: APP/Z3825/C/21/3280649) is a highly material consideration in the determination of the current application. The appeal related to the same site and the unauthorised use of the land for a single Gypsy and Traveller pitch, together with associated operational development, which is substantively the same form of development now under consideration.

In determining the appeal, the Inspector undertook a comprehensive assessment of the proposal against the Horsham District Planning Framework, the National Planning Policy Framework and the Planning Policy for Traveller Sites. The Inspector concluded that the site represented an acceptable and sustainable location for Gypsy and Traveller accommodation. In particular, it was found that the development would not result in unacceptable harm in respect of character and appearance, and that the site was reasonably accessible and complied with the relevant policy criteria for such development.

The appeal was dismissed solely on the basis that the development failed to demonstrate water neutrality and would adversely affect the integrity of designated habitat sites within the Sussex North Water Supply Zone. This was identified as the overriding issue in the decision, with the Inspector explicitly confirming that, absent this harm, the development would otherwise be acceptable in planning terms.

Since the appeal decision, the requirement to demonstrate water neutrality has fallen away as a constraint to development within the District. As such, the sole reason for the dismissal of the appeal no longer applies to the current application.

The Inspector's conclusions in respect of all other matters therefore remain directly relevant and attract significant weight. There has been no material change to the site, its surroundings, or the nature and scale of the development since the appeal decision. The current proposal seeks retrospective planning permission for the same use and associated development already assessed by the Inspector.

While appeal decisions are not binding precedents, they are an important material consideration, particularly where they relate to the same site and substantially the same development.

In this instance, given the alignment between the previous appeal proposal and the current application, and the absence of any material change in circumstances (other than the removal of the water neutrality constraint), significant weight is afforded to the Inspector's findings.

There has been no material change in site circumstances since the appeal decision. It follows that there is a strong basis to conclude that the development is acceptable in principle, subject to consideration of any site-specific impacts and planning conditions.

Design, Character and Appearance:

Policies 23(e), 25, 32 and 33 of the Horsham District Planning Framework seek to ensure that development is sensitively designed, respects local character, and does not result in unacceptable visual or landscape harm. Paragraphs 135 and 174 of the National Planning Policy Framework further require development to be visually attractive and to protect and enhance valued landscapes.

The application site is located on New Hall Lane at the edge of Henfield and is currently in residential use, comprising a mobile home, outbuilding, areas of hardstanding and associated domestic paraphernalia, set within a plot enclosed by boundary vegetation. The site has therefore already undergone a transition from its former agricultural/equestrian use to a semi-domestic character.

The development introduces features associated with residential occupation, including hardstanding, domestic structures and activity, which represent urbanising influences within a countryside-edge location. As such, there is a degree of harm arising from the change in character of the land from its former rural use. This harm is acknowledged and carries weight in the planning balance.

However, the key consideration is whether this harm is unacceptable in policy terms. The proposal relates to a single Gypsy and Traveller pitch, comprising one mobile home, both of modest scale and single-storey form. The built form is limited in extent and height, and is contained within a well-defined plot.

The site benefits from established boundary treatments, including hedging and fencing, which provide a good level of containment and restrict views into the site from New Hall Lane and the surrounding area. In wider views, the development is not prominent and is read in the context of the existing pattern of development along New Hall Lane, which includes a mix of residential properties set within spacious plots, extending beyond the defined built-up area boundary.

In this regard, the findings of the previous appeal decision are material, wherein the Inspector concluded that the site forms part of a locality characterised by residential uses and their associated curtilages, and that the development would not result in unacceptable harm to the character and appearance of the area.

Furthermore, national policy recognises that Gypsy and Traveller sites are often located in rural or edge-of-settlement locations, and that some change in character is inevitable where such development is proposed to meet an identified need.

In this case, the harm to character and appearance is considered to be localised and limited, and does not result in a visually intrusive or incongruous form of development within the wider landscape. The development is well-contained and of a scale appropriate to its setting.

Accordingly, whilst the proposal results in some change to the character of the site, this is not considered to give rise to unacceptable harm and the development is considered to comply with Policies 23(e), 25, 32 and 33 of the HDPF and the relevant provisions of the NPPF.

Landscape:

Policy 25 of the Horsham District Planning Framework seeks to protect landscape character and quality, ensuring that development proposals conserve and, where possible, enhance the natural environment. This is supported by Policy 23(e), which requires Gypsy and Traveller sites to have an acceptable impact on the character and appearance of the landscape.

The application site is situated along New Hall Lane within a linear pattern of development at the edge of Henfield, where residential plots extend beyond the defined built-up area boundary. In this context,

the site does not form part of an isolated or open rural landscape, but rather reads as part of a transition between the settlement and the wider countryside.

The development, comprising a single pitch with a mobile home, day room, hardstanding and associated domestic paraphernalia, introduces elements that are domestic in character and therefore represent a change from the site's former agricultural/equestrian use. This results in some degree of harm to the rural character of the site. However, the scale of development is modest and limited to low-level, single-storey structures, which reduces its visual prominence.

The siting of the built form towards the rear of the plot, set back from New Hall Lane, further limits visibility from the public realm. In addition, the site benefits from existing boundary vegetation, which provides a good degree of containment and filtering of views. As a result, the development is not visually intrusive in the wider landscape and its effects are largely localised.

The Council's Landscape Officer has raised no objection to the development, advising that the proposal can be accommodated with only minimal adverse landscape effects. Recommendations have been made in respect of additional native planting and landscape enhancement, which can be secured by condition and would further soften the development and reinforce its integration into the surrounding landscape over time.

Having regard to the above, whilst the proposal results in a degree of change to the character of the site, the overall impact on the wider landscape is limited and not considered to be unacceptable. The development is therefore considered to comply with Policies 23(e) and 25 of the HDPF

Residential Amenity:

Policy 33 of the Horsham District Planning Framework (HDPF) requires development to be designed so as to avoid unacceptable harm to the amenity of existing and future occupiers. This is supported by Policy 23(e), which requires Gypsy and Traveller sites to provide an acceptable living environment for occupants and not result in unacceptable harm to the amenity of nearby residents. Paragraph 135(f) of the National Planning Policy Framework similarly requires development to secure a high standard of amenity for all existing and future users.

The proposal comprises a single Gypsy and Traveller pitch, including a mobile home and associated day room, which together provide a level of internal and external space appropriate for residential occupation. The scale and layout of the site, including the provision of amenity space within the plot, are considered sufficient to meet the day-to-day needs of future occupiers.

In terms of neighbouring amenity, the site is located in proximity to existing residential properties along New Hall Lane. The proposed caravan would be sited, approximately, 30m west of closest adjacent dwelling of 'Downsview'. This intervening distance is deemed sufficient to ensure no detrimental impact on these neighbouring occupiers in terms of overbearingness and/or potential overshadowing.

The level of development proposed is modest in scale, comprising single-storey structures set within a defined plot. The siting of the mobile home and associated structures towards the rear of the site, combined with existing boundary treatments, ensures a degree of separation from neighbouring properties. As such, the proposal is not considered to result in unacceptable impacts in terms of overbearingness, overshadowing or loss of outlook.

With regard to privacy, the nature of the development, being single-storey, limits opportunities for overlooking. Any potential for intervisibility is further reduced by separation distances and boundary vegetation. It is therefore not considered that the proposal would result in material harm to the privacy of neighbouring occupiers.

The Council's Environmental Health team have identified the potential for noise and general disturbance arising from residential activity, lighting and associated uses, given the proximity to neighbouring dwellings. However, it is noted that the proposal relates to a single pitch, and such impacts are likely to be limited in scale and comparable to that of a single dwelling. Any potential

adverse effects can be appropriately managed through planning conditions, including controls over external lighting, hours of activity (where relevant), and restrictions on commercial uses.

In addition, Environmental Health recommends that conditions be imposed to prevent the storage or burning of waste materials on site, in order to safeguard residential amenity.

Subject to the imposition of appropriate conditions and the satisfactory resolution of foul drainage details, the proposal is not considered to result in unacceptable harm to the amenity of neighbouring occupiers or future residents. The development is therefore considered to comply with Policies 23(e) and 33 of the HDPF and the relevant provisions of the NPPF.

Highways Impacts:

Criterion (b) of Policy 23 of the HDPF requires that sites for gypsy and traveller accommodation are served by a safe and convenient vehicular and pedestrian access, and that proposals should not result in significant hazard to other road users. This is supported by policies 40 and 41 of the HDPF which require, amongst other matters, safe and suitable vehicular access and adequate parking facilities. Chapter 9 of the NPPF sets out that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe'.

The application site is accessed via an existing vehicular access onto New Hall Lane, a privately maintained road which connects to the adopted highway network at Henfield Road approximately 430 metres to the east. The Local Highway Authority (LHA) has been consulted and raises no objection to the proposal. It is noted that the application is retrospective, with the access already in use, and there is no evidence to suggest that it has operated unsafely.

In terms of visibility and access arrangements, the LHA has confirmed that there are no apparent concerns at the junction with the adopted highway network, and the nature of New Hall Lane, being a narrow and low-speed route, would encourage cautious vehicle movements. The level of traffic generated by a single Gypsy and Traveller pitch would be modest and would not result in a material impact on the operation or safety of the local highway network.

With regard to parking provision, the application demonstrates space for two vehicles within the site. This level of provision is consistent with guidance set out in the Good Practice Guide on Designing Gypsy and Traveller Sites (2008), which recommends two parking spaces per pitch. Adequate space is also available within the site to allow vehicles to turn and exit in a forward gear, which is a key highway safety consideration.

The LHA has also advised that cycling is a viable option in the area and that cycle parking provision could be secured if deemed necessary. This can be addressed by condition if required.

Overall, the proposal represents a low-intensity form of development that would not give rise to unacceptable impacts on highway safety or the efficient operation of the road network. Accordingly, the development is considered to comply with Policies 40 and 41 of the HDPF and the relevant provisions of the National Planning Policy Framework.

Drainage and Flood Risk

Policy 23 of the Horsham District Planning Framework (HDPF) requires that Gypsy and Traveller sites are not subject to significant constraints, including flooding or poor drainage, and that sites can be adequately serviced by essential infrastructure including foul and surface water drainage. Policy 38 of the HDPF further requires development to incorporate sustainable drainage systems (SuDS) and ensure that flood risk is not increased elsewhere. These objectives are supported by the National Planning Policy Framework.

The application site lies within Flood Zone 1 and is therefore at low risk of fluvial flooding. In this context, the principle of development is acceptable in flood risk terms and a site-specific Flood Risk Assessment is not required.

The Council's Drainage Officers have reviewed the application and raise concerns regarding the lack of a detailed and robust drainage strategy. In particular, the applicant has proposed the use of infiltration for surface water disposal; however, available evidence suggests that ground conditions in this area may not be suitable for infiltration. No site-specific infiltration testing has been provided to demonstrate that this approach is feasible.

In addition, insufficient information has been submitted in relation to surface water discharge rates, attenuation requirements, exceedance flow routing, water quality measures, and the overall design of the drainage system. Concerns have also been raised regarding the absence of a detailed foul drainage strategy, including the specification, siting and operation of any proposed treatment plant and its method of discharge.

These matters are important to ensure that the development can be properly serviced and does not give rise to increased flood risk or environmental harm. However, it is noted that the proposal relates to a single pitch, representing a low-intensity form of development, and there is no evidence at this stage to indicate that a suitable drainage solution could not be achieved.

In this context, and having regard to the scale of development, it is considered that the outstanding drainage matters can be appropriately addressed through the imposition of suitably worded pre-commencement conditions requiring the submission and approval of detailed surface water and foul drainage strategies. Such an approach is consistent with national guidance, provided that there is a reasonable prospect that the required details can be secured and implemented.

Subject to these conditions, the proposal is considered capable of complying with Policies 23 and 38 of the HDPF and the relevant provisions of the NPPF.

Water Neutrality:

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

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

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) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Planning Balance and Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Horsham District Planning Framework (2015).

The proposed development seeks retrospective permission for a single Gypsy and Traveller pitch, which would contribute towards meeting an identified and significant unmet need for such accommodation within the District. The provision of lawful and well-managed sites attracts substantial weight, particularly having regard to the requirements of the Planning Policy for Traveller Sites and the current absence of a five-year supply of deliverable pitches.

A highly material consideration in the assessment of this application is the appeal decision (Ref: APP/Z3825/C/21/3280649), which relates to the same site and substantially the same form of development. In that decision, the Inspector concluded that the site represented an acceptable location for Gypsy and Traveller accommodation and found no unacceptable harm in respect of character and appearance, accessibility or general sustainability. The appeal was dismissed solely on the basis of water neutrality impacts on designated habitat sites.

The requirement to demonstrate water neutrality has since fallen away, and therefore the sole reason for dismissal of the appeal no longer applies. The Inspector's findings on all other matters carry significant weight and provide strong support for the acceptability of the development in principle.

In terms of landscape and visual impact, whilst the proposal results in some localised change from its former rural character, the scale of development is modest and well contained within the site. The Council's Landscape Officer raises no objection and confirms that the development would give rise to only minimal adverse landscape effects, with further mitigation capable of being secured through condition.

With regard to highways, the Local Highway Authority raises no objection and confirms that the development would not result in an unacceptable impact on highway safety or the operation of the road

network. Similarly, impacts on residential amenity are considered acceptable, subject to appropriate controls, with the scale of development comparable to that of a single dwelling.

In respect of drainage, the Council's Drainage Officer has advised that further information is required to fully assess the proposed surface water and foul drainage arrangements. However, this attracts limited weight at this stage, it is noted that the proposal relates to a low-intensity form of development and there is no evidence to suggest that a suitable drainage solution could not be achieved. These matters can be addressed through the imposition of pre-commencement conditions requiring the submission and approval of detailed drainage strategies.

Taking all matters into account, the proposal would deliver a modest but meaningful contribution towards addressing the identified shortfall in Gypsy and Traveller accommodation, which attracts significant weight. This is to be balanced against the limited and localised harm identified in respect of landscape change and the current absence of detailed drainage information, neither of which are considered to amount to unacceptable harm or to outweigh the benefits of the development.

Overall, having regard to the development plan as a whole and all other material considerations, including the previous appeal decision and the removal of the water neutrality constraint, it is concluded that the proposal represents sustainable development. The benefits of the scheme clearly outweigh any limited adverse impacts identified, and there are no material considerations which indicate that planning permission should be withheld.

Accordingly, the application is recommended for approval, subject to the imposition of appropriate planning conditions.

Recommendation: Application Permitted

Conditions:

1. A list of the approved plans and documents
2. **Pre-Commencement Condition:** Within 3 months of the date of this permission, a detailed surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on sustainable drainage principles and shall include:
 - Evidence of compliance with the drainage hierarchy in accordance with Building Regulations Part H;
 - Infiltration testing undertaken in accordance with BRE Digest 365 (if infiltration is proposed);
 - Justification where infiltration is not feasible and identification of alternative discharge methods;
 - Calculations for existing and proposed runoff rates (including Qbar);
 - Details of on-site attenuation, including storage volumes;
 - Details of exceedance flow routing for the 1 in 100 year + climate change event;
 - Evidence that rainwater harvesting is not relied upon for attenuation;
 - Water quality and pollution control measures;
 - A management and maintenance plan.

The approved scheme shall be implemented within 6 months of approval and thereafter maintained.

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

3. **Pre-Commencement Condition:** Within 3 months of the date of this permission, a detailed foul drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Full specification of the proposed treatment system;
 - Location, layout and discharge point;
 - Evidence of suitability of discharge method (ground or watercourse);
 - Details of maintenance and emptying regime;
 - Measures to prevent pollution, including shut-off mechanisms where appropriate.

The approved scheme shall be implemented within 6 months and thereafter retained.

Reason: To ensure satisfactory foul drainage and to prevent pollution in accordance with Policy 38 of the HDPF.

4. **Pre-Commencement Condition:** Within 3 months of the date of this permission, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- existing trees and planting to be retained and removed;
 - planting plans, including species (in Latin names), sizes and densities;
 - hard surfacing materials and finishes;
 - boundary treatments;
 - minor structures and features; and
 - coordination with services and drainage infrastructure.

The approved landscaping scheme shall be implemented within the first planting season following approval and shall thereafter be retained.

Any planting which dies, is removed or becomes seriously damaged or diseased within a period of 5 years shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.

Reason: To ensure identified adverse visual effects are satisfactorily mitigated, including during construction, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Prior to Occupation Condition:** Within 3 months of the date of this permission, the parking, turning and access arrangements shall be provided and retained thereafter

Reason: In the interests of highway safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6. **Pre-Occupation Condition:** Within 3 months of the date of this permission, details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to occupation and thereafter retained.

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

7. **Pre-Occupation Condition:** Within 3 months of the date of this permission, cycle parking facilities shall be provided and thereafter retained.

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

8. **Pre-Occupation Condition:** Within 3 months of the date of this permission, a scheme for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to occupation and thereafter retained.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

9. **Pre-Occupation Condition:** No external lighting shall be installed unless a lighting design strategy for biodiversity has first been submitted to and approved in writing by the Local Planning Authority.

All lighting shall thereafter be installed and maintained in accordance with the approved strategy.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

10. **Regulatory Condition:** This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2015).

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

11. **Regulatory Condition:** There shall be no more than 1 pitch on the site with no more than 1 mobile home/static caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the pitch at any time. There shall be no more than 1 touring caravan stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.

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

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

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

13. **Regulatory Condition:** No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

14. **Regulatory Condition:** There shall be no burning on site at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

15. **Regulatory Condition:** Within 3 months of the date of this permission, details of water efficiency measures to achieve a consumption rate of no more than 110 litres per person per day shall be submitted to the Local Planning Authority for approval in writing. The approved measures to be installed, including specification of fittings and appliances, shall be implemented within 6 months of the date of written approval and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority 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).

16. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development site hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 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/25/1996

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	17.02.2026
Block plan		NONE	03.12.2025

DELEGATED

Case Officer sign/initial Daniel Holmes Date: 29/04/2026

Authorising Officer sign/initial RHERMITAGE Date: 01.05.2026