



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0256

Kingfisher Farm, West Chiltington Lane, Billingshurst, West Sussex, RH14 9DR

DESCRIPTION:

Use of the land for the stationing of caravans for residential purposes for 5no. gypsy pitches together with the formation of additional parking, hard standing, landscaping and utility/dayrooms ancillary to that use (part retrospective)

RELEVANT PLANNING HISTORY:

DC/25/0934	Change of use of land to provide 10no gypsy pitches with dayroom, associated parking, access and services (part retrospective).	Application Refused on 16.10.2025
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*DISMISSED ON APPEAL
(6008129) 16.08.2026*

DC/25/1029	Use of the land for the stationing of caravans for residential purposes for 5 gypsy pitches together with the formation of additional parking, hard standing, landscaping and utility/dayrooms ancillary to that use.	Application Refused on 20.10.2025
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DESCRIPTION OF THE SITE

Part-retrospective planning permission is sought for the change of use of the land for residential purposes for 5no. gypsy pitches, accessed via an extension to the existing central spine road within the wider Kingfisher Farm site, travelling to the south- with separate access to each pitch (3x to the west and 2x to the east). Each pitch would comprise a gated access and fencing, hardstanding, planted / grassed areas with boundary hedging, with the pitch to the rear of each site, a centrally sited day room, space for a touring caravan adjacent, 2x parking spaces serving each unit towards the front of the access, and dedicated bin stores opposite.

DESCRIPTION OF THE APPLICATION

Kingfisher Farm lies in the open countryside some 800m to the west of the village of Barns Green and was formerly one large field of some 5 hectares. The field is bounded by West Chiltington Lane to the west, an open field to the north, a paddock to the east, and by open land rear at Greenfield Farm to the south. Valewood Lane runs close to the south-eastern corner of the field and provides access to several dwellings immediately southeast of the field as well as the pitches at Greenfield Farm.

The Kingfisher farm field is enclosed by mature hedgerows and field margin trees along the northern, eastern and western boundaries. Some land mounding has taken place along the southern boundary. The site is linked to the highway on West Chiltington Lane by way of a single principal access track along the northern field edge.

The eastern part of the Kingfisher Farm field has been developed as a caravan site for use by the gypsy and traveller community. This existing development was subject to 2011 appeal permission and 2018 appeal dismissal, a subsequent planning permission in 2019 (11x pitches), and in 2026 (DC/25/0934). The 5x pitch development applied for under this current application relies on land occupied by drainage that formerly served this development.

The surrounding area is rural and characterised by an undulating topography with small woodlands, tree belts and mature hedgerows that help to define the linear field pattern. The sense of field enclosure is strong. The long-established farmsteads and hamlet developments now exist alongside the modern settlement of Barns Green, which has a more suburban character. The local mix of traditional building materials includes timber framing, weatherboarding, brick and tile hanging.

A grade II Listed Building, Pear Tree Farmhouse, sits some 480m to the west of the main part of the site. A fishing and camp site, Sumners Ponds, lies on the edge of Barns Green to the east of the site. Barns Green is defined as a 'medium village' under the settlement hierarchy set out in Policy 3 of the Horsham District Planning Framework.

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 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
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 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

Barns Green & Itchingfield Neighbourhood Plan (2024-2031):

Policy 1: Green Infrastructure conservation
Policy 2: Biodiversity conservation
Policy 3: Heritage Assets and Itchingfield Conservation Area
Policy 5: Protection of green infrastructure
Policy 12: Design parameters
Policy 13: Sustainable Design Requirements
Policy 15: Off-Street Parking

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 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 33: Equestrian Development
Strategic Policy 43: Gypsies and Travellers

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 Drainage Engineer: Objection (summary): -

HDC Drainage object because the drainage strategy for the proposed development does not meet the requirements of the NPPF and PPG, National standards for sustainable drainage systems (June 2025), or the Horsham District Planning Framework (2015) – Policy 23, Policy 35 and Policy 38.

HDC Environmental Health and Licensing: Objection (summary)

Objection until more information is provided to establish the feasibility of the foul sewage treatment system, distance of the caravans to the boundary and each other, and noise and nuisance.

Landscape Consultant: No Objection (summary)

Generally, our previous comments in response to DC/25/1029 are applicable given the similar submission. In summary, we accept visual impact would be limited; however, we retain concerns on the incremental negative impacts on the Landscape Character.

While the proposals raise concerns regarding adverse impacts on landscape character, the countryside setting, site location, we acknowledge that the limited visual prominence of the site and the inclusion of mitigation measures such as new hedgerow planting around each pitch are step towards reducing adverse impacts overall. Additionally, the site may be considered acceptable as an extension to the northern parcel, in spatial terms.

In order to deliver adequate mitigation on the impact of LCA G2 – Itchingfield and Barns Green Wooded Farmlands, we encourage the applicant to consider restoring the lost historic tree belt, spanning the length of the wider field parcel to the west, as a means of improving landscape character and reducing the adverse effects of the proposed development.

Ecological Consultant: No Objection (summary)

Although no standalone ecological survey was submitted, the site was assessed using available biodiversity information, and it was concluded that the development is unlikely to adversely affect protected or priority habitats, species, or nearby designated sites. The site lies within the wider

conservation area of The Mens SAC, designated for Barbastelle bats, but no significant bat flightlines, roosts, habitat connectivity, or foraging areas would be affected, and habitat enhancements are proposed through new native hedgerow planting and off-site habitat creation. The accompanying Habitats Regulations Assessment (HRA) screening concluded that the proposal would have no likely significant effect on The Mens SAC or Ebernoe Common SAC, either alone or in combination with other projects, and therefore does not require Appropriate Assessment in relation to bat SAC impacts.

WSSC Highways: No Objection (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.

Southern Water: Comment (summary)

No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. Under the first time sewerage guidance the EA expect people to connect to a public sewer if the dwelling is within 30m of our network

WSSC Fire and Rescue: Comment

Having viewed the plans for the planning application no DC/26/0256 for the Use of the land for the stationing of caravans for residential purposes for 5no. gypsy pitches together with the formation of additional parking, hard standing, landscaping and utility/dayrooms ancillary to that use; the nearest fire hydrant for the supply of water for firefighting is 390 metres away, 215-metres further than the 175-metre distance required for a domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 1: B5 section 14 and agreed with West Sussex Fire & Rescue Service.

Evidence is also required to show suitable access and turning facility for a fire appliance to attend the 5 gypsy pitches, to ensure they comply with the requirements of AD-B Volume 2: B5 section 15.

WSSC Flood Risk Management (LLFA): No comment

Environment Agency: Comment

The submitted drainage plans indicate that effluent from the proposed sewage treatment plant would discharge into an existing ditch along the eastern boundary of Kingfisher Farm. However, as the ditch does not appear to connect to a flowing watercourse, the proposed discharge is unlikely to comply with the Environmental Permitting (England and Wales) Regulations 2016. The Environment Agency emphasised that any sewage discharge to surface water or groundwater must either meet the General Binding Rules for Small Sewage Discharges or obtain an Environmental Permit. It further highlighted that the granting of planning permission does not guarantee the granting of an Environmental Permit and that a separate technical assessment would be required. The Agency also reiterated the statutory hierarchy of foul drainage options, which prioritises connection to the public sewer where feasible, and advised that the applicant should demonstrate compliance with relevant drainage and permitting requirements before implementation.

Representations:

None received

Parish Comments:

Itchingfield Parish Council: Objection (summary)

The representation objects to the application on the grounds that it is effectively a resubmission of refused application DC/25/1029 and should be treated as retrospective, as the site appears to have been substantially developed despite claims that work has not commenced. Concerns are raised regarding the accuracy of information submitted, including statements on contamination and drainage,

with one unit proposed above a former SUDS sump. The objector also argues that the proposal represents further overdevelopment of the wider Kingfisher Farm site, alleges unauthorised commercial activity through the rental of cabins, and questions whether the accommodation is genuinely intended for Gypsy and Traveller use given the nature and quality of the caravans. The representation concludes that there is no justification for approving the application, particularly as Itchingfield Parish is considered to have already accommodated a disproportionate number of Gypsy and Traveller pitches within the district.

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

Policy Background and the Principle of the Development

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

The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document – Preferred Strategy, in 2017 for the plan period beyond that of the HDPF. This set a pitch requirement for 60 gypsy pitches over a 10-year period (up to 2027), and a 15 year requirement for 78 pitches. The 10-year requirement, which is essential, includes a backlog of 40 gypsy pitches, a need for 1 pitch in years 1-5 (2017-2022) and a requirement for a further 19 pitches between 2022-2027. This document initially identified a supply of 68 gypsy pitches to meet the 10-year requirement need for 60 pitches. However, following the drafting of this DPD, the site at Bromeliad Nursery, Billingshurst was withdrawn, which meant the removal of 15 pitches from the 68 pitches identified. On this basis a supply of 60 pitches over the 10-year plan period (up to 2027) could not be demonstrated, and the document did not proceed to formal submission or adoption.

The Council progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA) in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. Consultants were appointed in March 2019 to research the number of pitches currently in use in the District, as well as to identify what the current need for Gypsies and Travellers in the District is likely to be over the next 17 years. In January 2020, the 'Gypsy and Traveller Accommodation Assessment (GTAA) – Final Report' was published. This Report was part of the background evidence base that accompanied the Local Plan Review (Regulation 18) Consultation which ran from February to March 2020. The GTAA Report provides an evidence base for the provision new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2019 to 2036. The GTAA identifies that there is a need for 93 pitches for Gypsy and Traveller households over the plan period (2019-2036).

The need of 93 pitches for Gypsy Traveller Households stated in the GTAA dated January 2020 has been updated by Opinion Research Services for Horsham Council and published in December 2023. The update indicates a need between 2023-2040 (the plan period) for 128 pitches. This follows the result of the Lisa Smith Judgement where the Planning Policy for Traveller Sites (PPTS) was updated in December 2023 to revert back to the 2012 PPTS planning definition of a Traveller by reintroducing those who have ceased to travel permanently due to education, ill health, or old age into the definition (now referred to as the 2023 PPTS). This includes those who: a) meet the (PPTS) definition of 'gypsy and traveller' (79) and b) do not meet the definition (as per (a)) (20), and; c) are 'undetermined' (29). The Revised Gypsy and Traveller Accommodation Assessment (September 2024, ORS) document details a need to accommodate of 79 (50 in the first five years, and the remaining to 2040). To date, 47 pitches have been granted consent (either by way of application or by appeal) to address this need.

The above needs will be delivered by Policy 43 (Gypsy, Traveller, and Travelling Showpeople Accommodation) of the submitted Regulation 19 Horsham District Local Plan (HDLP) which states that the Council will meet the identified current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople in Horsham District through the regularisation or intensification of existing sites, and through the allocation of new sites.

The Horsham District Local Plan Regulation 19 document was approved at the meeting of full Council on 11 December 2023. Consultation on the draft document took place between 19 January to 1 March 2024, and was formally submitted to the Planning Inspectorate on Friday 26 July 2024. Public hearings on the contents of the draft plan were undertaken in December 2024, but were halted owing to a discrepancy with the Council's data relating to the Duty to Cooperate, in which the Inspector recommended that the Council withdraws its submission. The Planning Inspectorate then wrote to the Council on 29 January 2026 explaining that a new Inspector has been appointed to conduct the further examination of the Horsham Local Plan 2023-2040. Preliminary hearings took place in March and April 2026, and a provisionals timetable and main modifications were agreed in June and July 2026 respectively. The draft Local Plan has yet to be adopted and is of limited weight. It does however provide guidance with respect future policy direction, demonstrating that the identified need (as above) will be met through the democratic allocation process.

The Government published an updated National Planning Policy Framework (NPPF) on 17 August 2026. Annex A(10) explains that the Planning Policy for Traveller Sites (2024) (PPTS) was partially incorporated within the NPPF and superseded the document. In terms of the Council's current policy position: Policy 23 is now out of date, and the Council is unable to demonstrate a five-year supply of pitches. The NPPF (2026) states that such shortfalls establish an "evidenced unmet need" for housing across the District (in accordance with Policy S5 and Annex D). Policy S5(1)(g) of the NPPF goes on to state that *only certain forms of development should be approved ... unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in [the] Framework:*

- g. Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation, provided it meets the criteria in policy HO12;*

Policy HO12 of the NPPF states:

- 1. Development proposals for traveller sites should be located so that they:*
 - a. Provide a settled base while recognising the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability and may also mean that locations not well-related to existing settlements may be appropriate; and*
 - b. Enable access to frequently used services, such as education, welfare and health services, including ensuring that children can attend school on a regular basis.*
- 2. When considering proposals for traveller sites, including for the purposes of considering need under policies S5 and GB7, local planning authorities should take into account the existing level of local provision and need for additional sites and other personal circumstances which may be relevant. Applications from any traveller should be considered and not just those with local connections.*

3. *Where development proposals require the permanent or temporary relocation of an authorised traveller site, an alternative site should be identified and provided. Suitable alternative sites should take into account the views of existing residents as well as existing family or community groupings where possible.*

As the Regulation 19 HDLP presently holds limited weight in the determination of applications, policies contained within the HDPF remain relevant for consideration. As above, as the Council cannot currently demonstrate a five-year housing land supply for traveller sites, restrictive housing policies are afforded reduced weight in the overall planning balance (further detailed below). However, Policy 23 (Gypsy and Traveller Accommodation) seeks to resolve specific issues regarding sites (rather than the principle of a development), and states that the following criteria (a-e in subsequent sections of this report) will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non-allocated sites. In terms of the site's location, the Policy states that it must be demonstrated that:

- d. *The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;*

A number of recent appeal decisions for gypsy and traveller sites have considered the location of these sites.

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

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

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

In the case of the Pear Tree Farm appeal APP/Z3825/W/22/3311819 (DC/21/1796), the Inspector found the proposal for a settled gypsy accommodation site with five pitches to align with policies supporting accommodations for gypsies and travellers. Although the site is outside the designated area for new developments, the Inspector concluded that it met sustainability criteria for access to local

services and facilities, with no major traffic or safety concerns. In addition, the Inspector concluded that the development's visual impact on the surrounding countryside would be minimal. Due to existing tree cover and hedgerows, the site would remain largely screened from public view, and the increased activity was not seen as harmful to the rural character.

As above, the Council is not currently able to demonstrate a five-year housing land supply to accommodate an identified need of Gypsy and Travelling Showpeople sites within the District. It is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the District. These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. On the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Character and Appearance

Policy 23(e) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that:

- e. *The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

In addition, Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan states that development will not be supported unless they are of a high quality design and layout; contribute positively to the private and public realm to create a sense of place; respect the character and scale of the surrounding buildings and landscape; protect open spaces and gardens that contribute to the character of the area; protect the identity and character of Barns Green and Itchingfield; protect existing landscape features and contribute to the Parish's Green Infrastructure network; incorporate the use of local materials which are appropriate to the existing housing stock; and positively respond to the local vernacular character of the Parish.

The application site falls within the LW6 Central Low Weald of the Landscape Character Assessment of West Sussex (2003). Key characteristics relevant to the site and its context include:

- Predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and Hedgerows
- Dense cover of ancient broadleaved woodlands and conifer plantations
- Local concentrations of horse grazed paddocks and golf course development. Key issues of change include poor hedgerow and woodland management, fragmentation of hedgerows and loss of hedgerow trees and pasture or field trees, increased traffic and suburban development.

Landscape and visual sensitivities include:

- Unsympathetic urban development, changes in settlement pattern and addition of suburban features.
- Changes in land management practices leading to change in field sizes, and loss of hedgerows and isolated pasture trees, loss of tranquillity.
- Subdivision of fields and changes in boundary styles linked to increase in horse paddocks are also considered a sensitivity.

Although this last key issue of change is considered in association with horse paddocks, the council's consultant landscape architect does judge subdivision of the field parcel to accommodate individual plots to be comparable to the proposed development. Furthermore, historic features include small and medium-sized assets, linear patterns associated with droveways and irregular fields radiating out from settlements; historic mapping identifies the site's original field pattern to include two medium-sized linear fields separated by a tree belt along their length.

The site is identified as Landscape Character Type G: Wooded Small Scale Farmlands, Landscape Character Area (LCA) G2 – Itchingfield and Barns Green Wooded Farmlands of the Horsham District Landscape Character Assessment (2003). This character area largely reflects the characteristics of the application site, and key characteristics described as horse grazing and set aside fields, narrow country lanes and a strong sense of enclosure. The Character Assessment also describes the overall landscape condition in this area as 'declining' with a moderate overall sensitivity to change. Key sensitivities include "further small-scale incremental erosion of character such as suburban features."

Officers note the similar appearance and layout of the proposal when compared against the plans submitted for application DC/25/1029, which formed a reason to refuse the application. Similarly, the application has not been accompanied by a Landscape and Visual Appraisal (LVA) to demonstrate that the application does not have unacceptable landscape and visual impacts, though in the professional judgement of the Council's consultant Landscape Architect is that given the intimate enclosed nature of the site, visual impact would be limited. However, the Council's consultant does have concerns regarding impact on landscape character, where urbanising features of the proposals will have a negative effect on the tranquillity of the small, enclosed horse paddocks as described in both Landscape Character Assessments.

Also of note is another application to the east of the wider site which sought permission for 11x pitches (DC/25/0934), which was refused on character / landscape grounds, and subsequently dismissed at appeal (6008129). At paragraph 16 of their report, the Inspector notes *'In visual terms, because of the topography, the boundary vegetation and the position and form of the established gypsy and traveller sites, even when including the unauthorised sites, the 10 pitches at the appeal site do not cause wider visual harm.'* (the unauthorised sites referring to the 5x pitches present on this application site, as referred to in paragraph 12). The Inspector goes on to state that *'the development is experienced as a suburban incursion into what was an open section of field'* (paragraph 21), and that the current layout and arrangement does represent a form of harm on the landscape character. However, the Inspector acknowledged that soft landscaping and removal of harder boundaries within the site could mitigate against this harm, and that a more comprehensive landscaping scheme 'could integrate and become more compatible with its rural location and the character of the surrounding area.' Ultimately, the Inspector concludes that this could be suitably resolved by way of condition.

In light of the above, Officers are cognisant that the present arrangement of the site (and wider site as a whole) does represent some level of harm to the character of the landscape and wider surrounding area. However, previously granted proposals have already introduced a level of suburban development within this location which overtime have resulted in an erosion of the wider site's rural quality. Though the proposal is not overly detailed in terms of landscaping and planting arrangements, as a means to soften the development in this location, bearing in mind the Inspectors' comments, this matter could be adequately addressed at the condition stage. In the event that planning permission were to be granted, Officers are satisfied that this matter would be controlled by way of condition. In any case, the resultant harm could be outweighed by the general need within the district for this type of development.

With the above in mind, the proposal would not result in demonstrable adverse harm to the character, which in any case, any amount of harm would be outweighed by the need for gypsy and traveller sites, subject to detailed arrangements being secured by way of condition in the event that permission were to be granted. The proposal therefore accords on balance with Policies 23(e), 25, 32 and 33 of the HDPF in terms of its visual appearance and character.

Amenity Impact

Policy 33(2) continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land. Policy 23(e) is also of material consideration when assessing amenity impact for non-allocated gypsy / traveller sites.

Given the relationship with the nearby residential properties, and the distance between the site and neighbouring properties, it is not considered that the effects of a development of this scale would amount to unacceptable harm, especially with the inclusion of appropriately worded conditions regulating lighting, construction and business activity. The proposal, therefore, is compliant with the requirements of HDPF Policies 23 and 33 in this regard.

The proposed layout and arrangement is logical, efficiently utilising the parcel of land with ample separation between the existing and proposed units whilst also providing suitable amenity areas. The proposed layout indicates that each pitch would benefit from hardstand providing a space for 2x cars and a touring caravan with space shown available for a refuse. Each pitch would also benefit from amenity space, hosting a day room to the pitches. The arrangement is considered sufficient to provide suitable amenity space and areas for play for children. The proposal would therefore accord with 23(c) of the HDPF.

Some degree of intervisibility could arise between existing/future occupiers, though, this is somewhat mitigated by the perpendicular arrangement of proposed static homes to the existing retained mobile home. Regarding these circumstances, it is not considered this would unacceptably diminish privacy to be contrary to HDPF Policy Policies 23, 32, and 33 of the HDPF (2015).

Highways Impact

Policy 23(b) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that:

- b. The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;

In addition, policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. In addition, proposals should minimise conflict between traffic, cyclists and pedestrians.

Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The site is served by an existing access via West Chiltington Lane. Following consultation with WSCC Highways, there are no apparent visibility concerns with the existing point of access onto West Chiltington Lane. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing concern.

The proposed development is of a scale which would not materially influence the operation of the highway network at strategic scale. In capacity terms the intended provision is considered adequate, with the layout of proposed pitches (and development as a whole) considered to allow sufficient ability for vehicles to turn within the site and exit onto the public highway in a forward gear.

10 car parking spaces are proposed for the site (+2 visitor spaces), with each pitch providing two car parking spaces. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. Therefore, the proposed parking provision is considered acceptable and is anticipated to meet the needs of the site.

For these reasons, it is considered that safe and adequate access would be provided for users of the site, and the proposed development is not considered to have a severe cumulative impact on the

function and safety of the highway network. The proposal is therefore considered to accord with the above policies.

Other Matters

Barriers to Development and Access to Services

Policy 23(a) of the HDPF states that development for non-allocated gypsy / traveller sites states that:

- a. There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;

Policy 23(c) of the HDPF goes on to states that development for non-allocated gypsy / traveller sites must demonstrate that:

- c. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;

The site would comprise an extension to an existing and established gypsy and traveller site, thus would have access to the capability of infrastructure such as water, electricity, and internet. However, the site (and the wider development as a whole) has long suffered from inadequate and inappropriate drainage and wastewater effluent treatment.

Policy 24 (Environmental Protection) states that the high quality of the district's environment will be protected through the planning process and the provision of local guidance documents. Taking into account any relevant Planning Guidance Documents, developments will be expected to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution and ensure that they (3) maintain or improve the environmental quality of any watercourses, groundwater and drinking water supplies, and prevents contaminated run-off to surface water sewers.

Policy P3 (living conditions and pollution) of the NPPF (2026) states at (1) that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people). (2) goes on to states that development should (a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions; (b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting).

Policy F7 (Ensuring development is safe from flooding) of the NPPF (2026) states that (1) development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.

The Council's Drainage Officer has raised a formal objection, concluding that the submitted drainage strategy fails to demonstrate compliance with national and local planning policy requirements. In particular, insufficient information has been provided regarding existing site drainage conditions,

greenfield runoff rates, infiltration testing, groundwater levels, existing and proposed drainage patterns, and the capacity and function of the ditch proposed to receive both surface water runoff and treated effluent.

The application proposes the discharge of treated effluent from a sewage treatment system into a ditch along the eastern boundary of the site. The Environment Agency has advised that the ditch does not appear to connect to a flowing watercourse and that, if utilised for this purpose, the discharge is unlikely to comply with the Environmental Permitting (England and Wales) Regulations 2016. The Environment Agency further notes that the granting of planning permission does not guarantee that any necessary Environmental Permit would subsequently be granted.

Furthermore, no substantive evidence has been submitted to demonstrate the capacity, condition or operational suitability of any existing sewage treatment infrastructure proposed to serve the development. The Council's Drainage Officer specifically notes the absence of information relating to the location, age, capacity, loading and maintenance requirements of the existing treatment plant to which the development seeks to connect.

The Council also notes that longstanding drainage concerns have previously been identified in relation to the wider Kingfisher Farm site. In dismissing Appeal Ref. 6008129 in August 2026, the Planning Inspector concluded that adequate measures for the disposal of foul and surface water had not been demonstrated and found that allowing development in the absence of a deliverable drainage strategy could result in pollution and flood risk. The Inspector further concluded that such matters could not reasonably be left to planning conditions given the uncertainty surrounding the delivery of a suitable drainage solution.

In response to the Drainage Engineer's objections, the applicant proposed an alternative foul drainage strategy involving a dedicated package sewage treatment plant with treated effluent discharged to ground via a drainage field rather than to the eastern boundary ditch. However, whilst the proposal seeks to address the Environment Agency's concerns regarding discharge to a non-flowing ditch, the application is not accompanied by any amended site layout, drainage field design, percolation testing, groundwater monitoring, capacity calculations or land availability assessment to demonstrate that such a solution can be physically accommodated within the application site. The developable area is already substantially occupied by pitches, caravans, hardstanding, parking and ancillary dayroom buildings, and no area has been identified on the submitted plans for the installation of a drainage field of an appropriate size to serve five permanent residential pitches. Furthermore, any drainage field extending beyond the application site or approved developable area would require separate planning assessment and appropriate landowner control, neither of which has been demonstrated. As such, the proposed drainage field remains a theoretical solution only and does not provide the Local Planning Authority with sufficient certainty that a lawful, deliverable and policy-compliant foul drainage system can be achieved. The proposal therefore fails to overcome the objections raised by the Council's Drainage Engineer and the Environment Agency.

Additionally, the Planning Inspector, in dismissing the recent Kingfisher Farm appeal, concluded that drainage matters could not reasonably be left to condition where there was uncertainty regarding the deliverability of a drainage solution and a reliance upon unknown or potentially unavailable off-site works. The circumstances in the current application are comparable, with no demonstrated drainage field design, no evidence of sufficient land availability, and no agreed foul drainage solution before the decision maker. Officers do not consider it reasonable or appropriate to defer these matters to the condition stage. The application fails to demonstrate that a drainage field can be accommodated within the site, that the necessary land is available, that infiltration is feasible, or that a lawful and deliverable means of foul effluent disposal can be secured. These matters go to the fundamental acceptability of the development rather than the precise detail of an otherwise acceptable drainage solution.

Policy DM7 (Relationship with other regulatory regimes) of the NPPF (2026) states that decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively. Whilst other regulatory frameworks may well be responsible for the detailed technical control of sewage discharges or surface water runoff, it must first be established that there is a reasonable prospect of a lawful and deliverable drainage solution being achieved. In this case, both the Council's Drainage Officer and the Environment Agency have identified fundamental uncertainties

regarding foul and surface water disposal and therefore the Local Planning Authority cannot simply rely upon subsequent regulatory approval to resolve these matters.

Taking all of the above into account, Officers are not satisfied that the site can be adequately serviced by an adequate, deliverable and sustainable foul and surface water drainage system. The proposal has failed to demonstrate the suitability of the proposed sewage treatment arrangements, the capacity and functionality of the receiving environment, the feasibility of the proposed drainage field, or that surface water flood risk can be appropriately managed. Accordingly, significant barriers to development remain in terms of drainage and sewerage infrastructure, contrary to Policies 23(a) and 23(c) of the HDPF. Furthermore, in the absence of sufficient evidence to demonstrate that the development would avoid unacceptable risks of flooding, pollution and environmental harm, the proposal also conflicts with Policies 23, 24, 35 and 38 of the HDPF, Policy P3 and Policy F7 of the NPPF. It is not considered that the nature of this identified harm and policy conflict could be satisfactorily addressed through the use of planning conditions.

Ecology

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The site lies approximately 7.6km from The Mens Special Area of Conservation (SAC), which is designated in part for Barbastelle bats, and falls within the 12km Wider Conservation Area identified in the Sussex Bat SAC Planning and Landscape Scale Enhancement Protocol. However, the assessment found no evidence that the development would result in the loss of important bat commuting routes, foraging habitat or habitat connectivity. The site is currently largely hardstanding and does not contain significant trees or hedgerows that could function as key flight corridors. The proposals include the planting of approximately 0.67km of native hedgerow, together with off-site habitat creation, which will provide ecological enhancements.

A Habitats Regulations Assessment (HRA) screening exercise concluded that the proposal would not have a likely significant effect on The Mens SAC or Ebernoe Common SAC, either alone or in combination with other plans and projects. The assessment therefore determined that there would be no adverse effect on the integrity of these designated sites and that the application does not need to proceed to Appropriate Assessment in respect of impacts on the Sussex Bat SACs.

The ecological consultant confirms that there is sufficient ecological information available to support determination of the application and advises that any impacts can be appropriately mitigated through planning conditions. Recommended conditions include the submission and implementation of a Biodiversity Enhancement Strategy to secure biodiversity gains and, should external lighting be required, a Wildlife Sensitive Lighting Design Scheme to ensure that lighting does not adversely affect foraging or commuting bats. Subject to these conditions, the development is considered acceptable in ecological terms and compliant with relevant biodiversity and habitat protection requirements.

As such, the proposal accords with the provisions of Policy 31 of the HDPF.

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.

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, Policy N6 of the NPPF (2026).

Conclusion and Planning Balance

The Council cannot currently demonstrate a five-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. The NPPF (2026) states that such a shortfall establishes an "evidenced unmet need" for housing across the District (in accordance with Policy S5 and Annex D). Policy S5(1)(g) of the NPPF goes on to state that *only certain forms of development should be approved ... unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in [the] Framework:*

- g. Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation, provided it meets the criteria in policy HO12;*

Therefore, a formal planning balance is required to weigh the benefits of housing delivery against any policy conflict and site-specific harms. The Council recognises that the proposal would go some way to addressing the identified need, which is a material consideration of *significant weight* in the overall planning balance.

Though there is a current shortfall for gypsy pitches in the district, which is a material consideration of significant weight, it has not been demonstrated that the site comprises suitable ground conditions to accommodate suitable drainage and foul water disposal on the site, which would result (and has resulted in) adverse surface water runoff and effluent being discharged inappropriately. The proposal would therefore increase the risk of flooding off site and cause harmful pollution to users of the site and neighbouring properties. Both matters are attributed *significant weight* against the granting of consent.

Whilst the applicant indicated that further technical work and an alternative drainage strategy may be pursued at a later date, no such evidence forms part of the application before the Local Planning Authority. Consequently, the Council is being asked to determine the application in the absence of a demonstrated foul and surface water drainage solution. Given the longstanding and unresolved drainage constraints affecting Kingfisher Farm, together with the Planning Inspector's recent findings that drainage concerns could not reasonably be left to condition due to uncertainty over deliverability, significant doubt remains that the site can be properly serviced by adequate sewerage and drainage infrastructure, or whether it would be possible for the applicant to obtain the relevant licencing to do so.

Therefore, the benefits of the proposal (contribution towards the gypsy and traveller site deficit) would be substantially outweighed by the resultant adverse effects (flood risk *and* harmful pollution). These effects would apply equally to any temporary or personal permission, and neither approach would be suitable in this instance. Officers therefore recommend that the application is refused.

Recommendation: Application REFUSED

Reason for Refusal:

- 1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would provide for satisfactory essential utility services to the site (foul water discharge and surface water drainage) and safeguard the health of the site occupiers and environmental protection, and to avoid increasing flood-risk elsewhere, contrary to Policies 23, 24, 33, 35, and 38 of the Horsham District Planning Framework (2015) and Policies P3 and F7 of the National Planning Policy Framework (2026).

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/26/0256

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

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	PLUG PLANTS INFORMATION	NONE	16.02.2026
Location plan		Y2722/2025-A01	16.02.2026
Design & Access Statement		NONE	16.02.2026

Supporting Docs	BNG NET GAIN ASSESSMENT	NONE	16.02.2026
Supporting Docs	KLARGESTER BIOTEC SEWAGE TREATMENT PLANT SPEC	NONE	16.02.2026
Supporting Docs	PLANNING GUIDE SYSTEMS FOR PITCHED GREEN ROOFS	NONE	16.02.2026
Elevation & Floor plan	Proposed	Y2722/2025-A11	16.02.2026
Layout plan	Proposed Site Drainage	Y2722/2025-A20	16.02.2026
Location & Block plan		Y2722/2025-A02	16.02.2026
Layout plan	Proposed Site	Y2722/2025-A10	16.02.2026
Supporting Docs	BNG Metric	NONE	23.02.2026

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 26.08.2026

Authorising Officer sign/initial Guy Everest Date: 28.08.2026