Horsham District Council

Ms S Hardy
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Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: DC/24/0367
Email: tamara.dale@horsham.gov.uk

Direct Line: 01403 215166
Date: 05 September 2024

Dear Ms Harvey,

APP/Z3825/W/24/3345055 – Land Parcel At 520128 116244, Stonepit Lane, Henfield, BN5 9QU

Following the submission of the appeal against the refusal for the use of the land for the stationing of 3 static caravans for residential purposes along with utility buildings, the formation of hardstanding and associated landscaping, the Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows.

Refusal Reason 1

The proposed development, due to the quantum and spread of development across the site, and including the level of hardstanding, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the pleasant and rustic characteristics of the immediate locality. The proposal would therefore fail to protect, conserve and enhance the landscape character of the area, and would result 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 Henfield Neighbourhood Plan.

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.

The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states 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". Furthermore, it advises that any sites in rural areas respect the scale of, and do not over-dominate, the nearest settled community.

Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-

a) effective use of previously developed land (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.

Policy 23 of the HDPF states that development should not have an unacceptable impact on the character and appearance of the landscape and should be sensitively designed to mitigate any impact on its surroundings.

Policy 12 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature, and location, development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, development proposals should be of a scale, density, massing, height, landscape design, layout and materials that are of a high quality and reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The application site has been subject of a recent refusals and appeal dismissal for development on the site (attached at **Appendix A** and **B** respectively), relating to the erection of a two-storey detached dwelling. At this stage it was noted that this part of Stonepit Lane comprises a rural appearance which is characterised by trees, hedging and planting which predominantly lines the lane. While the application site comprises an area of open grassland in this context, it remains in keeping with the rural and green appearance of the site. The proposed development was considered to have an urbanising impact on the rural character of this part of the lane. It was acknowledged that a neighbouring property known as Flocktons is located to the west, however the character of Stonepit Lane is typically rural in character and the proposed modern residential development and associated hardstanding would have a harmful urbanising on the rural appearance of the lane.

This matter was considered further at appeal, where it was recognised that the site is located in close proximity to a small cluster of buildings separated by wide open spaces. Restricted glimpses of the new housing development can be seen along the western end of Stonepit Lane, with open fields bordering the land in other directions. Notwithstanding partial views of the housing development to the east and the presence of some large dwellings on Stonepit Lane, the site and surroundings were considered to be distinctly rural in character and appearance. Thick planting either side of the lane and the undulating landscape create an intimate environment which is remote from the suburban edges of Henfield to the east. The introduction of a substantial dwelling and driveway with formalised boundary treatment would have a significant harmful impact on the pleasant and rustic characteristics of the area. The proposal was considered to have a disruptive suburbanising impact on the country lane by partially infilling the generous separation space between the dwelling known as Flocktons and Stonepit Nursery to the north. This was considered to be contrary to the prevailing pattern of development in the area, where the scale of the proposed building and the expanse of proposed hard surfacing would be clearly visible along Stonepit Lane, even if existing boundary trees were retained behind proposed planting either side of the proposed boundary wall and gate. Concerns were also raised in respect of future pressure to heavily prune and/or fell the mature oak tree located by the site entrance, which was considered to cause further harm to the rural character and appearance of the area. For these reasons, the proposed development was considered to cause significant harm to the character and appearance of the area, where this would conflict with Policies 25, 26 and 33 of the HDPF and Policies 10 and 12 of the Henfield Neighbourhood Plan. This is a matter of significant weight in the consideration of the current appeal.

A previous application for similar development under planning reference DC/23/2100 (attached at **Appendix C** and **D**) sought to subdivide the site to provide 3no. gypsy pitches, including a day room and bike/bin store, along with associated hardstanding. The proposal sought to retain the existing trees on the site, with additional hedging proposed around the boundaries. While recognised that the proposed built form would be more modest in scale than the previous proposal for 1no. dwelling, it was noted that the proposed development would be spread across the site and would infill the generous separation space between the surrounding built form. The proposed development would be visible along Stonepit Lane, even if existing boundary trees were retained behind proposed planting. The quantum of development and spread across the site was therefore considered to have a

disruptive suburbanising impact on the locality, where the proposal would appear as an intrusive addition when set against the prevailing settlement pattern and rural character of the site and surroundings. This is a material consideration of significant weight in the consideration of the current appeal.

The quantum of development as proposed reflects the number of pitches as the previous refusal under DC/23/2100. It is however noted that the layout of the site has changed to condense the size of spread across the site and its position within the site. This has the effect of reducing the level of hardstanding and rationalising the spread of development across the site. However, the proposed development would remain visible along Stonepit Lane and would continue to have a suburbanising effect on the character of the countryside lane and wider surroundings. The proposed quantum of development would detract from the rural character and appearance of the immediate surroundings and would, when considered cumulatively alongside the hardstanding and built form, fail to protect, enhance, or conserve the landscape character of the area or reflect the prevailing settlement pattern.

For these reasons, the proposal would result 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 Henfield Neighbourhood Plan.

Refusal Reason 2

The proposed development would result in an unsatisfactory relationship and adverse impact on the existing trees within the site, contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan.

Policy 31 of the Horsham District Planning Framework (2015) states that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. Policy 33 of the HDPF continues that development presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks, and watercourses.

While it is recognised that the proposed development has been rationalised across the site to reduce the spread, with the siting of the most eastern plot altered to address the Root Protection Area of the mature trees, there remains some concern over the future pressure of these trees.

The proposed arrangement would impact the level of natural light entering the caravan and amenity areas associated with the habitation of the area, and this will likely place pressure on the trees on the southern boundary to be heavily pruned or removed to allow for an increase in the amount of sunlight entering this part of the site. These trees are considered to make a positive contribution to the character and visual amenity of the area, and are identifiable features that define the landscape character of the area. The proposal is therefore considered to result in an unsatisfactory relationship and adverse impact on the existing trees on the site, contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 12 of the Henfield Neighbourhood Plan.

Conclusion

The Council remains of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore respectfully requested to dismiss the appeal.

Yours sincerely,

Tamara Dale
Applications Team
Horsham District Council

List of Suggested Conditions

1 **Approved Plans**

2 **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).

3 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the day room(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until 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 treatments

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 or retained 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).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

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

6 **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. No dwelling (or use) hereby permitted shall 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).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 001 and 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).

8 **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 (2020).

9 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than that shown on the approved plans. All such lighting shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

11 **Regulatory Condition**: No more than 4 caravans (of static or mobile home type), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), shall be stationed on the site at any time. There shall be no more than four (4) touring caravans stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance Policy 33 of the Horsham District Planning Framework (2015).

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

Reason: In the interests of amenity and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

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

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Appendix A

DC/21/2490 Decision Notice

Horsham District Council

Mr Courtney Darby
Darby Architectural Ltd
84 Westbourne Street
Hove
East Sussex
BN3 5FA

Application Number: DC/21/2490

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr L Chapman Darby Architectural Limited

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby **REFUSE** to permit the works specified hereunder, that is to say:

Erection of a detached, two-storey, five-bedroom dwelling.

Land Stonepit Lane Henfield West Sussex

as shown on Plan and Application Number DC/21/2490 submitted to the Council on 19/11/2021. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. The proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy 1 of the Henfield Neighbourhood Plan and the National Planning Policy Framework.

2 The proposed development by reason of its scale, contemporary design, large expanse of associated hard surfacing and loss of natural landscape features would have significant urbanising impact on the rural character of this part of the lane contrary to policies 25, 26 and 33 of the Horsham District Planning Framework (2015) and policies 10 and 12 of the Henfield Neighbourhood Plan (2021).

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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Proposed Site & Location Plans	02 A	19.11.2021
Design & Access Statement	Design & Access Statement	NONE	05.11.2021
Supporting Statement	Planning Statement	NONE	05.11.2021
Elevation plan	Proposed Elevations (North & East)	07	05.11.2021
Roof plan	Proposed Roof Plan	06	05.11.2021
Elevation plan	Proposed Elevations (South & West)	08	05.11.2021
Section plan	Proposed Section (A-A)	09	05.11.2021
Section plan	Proposed Section (B-B)	10	05.11.2021
Section plan	Proposed Section (C-C)	11	05.11.2021
Floor plan	Proposed First Floor Plan	05	05.11.2021
Section plan	Proposed Section (D-D)	12	05.11.2021
Section plan	Proposed section (E-E)	13	05.11.2021
Floor plan	Proposed Ground Floor Plan	04	05.11.2021
Section plan	Proposed Section (F-F)	14	05.11.2021
Section plan	Proposed Section (SSA-SSA)	16	05.11.2021
Section plan	Proposed Section (G-G)	15	05.11.2021
Section plan	Proposed Section (SSB-SSB)	17	05.11.2021
Section plan	Existing and Proposed Site Sections	03	05.11.2021
Supporting Statement	Tree Survey	NONE	05.11.2021
Tree plan	Tree Constraints Plan	TCP01	05.11.2021
Supporting Statement	Energy Statement	NONE	05.11.2021
Location & Block plan	Existing Site & Location Plans	01 A	19.11.2021

Note to Applicant – 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**.

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note To Applicant:
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.



Emma Parkes
Head of Development and Building Control

Date: 14/01/2022

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries

Appendix B

APP/Z3825/W/22/3295552 Decision Notice

The Planning Inspectorate

Appeal Decision

Site visit made on 25 May 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/Z3825/W/22/3295552
Land at Stonepit Lane, Henfield, West Sussex BN5 9QU
Grid Ref Easting: 520130, Grid Ref Northing: 116245

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr L Chapman against the decision of Horsham District Council.
- The application Ref DC/21/2490, dated 5 November 2021, was refused by notice dated 14 January 2022.
- The development proposed is: Construction of detached, two-storey, five-bedroom dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the appeal site is a suitable location for the proposed development, with regard to the development plan;
    - The effect of the proposed development on the character and appearance of the area; and
    - The effect of the proposed development on the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

Reasons

Location

3. It is proposed to erect a dwelling at the appeal site, which has been described as 110 metres outside the Henfield village boundary. Notwithstanding its proximity to that boundary, the appeal site is in a rural area, located outside the built-up areas defined by the Horsham District Planning Framework (2015) (HDPF). It is therefore within the countryside.

4. Policies 2 and 3 of the HDPF seek to focus development to existing built-up areas within existing towns and villages in accordance with an identified settlement hierarchy. This is to maintain the district's unique rural character and settlement pattern whilst ensuring that the needs of communities are met through sustainable growth and suitable access to services and local employment, amongst other things.

5. Development outside built-up areas is supported by Policy 4 of the HDPF where 5 criteria are met. The first criterion is that the site should be allocated for development in the Local Plan or in a Neighbourhood Plan and adjoin a settlement edge. Policy 26 of the HDPF also applies to development outside built-up areas, requiring development to be essential to its countryside location, amongst other things.

6. The relevant Neighbourhood Plan is the Henfield Neighbourhood Plan 2017 – 2031 (HNP), which was 'made' on 23 June 2021. Policy 1 of the HNP supports developments outside the built-up area where they conform, as appropriate to their location in the neighbourhood area, to national and local policies in respect of development in the countryside.

7. The appeal site is not allocated for development in the HDPF or the HNP and the proposal would not be essential to its countryside location. In the context of the development plan, the appeal site would not be a suitable location for the proposed development, as it would conflict with Policies 2, 3, 4, and 26 of the HDPF and Policy 1 of the HNP, the requirements of which are set out above.

Character and Appearance

8. The appeal site is a former stone quarry which has since been infilled, with raised levels along its southern boundary. It is skirted by trees and has an extensive area of hardstanding. Its northern boundary is marked by split-rail fencing and a five-bar gate.

9. Stonepit Lane is a narrow, undulating, and partially unmade highway which links up with public rights of way. It is lined with hedgerows and trees and serves a small number of houses[1], what appear to be former farm buildings, and a horticultural nursery. These form small clusters of buildings separated by wide open spaces. A housing development of 172 units has recently been constructed immediately to the east of Stonepit Lane. Restricted glimpses of that development can be seen along the western end of Stonepit Lane. Open fields border Stonepit Lane in other directions.

10. Notwithstanding partial views of the housing development to the east and the presence of some large dwellings on Stonepit Lane, the appeal site's surroundings are distinctly rural in character and appearance. Thick planting either side of the lane and the undulating landscape create an intimate environment which is remote from the suburban edges of Henfield to the east.

11. There is little evidence before me as to the lawful use of the appeal site, and I note planning permission has previously been granted for the erection of a tool/feed store[2]. The appeal site appeared to be in use at the time of my site visit for the parking of a vehicle and the siting of skips and storage containers, amongst small piles of waste material. The appeal site therefore currently has the appearance of an untidy low-scale commercial operation, which causes a moderate level of harm to the character and appearance of the area.

12. The proposed dwelling would be 2 storeys in height and of contemporary design with pitched and flat roofed sections. It would be finished in a mix of brickwork, timber and zinc cladding and would be served by a wide driveway bounded by a wall and sliding gate to the front. Planting is proposed along the

[1] Including Flocktons House, to the west
[2] The Council's ref: HF/63/98

remainder of the front boundary and around the proposed driveway within the appeal site.

13. In contrast to the current state of the appeal site, the proposed introduction of a substantial dwelling and driveway with formalised boundary treatment would have a significant harmful impact on the pleasant and rustic characteristics of the area. The proposal would not represent a modest and appropriate addition to Stonepit Lane.

14. Although the proposal would be experienced as one of a few large houses in the area, it would have a disruptive suburbanising impact on this country lane by partially infilling the generous separation space between Flocktons House and the nursery. This would be contrary to the prevailing pattern of development in the area. The scale of the proposed building and the expanse of proposed hard surfacing would be clearly visible along Stonepit Lane, even if existing boundary trees were retained behind proposed planting either side of the proposed boundary wall and gate.

15. As a former stone quarry, there are few natural landscape features within the appeal site other than trees. Most of these would be retained and those which would be removed[3] are not significant features in the landscape. A mature Oak tree[4] which makes a positive contribution to the character and appearance of the area is close to where the proposed driveway would be located. The location and spread of that tree in relation to the proposed driveway would likely result in pressure to heavily prune and/or fell that tree, which would cause further harm to the rural character and appearance of the area.

16. The proposed development would therefore cause significant harm to the character and appearance of the area. This would conflict with Policies 25, 26 and 33 of the HDPF and Policies 10 and 12 of the HNP. These require, amongst other things, development to be of high quality design which respects the undeveloped nature of the countryside and existing patterns of development, and to be of a scale and appearance which relates sympathetically with its surroundings.

The SAC, SPA, and Ramsar Site

17. The SAC, SPA and Ramsar site are designated as European Sites, as defined in the Habitats Regulations[5], for their nature value. I have not been provided with sufficient information which clarifies the species of flora and/or fauna those sites support.

18. The appeal site is located within the Sussex North Water Supply Zone (SNWSZ). Natural England has advised[6] that as it cannot be concluded that existing water abstraction within the SNWSZ is not having an impact on the SAC, SPA and Ramsar site, any new development within the SNWSZ must not add to any such impact. One way of achieving this would be to demonstrate water neutrality.

19. The appellant has not provided any details relating to the anticipated water needs of the proposal, or how these would be met. Instead, it has been

[3] Tree numbers 10 and G2 identified in the Tree Survey Schedule by David Archer Associates, dated June 2021
[4] Tree number 1
[5] The Conservation of Habitats and Species Regulations 2017 (as amended)
[6] The Council's Appendix D: Natural England's Position Statement for Applications within the Sussex North Water Supply Zone: September 2021 – Interim Approach

claimed that the proposal would result in a negligible difference in water abstraction within the SNWSZ, that the Council has not demonstrated that such difference would cause significant harm to biodiversity, and that a negatively worded condition could be used to prevent the proposed development from being carried out until site specific solutions or a wider strategy to deal with water neutrality have been identified and agreed with the Council.

20. In accordance with the Habitats Regulations, it would be necessary for me as the competent authority to carry out an Appropriate Assessment to consider the effect of the proposal on the integrity of the SAC, SPA and Ramsar site, if I was minded to grant planning permission. As I have found the proposal would be contrary to the development plan in respect of the first and second main issues, there is no need for me to carry out an Appropriate Assessment unless other considerations indicate planning permission should be granted.

Other Matters

21. The Council is unable to demonstrate a 5-year housing land supply. Where this is the case, paragraph 11(d) of the National Planning Policy Framework (the Framework) explains that the policies which are most important for determining the application are deemed to be out-of-date, and that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas of particular importance, such as European Sites, provides a clear 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 the Framework taken as a whole. Policy 1 of the HDPF, which has been referred to by the Council with regard to the first main issue in the appeal, is consistent with this.

22. The proposal would conflict with the Council's strategic approach towards the delivery of housing and cause significant and long-lasting harm to the character and appearance of the area. Taking the policies of the Framework into account, I assign significant weight to that harm.

23. The proposal would contribute a family sized energy efficient and accessible dwelling towards the Council's housing land supply, on a site which has been described as previously developed land within walking distance of Henfield village centre and a short distance from the built-up area boundary of the village. It would be near to existing dwellings and the built-up area boundary, and it could be built relatively quickly. This could contribute towards maintaining the vitality of Henfield, which has a 'good range of services and facilities, strong community networks and local employment provision' and reasonable bus services[7].

24. Paragraph 14 of the Framework states that in situations where paragraph 11(d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided 4 criteria apply. The Council has claimed that all those criteria apply in this case, but the appellant has disputed whether the third criterion is met, in the absence of further supporting evidence.

[7] The settlement characteristics and function described by Policy 3 of the HDPF as applicable to Henfield, as a small town or larger village.

25. Even if paragraph 14 of the Framework does not apply in this instance, considering the policies in the Framework, the benefits of granting planning permission for the proposal would be modest. I assign modest weight to those benefits in favour of the proposal.

26. Taking the above and all other matters raised into account, the adverse impacts of granting planning permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development set out at paragraph 11 of the Framework does not therefore indicate planning permission should be granted for the proposal, and there is no need for me to carry out an Appropriate Assessment in respect of the third main issue in this appeal.

Conclusion

27. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that indicate planning permission should be granted. For the reasons outlined above, I conclude that the appeal should be dismissed.

L Douglas

INSPECTOR

Appendix C

DC/23/2100 Decision Notice

Horsham District Council

Mr Ben Kirk
Manorwood
Suite 114
26 The Hornet
Chichester
PO19 7BB

Application Number: DC/23/2100

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Ben Sync Investments Ltd

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Use of land for the stationing of 3 gypsy and traveller static caravans, 3 touring caravans for residential purposes, together with the formation of hardstanding and associated landscaping.

Land Parcel At 520128 116244 Stonepit Lane Henfield West Sussex

as shown on Plan and Application Number DC/23/2100 submitted to the Council on 17/11/2023. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed development, due to the quantum and spread of development across the site, and including the level of hardstanding, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the pleasant and rustic characteristics of the immediate locality. The proposal would therefore fail to protect, conserve and enhance the landscape character of the area, and would result 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 Henfield Neighbourhood Plan.

2 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 185 and 186 of the National Planning Policy Framework (2021), 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).

3 Insufficient information has been provided to demonstrate that the proposed 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 180 and 186 of the NPPF.

4 Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an unsatisfactory relationship and adverse impact on the existing trees within the site, contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	2311ST_R0.0_000 Rev 00	27.12.2023
Elevation & Floor plan	Proposed Day Room	2311ST_R0.0_101 Rev 000	17.11.2023
Elevation & Floor plan	Proposed Bike & Bin Store	2311ST_R0.0_100 Rev 000	17.11.2023
Block plan	Proposed Block Plan	2311ST_R0.0_002 Rev 000	17.11.2023
Block plan	Existing Block Plan	2311ST_R0.0_001 Rev 000	17.11.2023
Supporting Statement	Water Neutrality Report	NONE	17.11.2023

Note To Applicant:
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.



Emma Parkes
Head of Development and Building Control

Date: 12/01/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

Appendix D

DC/23/2100 Delegated Report

Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/2100
Land Parcel At 520128 116244 , Stonepit Lane, Henfield, West Sussex, BN5 9QU

DESCRIPTION:

Use of land for the stationing of 3 gypsy and traveller static caravans, 3 touring caravans for residential purposes, together with the formation of hardstanding and associated landscaping.

RELEVANT PLANNING HISTORY:

DC/21/2490	Erection of a detached, two-storey, five-bedroom dwelling.	Application Refused on 14.01.2022

SITE AND SURROUNDS

The application site is located on the western outskirts of Henfield and is situated on the southern side of Stonepit Lane to the east of the dwelling of Flocktons. Stonepit Lane is a narrow single track road which is lined with a mixture of mature trees and hedging. The surrounding area is predominantly characterised by a mix of residential development and large expanses of agricultural and equestrian land. To the north of the site lies Stonepit nurseries, which opens to the public seasonally and provides a range of plants. To the south, the area appears to comprise agricultural land. Approximately 150m to the east of the site lies a new residential housing development north of West End Lane. Public Right of Way 2524 runs adjacent to the site and Stonepit Lane to the north of the site.

The site appears to have previously formed part of a stone quarry. Whilst there has been little recent planning history on this site, it is noted that two planning applications for dwellings on the site were refused and dismissed on appeal in 1981 and 1988 (ref: HF/50/81 and HF/96/88). Planning permission was granted in 1998 for the construction of a timber shed for the storage of feed and tools (ref: HF/63/98), which would appear to still stand on the site in its south-western corner. The current use of the site is not clear, with no evidence of an ongoing commercial or agricultural operation, though, the maintained state of the site possibly suggests a small scale recreational or leisure use.

The site has a gated access and hardstanding onto Stonepit Lane and the remainder of the site is relatively open and laid to grass. The southern perimeter of land within the site is raised in comparison to the predominantly flat remainder of the site. A number of trees are located within the south-west and along the southern boundary of the site.

DETAILED DESCRIPTION

The application seeks full planning permission for the provision of 3no. gypsy pitches, with associated hardstanding and landscaping. Each pitch would comprise a static caravan, day room, and bike/bin store, with parking available for 2no. vehicles and a touring caravan. Each pitch would benefit from private amenity space.

Access would be provided from an existing entrance, with hardstanding laid centrally and forking to each of the pitches. A turning head would also be provided.

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

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

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

Henfield Parish Design Statement

Planning Advice Notes:
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:

INTERNAL CONSULTATIONS

HDC Arboricultural Officer: Holding Objection:-

Although a tree survey accompanies the application, this is dated from June 2021. It does not accurately assess the impact this development will have on the trees in the area. Whereby the proposed development has not been assessed per the relevant industry standard - (BS5937:2012: trees in relation to design, demolition and construction – Recommendations). There is also no Arboricultural Impact Assessment AIA or Arboricultural Methods Statement (AMS). An up-to-date tree survey with an AIA and AMS should be provided to make a fair assessment of this development's impact on the trees at the site.

Although the Root Protection Areas (RPA's) of the surveyed trees have been plotted on the tree constrains plan, for the lane side trees, these have been plotted using the standard circle, which does not consider the impact that the adjacent Lane will have had on root development. The adjacent Lane is best described as an unfavourable rooting medium and would have acted as a barrier to root development in this area, suggesting that most of the roots of the trees would be located to the south within the site.

It would appear from looking at the proposed Site layout plan Drawing No. 2311ST_R0.0_002 that care has been taken in selecting a suitable location for the permanent placement of the static caravans and day rooms, and these are proposed to be located outside of the RPA of the retained trees inline the guidance set out in BS 5837; and is satisfactory.

main concern with this application is the proximity of the new parking area at the front of the site and its impact on the semimature roadside Oak numbered T1 on the Tree Survey that supports this application. The tree is readily visible within the local landscape, and as such, it makes an important contribution to the character and amenities of the area. Currently, the only access to the site west of T1; this consists of the heavily compacted gravel drive, which is already sited within the Root protection area RPA of T1. The proposed site plan shows that the new parking area will be a few meters south of the tree. Para 7.4.2.3 of BS 5837 advises, "New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA." Due to the existing site access already being located with the RPA of T1, placing the new parking area would exceed the recommended 20%. Additionally, once the constraint posed by the Lane on root development is considered correctly, the amount of development within the RPA will be far more significant than what is currently shown in the supporting documents.

The level of development within the undeveloped parts of the RPA is appropriate. Even if this aspect of the development were to be constructed using a no-dig method, by having the parking area so close to T1, the new resident would likely have concerns with common tree-related detritus such as bird droppings and deadwood falling on any vehicles parked/stored in this location, which in my experience would likely place the tree undertreat in the form of harsh surgery or removal to abate these concerns. An easy solution would be to reduce the size of the paved parking area at the front of the property and move it further to the south so that it is only sited within parts of the RPA, which have already been alerted when the current gated access and gravel drive was built.

HDC Landscape Architect: No response received.

HDC Environmental Health: Objection:-

There is insufficient information in this application for the application to be properly assessed or determined. Would recommend refusal until details are provided which show that the water neutrality proposals can be achieved safely and that the foul sewage and surface water disposal have been planned adequately to ensure that the proposal is practically feasible on this site.

Would recommend that the application is either refused or not determined until details of the management of the rainwater harvesting scheme have been submitted, in order to assess whether this can be used safely. There is no management plan to show how the water collected by rainwater harvesting would be treated and how the treatment system would be maintained for safe use. Rainwater harvesting schemes can be highly contaminated: to provide the LPA with sufficient confidence that the rainwater harvesting scheme will be maintained and managed for the lifetime of the development a detailed private water supply management and maintenance plan will need to be submitted in support of the application. This document should be provided by a suitably competent and qualified consultant who specialises in private water supplies.

Until details of the proposed sewage treatment system and means for disposal of effluent have been provided, it cannot be assessed whether this proposal can be achieved in the limited space available on site or whether the ground conditions will support the proposals. The land is unlikely to be able to support a soakaway in this area as suggested, but there has been no alternative provided and the subject does not appear to have been given serious consideration.

No detail has been provided on the proposal for collection and dispersal of surface water in order to prevent flooding. A scheme for this must be provided and recommend that this is then assessed by a representative of the Lead Local Flood Authority in order to determine the practicality of this in terms of flood prevention for the site.

OUTSIDE AGENCIES

WSCC Highways: Comment:-

The site is located Stonepit Lane, a privately maintained road. As such, these comments should be considered as advice only.

Stonepit Lane is a private road, also maintained as Public Footpaths 2530_1 and 2524. Access to the maintained highway network is at the junction with West End Lane. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to West End Lane. In addition, the Local Highways Authority (LHA) does not anticipate that the proposed development would give rise to a significant material intensification of vehicular movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded collisions within the vicinity of the junction with West End Lane. Therefore, there is no evidence to suggest this junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

The Applicant proposes six car parking spaces for this development. 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. As such, the LHA considers the proposed parking provision to be sufficient. Furthermore, there appears to be sufficient space for on-site turning to be achievable, allowing vehicles to exit the site onto the publicly maintained highway in a forward gear.

Regarding cycles, the proposed units will be provided with secure cycle parking provision for two bicycles each, which is considered sufficient for a development of this size and location.

The site is located on the outskirts of Henfield, within walking/cycle distance of local services and amenities that the village provides. Cycling is a viable option in the area for trips into the Henfield from the site.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

WSCC Public Rights of Way: No response received.

WSCC Fire and Rescue: Comment:-

The nearest fire hydrant for the supply of water for firefighting is 350 metres away, 175 metres further than the 175-metre distance required for a domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 1: B5 section 14.

Evidence is also required to show suitable access for a fire appliance to the site, the access road can support 18 Tonne axial weight of a fire appliance and a suitable turning facility to enable a fire appliance to turn and make their exit. The road widths for a fire appliance are given in AD-B Volume 1: B5 section 13 Table 13.1.

Ecology Consultant: Temporary Holding Objection:-

There is an absence of ecological information included with the application to help assess the potential use of the site by bats. As there are trees on the site, which may need to be removed, a bat survey may be required.

Not satisfied that there is sufficient ecological information available for determination. All bat species are designated and protected as European Protected Species, protected under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb or capture bats and to damage or destroy bat breeding sites and resting places (including access points even when bats are not present). It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb bats while they occupy a structure or place used for shelter or protection or to obstruct their access. This is considered a reasonable request as bats may be present and affected by the development, given that there are trees on site and note from the Planning Statement (November 2023) that some 'lower quality trees' will be removed. In addition, there are more than 25 records for bats within 2km of the site, including Common and Soprano Pipistrelle, Brown Long-eared bat, Myotis species and Natterer's bats (Sussex Biodiversity Record Centre – accessed under licence). This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

Welcome the consideration given to limiting impact to trees surrounding the boundaries of the site in the Planning Statement (November 2023), but highlight that if any trees are to be affected by the proposed works, then these trees must be subject to preliminary roost assessment for bats prior to determination and the results submitted to the LPA, including any mitigation measures to support a lawful decision, according to Government Standing Advice.

The results of the above assessments for bats are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Welcome the ecological enhancements indicated on Block Plan Drawing No. 2311ST_R0.0_002 (Manorwood, November 2023), including bird and bat boxes, hedgehog holes and gapping up of the existing hedgerows with native species.

Natural England: Comment:-

Concur with the conclusion of the Local Planning Authority's HRA Appropriate Assessment insofar that further information is required to determine the significance of impacts on designated sites. An alternative water neutrality is required at the Strategic Offsetting Scheme is not yet in operation and therefore cannot be secured with sufficient certainty.

NatureSpace: Comment:-

It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, an informative is recommended if the application is approved.

Southern Water: No response received.

Parish Comments: Objection:-

The site is not a strategic site in the Local Plan and not a nominated site in the Neighbourhood Plan. It is not within an existing built-up area and the site is not allocated in the Local Plan or Neighbourhood Plan, and does not adjoin an existing settlement edge. It does not maintain the quality and character of the area; does not contribute to diverse and sustainable farming enterprises; or promote recreation. It is not a proposal for park homes or caravans to meet a local housing need, and is not a strategic allocation as a Gypsy and Traveller site. The site cannot be served by safe and convenient vehicular and pedestrian access or cannot be supplied with essential services, or provide adequate vehicle parking, or would have an unacceptable impact on the landscape. Contrary to Policies 1, 2, 3, 4, 10, 19, 21, and 23 of the HDPF.

Representations:

49 letters of objection were received from 43 separate households, and these can be summarised as follows:

- Narrow lane with no pavements
- Semi-rural position
- Impact on local residents
- Impact on character of the wider surroundings
- Impact of flooding
- Contamination
- Impact on public footpath and bridleway
- Previous refusal and appeal dismissal
- Unsuitable site for proposed development
- Water neutrality not demonstrated
- Unsuitable access
- Site is too small for the proposed use
- Increased traffic
- Impact on wildlife
- No identified need
- Former uses of the site
- Significant harm to countryside setting
- Overdevelopment of the site
- Lack of infrastructure
- Draft Local Plan brings forward a sufficient number of sites
- Not within the Neighbourhood Plan
- Impact on visual amenity
- Noise and disturbance
- Loss of trees
- Not in keeping with the area
- Not essential to countryside location

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

Background:

The application site has been subject of a recent planning refusal and appeal dismissal under reference DC/21/2490, which related to the erection of 1no. two storey detached dwelling. As part of this earlier application it was considered that the site was remote from day to day services, where the provision of market housing in this location, not linked to a rural use, would be contrary to Policy 26 of the HDPF and would not be in accordance with the overarching spatial strategy for development as set out in Policies 3 and 4 of the HDPF. It was therefore considered that the principle of the proposed development within the countryside is contrary to the overarching spatial strategy and principles of the National Planning Policy Framework, the Local Development Plan and Neighbourhood Plan. While it was acknowledged that the development would provide a windgall unit of housing, the benefit of this was considered to be outweighed by the overriding policy conflict. These conclusions were supported by the Inspector, where the appeal was dismissed for the same reasons.

Principle of Development:

The current proposal seeks full planning permission for the provision of 3no. gypsy pitches, with associated hardstanding and landscaping.

Policy 21 of the Horsham District Planning Framework (HDPF) indicates that provision shall be made for 39 permanent pitches to 2017, with further provision made from 2017 to 2031 through a Site Allocations Development Plan Document (DPD). It is acknowledged that a number of other sites allocated through Policy 21 of the HDPF have yet to come forward, and the Council is therefore currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.

The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document– Preferred Strategy in 2017. This set a pitch requirement for 60 gypsy pitches over a ten 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.

Most recently, the Council has progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment 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 accompanies 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). Neither the GTAA nor the Regulation 19 Local Plan Consultation document considers sites for potential allocation.

In August 2015, the Government published its Planning Policy for Traveller Sites (PPTS) to be read alongside the NPPF. Paragraph 22 of the PPTS confirms that applications for planning permission be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Paragraph 23 of the PPTTS continues to confirm that applications involving traveller sites must be assessed in accordance with the presumption in favour of sustainable development, and the application of specific policies contained within the PPTS and NPPF relating to traveller sites. Paragraph 24 of the PPTS provides that Local Planning Authority's must consider the following issues, amongst other relevant matters, in the determination of applications for traveller sites:-

a) The existing level of local provision and need for sites;

b) The availability (or lack) of alternative accommodation for the applicants;

c) Other personal circumstances of the applicant;

d) That the locally specific criteria used to guide the application 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;

e) That they should determine applications for sites from any travellers and not just those with local connections.

Paragraph 27 of the PPTS states that if a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent determination when considering applications for the grant of temporary planning permission. An exception, however, exists for defined protected landscapes, Sites of Special Scientific Interest or protected under the Birds and Habitats Directive.

Policy 24 of the Draft Horsham Local Plan states that the Council will meet the identified current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople in Horsham District by: allocating new sites on strategic site locations, and if required, reconfiguring existing private and public sites (which will be determined through a site assessment). Development of additional permanent or temporary Gypsy and Traveller pitches must meet an up-to-date and evidenced need and will be determined in accordance with the National Planning Policy for Traveller Sites (2015) document and Gypsy and Traveller/Travelling Showpeople definitions. Proposals must demonstrate a suitable layout of the site; that the site has essential services such as water, power, sewage, drainage, and waste disposal; and high quality boundary treatment and landscaping of the site. Proposals must have safe and convenient access to the highway and public transport services; there is provision within the site for parking, turning and servicing; the site has reasonable access to local services and community facilities; the proposal would not result in significant adverse impact on the amenity of occupiers of neighbouring sites; and the proposal would not result in significant adverse impacts on the visual amenity of the local area; and sites at risk of flooding should be subject to the sequential and exception tests.

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 due to take place between 19 January to 1 March 2024. The draft Local Plan has yet to be adopted and is of limited weight. It does however provide guidance with respect future policy direction.

In the absence of an adopted DPD, Horsham District Council is unable to demonstrate a 5 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.

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”.

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development or rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

Policy 23 of the HDPF outlines the criteria that must be considered when determining planning applications for non-allocated sites. These provisions include that the site is located in or near to existing

settlements, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

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.

Policy 1 of the Henfield Parish Neighbourhood Plan states that development proposals located outside of the built-up area will be supported where they conform, as appropriate to their location in the neighbourhood area, to national and HDPF policies in respect of development in the countryside.

The recent refusal on the site raised concerns with the accessibility of the site, where it was noted that while the site has good connectivity to facilities and services available within Henfield High Street, Stonepit Lane and part of West End Lane is a single vehicular road which lacks any footway or street lighting. It is considered that walking to the local services and facilities within Henfield may not be an attractive alternative to a vehicle at night or during the winter months when there would be an absence of daylight.

A number of recent appeal decisions for gypsy and traveller sites have considered matters relating to accessibility. The Inspector recognised under APP/Z3825/W/21/3284138 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, 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, 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.

The application site is located 150m from the built-up area boundary of Henfield, and within 1.5km of the village centre. Stonepit Lane is a designated public footpath reference HEN/2524/5 which provides walking access to the village, with the option to pass through the new housing development to the north of West End Lane. There are a number of bus stops with walking distance of the site, with the site also within walking distance of the village centre. Future occupiers would benefit from direct access to the village centre, which provides services and facilities, with public transport access to larger settlements. This provides an alternative means of transport, particularly for future occupiers who may not benefit from car ownership.

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 application site benefits from public footpath access to the facilities and services within the village centre, with public transport options available to larger settlements. the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Design and Appearance:

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.

The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states 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”. Furthermore, it advises that any sites in rural areas respect the scale of, and do not over-dominate, the nearest settled community.

Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-

a) effective use of previously developed land (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.

Policy 23 of the HDPF states that development should not have an unacceptable impact on the character and appearance of the landscape and should be sensitively designed to mitigate any impact on its surroundings.

Policy 12 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature, and location, development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, development proposals should be of a scale, density, massing, height, landscape design, layout and materials that are of a high quality and reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The proposal relates to the provision of 3no. gypsy pitches, with associated hardstanding and landscaping. Each pitch would comprise a static caravan, day room, and bike/bin store, with parking available for 2no. vehicles and a touring caravan. Each pitch would benefit from private amenity space.

The application site has been subject of a recent refusal and appeal dismissal for development on the site, relating to the erection of a two-storey detached dwelling. At this stage it was noted that this part of Stonepit Lane comprises a rural appearance which is characterised by trees and hedging and planting which predominantly lines the lane. While the application site comprises an area of open grassland in this context, it remains in keeping with the rural and green appearance of the site. The proposed development was considered to have an urbanising impact on the rural character of this part of the lane. It was acknowledged that a neighbouring property known as Flocktons is located to the west , however the character of Stonepit Lane is typically rural in character and the proposed modern residential development and associated hardstanding would have a harmful urbanising on the rural appearance of the lane.

This was considered further at appeal, where it was recognised that the site is located in close proximity to a small cluster of buildings separated by wide open spaces. Restricted glimpses of the new housing development can be seen along the western end of Stonepit Lane, with open fields bordering the land in other directions. Notwithstanding partial views of the housing development to the east and the presence

of some large dwellings on Stonepit Lane, the site and surroundings were considered to be distinctly rural in character and appearance. Thick planting either side of the lane and the undulating landscape create an intimate environment which is remote from the suburban edges of Henfield to the east. The introduction of a substantial dwelling and driveway with formalised boundary treatment would have a significant harmful impact on the pleasant and rustic characteristics of the area. It was therefore considered that the proposal would not represent a modest and appropriate addition to Stonepit Lane. The proposal was considered to have a disruptive suburbanising impact on the country lane by partially infilling the generous separation space between the dwelling known as Flocktons and Stonepit Nursery to the north. This was considered to be contrary to the prevailing pattern of development in the area, where the scale of the proposed building and the expanse of proposed hard surfacing would be clearly visible along Stonepit Lane, even if existing boundary trees were retained behind proposed planting either side of the proposed boundary wall and gate. Concerns were also raised in respect of future pressure to heavily prune and/or fell the mature oak tree located by the site entrance, which was considered to cause further harm to the rural character and appearance of the area. For these reasons, the proposed development was considered to cause significant harm to the character and appearance of the area, where this would conflict with Policies 25, 26 and 33 of the HDPF and Policies 10 and 12 of the Henfield Neighbourhood Plan.

The current proposal would subdivide the site to provide 3no. gypsy pitches, which would include a day room and bike/bin store, along with associated hardstanding. The proposal would retain the existing trees on the site, with additional hedging proposed around the boundaries. While recognised that the proposed built form would be more modest in scale than the previous proposal, the proposed development would be spread across the site and would infill the generous separation space between the surrounding built form. The proposed development would be visible along Stonepit Lane, even if existing boundary trees were retained behind proposed planting. The quantum of development and spread across the site would have a disruptive suburbanising impact on the locality, where the proposal would appear as an intrusive addition when set against the prevailing settlement pattern and rural character of the site and surroundings.

The Council's Arboricultural Officer has been consulted on the application where concerns have been raised in regard to the level of information provided to support the application and the potential conflict with the existing trees along the boundaries of the site. The submitted information, due to the age of the Report, is not considered to accurately assess the impact of the development, where no Arboricultural Impact Assessment AIA or Arboricultural Methods Statement has been submitted. The plotting of the trees as shown on the submitted documents is not considered to accurately take account of the constraints within and outside of the site, with the proposed development due to the location of the parking area, likely to result in future pressure on the mature Oak tree. It is therefore considered that insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an unsatisfactory relationship and adverse impact on the existing trees within the site.

For these reasons, it is considered that the proposal, due to the quantum and spread of development across the site, including the level of hardstanding, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the pleasant and rustic characteristics of the immediate locality. In addition, insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an unsatisfactory relationship and adverse impact on the existing trees within the site. The proposal would therefore result in 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 Henfield 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 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 Henfield Parish Neighbourhood Plan states that development proposals should be designed to respect the amenities of occupiers/users of nearby property and land.

The application site is located at a distance from residential properties, with the residential dwelling known as Flocktons located approximately 100m to the west. Residential properties known as Stonepit Cottage and The Lodge are located approximately 50m and 115m to the north respectively. The application site is enclosed to the south, east and west by mature trees and shrubbery.

Given the relationship with the nearby residential properties, and the distance between the site and neighbouring properties, it is not considered that the proposed development would result in harm through overlooking and loss of privacy. It is not anticipated that the proposed development would result in a significant increase in noise and activity within the site, with the resulting development considered acceptable within the noise character and context of the wider surroundings. It is also not considered that vehicle movements resulting from the development would be significantly greater than other similar residential development in the area, and it is not anticipated that the development would result in adverse harm to users of the public footpath.

For these reasons, the proposed development would not result in harm to the amenities of neighbouring properties and users of land, in accordance with Policies 23, 32, and 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. In addition, proposals should minimise conflict between traffic, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The proposal seeks to utilise an existing entrance to the site, which is accessed from Stonepit Lane. Areas of hardstanding would be laid to each pitch, providing parking for 2no. vehicles, with a turning head located to the south of the site.

Following consultation with WSCC Highways, there are no apparent visibility concerns with the existing point of access onto Stonepit Lane from West End Lane. In addition, it is not anticipated that the proposed development would give rise to a significant material intensification of vehicular movements to or from the site. The proposed parking provision is considered to be sufficient, with sufficient space for on-site turning to be achievable.

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:

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 10 of the Henfield Parish Neighbourhood Plan states that development proposals will be supported provided the design seeks to maintain or increase biodiversity, including retaining where possible, existing hedgerows, scrub, trees and ponds to support and encourage wildlife. Where removal is essential they should be replaced appropriately and with indigenous species.

The application site comprises former paddock land which has fallen into disuse and now comprises overgrown grassland. The site is located in close proximity to a corridor of woodland, with agricultural fields and hedgerows located within the vicinity. Given this context, the site has the potential to be used as habitat and a connector for various species.

The Applicant has provided no ecology information and it has not therefore been demonstrated that the proposed 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 180 and 186 of the NPPF.

While the enhancements as indicated within the Planning Statement are welcomed, it is not possible to confirm whether the enhancements are sufficient to address the ecology impacts until such time as updated Reports/Surveys are provided.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

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 Water Neutrality Statement outlines that the proposal relates to 3no. pitches, each of which would support a 3-bed static caravan. The Statement outlines that the water demand for each static caravan would be 101.94 litres per person per day. This is supported by a Part G Calculator which also makes reference to rainwater harvesting which would be utilised for toilet flushing and washing machine use.

The use of rainwater harvesting would reduce the mains water demand to 65.27 litres per person per day. Based upon average occupation of a 3-bed dwelling (2.47), the water demand per pitch is calculated to be 161.22 litres per day. The Statement then continues to outline that the overall demand across the development would be 483.66 litres per day. This is based upon the use of water efficient fixtures and fittings, including dual flush toilets; low flow shower/taps; low volume bath; and water efficient white goods.

The Water Neutrality Statement recognises that the site as existing has no water demand. The existing baseline is therefore zero (0).

The Water Neutrality Statement advises that the Applicant is willing to engage with the Council to offset this water, but no specific offsetting measures have been proposed.

The Water Neutrality Statement (and Planning Statement) refers to appeal decisions within the District that have accepted this approach. The Council do not currently have a scheme in place to allow this type of offsetting.

Paragraph 54 of the Sussex North Water Neutrality Study: Part C – Mitigation Strategy document states that “priority of access to offsetting delivered through the LPA-led Offsetting Scheme should therefore be given to sites allocated in Local Plans and/or identified in the associated, published Local Plan housing

trajectories (for example an allowance for Windfall). Speculative development, that may not be compliant with the Local Plan (to be defined individually by the LPAs) would not be prioritised in the Strategy."

Natural England's Position Statement outlines that whilst a strategic offsetting scheme continues to evolve, decisions on planning applications should await its completion or demonstrate water neutrality by other means. As outlined within the Council's FAQs, it is established practice that Grampian conditions should only be used where there is reasonable certainty that the condition can be discharged within the lifetime of the permission. Given that an LPA Offsetting Strategy is not currently available, and the specification of priority when available, it is not considered that a Grampian condition would provide the necessary degree of certainty.

The Appeals referenced within the Planning Statement relate to strategic allocations, where the Planning Inspector considered that the development would be a candidate for priority of access to water neutrality via a payment to the Offsetting Scheme. This was because the development forms part of the planned and projected housing growth in Horsham District. The Inspector also recognised that the Appellant had stated that the reliance on the Strategic Offsetting Scheme would not be needed for a period of 18 months from the grant of planning permission as reserve matters would need to be dealt with. By the time subsequent applications were submitted and development progressing at the site, the Offsetting Scheme would be in operation with available offsetting capacity. The Inspector noted that a Grampian condition and a s106 Unilateral Undertaking had been put forward by the Appellant, to the effect that implementation of the proposed development would be prevented until a payment has been made to the Strategic Offsetting Scheme and water neutrality secured. Notwithstanding this, the Council retain the view that this is not an acceptable approach to ensure the required degree of certainty.

It is of note that another appeal decision was received on the same date as the Ravenscroft appeal which determined that a Grampian condition would not provide the necessary certainty. This appeal (APP/Z3825/W/23/3315111) included the submission of a Unilateral Undertaking which sought to prevent the development from being commenced until offsetting had been addressed. The Inspector considered that shifting the burden of proof to some point in the future would not satisfy the need for certainty. Given that such uncertainty would remain, the use of a condition could not resolve the matter, and the Inspector concluded that water neutrality had not been demonstrated.

The application site does not comprise a strategic allocation within the Local Plan and would represent speculative development in this regard. No Unilateral Undertaking has been submitted to secure adherence to the Offsetting Scheme, with no specifically worded Grampian condition suggested. Notwithstanding this, it is not considered that the submission of a UU would provide the required level of certainty, and would not therefore secure water neutrality at the point of determination. There is no certainty that the Offsetting Scheme would be in operation over the lifetime of the development, and the development would be unlikely to be prioritised in the Strategy. In considering these matters, it is not considered that reliance on the Offsetting Strategy would provide the necessary certainty, and this cannot be relied upon to make the development water neutral.

For the above reasons, insufficient information has been provided to demonstrate with a sufficient degree of certainty that an appropriate degree of offsetting would be provided so 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 185 and 186 of the National Planning Policy Framework (2021), 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).

Other Matters:

Following consultation with the Environmental Health Officer, insufficient information has been submitted with respect to drainage and sewage treatment. Had the application been considered acceptable, these matters could have been addressed through the submission of further information.

Conclusions:

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.

The site is located in a wider rural area but adjacent to other residential and commercial development. The scale of the development would not over-dominate the wider pattern of development along Stonepit Lane and the immediate vicinity, with the enclosed nature of the surrounding land considered to limit wider views into the site. The proposal is not therefore considered to detract from the rural countryside setting or the visual amenity of the locality. Furthermore, the scale of the development is not considered to result in a significant intensification in activity within the countryside location, or result in unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

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 185 and 186 of the National Planning Policy Framework (2021), 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). Insufficient information has also been provided to demonstrate that the proposed 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 180 and 186 of the NPPF. Furthermore, the proposed development, due to the quantum and spread of development across the site, including the level of hardstanding, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the pleasant and rustic characteristics of the immediate locality. The proposal would therefore result in 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 Henfield Neighbourhood Plan.

The benefit of providing gypsy and traveller sites within this location is not considered to outweigh the harm as 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

Reasons for Refusal:

1 The proposed development, due to the quantum and spread of development across the site, and including the level of hardstanding, would formalise the rural character of the countryside location, appearing out of character and intrusive when set against the pleasant and rustic characteristics of the immediate locality. The proposal would therefore fail to protect, conserve and enhance the landscape character of the area, and would result 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 Henfield Neighbourhood Plan.

2 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 185 and 186 of the National Planning Policy Framework (2021), 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).

3 Insufficient information has been provided to demonstrate that the proposed 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 180 and 186 of the NPPF.

4 Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an unsatisfactory relationship and adverse impact on the existing trees within the site, contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan.

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/23/2100
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	2311ST_R0.0_000 Rev 00	27.12.2023
Elevation & Floor plan	Proposed Day Room	2311ST_R0.0_101 Rev 000	17.11.2023
Elevation & Floor plan	Proposed Bike & Bin Store	2311ST_R0.0_100 Rev 000	17.11.2023
Block plan	Proposed Block Plan	2311ST_R0.0_002 Rev 000	17.11.2023
Block plan	Existing Block Plan	2311ST_R0.0_001 Rev 000	17.11.2023
Supporting Statement	Water Neutrality Report	NONE	17.11.2023

DELEGATED

Case Officer sign/initial Tamara Dale Date: 04.01.2024

Authorising Officer sign/initial Guy Everest Date: 12.01.2024