Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1029
Kingfisher Farm West Chiltington Lane Billingshurst West Sussex RH14 9DR

DESCRIPTION:
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.

DETAILED DESCRIPTION:

The application seeks retrospective planning permission to regularise the material change of use of part of a field to provide 5no. gypsy pitches with individual dayrooms, associated parking, access and services.

The red line application site (as submitted on PP-14115786v1 LOCATION PLAN received 23rd June 2025) is drawn tight to the hard surfaced area, roughly a rectangular block laid out to provide for the 5x pitches served by an internal track that connects into the southern end of the internal access track serving the adjacent 11x pitch development subject of planning application DC/21/1141 (pending consideration). The northern end of the 5x pitch development directly abuts the southern end of the 11x pitch development.

Each pitch would include 1 no. static caravan, 1 no. touring caravan, 1. day room, 1 'external lighting' (further detail undisclosed) 1 no. soakaway, 2 no. car parking spaces and space for associated vehicle turning and residential paraphernalia, and 1no. drainage run to terminate outside of the pitch to a cesspit located under the internal access road. Proposed hedging is shown as demarcation of three sides of each pitch (and, as consequence, the site perimeter will be hedged). It is noted these details do not form part of the application description but are shown on submission drawing 0179.LIB.XX.00.DR.LD.1100.D5 REV A3 SITE LOCATION PLAN.

SITE AND SURROUNDINGS:

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 a pending planning application (site history detailed below). The 5x pitch development applied for under this current application relies on land occupied by drainage that serves 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 HISTORY:

Kingfisher Farm:

DC/10/1041	Use of the land for the stationing of caravans for residential purposes for 11 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use.	Refused 09-03-2011 ALLOWED At Appeal
DC/17/1184	Variation of conditions 3, 11 and 13 relating to Appeal Reference Number: APP/Z3825/A/11/2150329 (Use of land for the stationing of caravans for residential purposes for 11 no. gypsy pitches together with the formation of additional hard standing and utility/day rooms ancillary to that use)	Non-determination 02-08-2018 DISMISSED at appeal
DC/17/1185	Change of use of land as an extension to permission granted in appeal APP/Z3825/A/11/2150329	Refused 21-07-2017 NO FURTHER ACTION is taken on the appeal
DC/17/0816	Hybrid planning application for the part variation of condition 3, 11 and 13 of Appeal Decision ref: APP/Z3825/A/11/2150329 and material change of use of land	Not processed – returned 19-MAY-2017
DC/19/1205	Change of use of land for the stationing of 11 pitches for residential purposes. To contain 11 static caravans, 11 touring caravans, 11 dayrooms, parking for associated vehicles, hard standing and associated infrastructure	Permitted 11-11-2019
DC/21/1141	Change of use of the land and retention of 11No. gypsy mobile residential units and 11No. touring caravans on the site, full drainage and car parking and bin storage and hard and soft landscaping.	Pending Consideration
DC/25/0934	Change of use of land to provide 10no gypsy pitches with dayroom, associated parking, access and services (part retrospective).	Refused 16.10.2025

Greenfield Farm (neighbouring site)

DC/25/0055	Use of land for the stationing of 5 static caravans for residential purposes and 3 associated day rooms. Associated landscape works.	Refused
DC/16/2721	Change of Use for extension to site at Greenfield Farm for permanent use for five mobile homes to include the one existing for family members and five touring caravans for summer months only	Permitted 24.07.2017

DC/13/2457	Change of use of land for the stationing of caravans for residential purposes for 4no. additional gypsy pitches (to comprise 4 permanent mobile homes), together with the formation of hardstanding areas and a new access from West Chiltington Lane to serve plots 5 - 9, and stationing of 4 additional touring caravans.	Permitted 13-06-2014
DC/12/0298	Proposed additional permanent mobile home and one additional touring caravan to existing site	Permitted 09-10-2012
DC/10/0721	Removal of Condition 1 of planning application DC/08/0416 to retain 4 mobile homes and 4 touring caravans with associated works for occupation by a Sussex gypsy family	Permitted 18-06-2010
Neighbouring Site DC/24/1290	Change of use for 2No. gypsy residential units along with day room, full drainage, car parking, 2m high bund and soft and hard landscaping.	Refused 29 Sep 2025

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
Policy 16: Water Neutrality

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 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

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

Planning Advice Notes:
Shaping Development in Horsham District
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 (summarised):

HDC Conservation: No objection (in relation to DC/25/0934)
Will not impact setting of listed building.

HDC Environmental Health: Objection.
There is no information on maintaining water neutrality and this area of Kingfisher Farm is unlikely to be able to support infiltration of surface water, so schemes for overcoming both issues are required before any approval is contemplated.

HDC Drainage Officer: Not Approved
Application has not taken into consideration, the impact of the proposed development on the drainage strategy associated with the development to the north of the site (DC/21/1141). Unable to support the

current proposals, as there is a conflict of interest between the proposed development and the drainage strategy associated with DC/21/1141, presenting a flood risk both on and off site. Until it is demonstrated that the proposed development does not compromise the drainage strategy for DC/21/1141, unable to consider the proposed development. Should the conflict of interest as outlined above be resolved, a full Foul and Surface Water Drainage Strategy must be submitted to and approved by the Local Planning Authority.

HDC Biodiversity Net Gain: Advice.
Retrospective, and therefore BNG does not apply.

HDC Tree Officer: Advice.
No significant concerns.

HDC Strategic Planning: Advice / No Objection.
Do not object to the principle of the proposed development. For the case officer to assess merits of application against relevant policies.

HDC Consultant Ecologist: No ecological objection subject to conditions
Prior to any works above slab level: Biodiversity Enhancement Strategy
Prior to commencement: Precautionary Method Statement for mobile Protected Species
If external lighting required, Prior to Occupation: Wildlife Sensitive Lighting Design Scheme

HDC Consultant Landscape Architect: No landscape objection

HDC Consultant Newt Officer: Advice
If application entirely retrospective, no likely impact on great crested newts or their habitats.

HDC Consultant Archaeologist: No Objection

West Sussex County Council Local Lead Flood Authority: Advice
This application has implications on the surface water drainage for DC/21/1141.

West Sussex County Council Local Highway Authority*:* Advice.
Given site history and appeal decisions of DC/10/1041 and DC/17/1185, application does not seek to increase use of site over and above what has previously been acceptable to LHA and Planning Inspectorate. LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore not contrary to NPPF (paragraph 116), and no transport grounds to resist.

West Sussex Fire & Rescue: Advice
Unclear if suitable access to the fire hydrant from the traveller site. If this fire hydrant is not accessible, and an alternative water supply for firefighting is to be considered

Southern Water: Advice
Request condition: Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Local Flood Authority, in consultation with Southern Water

Environment Agency: Consulted but No response received.

Sussex Police: Consulted but No response received (consultation response was provided to adjacent 10xpitch proposal on 13th October 2025 DC/25/0934 refers)

PUBLIC CONSULTATIONS
1 No. Objection received; content summarised below.

- Loss of General Amenity
- Other

- Overdevelopment
1. Environmental concerns: ongoing and substantial drainage issues, resulting in foul / water emitting from the site spilling continually down Valewood Lane causing a highway hazard and foul smell.
2. The site allocation is for 11 gypsy and Traveller pitches has been exceeded by the erection of unauthorised additional residential plots, total number unknown, and exacerbated by other unauthorised associated works.
3. Under Impact of site on amenity of local residents: nearest property is far less than 100m away.
4. Detrimental impact on the local community from unlawful behaviour with the additional unwarranted burden on local amenities.

Itchingfield Parish Council: Strongly recommends refusal
Itchingfield Parish Council observes that it is clear that work on the site has commenced therefore this application should be regarded as retrospective. It is further stated in the application form under "Description of the proposal" that work has not started.

Under materials it states that walls will be brick, roofs will be tiled. Plan showing indicative pictures of the caravans show metal structures with essentially flat roofs. In practice the structures on site have pitched tiled effect roofs but are of prefabricated mobile home construction. No provision is made for the collection of waste or of recycling. The method of disposal of surface waste via soakaways is not sustainable as shown in assessments for application DC/25/0934 for 10 Gypsy pitches adjacent to the current application site. The method of disposing of foul waste via cess pits is similarly not viable on this site. Notwithstanding the above there are already 11 traveller pitches without planning consent following refusal of appeal APP/Z3825/A/11/2150329 on the Kingfisher Farm Site. The Gypsy, Traveller and Travelling show people act 1994 states that sites should be limited to no more than 11 pitches in order to minimise the likelihood of internal disputes leading to violence. Also adjacent to the south of the proposed site is an established Romany settlement of 14 permitted pitches. The proposed numbers of pitches for Kingfisher Farm is already causing issues around disruptive and anti-social behaviour in the local established community. It is also apparent that the site is not being used for gypsy occupation alone as proved during recent police action.

Bearing in mind the above there are surprisingly no objections from the locality. Understand this is due to the fear of reprisals if their details are published.

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.

HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

Sussex Police were consulted the adjacent 10x pitch development proposal at Kingfisher farm field (DC/25/0934 refers) and advised 13th October 2025 that given current evidence of Anti-Social Behaviour (ASB) and criminality any expansion and/or intensification of occupation of this location could lead to further increases in ASB and Crime and this would require further additional police resources and time to tackle.

PLANNING ASSESSMENT

Principle:

The development plan for the application site comprises the Horsham District Planning Framework (HDPF) (2015) and the Barns Green & Itchingfield Neighbourhood Plan (BGINP) (2025), the West Sussex Joint Minerals Local Plan (2018), and the West Sussex Waste Local Plan (2014). The respective Minerals and Waste Local Plans are not relevant in this case.

HDPF Policy 2 establishes the core strategic spatial approach of the development plan, in seeking to maintain the rural character of the district while ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. Policy 2 to the HDPF seeks to focus development in and around the key settlement of Horsham, whilst allowing for growth in the rest of the district in accordance with the identified settlement hierarchy. Policy 2, further, seeks to manage development around the edges of existing settlements in order to prevent the merging of settlements, allow the opportunity for people to work close to where they live and to protect rural characters, landscapes and natural environmental resources.

Policy 23 of the HDPF sets out the criteria for assessment in the determination of planning applications for non-allocated (windfall) gypsy and traveller development. Policy 23 requires that consideration be given to whether a site is located in or near to existing settlements within a reasonable distance of a range of local services and community facilities (particularly schools and health services) or is part of an existing strategic allocation. This policy, in addition, stipulates that a site should be appropriately supported by essential services and a safe and convenient means of vehicular/pedestrian access. Policy 23 in addition, provides that development should not result in an unacceptable impact upon the character and appearance of the receiving landscape, the amenities of nearby occupiers and is otherwise sensitively designed, and that no significant barriers exist to development in respect of ground stability and flood-risk.

Other Material Planning Considerations

National policy for gypsy and traveller sites is defined within the Planning Policy for Traveller Sites document (PPTS) (2024) and NPPF (2024). Paragraphs 2 and 24 to the PPTS confirms that applications for planning permission should be determined in accordance with the development plan, unless material circumstances indicate otherwise. Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 continues that Local Planning Authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Suitability of Location

Policy C of the PPTS relates to sites in rural areas and the countryside, with paragraph 14 stating that ‘when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community’. Paragraph 26 of the PPTS continues that local planning authorities ‘should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure’.

The application site is located within a rural context approximately 1km (as the crow flies) north-east from the defined built-up area boundary of Barns Green, which is categorised within Policy 3 to the HDPF as a ‘medium village’, broadly characterised as a type of settlement providing a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day-to-day needs for residents but rely on small market towns and larger settlements to meet a number of their requirements.

The proposed access would lead onto West Chiltington Lane, which is a national-speed limit road lacking dedicated pavements or street lighting in the vicinity of the site. A more direct route leading to the west of the site in the direction of Barns Green is available via public right of way footpath though, this footpath is comprised of an unsealed surface, also lacks street lighting and is not a designated bridlepath allowing use by cyclists. In light of the condition of available routes, and their respective length, it is highly likely that future occupiers would prove very dependent on the use of the private vehicle to access employment, education, healthcare and recreation in addition to general services and public transport.

The spatial criteria for the assessment of windfall gypsy and traveller sites stipulated within HDPF Policy 23 demands that consideration be given to whether sites are located "*in or near to*" existing settlements and *"within reasonable distance of a range of local services and community facilities, in particular schools and essential health services."* Policy 23, therefore, does provide support for the development of sites in the countryside and demands that these need only be found at reasonable distance from, as opposed to sustainably or well-related to, existing services and facilities.

Recent appeal decisions in Horsham district for gypsy and traveller sites have considered the location of such 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 the 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.

In the case of the Pear Tree Farm appeal APP/Z3825/W/22/3311819 (DC/21/1796), the Inspector found the proposal for 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.

Dominance:

Paragraphs 14 and 26 to the PPTS provide that, when assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that scale of such sites respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure.

In this instance, consistent with previous appeal decisions at Kingfisher Farm, the nearest 'settled community' for the purposes of PPTS paragraphs 14 and 26 is Barns Green, which is a settlement categorised as a medium village within development plan settlement hierarchy in HDPF Policy 3.

The application site is in close relation to several similar developments, notably Kingfisher Farm and Greenfield Farm (both comprising caravan sites) located approximately 90m to the east and 160m to the south respectively.

According to the recently 'made' (8th Oct 2025) Barns Green & Itchingfield Neighbourhood plan, the census data from 2011 shows that the total population for the parish was 1565. This was a rise of 88 people from 2001 (5.95%). A total of 50.2% (785) were male, whilst 49.8% (780) were female. Since the 2011 Census the Ashmiles development has been built in Barns Green, consisting of 67 houses, and adding an estimated 150 inhabitants to the parish; the estimated population is therefore 1715. In 2011 the age structure was: 385 between the ages of 0-17 395 between the ages of 18-44 507 between the ages of 45-64 278 persons aged 65 and over. There were (in 2011) a total of 555 occupied dwellings. This has now risen to 628 including the Ashmiles development. By reference to the current Electoral Register, 475 homes have a "Barns Green" address and 153 have an "Itchingfield" address. Therefore approximately 75% of parish residents live in Barns Green or its surroundings.

Sussex Police have made representation to the adjacent 10x pitch application DC/25/0934 on reported incidents and occurrences of crime and anti-social behaviour, and do not support further expansion and intensification of the site, which is evidence not to be dismissed lightly. Nonetheless, it does not follow that increasing the numbers of pitches on site would be likely to dominate local services and social infrastructure and community provision. In a rural area an increase in residents and new households may offer a means of supporting declining services. It is considered that the scale of proposed development (as both standalone 5x pitch and cumulatively with other gypsy / traveller pitch developments in the locality) is proportionate to the scale of the nearest settled community, not resulting in a greater quantum of development to that present within the settlement such as to reasonably be considered to dominate the settled community in a manner contrary to provisions of PPTS paragraphs 14 and 26 in this regard. It is, further, considered that a development of this scale would not place undue pressure on local infrastructure.

The Need for Sites:

Paragraph 25 to the PPTS, in addition, provides that in determining applications for gypsy and traveller related development, Local Planning Authorities should consider, amongst other things:

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants
- Other personal circumstances of the applicant;
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- That they should determine application for sites from any travellers and not just those with local connections.

In light of the provisions of PPTS Paragraph 25(a) explicit consideration, therefore, must be given to the existing scale of need.

The strategic approach of the development plan, as provided for within HDPF Policy 22, seeks to satisfy need for gypsy and traveller pitches primarily through the preparation of a site allocations development plan document (DPD). Preparation of the draft DPD commenced in 2017, and which sought to satisfy a requirement for 60x gypsy pitches over a ten-year period to 2027 and a fifteen year requirement for 78x pitches. At the time of initial preparation, pitch allocations within the draft DPD sought to satisfy a previously unmet need of 40x pitches as of 2017. Subsequent to initial preparation the site at Bromeliad Nursery, Billingshurst, was withdrawn together with the 15x pitches which that site would provide, compromising the delivery of the 60x required pitches over the 10-year period to 2027. The DPD, consequently, did not proceed to formal submission or adoption, with no subsequent strategic approach pursued to allocate pitches in advance of the preparation of the draft HDLP.

The Council's latest assessed need was considered within the Targeted Update to the Gypsy and Traveller Accommodation Assessment (GTAA, September 2024) produced in response to an updated definition of gypsy and travellers contained within the PPTS. The Targeted Update to the GTAA

identifies a need for 79x pitches for households meetings the pre-2023 definition, a need of up-to 20x pitches households whose status could not be determined and 29x pitches for households which did not previously meet the pre-2023 definition to 2040.

For the immediate 5-year period assessed within the Targeted Update to the GTAA (2023-2027), a need of 61x pitches is calculated comprising 50x pitches meeting the pre-2023 definition and 11x pitches whose status could not be determined at the time of Targeted Update. For the purposes of Policy 43 of the submission HDLP, therefore, officers are satisfied that a need for the pitches sought to be provided by the proposed development does exist.

The Council's latest published AMR confirms at paragraphs 3.44 and 3.45 that a single pitch has been delivered in the previous monitoring period and 9x pitches have been approved. In relation to the immediate need for pitches, comprising of at least 50x pitches to 2027, therefore, officers consider that there is a significant unmet need for pitches within the District, and which largely reflects historic unmet need (40x pitches) assessed at the time of the preparation of the 2017 DPD. The nature of need, therefore, is one which should be acknowledged as immediate and entrenched such as to represent a significant material consideration in relation to Part (a) of Paragraph 25 of the PPTS. The proposal, in seeking to provide 10x pitches, would make a meaningful and important contribution to addressing immediate and historic unmet. This is considered to attract substantial weight in favour of a grant of planning permission.

The submission draft HDLP, at Policy 43, does seek to allocate sites sufficient to meet the Council's identified 10-year need in providing 69x net-pitches primarily by allocating additional pitches at existing authorised sites. The examination hearings for the submission draft HDLP opened in December 2024, though, at the conclusion of the first week of hearing sessions the plan Inspector explained that he held a number of soundness and legal compliance concerns in respect of the plan. These concerns were more thoroughly communicated in the Inspectors 'Interim Findings' letter of 4th April 2025, where the Inspector advised that the Council had failed in its 'Duty to Co-operate' with neighbouring authorities and that the drafting the HDLP did not, consequently, take sufficient account of the needs of neighbouring authorities. Within his Interim Findings letter the plan Inspector recommends that the submission draft HDLP be withdrawn from examination.

The Council responded to the plan Inspectors interim findings on 22nd April 2025, expressing the Council's disagreement with the Inspectors conclusions and advising that the Council would consider its next steps and available options. As of the time of drafting this report the Council has not formally withdrawn the submission draft HDLP, as recommended by the plan Inspector. The conclusions of, and recommendations made within, the Inspectors Interim Findings, however, cast considerable doubt over the ability of the Draft HDLP to proceed to adoption and are tantamount to an objection to the policies of the submission plan as a collective whole. Given the provenance of those objections, originating from the plan Inspector, these are regarded as a significant unresolved objection. Pursuant to Paragraph 49 to the Framework it is, therefore, considered that the provisions of the draft HDLP at Policy 43, in seeking to allocate sites sufficient to meet the anticipated need for pitches to 2034, could only be considered to attract negligible (if any) weight. In the event that the draft HDLP were withdrawn, the provisions of the draft HDLP would attract no weight in any determination.

Personal circumstances including human rights and best interests of the children

In relation to Parts (b) and (c) to Paragraph 25 of the PPTS the information before the council is not conclusive that the applicant is a gypsy or traveller. There is no evidence about travelling lifestyle and employment, for instance. The proposals, therefore, would have no influence on the personal availability of accommodation available to the applicant, or otherwise prejudice their living conditions and/or that of their family and any resident dependents, including the best interests of any children.

Conclusions on Principle:

As above, the Council are not currently able to demonstrate a five-year 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.

It is noted the site is immediately adjacent to Kingfisher Farm with 11 pitches in total allocated to that site, though not allocated for further provision of pitches, the site has previously been assessed based on its acceptability in terms of its location and access to nearby services / facilities, which was considered acceptable.

Consistent with preceding appeal and applications determinations, notwithstanding a high degree of anticipated reliance on the use of the private car, the site represents a suitable location for gypsy and traveller development in spatial terms in compliance with the provisions of HDPF Policy 23 and PPTS when read as a whole. It is, further, considered that the proposed development would not result in the over-dominance of the closest settled community of Barns Green on an individual or cumulative basis such as to conflict with the provisions the PPTS at Paragraph 14 and 16.

Therefore, the Council does not dispute the principle of the development being unacceptable in this instance, subject to all other considerations as discussed below.

Heritage:
HDPF Policy 34 concerns cultural and heritage assets and provides that the Council will sustain and enhance its historic environment through the positive management of development affecting heritage assets. Applications for such development must make appropriate reference to the significance of heritage assets, reflect current best practice guidance, reinforce the special interest of the district's historic environment through development of appropriate character, siting, scale, form and design, materials and techniques, and retain the setting of heritage assets.

Regarding underground heritage, the council's consultant archaeologist advises proposals do not involve extensive deep ground disturbance and raises no concerns. On above ground heritage, the Listing Description indicates a domestic scale to the setting of Peartree Farmhouse. Pear Tree Farmhouse is recorded as a C16th timber framed building. It appears from recent aerial photographs that it is in close proximity to modern farm and agricultural buildings. It is separated from the application site by open fields and mature tree lines. For these reasons the council's Conservation Officer was satisfied the 10xpitch development applied for under DC/25/0934 would not impact the setting of the listed building and compliance with national and local planning policy, including Policy 3 of the BGINP (2025). The current 5xpitch scheme is farther still so the same conclusions would apply.

Landscape:

Policy 23(e) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that the development will not have an unacceptable impact on the character and appearance of the landscape and is sensitively designed to mitigate any impact on its surroundings.

Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the district, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation, while not amounting to a significant intensification of activity in the countryside.

Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

Policy 1 of the Barns Green & Itchingfield Neighbourhood Plan states that development proposals shall, where possible with other policies in the Plan, incorporate measures that will conserve, maintain, and/or enhance the green infrastructure of the Parish, with provisions to produce additional green infrastructure. Proposals which would result in the loss of existing green infrastructure will be rejected unless it can be demonstrated that the development proposal brings new opportunities which mitigates

or compensates land loss, while ensuring the protection of the existing ecosystem. Developers will be required to demonstrate how they intend to achieve a net gain in biodiversity.

Policy 5 of the same Neighbourhood Plan states that development proposals shall incorporate measures that will protect and enhance the green infrastructure and valued landscape features of the Parish.

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.

Character and Appearance

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 sites 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."

Policy 23 of the HDPF states that for Gypsy and Traveller Accommodation, "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".

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 architect 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.

Furthermore, the proposals directly influence key sensitivities within both Local Character Areas, particularly due to the subdivision and incremental erosion of their character. The cumulative impact of

the proposals alongside existing similar developments amplifies the overall effects. Additionally, the lack of meaningful landscape interventions provides minimal mitigation of the adverse negative effects. These conclusions are shared with Inspector in the combined appeal (Appeal Decisions APP/Z3825/C/16/3153910, APP/Z3825/C/16/3153915, APP/Z3825/W/17/3188942, APP/Z3825/W/17/3188945) where paragraphs 76-84 discuss matters of character and appearance. Notably para 83 the inspector notes "In conclusion, the harm to the visual amenity and the appearance of its surroundings is limited. However, the development results in harm to landscape character, harm that is increased markedly by the cumulative impact."

The Council's landscape consultant agrees that visual impact will be limited; albeit previous consultation at DC/24/1290 - Greenacres Farm West Chiltington Lane Billingshurst West Sussex (dated 18/10/2024) identified some loss of hedgerow along West Chiltington Lane which was considered unacceptable noting "received site photos indicate a section of hedgerow has been removed to facilitate a new access point. This reduces the enclosure of the site impacting both visual amenity from West Chiltington Lane and a key characteristic of the landscape." While outside of the site, this loss of enclosure will undoubtedly increase the visual sensitivity along West Chiltington Lane of the proposals.

Proposed Hedges

The Council's landscape consultant acknowledge the 5 x pitch proposals include hedgerows surrounding each pitch on three sides as shown on the 'Proposed Site Plan' (drawing: 0179.LIB.XX.00.DR.LD.2100.D5). The introduction of these hedgerows has the potential of benefitting biodiversity and will reinstate a historic boundary on the western side.

Cumulative impact

The development applied for does not exist in isolation. The site is experienced and viewed against the wider locality which includes the existing consented 9x pitches to the southeast and the established use and development to the immediate on Greenacres Farm and Kingfishers Farm to the immediate east. Kingfishers Farm was granted consent for the use and siting of 11x pitches on appeal under application DC/10/1041 and subsequently DC/19/1205. However, the development has not been carried out in accordance with the approved plans, in which a current application (DC/21/1141) seeks to regularise this breach which unlawfully extends beyond the boundaries of the site. Further breaches have since been documented on the site, which are subject to further Planning Compliance investigations.

Whilst these breaches are currently under investigation and are unlawful, the resultant impact has been harmful to the prevailing character of this rural setting. The adjacent site at Greenacres Farm, has unlawfully sited 2 units without planning permission (DC/24/1290 refused 29th Sep 2025). Across both sites, significant levels of hardstanding have been laid, in addition to inappropriate boundary treatment, which has resulted in significant erosion of the rural qualities of the site and surrounding area. As above, this 5x pitch proposal would be read against the backdrop of this wider development within the area, in particular in the context of the unlawful 11x pitches and additional 10x pitches (DC/25/0934 refused 16.10.2025) at Kingfisher Farm as their respective hard standings abut each other.

Historic mapping identifies the incremental subdivision of the Kingfisher Farm field site and its wider setting from two distinct linear field separated by a substantial tree belt. The site identifies the eastern boundary to comprise the tree belt which is now removed. Further mapping identifies the intensification of this subdivision from 2024 to present day. The abutment of hard standings serving all three developments (the current 5x pitch DC/25/1029 proposal; 11x pitch; and the refused 10x pitch DC/25/0934) all three are experienced as a coalesced development, with only some limited visual separation to be achieved from the proposed hedgerows surrounding each of 5x pitches on three sides, as shown on the 'Proposed Site Plan' (Drawing: 0179.LIB.XX.00.DR.LD.2100.D5).

It is acknowledged the introduction of these hedgerows offers some differentiative between the 5x pitch and those other pitch developments and will reinstate a historic boundary on the western side. However, the overall resultant impact is significant cumulative harmful impact across these three sites, and wider harm to the character and appearance of the landscape. The space constraint to each pitch means these hedgerows would very likely be maintained at a low height rather than outgrown, so the

urban form, including external fences, and lighting (potentially lighting columns), together with static and touring caravans and associated structures, would still visually impact.

In 2011 the appeal inspector for the original 11x pitch development at Kingfisher Farm (DC/10/1041) concluded that the significant concentration of urbanisation would detract from the intrinsic open nature of the countryside. The size of the site would result in a negative impact on area character, although the degree of harm would not be great. In this case the larger site undoubtedly has a harmful effect on local landscape character. The Council considered that the additional footprint would not be of a size that would significantly change the harm considered acceptable before. The concern was directed to the effect of the new layout on the reduced scope for landscaping, particularly by pitch 1 and the further urbanisation of the area and related impacts through an increase in the number of caravans, activity and external lighting. The degree of landscape harm would be greater than assessed in the site allocation DPD.

In the 2018 appeal for the subsequent unlawful 11xpitch development, the Inspector shared those concerns (para 80) acknowledging that whilst a more effective use of land would be achieved this would be a less satisfactory layout. An increase in caravans, facilitated by the larger hardsurfaced pitches, would also be accompanied by more structures, such as day rooms, utility rooms, sheds and stables. The amount of activity would increase and further extension into the agricultural land could occur, unless adequately controlled by condition. The development would not be in character with the countryside surroundings. The 2018 Appeal Inspector concluded:

83. In conclusion, the harm to the visual amenity and the appearance of its surroundings is limited. However, the development results in harm to landscape character, harm that is increased markedly by the cumulative impact. The caravan site is not sensitively designed to mitigate its impact on its surroundings and would be the dominant component of the mixed use if occupied close to its maximum capacity. There is a lack of compliance with criterion (e) of Policy 23 of the HDPF and the high quality of design sought by Policy 32 is not achieved. The area of the component uses and the total number of caravans are important to ensuring an acceptable scale of development, appropriate to its countryside character and location in accordance with Policy 26.

The current proposal is something much greater altogether – it is in effect the equivalent of an additional half to the extent of hard surface and number of pitches (5x) on the Kingfisher Farm field (11x). Optimising the potential and making efficient use of the site to a level of development, as sought by the applicant, have not secured a well-designed layout. The balance sought by the Framework, between promoting an effective use of land in meeting the need for homes (in this case pitches) and safeguarding the environment, has not been achieved.

Overall Conclusions on landscape

The site is in a wider rural area but adjacent to a few other residential developments, within a predominantly rural context. When considered standalone and/or cumulatively with other nearby development in the wider context, the proposed development further subdivides the land, resulting in an awkward and uncharacteristic field pattern with disruptive and intrusive urbanising impacts, failing to protect, conserve and enhance the landscape character of the area, and results in unacceptable harm to the character and appearance of the area, contrary to Policies 23, 25, 26 and 33 of the Horsham District Planning Framework (2015) and Polices 1, 5, and 12 of the Barns Green & Itchingfield Neighbourhood Plan.

In the view of the Council's Planning Officers these are resultant outcomes notwithstanding acknowledgement by the Council's landscape consultant of the lesser visual prominence of the site compared to the 10x and 11x pitch developments, and that the inclusion of mitigation measures such as new hedgerow planting around each pitch is a step towards reducing adverse impacts overall.

Amenities: Neighbouring and Future Occupier

HDPF Policy 33 seeks to ensure that development does not result in unacceptable harm to the living conditions of nearby occupiers/users of land in respect of a possible loss of privacy, natural light and/or overlooking. This is read in connection with Policy 23(e) in the case of gypsy proposal sites.

Neighbours
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.

Future Occupiers

Paragraph 27 of the PPTTS (2024) states 'When considering applications, local planning authorities should attach weight to the following matters: a) effective use of previously developed (brownfield), untidy or derelict land b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community'.

The 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 store incorporating an EV charging point and storage for 2x cycles which could be secured by condition). 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).

Highway Safety

HDPF Policy 40 provides that development will be permitted provided it is appropriate in scale to existing transport infrastructure, maintains the existing transport system, includes opportunities for sustainable travel and to minimise the distance people need to travel. Development, further, should provide for a safe and suitable access for all highways users.

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

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, following mitigation, would be severe, taking into account all reasonable future scenarios'.

Access and Visibility

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.

Parking and Turning
HDPF Policy 41 seeks to ensure adequate parking facilities within development. HDPF Policy 23 also states that development for non-allocated gypsy / traveller sites states the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas. Policy 15 of the BGINP (2025) is similarly aligned.

10 car parking spaces are proposed for the site, 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.

Ecology

HDPF Policies 25 and 31 seek to ensure that development safeguards and minimises effects upon protected species and features of biodiversity interest, secures a proportionate biodiversity net-gain and that any loss of green infrastructure or protected trees resulting from proposed development is compensated for. HDPF Policy 31, further, requires that development resulting in direct or indirect adverse effects on features for biodiversity that development will be refused unless it can be demonstrated the need for the development clearly outweighs the need to protect the value of the site and that appropriate mitigation/compensation are secured.

Policy 2 of the BGINP (2025) requires development proposals to incorporate measures that seek to seek to ensure and enable the protection, conservation and enhancement of the parish's biodiversity and ecology including its hedgerows, ponds, orchards, roadside verges and woodland, including shaws and ancient and veteran trees. Development proposals on greenfield sites, including any windfall development, would require a project-level Habitats Regulations Assessment that is supported by up-to-date data from bat surveys.

Protected and Priority Habitats and Species

The Council's Ecology consultant has reviewed the documents supplied by the applicant, and there is an absence of ecological information included with the application to help assess the potential use of the site by European Protected Species, Priority species and the presence of Priority habitats.

However, the Council's Ecology consultant have themselves reviewed the site on MAGIC maps and it appears that there are no Priority habitats or species which will be impacted by the development. The waterbody shown in the south-east corner of the site on MAGIC maps is not indicated in the submitted Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., July 2025), although there is a small area of mixed scrub (0.05ha). Therefore, having been informed by the information within the applicant's submission Net Gain Assessment, the Council's Ecologist has been able to reach informed judgement that an ecology report is not considered necessary.

The Council's Ecology consultant is satisfied that there is sufficient ecological information available for determination. This provides certainty for the council of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

Bats

The site lies approximately 7.6km east of The Mens Special Area of Conservation (SAC) and therefore lies within the 12km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The qualifying feature for the SAC is

Barbastelle bat, but there are no records for this species within 2km of the site (Sussex Biodiversity Records Centre (SxBIS) - accessed under licence and MAGIC maps).

One European Protected Species Mitigation License (EPSML) has been granted within 2km of the site: approximately 1km to the north of the site in 2015 for Brown Long-eared and Common Pipistrelle bat (MAGIC maps). There are approximately 63 records for bats within 2km of the site including Soprano and Common Pipistrelle, Natterers, Noctule and Serotine (SxBIS – accessed under licence). The site lies approximately 12.9km east of Ebernoe Common SAC and is therefore outside the Wider Conservation Area for this SAC. The site lies approximately 10.5km northeast of the Arun Valley SAC, SPA and Ramsar site.

The Council's Ecologist consultant can further understand from the submitted documents that the site comprises other neutral grassland with an area of 0.05ha mixed scrub in the southeast corner of the site, all of which will be removed. Furthermore, it can be understood from the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., July 2025) that three new native hedgerows are proposed within the site and that native hedgerows will surround the site within the red line boundary, totally 0.67km. Therefore, there will be no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained.

For these reasons, the Council's Ecologist has concluded there will be no Adverse Effect on Integrity of the bat SAC (it is 'screened out'). Accordingly, a project level HRA Screening Report has been produced to record its decision and retain on file.

If external lighting is required, it is recommended a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented (as detailed in full in the Council's consultant response to this application dated 2nd October 2025).

Hedgehog

As there is mixed scrub on site, the Council's Ecologist consult recommends the implementation of a Precautionary Method Statement for mobile protected species, including Hedgehog which is a Priority and threatened species. This should be secured by a condition of any consent and implemented in full.

Newts

The council's consultant newt officer is satisfied there would be no likely impact on great crested newts or their habitats.

Biodiversity Enhancements

It is also recommended that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the NPPF (2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable the council to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended). Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Biodiversity Net-Gain (BNG)

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

Arun Valley SAC, SPA and Ramsar (Water Neutrality)

The application site falls within the Sussex North Water Supply Zone, where increased demand for mains-water would exacerbate demand for the continued use/scale of public groundwater abstractions at Hardham Water Works contributing to associated adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.

On 14 September 2021, the Council received a Position Statement from Natural England. Information collected by Natural England shows that water abstraction for drinking water supplies is having a negative impact on the wildlife sites in the Arun Valley. They have advised that any new development that takes place must not add to this negative impact.

All development proposals that consume mains water are potentially impacted by the Natural England Position Statement.

The application submission is completely silent on the matter of water usage arising from the development and implications of this on the wildlife sites in the Arun Valley. The absence of any strategy proposal whatsoever to address this matter is fatal to demonstrating the proposal is water neutral.

Summary on water neutrality

In the absence of demonstration that the proposed development would have no adverse impact on protected species and its habitat, the proposals are contrary to Policy 31 of the HDPF (2015) and Paragraphs 193 and 194 of the NPPF. The proposal has failed to demonstrate Water Neutrality with the required degree of certainty such that the development would contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 193 and 194, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017, and contrary to BGINP Policy 16.

Drainage and Flood Risk

HDPF Policy 23 states that 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 and the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

HDPF Policy 38 provides that, where there is potential for development to increase in flood-risk elsewhere, that sustainable urban drainage systems, or alternative water management measures, be incorporated such as to eliminate that risk with a preference for drainage systems which mimic natural features wherever possible.

Drainage is infrastructure related to an essential utility service; the larger number of pitches and increased level of occupation have implications for local infrastructure, health and environmental protection. The Environment Agency were consulted on this 5x pitch application, but no response was received. The district environmental health position is that Environment Agency July 2025 consultation response to the adjacent 10 x pitch proposal (DC/25/0934) has not accounted of the cumulative effect of drainage from the multiple caravan sites and proposed sites in this small area, nor of the historical issues.

Following stakeholder negotiations, a foul and surface water drainage strategy was an agreed for the adjacent Kingfisher Farm 11x pitch development, as submitted under DC/21/1141. This strategy had the joint agreement of stakeholders; the applicant and their planning agent; Horsham District Council as determining local planning authority and Environmental Health authority; West Sussex County Council in its capacity as Local Lead Flood Authority (LLFA); and the Environment Agency in its capacity as contamination enforcing authority. The agreed drainage strategy is as submitted under

DC/21/1141. It is shown on Drainage Strategy, Drawing No: D2010-PL-300 Rev B. Dated 30/08/22 and letter from West Sussex County Council Lead Local Flood Authority (WSCC LLFA) to Development Control at Horsham District Council, dated 04/09/25. It comprises new infrastructure in the form of 2 no. swales either side of the site (west/east) routed to a surface water basin at the southern end of the 11x pitch hard standing with pipe connection to an existing watercourse.

The 5x pitch development, the subject of this current application, has been constructed directly over the agreed basins and swales proposed to serve the 11x pitch development under DC/21/1141 (submitted Drainage Strategy dated 30th August 2022). The land level of the hard surface of the 5x pitch development means the basins and swales have been infilled and built over. This circumstance is fatal to the acceptable delivery of the drainage for the 11x pitch development.

Perplexingly, plan drawing 0179.LIB.XX.00.DR.LD.2100.D5 REV A3 PROPOSED SITE PLAN submitted with the current 5x pitch application shows disposal of surface water and treated effluent to connect into the drainage run from the 11x pitch proposal located under the internal access track. This means the 5x pitch development is reliant upon a means of drainage disposal that itself has rendered inoperable.

The failure of both drainage strategies was evident on by virtue of site visit by council planning and compliance offices (15th August 2025) where it was observed that the watercourse to the southeast corner of Kingfisher Farm field evidently did not have the capacity to accommodate the discharge, with the ground condition around the watercourse water logged and surface water and treated effluent flow evident along Valewood Lane. This is evidence that a strategy based simply on discharging into the existing watercourse is inadequate and additional drainage infrastructure is required.

West Sussex County Council in its capacity as Local Lead Flood Authority has been consulted and notes the current 5x pitch application has implications on the surface water drainage for DC/21/1141. There is a clear contradiction between the two areas of development for DC/25/1029 and DC/21/1141.

For reasons detailed above, the detail provided in this application for this current 5 x pitch development, is not sufficient to support the proposals to determine that the site drainage meets the requirements of the NPPF and PPG, National standards for sustainable drainage systems (June 2025), and HDPF Policy 38.

It is evident the current application has not taken into consideration, the impact of the proposed development on the drainage strategy associated with the development to the north of the site (DC/21/1141).

As evidenced in flood and drainage material submitted to support on other adjacent development applications, this area of Kingfisher Farm is unlikely to be able to support infiltration of surface water. There is insufficient information about the practicality of using a soakaway for surface water, given the history of standing water on this part of the farm and the findings from planning applications on the immediately surrounding sites that the clay soil/subsoil is incapable of supporting infiltration.

Therefore, Horsham District Council's own in-house drainage officer is unable to support the currents proposals, as there is a conflict of interests between the proposed development and the drainage strategy associated with DC/21/1141, presenting a flood risk both on and off site.

Until it is demonstrated that the proposed 5xpitch development does not compromise the drainage strategy for DC/21/1141, Horsham District Council's in-house drainage officer, would be unable to consider the proposed development, as the present contradiction renders the 5x pitch unworkable as it is reliant upon the agreed strategy as detailed in DC/21/1141 which itself has rendered inoperable.

Moreover, even in the scenario that the conflict of interest as outlined above was resolved, any planning submission would need to be informed by a foul and surface water drainage strategy given the known difficulties of infiltration as a solution, in order that the specialist consultees can advise on the acceptability of any solution to ensure surface water flood risk does not increase elsewhere (following the National SuDS Standards referred to in Planning Practice Guidance Flood risk and

coastal change). It is not acceptable to rely upon a planning condition to postpone submission of drainage details to a future date:

National SuDs Standards paragraph 1.6: *Where access to third party land is required to facilitate discharge to a final destination, evidence that any necessary easements are in place for the lifetime of the development shall be provided to the approving body.*

Drainage was critical to the 2018 11x pitch Kingfisher Farm appeal; the Council's case on the lawfulness of the development resting solely on the issue of conditions precedent. In that case, the Inspector agreed with the Council that drainage went to the heart of the permission and fundamental to delivering the material change of use to a caravan site. It was judged:

Having an adequate system in place from the outset would be essential for the health and amenity of the site occupants and nearby residents or visitors to the area. Consequently condition 15 goes to the heart of the permission and is a true condition precedent [para 49]

The critical nature of the drainage is further expressed in national planning policy at paragraph 182 which states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff. Further, Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

It is evident for the reasons already set out, that the inability to deliver appropriate foul and surface water discharge is fatal to the proposed drainage strategy to fulfil the requirements of national policy to be acceptable in planning terms.

In the circumstances outlined above, this applies not only to the 5x pitch to be considered in the current application but now also the 11x pitch development under separate planning application. The establishment of the 5x pitches is fatal to the acceptability of the drainage strategy of both developments.

Summary

In the absence of a comprehensive scheme to show how surface and foul water would be disposed satisfactorily the development fails to comply with HDFP Policy 24. Without adequate drainage, there is potential harm to future occupiers of the development and uncertainty to surface water flood risk not to increase elsewhere, in conflict with HDPF policies 23 and 38 and paragraph 182 of the NPPF. It has not been shown the site can be properly serviced and that the development is compliant with HDPF Policy 39 on infrastructure provision.

Conclusions and Planning Balance

Considering the development plan first, the relevant policies 21 and 22 on traveller site provision are considered out of date in so far as the five-year target. Paragraph 28 to the PPTS provides, in instances where an Authority cannot demonstrate an up to date 5-year supply of deliverable sites, that the provisions of Paragraph 11(d) of the National Planning Policy Framework (NPPF) apply.

The Council's latest published Authority Monitoring Report (AMR) (30th April 2025), at Chapter 3, Paragraph 3.46 acknowledges the Council cannot demonstrate a five-year supply of deliverable sites for pitches, accordingly, the presumption in favour of sustainable development at NPPF Paragraph 11(d) is engaged in this instance.

For decision-taking this means:
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed;
or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Benefits
The proposals would convey social benefits (5x gypsy pitches) through the provision of additional available pitches sufficient to account for a sizeable proportion of the Council's identified unmet need to address the requirements from the specific needs of a minority group, and this is afforded significant weight and has the support of HDPF Policy 42. The best interests of the children has significant weight, whilst the 'failure of policy' has a small degree of weight. The site is located to enable reasonable access to facilities in existing settlements. Development would not dominate the nearest settled community, and undue pressure would not be placed on the highway network.

Neutral Impacts
The proposed development would not unacceptably impact upon highway safety and operation, nor the living conditions of nearby occupiers/users of land. There is no conflict with Policy 40 and parking provision complies with Policy 41. The absence of harm in these regards, however, is neutral in the planning balance.

Harms
The proposals would result in harms (to the character and appearance of the locality; to potential impact on integrity of the internationally designated of the Arun Valley Sites; and in exacerbation of flood risk). Policy 26 allows for the use within a countryside location as a sustainable development but the scale is not appropriate to its countryside character and location. The considerations set out in Policy 23 highlight significant harm regarding essential utility services to the site, landscape character and design of the layout. A requirement in respect of environmental protection in Policy 24 is not satisfied, the quality of the development falls below the requirement of Policy 32 and development principles within Policy 33 are not met.

The development would promote an effective use of land but the balance with safeguarding and improving the environment and ensuring heathy living conditions has not been demonstrated. Infrastructure provision (drainage) is outstanding and in view of the implications for public health has substantial weight. The absence of an approved drainage system is particularly important to achieving an appropriate density of development and in ensuring full account is taken of ground conditions and the likely effects on health, living conditions and the natural environment. Planning conditions are not able to overcome the planning objections.

These Environmental Harms are contrary to relevant local policy to which afforded weighting is not reduced by the age of the current development plan, are considered strong reasons to refuse and are judged to weigh significantly against a grant of planning permission.

Planning Balance and Overall Conclusions

Failure to demonstrate water neutrality warrants refusal of planning permission pursuant to Paragraph 11(d)(i) of the Framework (as there is conflict with policy of 'particular importance' relating to the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar habitat sites that would disengage the 'tilted balance'), and the previously identified environmental harms resultant from the proposed development are considered to weigh significantly against a grant of planning permission.

Furthermore, it is considered even in the event that Water Neutrality is resolved at a strategic level, those other harms would in themselves significantly and demonstrably outweigh the benefits of the proposals if, as consequence, a determination were made pursuant to Paragraph 11(d)(ii) of the Framework, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land,

and securing well-designed places. The harms identified could not be overcome by the granting of a temporary consent or personal permission.

The proposal is therefore considered contrary to relevant local and national planning policies and is therefore (on balance) recommended for refusal for the reasons given below.

Proportionality assessment

The proposed refusal of permission would be an interference with the rights of the applicant and families living on the pitches to respect for their home and family life. The interference would have consequences of sufficient gravity as to engage the operation of Article 8 because of the potential loss of the home, disruption to family life and the possibility that an alternative pitch would be less suitable or that they would have to return to living by the roadside. The interference would be in accordance with the law provided that planning policy and relevant statutory duties are appropriately and lawfully applied. The interference would be necessary in the interests of the protection of the environment and the health of residents as part of the regulation of land use, recognised as an important function of Government. A proportionality assessment is necessary to establish whether the interference would be proportionate to the legitimate public end sought.

On the complete absence of information provided in the application about the circumstances of the applicants, having weighed and balanced the personal interests of each of the families against those of the wider community the interference with their Article 8 Convention rights is necessary and proportionate, the conclusion would be to refuse to grant planning permission for the development would strike a fair balance in relation to all the family units and would not result in a violation of their rights under Article 8.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	233	0	233
		Total Gain	**233**
		Total Demolition	**0**

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

Recommendation

Reasons for Refusal:

1.) The proposed development would, by reason of its scale and activity and resultant incremental subdivision and intensification of the site, the overall harms of which would be amplified when considered cumulatively with other nearby development, result in an unacceptable harm to the rural character and undeveloped nature of the countryside, with key sensitivities within the Landscape Character Areas in which the site is located being neither protected nor conserved, all of which conflict with Policies 23, 25, 26, 32, and 33 of the Horsham District Planning Framework (2015), and Polices 1 and 12 of the Barns Green & Itchingfield Neighbourhood Plan (2025) and Paragraph 27(b) and (d) of the Planning Policy for Traveller Sites (2024).

2.) 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 and surface water drainage) and safeguard the heath of the site occupiers and environmental protection, and to avoid increasing flood-

risk elsewhere, all of which conflict with Policies 23, 24 and 32, 33, 38, 39 of the Horsham District Planning Framework (2015) and Paragraph 182 of the National Planning Policy Framework (2024).

3) Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Policy 16 of the Barns Green & Itchingfield Neighbourhood Plan (2025), and Paragraphs 193 and 194 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

NOTE TO APPLICANT

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/25/1029

Schedule of plans/documents **refused**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Supporting Docs	The Statutory Biodiversity Metric 18 August 2025 4 Kingfisher Farm		21.08.2025
Supporting Docs	Biodiversity Net Gain Assessment by arbtech Survey Date 29th July 2025 Site Address: 4 Kingfisher Farm, West Chiltington Lane, Billinghurst, West Sussex, RH14 9DR		21.08.2025
Supporting Docs	PLANNING STATEMENT:	0179-LIB-XX-XX-RP-LD-0100	23.06.2025
Plans	DAY ROOM ELEVATIONS	0179.LIB.XX.00.DR.LD.3100.D5 REV A3	23.06.2025
Plans	TYPICAL CARAVAN DETAILS	0179.LIB.XX.00.DR.LD.3101.D5 REV A3	23.06.2025
Plans	SITE LOCATION PLAN	0179.LIB.XX.00.DR.LD.1100.D5 REV A3	23.06.2025
Plans	PROPOSED SITE PLAN	0179.LIB.XX.00.DR.LD.2100.D5 REV A3	23.06.2025

Plans	LOCATION PLAN	PP-14115786v1	23.06.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 17-10-2025

Authorising Officer sign/initial Adrian Smith Date: 20/10/2025