Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1018
Woodlands Farm, Broadwater Lane, Copsale, West Sussex, RH13 6QW

DESCRIPTION:
Change of use of land to a mixed use including settled gypsy accommodation site comprising 2No. pitches. Retention of existing hardstanding and proposed biodiversity enhancements.

RELEVANT PLANNING HISTORY:

DC/14/2280	Retention of Mobile Home	Application Refused on 17.12.2014
DC/18/2627	Retention of a temporary mobile home (temporary permission)	Application Approved on 28.01.2019
DC/19/0828	Change of use from barn to 10 bay stables and machine store	Application Approved on 10.09.2019

SITE AND SURROUNDS

The application site is positioned to the east of Broadwater Lane, outside of any designated built-up area boundary. The site is positioned approximately 0.95km to the east of Southwater and is accessed via an existing gated access. The site consists of a number of buildings/structures including the mobile home, an agricultural barn, a portacabin building, dilapidated stable building, and a small storage/manure building. The various built form on site also pertains to an extensive area of rough hardstanding which has been implemented retrospectively. This consisted of a mixture of materials including various construction materials, broken brick, stones, plastic, metal, gravel and concrete block. The hardstanding indicated within the plans does not cover the extent of the hardstanding within the existing application site and it was noted that an extensive area of concrete foundations had been poured recently within the site. A paddock is located to the south.

There are trees within the site and to the east of the site indicated to be ancient woodlands, and a Public Right of way to the north eastern part of the site.

DETAILED DESCRIPTION

Change of use of land to a mixed use including settled gypsy accommodation site comprising 2No. pitches. The applicant has included in the description of “Retention of existing hardstanding and proposed biodiversity enhancements”, however the importation of inert waste material for the creation of hardstanding is retrospective works that have raised the land level in this location within the site and does not benefit from planning permission so as to be retained. The 2 pitches would be approximately 12.1 meters in width and 6.1 metres in depth. The works are retrospective in nature with substantial areas of hardstanding on site. The area of hardstanding is significantly in excess of what has been indicated within the submitted block plan and during the site visit, it appeared to be comprised of landfill waste material.

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 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

The Horsham District Local Plan 2023-2040
The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July, although this examination has been cancelled due to concern over the soundness of the plan.

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District
Policy 43: Gypsies and travellers

Nuthurst Parish Neighbourhood Plan 2015-2031
Policy 1: A Spatial plan
Policy 14: Green Infrastructure and Biodiversity

Parish Design Statement:
Nuthurst 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:

Natural England: Objection
We concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out, as such:

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- As in the AA, provide information on everything requested including rainwater harvesting collection and treatment that would mean that we have no certainty about the sufficient collection of potable water supply.

HDC Environmental Health [Initial comment]: Further information required
"There is no evidence that the Water Neutrality Report has been prepared by a competent person in relation to the site proposed. When this is provided, we will assess its content in relation to the proposed use.

We have reviewed the supporting information and we note that a rainwater harvesting system is proposed to supply both potable and non-potable water to the proposed development.

Rainwater harvesting schemes can be highly contaminated, so to provide the LPA with sufficient confidence that the rainwater harvesting scheme will be maintained and managed for the lifetime of the development the application should be supported by a detailed private water supply management and maintenance report. This report will need to be provided by a suitably competent and qualified consultant who specialises in private water supplies.

We note that some detail has been provided in the Water Neutrality Report, but that no name or company name has however been provided on the report. It is therefore not clear to the LPA whether the report has been produced by a suitably competent and qualified consultant who specialises in private water supplies, as detailed above.

Given the above we are of the view therefore that the application is insufficiently detailed to be determined.

To be provided when the report is validated to have been written about this site by a competent person as detailed above."

[Further comment]: Comment

We have made an assessment of the further details provided by Ben Kirk of Promethean Planning and subject to some minor changes, this will be sufficient for the Rainwater Harvesting Management plan to meet our requirements. We can ask for these additional details and changes via a Pre-commencement Condition.

Suggested condition to control use of the RWH Management Plan:

Additional details with regard to test results being provided to the LPA and clarification of the use of tanks are required for the Rainwater Harvesting Management Plan dated 09.09.24, and subject to these being provided, a condition requiring the implementation of the RWHMP will satisfy the requirements of this department.

Arboriculture Officer: Objection

The proposed development, including the recently made/extended area of hardstanding are principally within the minimum buffer to new development required around an area of designated Ancient Woodland (AW) and partially within the AW itself.

I recommend that the application be withdrawn or substantively amended so that if acceptable in other planning terms the siting of new habitable buildings and associated habitable curtilage respect the minimum national requirements in this respect.

Otherwise I recommend refusal on basis of direct and foreseeable indirect impacts on the AW resource from new hardstanding and change of land use.

The site is partially within and immediately abutted to the East by the Northern tip of the Gill woodland that flanks either side of the stream running in a N-W orientation.

The woodland forms part of a larger area of Ancient Woodland (Cripps Wood) that stretches for approximately ¾ of a km to the South. It has good connection to adjacent field hedgerows and directly adjoins other blocks of woodland, forming good landscape and habitat connectivity.

The development does not take account of this landscape planning constraint.

Recent hardstanding creation/extension will foreseeably have had a detrimental impact on the woodlands seed bank. I recommend ecological assessment of viability of restoring the value of the AW soils.

Woodland trust: Objection [summary]

Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to our diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy.

Natural England and the Forestry Commission, the Government's respective bodies for the natural environment and woodlands, define ancient woodland as follows within their standing advice1:-

"*Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:-*

• *Ancient semi-natural woodland* [ASNW] - *mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*

• *Plantations on ancient woodland sites* [PAWS] - *replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"*

In May 2022, the Government published an updated policy statement on ancient woodland, entitled 'Keepers of Time: ancient and native woodland and trees policy in England'2. The Government's 'Keepers of Time' policy accentuates the importance of ancient woodland, stating: *"Ancient woodlands, ancient wood pastures and parkland and ancient and veteran trees are irreplaceable habitats which must be protected. Their long-standing presence, species and form serve as a rich cultural record of past management practices."*

Impact on Ancient Woodland

The proposals include two pitches for settled gypsy accommodation, the most easterly of which would be situated within 15 metres of ancient woodland. There is a lack of detailed information in the application documents regarding associated infrastructure, including parking, foul drainage provision, other utilities and amenity space. It is stated horses will be grazed "*north of the site*". Landscaping proposals state that "*No trenching is required within 5m of any trees. Ground levels will not be required to be raised within 5m of any trees*."

The site boundary includes some of the adjacent ancient woodland at the northern and eastern parts of the site, although it appears that parts of the woodland have been subject to some form of change in land use. However, aerial mapping shows that the entire woodland area has been recently wooded. The irreplaceable nature of ancient woodland is bound to the soils and therefore irrespective of the extent of remaining tree cover, the woodland should continue to be afforded protection as ancient woodland.

Southern Water: Rainwater harvesting should be in accordance with British Standards to avoid cross contamination. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

WSCC Fire services: The nearest fire hydrant for the supply of water for firefighting is 325 metres away, 150 metres further than the 175 metre distance required for domestic premises.

WSCC Highways: No Objection [summary]
The Local Highway Authority 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.

Public Rights of Way: No objection, recommendation for informative
The Definitive Line of Public Footpath 1716 passes through the application site but is not shown on the application plan and the application is also silent on the matter. This is likely due to the fact that the path has been 'off-line' for at least 39-years, with the used route being signed through a copse of trees to the north-east of the application site. The Public Right of Way team offer no objection to the proposal but recommended that the Applicant should either re-open the path on its Definitive Line or apply to divert the footpath away from the application site.

Ecology Consultant: requires further information.
There is an absence of information on the Ancient Woodlands. We are not satisfied with the level of information available for determination.

Parish Comments: the Parish Council ***objects*** to this application on the following grounds:-
- is not within the NPPF
- outside existing settlement
- it is not included as part of the made Neighbourhood Plan
- Water neutrality has not been adhered to and the sums do not add up
- it is remote from shops or other facilities
- entrance into the farm is on a very dangerous bend and is not suitable for the application
- the application for accommodation does not support agricultural need or other countryside activity
- the Parish Council does not believe this application constitutes a gypsy site

Representations:
Five letters of representation received from four separate addresses objecting to the proposal on thbe following grounds:

- The development would result in an increase of traffic incidents in the locality

- Alleged breaches of planning permission and other unlawful development
- Potential for other types of development
- The site is not suitable
- Lack of public transport
- Incorrect plans
- Entrance widened
- Development would detract from countryside location
- No potential for Biodiversity and trees
- Large importations of waste material has changed land levels and drainage
- Unsafe roads
- Not water neutral
- Lack of screening
- Insufficient information in regards to how the proposal would be mixed-use
- Given damage to site no possibility, loss of biodiversity and trees
- Distance to nearest shops, bus stops, primary school, and GP surgery such that the site is unsustainable

Member Comments:
Call in request from Councillor Dennis Livingstone if the officer were minded to approve the application.

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:

An enforcement notice (EN/24/0316) was served on 30th August 2024 for the importation of waste and other material, change of land levels, creation of a hardstanding base and excavations of land for services on the land. The enforcement notice was largely upheld at appeal APP/Z3825/C/24/3352762 other than increasing the time to vacate the land and restore it to 9 months and 12 months respectively.

Prior to this, an application was refused under DC/14/2280 and allowed at appeals for the temporary retention of mobile home which was to facilitate the care of up to six horses in respect of rural workers accommodation. A further permission was granted under DC/18/2627 for the temporary retention of the same mobile home by the application Mr J. Smith.

Policy Background and the Principle of Development:

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

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

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

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

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

The Horsham District Local Plan Regulation 19 document was approved at the meeting of full Council on 11 December 2023. Consultation on the draft document took place between 19 January to 1 March 2024, and was formally submitted to the Planning Inspectorate on Friday 26 July 2024. Public hearings on the contents of the draft plan began in December 2024, though the hearing were paused on 12 December 2024 as further information was requested by the Inspector. The Council has since written to the Inspector and that it will be able to carry out any necessary Local Plan updates within the Government's preferred six-month timescale. This means that there is a pathway open to the Inspector to resume the hearings and progress the current Plan. The plan is expected to be adopted in the Autumn / Winter of 2025. The draft Local Plan has yet to be adopted and therefore holds limited weight. It does, however, provide guidance with respect future policy direction, demonstrating that the identified need (as above) will be met through the safeguarding of existing sites, the allocation process, and windfall sites that accord with the criteria set out in policy 43. The site is listed within Strategic Policy 43 as a Site allocation for 3 pitches.

In terms of the Council's current policy position: Policy 23 is now considered to be 'out of date', thus the Council is unable to demonstrate a five year supply of pitches. Paragraph 28 of the PPTS (updated December 2024) outlines that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

Paragraph 11 of the NPPF states that the presumption in favour of sustainable development should apply where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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 this Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and provision affordable homes, individually or in combination.

Additional changes have taken place under the most recent changes to PPTS including the definition of Gypsies and Travellers for the purposes of planning policy, where as amended includes *'Persons of nomadic habitat of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together.'*

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

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

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

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

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

HDPF policy 23 and the PPTS. In light of the policy context, the short car journeys to Crawley were considered to add in favour of the development. It was thereby concluded that the site would be a suitable location for the development.

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

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

The application site is approximately 0.95km to the east of Southwater outside of the built-up area boundary. It is not considered that there are easily accessible public transport links from the application site or pedestrian access to this. The limitations of pedestrian access are however balanced with the close proximity to Southwater such that the site would be considered a reasonably sustainable location with access to services such as schools and healthcare in Southwater.

Given the presence of existing neighbouring residential development to the north west of the site, it is considered that there are no constraints with regards to the site being served by essential services such as water and electricity. The plans submitted with the application also indicate that there would be sufficient space for parking and turning on site with appropriate outdoor areas maintained.

Subject to all other material considerations below, the development is considered to be acceptable in principle.

Character and appearance:

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

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

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

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

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 lifestyle, 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.

No indicative landscaping has been included as part of the application and it is noted that there are extensive works already within the application site, including the recently made / extended area of hardstanding. Although it is understood that the current application seeks to regularise the works, the development within the application site is not reflected within the submitted plans. The site boundary treatments extend beyond what is shown within the plans into the field to the south and the area of hardstanding significantly more extensive than what is indicated to the north-east. The land within the site has been raised significantly using landfill material, and has urbanised the appearance of the site through the incursion of built form and residential paraphernalia within the application site.

As above, hardstanding has been extended within the site to the east, towards the adjacent Ancient Woodland which is partially located within the site (Gill Woodland). The Council's Arboricultural Officer has advised that the woodland forms part of a larger area of Ancient Woodland (Cripps Wood) that stretches for approximately ¾ of a km to the South. It has good connection to adjacent field hedgerows and directly adjoins other blocks of woodland, forming good landscape and habitat connectivity. The Ancient Woodland would be detrimentally impacted (discussed in greater detail in the following sections of this report) which contributes positively to the landscape character of the site, with the potential harm to this contributing to the detriment appearing at odds with the character of the site and harming this irreplaceable habitat. The Ancient woodland is not considered brownfield land, and harm to it would detract from the environment within the site.

The application is part-retrospective in nature and already has within the site an area of hardstanding, and one caravan is pitched. At the time of writing, it is understood from planning history, Planning Compliance information, pictures and the surrounding context that the locality is rural in character with open plains comprising of agricultural fields, paddocks, some agricultural buildings and extensive mature landscaping. There is a barn on site, previously for equestrian uses, and the development would appear at odds with the equestrian use of the site, spreading built form further into the open countryside and formalising the rural character.

Whilst the Council accepts that there are examples of nearby development that impact on the rural character of the area, such as The Grange to the north-east, and various buildings along Broadwater Lane- this does not set a precedent for establishing additional built-form in this rural context. In the case of The Grange, the site was occupied by former disused agricultural buildings which were demolished and converted following the grant of a 2012 application (DC/12/0778 and DC/12/1516), therefore replacing existing built-form. As for buildings along Broadwater Lane: this predominantly comprises sporadic long-established residential development set back from the street behind established hedging, which would not be unexpected in this context.

By contrast, the proposed development represents an erosion of what once was an open field with compartmentalised paddocks of agricultural character, to one with opposing harsh hardstanding that had no due regard to the siting of the sensitive landscaping attribute to its boundary (the Ancient Woodland). At Paragraph 53 of their report, the Inspector (in respect of the appeal on the site APP/Z3825/C/24/3352762) concluded that the works undertaken on the site, such as the importation of waste and consequent change to the land levels, and laying of hardstanding, would result in an adverse landscape impact.

In light of the above assessment, the proposal is contrary to the provision of criterion (e) of Policy 25, in addition to Policies 32 and 33 of the HDPF.

Highways Impacts:

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

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

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

Policy 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.

WSCC Highways have assessed the proposal against available data in terms of collision data and note that no amendment to the existing access onto the site is proposed. Furthermore, the extensive hardstanding area would provide for suitable turning and manoeuvring space which would ensure that users enter and exit the site in a forward gear.

Overall, it is not considered that the proposal would result in harm to the function or safety of the highways network, and it is therefore considered that the proposal would comply with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Other Matters

<u>Barriers to Development / Services</u>

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

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

and

c. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal...

The site is not located within or near an area designated as at risk of flooding. Details of drainage for surface and foul water has not been detailed as part of the application, though this level of detail could be requested by way of condition in the event that permission were to be granted. Officers do however note the absence of nearby Southern Water infrastructure, though it is possible these may not be fully mapped in the area. In any case, provided that any on-site foul treatment system is sited in excess of 50m from any rainwater harvesting tanks to avoid contamination, a condition could adequately detail these matters.

As detailed below, the application proposed 100% rainwater harvesting, though it is assumed that an emergency connection to the mains supply would be required. Though not detailed, it is presumed that a connection would be possible given the presence of nearby development. This is also the case for mains power connection.

As above, the applicant has imported and deposited material onto the land. In their report (Paragraph 46) the Inspector noted that although the applicant advocated that the imported material was ‘green

waste', it was visibly noticeable that *'inert waste such as stone brick fragments and coarse earth – in other words, landfill material'* was present on the site. They then conclude that possible land contamination is thus an issue. Given that a caravan is currently present on the site, it could be the case that occupants are already exposed to potential contaminants. Whilst matters relating to contamination can usually be dealt with by way of condition, the works are part-retrospective, thus the prolonging of occupation may result in adverse harm to human health. This could further result in ground contamination, and therefore impact on the suitability of harvested water for the proposed use (discussed further below). Accordingly, a condition would not sufficiently cover the matter, and thus the detail should be submitted upfront. To date, no such information has been submitted in support of this, and therefore in the knowledge of previous illegal and unlicensed works on the site the proposal is contrary to Policy 23(a) of the HDPF and Paragraph 196 of the NPPF.

Parking and Amenity Provision

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

c. ...The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;

Policy 41 of the HDPF states that adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116).

WSCC Highways have commented on the proposal stating that the provided space would enable suitable vehicular parking and turning space.

Each pitch is indicated to open onto the hardstanding, with no dedicated amenity space or play area of either of the units. However, the 'red line' indicated on the location plan provides for a larger area, incorporating the paddock to the south. This open space could potential provide for suitable outdoor amenity space as per the requirements of 23(c). In the event that permission were to be granted, a suitably worded landscaping condition could request details of such areas to be illustrated.

On this basis, the proposal would therefore accord with 23(c) of the HDPF.

Amenity Impacts:

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 33 of the HDPF continues that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.

The proposed pitches would be sited roughly centrally within the application site would result in a perceived increase in activity over and above the existing arrangement. Nevertheless, given that the nature of development which would be limited to ground floor and distance from nearby residential dwellings, there would be little opportunity for the application to result in loss of privacy, or daylight/sunlight.

There is a neighbouring property to the north, 'Ghyll House Farm' and given that there is some identified ancient woodland in between the two properties, the proposal would not be considered to result in harm to this northern neighbour in terms of overlooking or loss of privacy. There would be a noticeable increase in noise and disturbance over the existing arrangement, with associated levels of noises, lights and vehicular movements arising from a residential use. Whilst this would represent a certain level of harm, this would be low level, with only two pitches proposed. Furthermore, the increase in activity over and above the level of activity that would be possible within the existing site currently is not to such an extent that it would warrant a refusal.

Ecology and Trees

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.

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

The National Planning Policy Framework, paragraph 193, states: "*When determining planning applications, local planning authorities should apply the following principles:-*

> *c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons67 and a suitable compensation strategy exists;"*

There is an Ancient Woodland to the north and eastern part of the application site, with no details submitted in regards to the potential presence of bats within the trees nearby. Much of the development required for the proposal has been undertaken retrospectively, with one of the two caravans being stationed presently within the site, the foundations are there for both of the two pitches and the area of hardstanding placed. The caravans are respectively 11 metres and 21 metres away from the ancient woodlands and given this proximity, so given this context, the site has the potential to be used as habitat and a connector for various species.

The Council's Arboricultural Officer has been consulted during the course of the application and have objected to the proposal given that the proposed development would not meet the minimum buffer required to the Ancient Woodland and partially within the AW itself which will have a detrimental impact on the woodlands seed bank.

Furthermore, the Woodland Trust has objected to this planning application on the basis of deterioration of an area of woodland (grid ref: TQ 17753 26075), designated as Ancient Semi Natural Woodland on Natural England's Ancient Woodland Inventory (AWI).

"There is a lack of detailed information in the application documents regarding associated infrastructure, including parking, foul drainage provision, other utilities and amenity space. It is stated horses will be grazed "north of the site". Landscaping proposals state that "No trenching is required within 5m of any trees. Ground levels will not be required to be raised within 5m of any trees."

In response to this part of the application submission, they assessed that aerial mapping shows that the entire woodland area has been recently wooded. The irreplaceable nature of ancient woodland is bound to the soils and therefore irrespective of the extent of remaining tree cover, the woodland should continue to be afforded protection as ancient woodland.

Ancient woodland is an irreplaceable habitat, suggest a buffer zone of at least 15 metres to prevent adverse impacts such as pollution and disturbance, and to ensure avoidance of root damage. They are specifically concerned about the development resulting in encroachment on the root systems and rooting environments of trees within the ancient woodland from installation of utilities, landscaping, and vehicular traffic, intensification of human activity resulting in increased disturbance to breeding birds and other sensitive fauna, vegetation damage, predation and disturbance from pets, trampling, litter or fire damage, where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-

term condition of the woodland. It can also result in a greater need for management of important habitat features in the woodland such as deadwood, which reduces the ecological integrity of the site.

Further information has been submitted as part of the application late into the decision making process, unfortunately this would not be sufficient to overcome the harm or concern in regards to the above and has not been accepted as an appropriate resolution to the concerns raised. Principally, the Woodland Trust consider there to be no wholly exceptional reasons for the deterioration of irreplaceable habitat. For the reasons outlined above, the proposal is considered contrary Paragraph 193 of the NPPF. The above assessment is consistent with the conclusions drawn by the Inspector at Paragraph 50 of the recent appeal APP/Z3825/C/24/3352762:

"Accordingly, in the first instance development proposals should have undertaken a site assessment to establish the likelihood of and identify the types of impact, implement appropriate mitigation and compensation, provide adequate buffers and, importantly, back this up with adequate supporting evidence."

The proposed development is harmful to the character and appearance of the landscape and conflicts with the objectives and requirements of policies 23, 24, 25, 26 and, 33 of the HDPF and is contrary to paragraph 193 of the NPPF.

Water Neutrality:

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

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

An amended Water Neutrality statement was accepted during the course of the application. The Water Neutrality statement outlines that the lawful use of the site would have no pitches within in such that the baseline water usage would be nil. The current application site has a caravan within it however that is suggested within the Water Neutrality statement to have two bedrooms. The actual occupancy of the site is not known however the proposed is based on a Part G calculator and average occupancy. This advances that for each 2 bedroom pitch, these would have 2 bedrooms each and an occupancy therefore of 1.88 people per unit. The Part G calculator with the proposed flow rates of the fixtures and fitting would result in 84.8 litres per person per day which when multiplied by occupancy for that unit would be 159.4 litres per person. When multiplied by there being two units the proposed would be 318.848 litres per day used on the site a result of the development. The mitigation proposed would be a rainwater harvesting system to supply the entire water usage for the pitches.

Calculations have been provided within the amended Water Neutrality statement. However, Officers have made their own calculations of the Rainwater harvesting yields. The block plan submitted suggests the roof areas to be included in the roof area of the rainwater harvesting system, however, not all the roof areas have been included in the calculations, with some of the buildings within the application site not appearing to benefit from planning permission. The roof areas included within the rainwater harvesting calculations include the proposed caravans and the existing agricultural building used for the storage of machinery. The two proposed caravans have a roof area of approximately 147.62 sqm and the agricultural building has a roof area of 178sqm. In terms of rainwater harvesting, the following formula has been used to calculate the yield:

$$Yr = A \times e \times AAR \times H$$

Where:

Yr = rainwater yield (in litres)
A = collection area (147.62m2 and 178m2=325.62m2)
e = yield coefficient (of 0.8)
AAR = area annual average rainfall (of 752.61)
h = hydraulic filter efficiency (of 0.9)

176,446.705 litres per annum / 365 = 483.415 litres per day (average)

As per the calculations above, the proposed water demand of 318.848 litres per day would be met by the rainwater harvesting potential for each unit, thus a mains water demand would not be required to meet the site's demand (expect in emergencies). Notwithstanding the calculation provided, the 35 day drought contingency has been calculated by the officer as 318.848 litres per day x 35 days = 11,159.69 litres. The rainwater harvesting drought tank would need to be in excess of this volume to account for the amount of volume of water that would need to be stored. The tank submitted is 15,000 litres so would be a sufficient capacity.

Given that the strategy of the Water Neutrality Statement would be reliant on the quality of the drinking water being potable, the acceptability of the water in this regard is an essential part of an assessment and the details for this were not initially acceptable to Environmental Health. Environmental Health initially raised concerns regarding the filtration system and management plan submitted as this detail is usually required prior to determination. However, since this initial comment the applicant has submitted details during the course of the application to provide further detail. Environmental Health have been consulted on the additional submitted details to determine the acceptability of the filtration system and the management plan for this and consider that the details are largely acceptable for potable water abstraction.

The Environmental Health response has not considered the potential for unsafe potable water supply by way of the contaminated land on site, or the insufficient drainage details provided. There is insufficient information submitted to make a fair assessment of the proposed sewage and foul drainage situation within the site. This would usually be required as part of the application given that there is a rainwater harvesting tank proposed for the supply of potable water which would have potential to be contaminated by foul water if in a close proximity of less than 50 metres.

Furthermore, it is noted that Southern water's comment includes recommendation for the council's drainage officer to comment. Whilst noted, drainage, sewerage and soakaways are capable of being secured by condition such that this information could be accepted during a pre-commencement condition if the application were otherwise acceptable. However, given that there has been an importation of a considerable quantity of landfill waste to the site, it is evident that the likelihood of contamination is reasonably likely and given that the application is retrospective in nature, these conditions would not be acceptable in this instance. As such, the details of drainage, contaminated land and rainwater harvesting tanks would be required in advance of determination of this application. As such, there is an objection to the level of information submitted, with the submission being insufficient to conclude with reasonable certainty that it is unlikely for the future occupiers to have unacceptable amenity by way of contaminated land, unsafe water supply.

The roof areas proposed to be collected from are the pitches of the caravans themselves. Given that caravans are in nature a temporary built form, and the applicant's are subject to travel, the water supply cannot be guaranteed in perpetuity. As such, whilst the caravans would have potential to harvest a sufficient quantity of water, this supply cannot be guaranteed for the lifetime of the development, and as per the above environmental health considerations, the quality of the water is not reasonably likely to be uncontaminated given the amount of landfill material within the site.

With the above in mind, the proposal would subject to the inclusion of relevant conditions, the development would represent a water neutral proposal.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a Biodiversity Metric, detailing within the application form that the exemption would be applicable in this case given that the application is retrospective in nature. It is acknowledged that there are existing caravan pitches on site such that the application can be said to be part retrospective. It is not clear if the exemption would apply in this instance given the presence of an enforcement notice has been issued.

Conclusions and Planning Balance:

The Council cannot currently demonstrate a five-year land supply for gypsy / traveller sites, and at present there remains an identified undersupply of available sites within the district. PPTS paragraph 28 outlines that if a local planning authority cannot demonstrate a five-year supply of deliverable sites, the provisions of Paragraph 11(d) apply, which states *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[FN8], granting permission unless: (i.) the application of policies in this Framework that protect areas or assets of particular importance[FN7] provides a strong reason for refusing the development proposed;'*.

As the Council cannot currently demonstrate a supply for gypsy / traveller sites, it is considered that the relevant policies would be considered 'out of date' as per Footnote 8 (FN8) associated with this paragraph of the NPPF. However, Footnote 7 (FN7) clarifies that the policies of 'particular importance' indeed includes policies that would affect designated heritage assets (in this case, Policy 31 of the HDPF). As the proposal would result in adverse harm to the Arun Valley protected sites, Footnote 7 would be triggered. Accordingly, whilst the tilted balance in favour of sustainable development as per Paragraph 11(d) is engaged, this is reset to the neutral position and not in favour of granting the permission.

Whether or not the harm identified would significantly or demonstrably outweigh the benefits of meeting the unmet need is a matter of consideration in the planning balance. The benefits of the proposal include two pitches, which would have a welcomed but *moderate benefit* in terms of the extent to which it would alleviate the shortage.

No other discernible benefits have been identified that would arise from the proposal.

The development as a whole would be considered to have a detrimental impact on the landscape character of the application site and the locality, when considering the placement of the pitches, increase in levels arising from the importation of landfill waste, and harm to the ancient woodland. There would be an increase in activity within the countryside location and it has not been demonstrated to the satisfaction of the local authority that there would be no potential to harm future occupiers of the development by way of contaminated land.

The development is not considered to have provided sufficient information in respect of the ancient woodlands on site which is required given it is a protected irreplaceable habitat. The deterioration and loss of this would require wholly exceptional reasons for its justification. Furthermore, insufficient information has been provided in light of protected species within the site. For the reasons outlined above, the proposal is considered contrary to policy 31 of the HDPF and Paragraph 180 and 186 of the NPPF.

Furthermore, the applicant has failed to demonstrate that the development would not result in adverse ecological and arboricultural harm (with regards to onsite harm owing to the site's location in relation to the Ancient Woodland both onsite and adjacent to the site, in addition to offsite impact relating to water neutrality and increased water abstraction). Given the potential resultant ecological harm both onsite and offsite, these are both attributed with *significant weight* respectively. As above, the continued use and occupation of the site may well result it / have resulted in harm to human health by virtue of contamination on the land. Given this considerable potential consequence to human health, this is attributed *significant weight* against the granting of permission.

Summary

As above, though the tilted balance is engaged, the ecological impacts reset the balance in favour of granting the application to the neutral position by virtue of Footnote 7 as a 'strong reason for refusing' the application. The provision of two pitches in this location would contribute towards the need for gypsy / traveller accommodation within the district, thus weighing as a *moderate benefit* in favour of the application. The resultant harm owing to the resultant ecological harm and harm to human health would not be sufficiently outweighed by this benefit (moderate and significant weight attributed respectively).

The proposal is therefore contrary to Policies 1, 2, 23, 26, 31 and 40 of the Horsham District Planning Framework (2015) and Paragraphs 193 194, 196 and 198 of the National Planning Policy Framework (2024), in which the harm identified would not be outweighed by the benefits advanced by the proposal.

The benefit of providing gypsy / traveller accommodation 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 therefore 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 and amount of development, would formalise the rural character of the countryside location, resulting in adverse harm to the character and quality of the existing rural landscape. 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, 32 and 33 of the Horsham District Planning Framework (2015).

2 Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, contrary to Policy 31 of the Horsham District Planning Framework (2015). Furthermore, the development is not considered to have provided sufficient information in respect of the Ancient Woodland on and adjacent to the site and would harm what is a protected irreplaceable habitat. The deterioration and loss of this would require wholly exceptional reasons for its justification and would result in landscape character harm, which has not been demonstrated, contrary to Policies 31, 32, 33 of the Horsham District Planning Framework (2015) and Paragraph 193 of the National Planning Policy Framework (2024).

3 It has not been demonstrated to the satisfaction of the Local Planning Authority that future and existing occupants of the proposed development would not be adversely impacted by contaminated water, and contaminated land providing public health risks arising from the development contrary to Policies 23(a), 32 and 33 of the Horsham District Planning Framework (2015) and Paragraphs 196 of the National Planning Policy Framework (2024).

4 Insufficient information has been provided to demonstrate with a sufficient degree of certainty 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 by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 193 and 194 of the National Planning Policy Framework (2024), 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).

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DC/24/1018

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

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water	NONE	04.07.2024
Location plan		NONE	04.07.2024
Block plan		NONE	04.07.2024
Elevation & Floor plan		NONE	04.07.2024
Supporting Statement	Appeal Decision	NONE	04.07.2024
Supporting Statement	Appeal Decision	NONE	04.07.2024
Supporting Statement	Costs Decision	NONE	04.07.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 03/04/2025

Authorising Officer sign/initial RHERMITAGE Date: 08.04.2025