Statement of the Local Planning Authority

Prepared by Robert Hermitage, Principal Planning Officer

PLANNING INSPECTORATE REFERENCE	APP/Z3825/W/25/3367225
LOCAL PLANNING AUTHORITY REFERENCE	DC/25/0055

Town and Country Planning Act 1990

Planning appeal by **Mrs A Ray** at:

Greenfield Farm, Valewood Lane, Barns Green, West Sussex, RH13 0QJ

Appeal to be determined by an Inspector appointed by the Secretary of State by way of **Written Representations**

July 2025

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1.0 The Appeal Site and Relevant Planning History

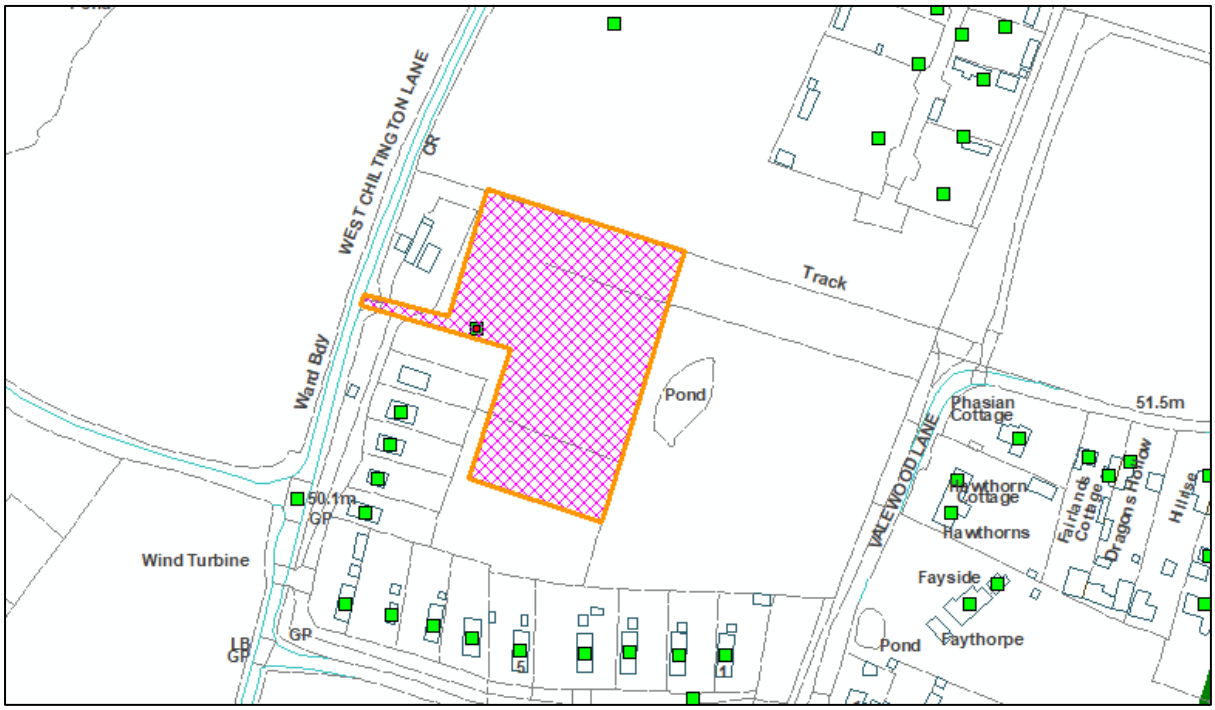


Figure 1: The Appeal Site

1.1 The appeal relates to a field located on the eastern side of West Chiltington Lane, north of the junction to Valewood Lane. The site is currently laid to grass with a sloped access from West Chiltington Lane, though is internally accessible from the wider to the south via a track and includes a stable to the north-western corner of the site. The wider site comprises a gypsy and traveller use with 14x pitches granted between 2010 and 2016, with 9x of the pitches sited adjacent to the southern boundary of the site facing Valewood Lane and 5x pitches on the western side facing West Chiltington Lane.

1.2 The site is located outside of the built-up area boundary, and though the presence of the existing pitches on the site alongside wider established sporadic residential development to the east is acknowledged, the site is rural in character and appearance, formed predominantly of open fields bounded by established trees and planting. To the north of the site lays Kingfisher Farm and Greenacres Farm, the former being an established gypsy and traveller site for 11 pitches (though, additional unlawful pitches have been sited and is subject to a planning compliance investigation) and the latter hosting 2x pitches without consent (application currently under consideration).

Relevant Planning History

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	Application Permitted on 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.	Application Permitted on 13.06.2014
DC/12/0298	Proposed additional permanent mobile home and one additional touring caravan to existing site	Application 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	Application Permitted on 18.06.2010
DC/24/1290 (neighbouring site)	Change of use for 2No. gypsy residential units along with day room, full drainage, car parking, 2m high bund and soft and hard landscaping.	Pending Consideration
DC/19/1205 (neighbouring site)	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.	Application Permitted on 11.11.2019

2.0 The Appeal Proposal

2.1 The appeal relates to a planning proposal for a change of use of the land for the use and siting of 5x gypsy and traveller pitches. The existing stable to the north-western corner of the site would be retained, and the existing track from the south of the site extended to create a central access track running west to east to the pitches (3x to the north and 2x to the south). Each pitch would benefit from a generous curtilage, with a dedicated parking area for cars and touring caravans. Each unit would be sited centrally on the western boundary of each pitch, with the pitches to the north benefitting from a day room each (x3). A turning head would be provided to the east of the site. Access to the site would be granted via the existing access from West Chiltington Lane, in addition to an internal link to the wider site to the south. The submitted site overview plan indicates that native planting and hedging would be utilised, in addition to the provisions of EV charging spaces and bird and bat boxes.

2.2 The application was refused by the Council on 22.05.2025 for the following reasons:

1 *The proposed development, when considered in the context of development in the wider area, would result in an unacceptable cumulative impact on the rural character and appearance of the landscape which would result in a further erosion of the locally distinctive character of the landscape, contrary to the requirements of Policies 23(e), 25, 32, and 33 of the Horsham District Planning Framework (2015), and Paragraph 27(b) and (d) of the Planning Policy for Traveller Sites (2024).*

2 *Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).*

3.0 The Case for the Local Planning Authority

3.1 This statement, together with the previously submitted questionnaire and accompanying documents, including the Officer's delegated report, forms the Local Planning Authority's statement of case. The purpose of this Statement is to respond to the appellant's appeal submission.

3.2 The Council determined the application against the relevant policies of the Horsham District Planning Framework (HDPF) (2015) and the Planning Policy for Traveller Sites (PPTS) (2024). The crux of the appeal relates to:

- The cumulative impact of the development when considering neighbouring development, and;
- The level of information submitted with regards to ecological matters.

Cumulative Impact

3.3 The Council recognises the provisions of the PPTS which accepts that gypsy and traveller sites will be in a countryside location. Consequently, this has resulted in the siting of two existing sites being located within close proximity of each other (the appeal site and the neighbouring Kingfishers Farm site), in addition to the unlawful Greenacres site (see figure 2). This has resulted in a gradual intensification of this particular type of development / use in the locality which has experienced a heightened erosion of the quality of the landscape (as a result of both lawful and unlawful development).



Figure 2: The Appeal Site and Adjoining Sites

3.4 The appellant advances that only lawful development should be considered with assessing landscape / character impact. This interpretation is overly narrow and fails to align with well-established planning principles. The assessment of *cumulative landscape effects* is not confined to lawful developments alone; it must consider what is on the ground and visible (whether authorised or not) since it is the *perceived impact*

on the character and visual quality of the landscape that is key. As per the Officer's report, standalone the appeal proposal would not represent harm to the overall character of the site and surrounding area. However, cumulatively, the development would result in adverse harm, as assessed by the Council. To this end, paragraph 26 of the PPTS states '*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*'.

3.5 The site resides within the Parish of Itchingfield, within a rural location outside of a defined built-up area. Paragraph 5.3 of the Examiner's Report for the Neighbourhood Plan (2021) describes the Parish (outside of the main settlement of Barns Green) as '*predominantly rural in character and much of its area is in agricultural use*'. 5.1 of the report details that '*In 2011 its population was 1565 persons living in 578 homes*'. The 2021 census data reveals a population of some 1,778. In this particular part of the Parish (Valewood Lane and adjoining roads), the area is characterised by a sporadic siting of residential development of no discernible pattern of development. There are some 24x dwellings on the 'dog leg' of Valewood Lane (see figure 2), with the appeal site and Kingfishers Farm to the west and north. The combined total of gypsy and traveller sites across both sites (and Greenacres Farm) totals some 57x units- without the unlawful development, this totals 25x units.

3.6 Presently, the total number of pitches exceeds the number of dwellings within the immediate locale. This would be drastically increased when accounting for the unlawful development that has taken place at Kingfishers Farm and Greenacres Farm and would be compounded by the addition of 5x pitches on the appeal site. As such, the Council is firmly of the view that an increase to the number of pitches on the appeal site (and indeed the adjacent sites) *would* dominate the locale, and thus would not respect the scale of the rural area. As such, the proposal (with or without accounting for the unlawful development in the area) would be contrary to the provisions of paragraph 26 of the PPTS.

3.7 The Council accepts that it is not currently able to demonstrate a sufficient supply to meet the needs of gypsy and travellers in the District, and therefore there is an identified need for this type of accommodation. However, this should not be to the detriment to the rural character and landscape quality of this particular area of the District and the Parish of Itchingfield. Furthermore, the provisions of paragraph 11(d) of the NPPF are also recognised, as well as paragraph 28 of the PPTS. As such, a balanced planning decision should be (and has been) undertaken, as per the Conclusions and Planning Balance sections of the Officer's report.

3.8 The appellant correctly states that the undertaking of unlawful development on adjacent sites it outside of their control, which the Council does not dispute. For clarity: the Council did not punitively determine the application on this basis. Rather, and as advanced by the Council, the cumulative impact of this development and other existing (both lawful and unlawful development, as above) resulted in the decision before the Inspector. In any case, hypothetically, if another application were to come forward in this location on another site close by, it would also be necessary to consider the cumulative impact of that development.

3.9 While the appellant argues the site in isolation may not be harmful, the Council maintains that this proposal cannot be considered in isolation. It would compound the cumulative landscape harm resulting from nearby existing and unauthorised developments, resulting in a level of impact that is *both material and unacceptable* in planning terms. The assertion that visual separation remains between the appeal site

and adjacent sites is not accepted. The reality on the ground is one of gradual encroachment and consolidation. Even if some degree of green space or planting remains, this does not override the cumulative effect of built form, hardstanding, fencing, and domestic paraphernalia, which collectively transform the rural landscape into something far more suburbanised in character.

3.10 For reasons as set out above, the Council maintains that the proposal fails to respect the rural character of the area and would result in an unacceptable cumulative landscape impact. This runs contrary to Policies 23(e), 25, and 33 of the HDPF and to paragraph 26 of the PPTS. When assessed cumulatively and not in isolation, the proposal introduces harm that significantly outweighs the benefits put forward by the appellant.

Ecological Matters

3.11 The appellant has provided an updated ecological appraisal as part of the appeal. The Council has consulted its Ecological Consultant on this matter and will provide their response to the Inspector as soon as possible. In the event that no objection is raised, the Council will likely consider dropping this reason to refuse the application.

4.0 Conclusion

4.1 The Council considers it to have been correct in refusing planning permission for the proposed development, particularly with regards to the cumulative impact of the development. The Council remain of the view that approving the scheme would conflict with core local and national planning policy.

4.2 Accordingly the Inspector is invited to agree with the Council that the proposal fails to accord with the relevant policies of the Horsham District Planning Framework (2015), and the Planning Policy for Traveller Sites (2024).

5.0 Suggested Conditions

5.1 Should the Inspector be minded to allow the appeal, then the following conditions are suggested on a without prejudice basis:

1 **A List of the Approved Plans**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition**:

a) No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or,

ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation.

b) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

4 **Pre-Commencement Condition**: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.

(d) Prior to the occupation of any unit, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required, and shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

6 **Pre-Commencement Condition**: No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-occupation Condition**: Prior to the first occupation of the unit, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

8 **Pre-occupation Condition**: Notwithstanding previously submitted information, prior to the first occupation of the unit hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Details of any external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that unit have been implemented in accordance with the approved details as shown on plan 2410GR_R2_002.1and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The pitches hereby permitted shall not be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been

fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

11 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

12 **Regulatory Condition**: No part of the development shall be first occupied until visibility splays of 2.4 metres by 91 metres have been provided to the north and 2.4 metres by 186 metres have been provided to the south at the proposed site vehicular access onto West Chiltington Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

13 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties along Hill Farm Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

15 **Regulatory Condition**: There shall be no more than 5 pitches on the site (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) and 5x touring pitches stationed on the site at any time.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity and to enable the Local Planning Authority to

control the use of the site, in accordance with Policy 21, 22, 23 and 26 of the Horsham District Planning Framework (2015).

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

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).