Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1290
Greenacres Farm, West Chiltington Lane, Billingshurst, West Sussex, RH14 9DR

DESCRIPTION:

Change of use for 2No. gypsy residential units along with day room, full drainage, car parking, 2m high bund and soft and hard landscaping.

RELEVANT PLANNING HISTORY:

DC/23/2104	Change of use of the land for 6no. gypsy residential units along with full drainage, car parking, and soft and hard landscaping	Application Refused on 18.01.2024

DETAILED DESCRIPTION AND SITE AND SURROUNDS

The application seeks full planning permission for the change of use for 2no. gypsy residential units along with day room, full drainage, car parking, 2m high bund and soft and hard landscaping.

The application site is located to the east of West Chiltington Lane, outside of any designated built-up area boundary. The site is therefore located within the countryside in policy terms. The application site comprises a paddock on the eastern side of West Chiltington Lane, southwest of Barns Green. The site is enclosed by boundary vegetation on the western boundary by a roadside hedgerow. All other boundaries of the site within the red line boundary (RLB) are open to the wider pastureland. There is existing access to the north off West Chiltington Lane. The wider landscape comprises static caravans to the east with the same enclosure of the site and to the south beyond a vegetated soil bund.

The application site currently consists of a number of unlawful development, with an access to West Chiltington road, hardstanding, a number of outbuildings of various sizes and touring caravans as well as a single static caravan pitch at the time of the officer site visit. The lawful use of the site comprises an open field bound to the west by a mature tree line. Several ponds are located within proximity of the site, with areas of woodland within the vicinity. The application does not reflect the development on site.

The developments of Kingfisher Farm and Greenfield Farm (both comprising caravan sites) located approximately 90m to the east and 160m to the south respectively. Clusters of sporadic development are located further to the south-east, with the built-up area of Barns Green located approximately 1km to the north-east. The wider area is characterised by open countryside and sporadic development.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations
Policy 22 - Gypsy and Traveller Sites
Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

The Horsham District Local Plan 2023-2040
The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *"local planning authorities may give weight to relevant policies in emerging plans according to:*

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

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 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking

Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District
Policy 43: Gypsies and travellers

Barns Green & Itchingfield Neighbourhood Plan:
Policy 1: Green Infrastructure Conservation
Policy 2: Biodiversity Conservation
Policy 5: Protection of Green Infrastructure
Policy 8: Broadband and Mobile Phone Provision
Policy 11: Windfall Development
Policy 12: Design of Housing
Policy 13: Sustainable Design Requirements
Policy 15: Off-Street Parking

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

Drainage Officer: Objection

Due to insufficient detail, we require more information to support the proposals to determine that the site drainage meets the requirements of the NPPF and PPG, SuDS Non-Statutory Technical Standards (NSTS) (March, 2015), the West Sussex LLFA Policy for the Management of Surface Water (2018) and the Horsham District Planning Framework (2015) – Policy 38.

Drainage Officer: Second objection following further details submitted

Naturespace: Comments

The development is situated in the red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.

There are more than 20 ponds within 500m of the development boundary, indicating a large pond network within the wider landscape. The closest pond is within 30m of the development boundary.

It is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

Due to the close proximity of potentially suitable ponds, it is recommended that the development follow reasonable avoidance measures to minimise the risk to great crested newts. These could come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

HDC Environmental Health: Objection

Reservations about the information provided with this application. Clarification is required on the proposals for rainwater harvesting, and the information provided about foul drainage is inadequate. Would not support approval until sufficient detail is given to make an informed judgement.

WSCC Highways: Objection

The plans demonstrate the use of the existing vehicular access point on West Chiltington Lane. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on West Chiltington Lane. In addition, both plots exhibit space for at least two car parking spaces, which would be considered suitable for a development of this type and size.

On-site turning for a refuse vehicle or fire appliance has not been demonstrated. More information required in this respect.

Natural England: No Objection

Subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Landscape: Objection

The site falls within 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 as described in the 2003 Character Assessment largely reflects the characteristics of the application site, which includes: 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 supported by a Landscape and Visual Appraisal (LVA) to demonstrate that the application does not have unacceptable landscape and visual impacts, though a professional judgement has been made that the given the intimate enclosed nature of the site prior to works, visual character impact would have been limited. However, it should be noted that this was largely a result of the roadside hedgerow and surrounding woodland blocks limiting intervisibility.

The proposed access as outlined in para 6.43 of the Planning statement is to utilise *existing vehicular access to the north onto West Chiltington Lane, which currently serves the development at Kingfisher Farm* and that *as previously detailed, the site is enclosed, with existing extensive soft landscaping to the western boundary of the site along West Chiltington Lane which would be retained* (para 6.28). However, received site photos indicate a section of hedgerow has been removed to facilitate two new access points. This reduces the enclosure of the site impacting both visual amenity from West Chiltington Lane and a key characteristic of the landscape.

Para 6.28 continues to state: *The proposed bunding with a modest height of 2m would also provide further enclosure of the site and development which would be in line with the existing character of the area, as set out within the G2 Itchingfield and Barns Green Wooded Farmlands Character Area assessment. As such, the proposed development would be concealed from views from public vantage points, and the sense of enclosure of the site would be retained.*

While note existing soil bunds to the eastern and southern field boundaries beyond the sites RLB, these are not in keeping with the wider landscape. Therefore, the use of the 2m bund within these proposals are too, not in keeping with the landscape character. Enclosures in the wider landscape are defined by features such as hedgerow and hedgerow trees. The submitted proposal does not contribute to enhancing the Itchingfield and Barns Green Wooded Farmlands LCA.

The development is located in close proximity to two other static caravan settlements and would therefore contribute to the cumulative urbanising impacts on the countryside.

Overall, given concerns regarding adverse impacts on landscape character, the sites countryside location and lack of landscape information, we would not be supportive of this application in their current form. We also have concerns about the removal of the hedgerow along West Chiltington Lane contrary to Policies 25 & 31 of the HDPF.

The proposal is located outside of any defined built-up area boundary and is therefore located in the open countryside, where the provisions of HDPF Policy 26 apply and therefore should not be considered to be acceptable in principle.

Lead Local Flood Authority: No Comment

Sussex Fire and Rescue:

If an alternative source of water for firefighting is to be considered it will need to be in accordance to relevant guidance documents.

Parish Comments: Recommend Refusal

The provision of two more pitches in essence to the existing Greenfield Farm site which already has 14 pitches, is contrary to the Gypsy, Traveller and Travelling Show-people regulations 1994, which recommends that no more than 11 pitches are sited on any one development. To the rear of the proposed development as mentioned in the planning statement, there is already a site illegally occupied by another group of travellers. This site is also currently being subject to further extensive development without any permissions being sought or given. This proposed (retrospective) application further coalesces development in this otherwise rural setting and exacerbates existing issues with integration between the established local community and travellers.

Representations:

One objection received in regards to:

- Lack of integration with the community
- Already several sites in the area such that there is no need for additional sites

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 heath, or old age into the definition (now referred to as the 2023 PPTS). This includes those who: a) meet the (PPTS) definition of 'gypsy and traveller' (79) and b) do not meet the definition (as per a) (20), and; c) are 'undetermined' (29). The Revised Gypsy and Traveller Accommodation Assessment (September 2024, ORS) document details a need to accommodate of 79 (50 in the first five years, and the remaining to 2040).

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

The Horsham District Local Plan Regulation 19 document was approved at the meeting of full Council on 11 December 2023. Consultation on the draft document is took place between 19 January to 1 March 2024, and was formally submitted to the Planning Inspectorate on Friday 26 July 2024. Public hearings on the contents of the draft plan will be undertaken at the Council's Offices in January 2025, and it is expected adopted in the Autumn of 2025. The draft Local Plan has yet to be adopted and is of limited weight. It does however provide guidance with respect future policy direction, demonstrating that the identified need (as above) will be met through the democratic allocation process.

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

Policy C of the PPTS relates to sites in rural areas and the countryside, with paragraph 14 stating that "when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community". Paragraph 25 of

the PPTS continues that local planning authorities "should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure".

Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 continues that Local Planning Authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

As the Regulation 19 HDLP presently 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 PPTS and relevant development plan policies do not specifically refer to avoiding reliance on the

private car. The Inspector was therefore of the view that the site was a suitable location for the development due to its accessibility to local facilities and services.

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

As above, the Council are 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.

The application site is located in close relation to a number of similar developments, notably Kingfisher Farm and Greenfield Farm (both comprising caravan sites) located approximately 90m to the east and 160m to the south respectively. The built-up area of Barns Green is located approximately 1km to the north-east, where access to the village centre other than by way of private vehicle is limited due to the vehicular road lacking footways or street lighting. As such, walking to local services and facilities within Barns Green may not be an attractive alternative to a vehicle at night or during the winter months when there would be an absence of daylight.

The application site is not remote or isolated, with reasonable access to services, facilities, and amenities, albeit that this would likely involve the use of private vehicles. The site is in immediate proximity to other similar development, where it has been considered that the location of the development is acceptable. Given this context, it is not considered that a reason for refusal on the grounds of unsustainable location could be justified.

It is noted the site is immediately adjacent to Kingfisher Farm with 11 pitches in total allocated to this application site such that the need in the immediate locality has accounted for. There is no reason to suggest that since the local plan has been submitted for consideration by the inspectorate that the localities needs for gypsy pitches would have not already been met within this allocation. However, 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. The site is within a reasonable distance of Barns Green and on the balance of these considerations, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Design 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 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 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.

The application relates to the change of use of the land to provide 2no. gypsy residential units along with day rooms, full drainage, car parking, 2m high bund and soft and hard landscaping. It is noted that the submitted plan reference 2023.397a 03 does not reflect the position of the retrospective works on site, with the existing tree line and scrub along the western boundary appearing to be retained. Following a site visit, it is noted that two large sections of the hedgerow have been removed to accommodate two accesses that have been created, with hardstanding added to a large section of the site.

The application site is located within the countryside, with the developments of Kingfisher Farm and Greenfield Farm (both comprising caravan sites) located approximately 90m to the east and 160m to the south respectively. Clusters of sporadic development are located further to the south-east, with the built-up area of Barns Green located approximately 1km to the north-east.

The application site is located within the G2 Itchingfield and Barns Green Wooded Farmlands Character Area. The key characteristics include, among other things, strong linear fields and woodland patterns, with a strong sense of enclosure. The overall condition is declining and the sensitivity to change is moderate due to moderate intrinsic landscape qualities and the extent of change that has already affected the area. Key sensitivities include large scale development, further small scale incremental erosion of character (ie. introduction of suburban features). Any new development should ensure that it responds to the dispersed historic settlement pattern and local design and mix of building materials; and should be well integrated into the surrounding landscape with new hedgerows and woodland as appropriate.

The wider surroundings have been subject of similar development for gypsy pitches, where the impact of the development on visual amenity and landscape character has been considered. Kingfisher Farm to the east of the site has an extensive planning history, with the most recent application under DC/19/1205 considering the visual amenity and landscape character impacts. As part of this neighbouring site, it was noted that the development was set back from the road frontage of West Chiltington Lane, with the screening along the road frontage and limited wider public views considered to be sufficient so that the development would not have an adverse material impact on the visual amenities of the rural area. The local topography and retained presence of strong landscape features offered natural enclosure and limited views of the development from West Chiltington Lane. As a result, it was considered that the visual impact of the proposal would be local and limited, and would not have an imposing harmful effect on the wider landscape. It was however noted that the urbanisation resulting from the development could detract from the intrinsic nature of the countryside and the quiet rural character, with the greater the scale of development, the more significant the harm; particularly when

considering the spread of development, the ancillary structures, and the level of activity resulting from the number of pitches.

The visual and landscape character impact of the development has been previously considered under an earlier application reference DC/23/2104. At this stage, the cumulative impact of the proposed development against other development within the area was considered, particularly where this has the potential to impact upon the landscape character of the area. It was concluded that the proposal, when considered alongside the Kingfisher Farm development, would result in a spread of development that would result in a level of urbanisation that would detract from the intrinsic nature and quiet rural character of the countryside. The proposal would result in pockets of development across the former agricultural field, which would be physically and visually separate, particularly when considered against the hard edges to the Kingfisher Farm site. It was concluded that the resulting development would further subdivide the land, resulting in an awkward and uncharacteristic field pattern that would contrast the open character of the surrounding landscape.

The proposed development would be located in closer proximity to West Chiltington Lane than the nearby site of Kingfisher Farm, with a 2 metre high bund being shown along much of the eastern length of the site to physically divide the land. The day rooms would be to the rear of the site in close proximity to West Chiltington Lane and would sit with the private amenity space serving each pitch.

The plans show a mature tree and hedging boundary to the west that would be retained such that it would limit visual permeability from the streetscene. It is however noted from the site visit that much of this has been removed, with new accesses recently created and large timber gates installed. Given the removal of this vegetation, the application site would be visible from the street scene, where the formalisation of the site would detract of the visual amenity and ambience of the countryside location. When considered cumulatively, the proposal would result in a spread of development that would result in urbanisation of the countryside location and would detract from the intrinsic nature and quiet rural character of the countryside location. The proposal would result in the further subdivision of the former agricultural field, where this would result in an awkward and uncharacteristic arrangement that would contrast the open character and landscape character of the area.

The introduction of a bund would be considered to detract from the landscape features and topography of the landscape character area, where this would fail to contribute to or enhance the Itchingfield and Barns Green Wooded Farmlands LCA.

The proposal would therefore fail to relate sympathetically to the local landscape area. For these reasons, the proposed development is considered to result in an unacceptable impact on the character and appearance of the landscape, contrary to Policies 23, 32 and 33 of the Horsham District Planning Framework (2015) and Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 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 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 of the HDPF states that development will not have an unacceptable impact on the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan, development proposals should not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight, and security.

The application site is located at a distance from nearby residential properties, with the western boundary of the site benefitting from a mature tree line, albeit that this has been partially removed. Given the distance between the site and the nearest residential properties, and in considering the

residential nature of the proposed development, it is not anticipated that the proposal would result in harm through overlooking, loss of privacy, or unacceptable noise and activity. The proposed development is therefore considered to accord with Policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan.

Highways Impacts:

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 15 of the Barns Green & Itchingfield Neighbourhood Plan states that development shall include provision of off-road parking for residents and visitors to the development, in compliance with West Sussex County Council requirements.

Whilst the plans on the application show that the proposed development would utilise the existing access serving the Kingfisher Farm development, it was apparent during the officer's site visit that an additional access had been created along West Chiltington Lane. This report can only make an assessment on what has been submitted as part of this application and retrospective or unregularised matters outside of this submission cannot be assessed within the scope of this report.

Given the similarities in the submitted site plans as to the proposed access to the site, the WSCC Highways have reiterated their response given previously. There have been no recorded traffic incidents at the existing access point that would suggest an issue with the existing access point. There appears to be no visibility issues at the point of the access onto West Chiltington Lane, and it is not anticipated that the development would result in a material intensification in the use of the access. It is considered that the development would benefit from sufficient parking to meet the needs of anticipated users. However, no turning area is proposed, and there does not appear to be sufficient turning space within the site shown on the submitted plans for refuse vehicles and fire appliances. Had the application been considered acceptable in other respects, this matter could have been addressed through amendments to the siting and layout of the internal access road.

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.

Policy 2 of the Barns Green & Itchingfield Neighbourhood Plan states that development proposals shall, where possible and consistent with other policies in the plan. 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.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

Policy 187 of the NPPF outlines that development should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Ecological Reports were submitted as part of the previous application reference DC/23/2104. This report advised that the site provided suitable potential habitat for protected species subject to retention and protection of the existing boundary vegetation and sensitive vegetation clearance where necessary, impacts upon these species could be avoided. The hedgerow with trees that runs along the western site boundary was considered to qualify as a UK Priority Habitat. The Report advised that further Phase Two ecological surveys with regard protected species were required to understand and assess potential impacts of the proposed development, and to formulate a suitable mitigation strategy.

Since this previous application, an updated Ecology Report has been submitted concludes that the impact of the proposed development would be negligible and non-significant. It is noted however that since the determination of DC/23/2104 that a range of retrospective works have taken place within the application site, where the updated Report seems to take the current nature of the site as a baseline.

The further surveys as previously recommended have not been undertaken, where the introduction of hardstanding, static/touring caravans, day rooms, and landscaping has the potential to have impacted the protected species. It is not therefore clear whether the proposed mitigation and enhancement measures would be sufficient to address the ecology impacts of the development.

Naturespace have commented noting that there are a number of ponds within proximity to the site, and that the proposal is within a red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. It is considered that the impact of the development has been inadequately assessed, where there is some ambiguity whether the development has adversely impacted on legally protected species and whether appropriate mitigation/enhancement can be secured. It is therefore considered that insufficient information has been provided to demonstrate that the development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 187 of the NPPF.

Water Neutrality:

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

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

The application has included a Water Neutrality Statement. The existing baseline would be nil. The proposed 2 caravans would have three bedrooms each and therefore an average occupancy of 2.47. The Part G calculator provided indicates that each caravan would use 84.8 litres per day per person which is regarded as an ambitious but achievable usage. When taking into account the occupancy figures proposed, the overall site usage would be 418.92 litres per day. The annual usage would

therefore be 15,2905.8 litres. The resultant proposal would not be water neutral and would require mitigation measures.

The mitigation measures proposed would be the use of Rainwater Harvesting systems using the roofs of the caravans for rainwater collection. This would be filtered to provide a potable quality of water. This suggests that the roof areas from the caravans would collect approximately 202391.9 litres annually. This would be in excess of the proposed usage from the development so would provide the quantity of water required to be water neutral. The tank size proposed in the event of a 35 day drought would be 15000 litres which is sufficient in size (418.92 litres per day x 35) to account for a 35 day requirement being 14,662.2 litres.

This would at first appear that the WNS has demonstrated Water in terms of water capable of being collected from the roofs, however this mitigation relies on the quality of the drinking water being potable, the acceptability of the water in this regard is an essential part of an assessment and the details for this were not initially acceptable to Environmental Health.

Environmental Health initially raised concerns regarding the filtration system and management plan submitted as this detail is usually required prior to determination, however since this initial comment the applicant has submitted details, where this is considered to have provided sufficient information in regards to potable quality of water.

Notwithstanding the above considerations, it is noted that the proposal relies upon collecting rainwater from the roofs of the caravans. A recent appeal decision at Oak Farm considered rainwater harvesting on caravan sites, where it was concluded that there is insufficient surety over the size of caravans to be certain of the roof area required for rainwater collection. As such, any calculations of roof area may differ over the lifetime of the development, particularly as the replacement of a caravan would not be deemed development and could not therefore be controlled. In addition, given the likely transient nature of the occupiers of the site over its lifetime, the proposed mechanism to limit the size of caravans could not be secured in perpetuity. As such, the appeal decision concluded that the suggested measures would be insufficient to address water neutrality.

On the basis of the above appeal decision, it is not considered that the proposed mitigation and offsetting strategy, which would involve collecting rainwater from a total of 6no. caravans, would be sufficient and securable to address the water demand of the development in perpetuity. In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 194 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

As the application is retrospective, the development would not benefit from the Sussex North Water Certification Scheme, and a Grampian condition to secure water offsetting could not be reasonably imposed.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 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 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 relates to retrospective development

Other Matters

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

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

Environmental Health have been consulted during the course of the application and have objected on the basis that there is insufficient information about the foul drainage. No information has been provided about the type of collection tanks or the proposed means of disposing of any treated sewage, and the suitability of the proposal for the site cannot be determined. The Drainage Officer has noted that no infiltration testing or groundwater monitoring has been completed to support the use of soakaways, and although these were provided part way through the application process, concerns still remain given the substantive lack of information.

Given that there are existing current issues within the wider locality regarding flooding and drainage, it is considered that this information is of particular importance. Had the application been considered acceptable in all other respects, this matter would have been resolved

Conclusions and planning balance:

The Council do not have a 5-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. It is therefore recognised that the proposal would go some way to addressing the identified need. This is a material consideration of significant weight in the balance. Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

However, footnote 7 of paragraph 11 confirms that the policies referred to in the Framework are those relating to, among others, habitat sites. Insufficient information has been provided to demonstrate that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. Paragraph 11(d) is not therefore engaged in this instance.

While the current shortfall for gypsy sites is a material consideration of significant weight, it has not been demonstrated that the development would not have a likely significant effect on the 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), Paragraphs 194 of the National Planning Policy Framework, 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).

In addition, the development is considered to urbanise the countryside location and detracts from the intrinsic features and characteristics of the rural locality. When considered cumulatively with other

nearby development, the change of use further subdivides the land, resulting in an awkward and uncharacteristic field pattern that contrasts with the open character of the surrounding landscape. The change of use fails to relate sympathetically to the local landscape and fails to integrate with the surroundings, whilst also failing to protect, conserve, or enhance the key features and characteristics of the landscape character area. The change of use and associated operational development fails 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 Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan.

Furthermore, insufficient information has also been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, contrary to Policy 31 of the Horsham District Planning Framework (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. As such, the tilted balance in this regard is disengaged.

The benefit of providing gypsy and traveller sites within this location the benefit would not be considered to outweigh the harm identified. It is not considered that the harm identified could be overcome by the granting of a temporary consent, or indeed a personal permission. The proposal is therefore considered contrary to relevant local and national planning policies, and is recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1 The development, when considered cumulatively with other nearby development, further subdivides the land, resulting in an awkward and uncharacteristic field pattern that contrasts the open character of the surrounding landscape, where this is further exacerbated by the 2m high bund dividing the land. The development fails to relate sympathetically to the local landscape and fails to integrate with the surroundings, with the resulting development failing to protect, conserve, or enhance the key features and characteristics of the landscape character area. The development therefore 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 Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan.

2 Insufficient information has been provided to demonstrate that the development has no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and paragraph 193 of the NPPF.

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), 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).

4 It has not been demonstrated to the satisfaction of the Local Planning Authority that the development benefits from satisfactory drainage and does not adversely affect flood risk elsewhere, contrary to Policy 23 and 38 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1290
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Report and Water Management Plan by Promethean Planning dated 4 October 2024	NONE	24.10.2024
Location plan	Existing Location Plan	2023.397a.01	23.08.2024
Elevation & Floor plan	Proposed Layouts and Elevations of Mobile Homes	2023.397a.02 rev A	23.08.2024
Block plan	Proposed Block Plan	2023.397a.03	23.08.2024
Section plan	Proposed Section Through the Site	2023.397a.04	23.08.2024
Materials	Proposed Materials and Drainage Solution	2023.397a.05	23.08.2024
Supporting Statement	Surface Water Storage Volume Design Tool	NONE	07.08.2024
Supporting Statement	Ecological Impact Assessment by Lizard Landscape Design and Ecology dated 23.08.2024	LLD3103-ECO-REP-002-00-EcIA Rev 00	24.10.2024
Details plan	Drainage Designs	001	07.08.2024
Supporting Statement	Bio-Pure Sewage Treatment Plant Specification	NONE	07.08.2024
Supporting Statement	Greenfield Runoff Rate Estimation Tool	NONE	07.08.2024
Site plan	Proposed Turning Circle and Bin Storage	2023.397a.06	02.06.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 07/08/2025

Authorising Officer sign/initial Rob Hermitage Date: 29.09.2025