ECE Planning

Statement of Common Ground

Land west of Bines Road, Partridge Green, Horsham, West Sussex

September 2025

Project Name:	Land West of Bines Road, Partridge Green
Location	Land West of Bines Road, Partridge Green, Horsham, West Sussex
Client:	Croudace Homes Ltd
File Reference:	P2199i

Issue	Date	Author	Checked	Notes
PL1	08.09.2025	P Carnell	C Barker	Initial Draft
PL2	16.09.2025	P Carnell	C Barker	Planning Issue

Contents

1. Introduction 4
2. Background 5
   2.1. Description of Site 5
   2.2. Proposed Development 6
3. Planning History and Determination of Application 8
4. Matters Agreed 10
5. Matters in Dispute 11
6. Conclusions 12

1. Introduction

1.1. This Appeal Statement has been prepared by **ECE Planning Ltd** on behalf of **Croudace Homes Ltd** ("the Appellant") in support of this Section 78 Appeal against the refusal by Horsham District Council ("the Council") to approve planning application reference DC/24/1699 in relation to Land West of Bines Road, Partridge Green, Horsham, West Sussex ("the Site").

1.2. The Appellant seeks Full Planning Permission for the following development ("the Proposed Development"):

> *"Development of 101 dwellings (including 45% affordable), creation of new access, public open space, creation of a cycle path, allotments and associated landscaping".*

1.3. The Applicant and the Council have engaged throughout the application process but have been unable to come to an agreement as to how the matter of demonstrating water neutrality can be achieved at the site. There are no outstanding objections to the application from statutory consultees.

1.4. Several extensions of time (EOTs) have been agreed with the latest expiring on 29th August 2025.

1.5. The application was refused on the 29th August 2025 on the following grounds:

1.5.1.1. 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 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).

1.5.1.2. The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 45% of units required to be provided as affordable housing units or other obligations required to make the development acceptable. The proposal is therefore contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

1.6. A copy of the documents that make up the planning application are submitted with this appeal submission. Please refer to the accompanying Document List ("The Document List") for further information.

1.7. The requested Mode of Appeal is by Public Inquiry.

1.8. The purpose of the Draft Statement of Common Ground is to identify the areas that are considered **not to be in dispute** between the Appellant and the Council, as well as those matters that are considered to remain **in dispute**.

2. Background

2.1. Description of Site

2.1.1. The overall site area extends to 6.3 Hectares and is illustrated below in Figure 1:

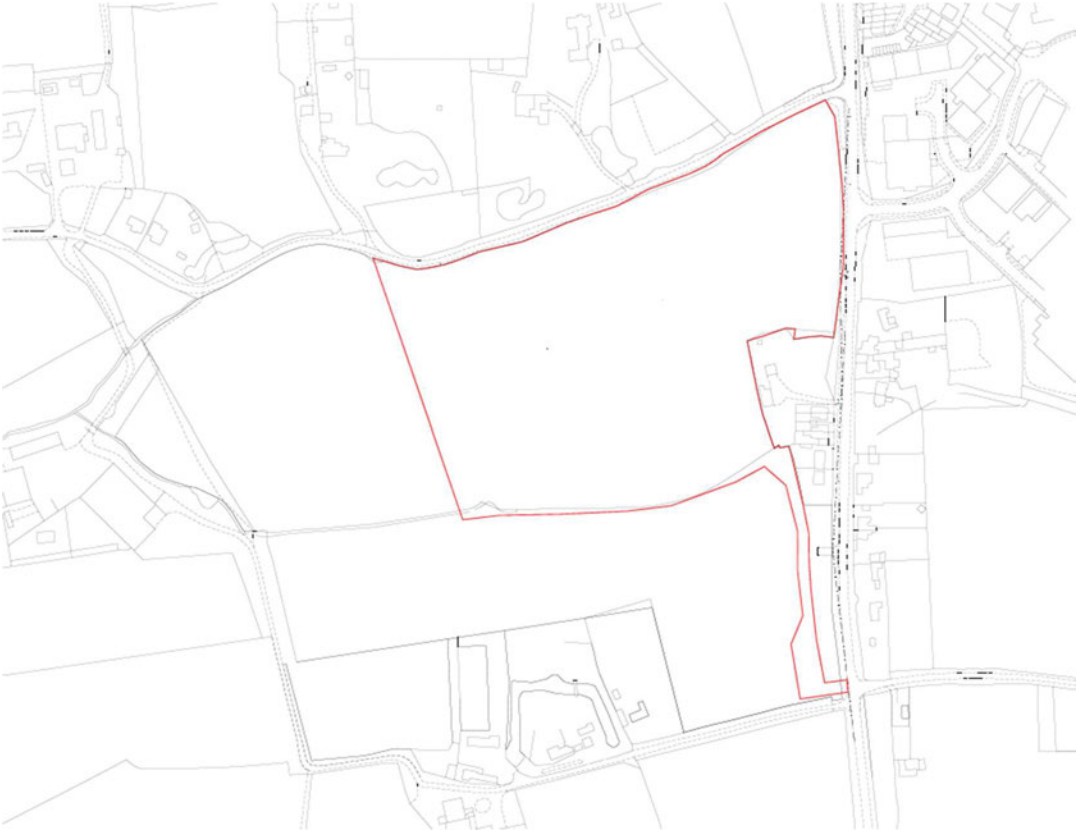


Figure 1 - The Appeal Site

2.1.2. The Application Site is located to the south west of Partridge Green, on the western side of Bines Road (B2135) and to the south of Lock Lane. Bines Road is a long north / south route which connects with the A283 to the south and A272 to the north. Lock Lane is a narrower country road which leads to a small number of dwellings and farmsteads to the north and west.

2.1.3. The Site abuts the defined settlement edge of Partridge Green.

2.1.4. The Star Road Industrial Estate is located opposite the site on the eastern side of Bines Road. A number of houses are located to the south of the Application Site in a linear arrangement along Bines Road. This includes Crouchers which is a Grade II listed building. Dwellings are also located sporadically along Lock Lane to the north and west of the Application Site. These tend to be larger dwellings set within substantial grounds.

2.1.5. Agricultural fields are located to the immediate west and south of the Application Site. A group of large modern agricultural buildings are some 220m west of the Application Site boundary. There is also a group of dwellings approximately 160m to the south.

2.1.6. The northern and eastern site boundaries are defined by hedgerows and trees which provide screening from both Lock Lane and Bines Road. The Site is separated from the field to the south by a drainage ditch, hedgerow and a scattered line of Oak trees.

2.1.7. A small group of Oak trees on an approximate north/south alignment mark the western extent of the site which is otherwise relatively open to the field and farmstead beyond. A further group of Oak trees in the same alignment are located near to the centre of the Site. Historic maps indicate that these were former field boundaries which have since been lost to create a larger parcel of land.

2.1.8. A public right of way (FP 2372) is located some 155m to the west of the site running on an approximate north / south axis. A bridleway (BW 1864) runs along Lock Lane to the north of the site. The Downs Link path, which runs along the length of former railway lines, passes through Partridge Green to the east of the site. The Star Industrial Estate was constructed in the location of the former Partridge Green railway station. Users of the Downs Link therefore have to leave the route of the former railway and travel up Bines Road on the eastern boundary of the Application Site, before rejoining the route further north.

2.1.9. The Application Site is not located within an area of designated landscape importance. There are no Tree Preservation Orders within or adjacent to the Site. It is not within or close to a Conservation Area. The Application Site is located within Flood Zone 1.

2.2. Proposed Development

2.2.1. Full planning permission is sought for the construction of 101 residential dwellings (45% of which would be affordable housing), together with the creation of a new access onto Bines Road, a cycle path, provision of public open space, surface water drainage infrastructure and associated landscaping, and two allotment plots.

2.2.2. The mix consists of 8 x 1 bed, 29 x 2 bed, 43 x 3 bed, 19 x 4 bed and 2 x 5 bed dwellings. Some 46 of these would be affordable and it is proposed to provide a tenure spilt of 70% Affordable Rented and 30% Shared Ownership, in line with Horsham District Council housing targets.

2.2.3. Vehicular and pedestrian access would be provided via a single point of connection onto Bines Road. The access would be a short distance south of the entrance to the Star Industrial Estate. The entrance would tie into the existing footpath which runs north from the site providing a continuous pedestrian route into to the centre of Partridge Green.

2.2.4. A cycle path is proposed to run through the site. This would have two points of connection. The southerly access would be located directly opposite the junction where the Downs Link meets Bines Road. The path would continue north through the Application Site where it would link with Lock Lane (a Public Right of Way) in the north-east corner. This cycle path would provide increased opportunities and connectivity for future residents. It is also an alternative route for users of the Downs Link who would rather not cycle alongside the busy B2135 carriageway, thus creating a safer connecting route.

2.2.5. The dwellings are set out within eastern and western parcels within the site. The central linear north / south line of Oak trees separates the east and west parcels, respecting the historic field boundary pattern. The linear Oak trees to the western side of the Application Site area mark the boundary of the residential development. This boundary is also an historic (now lost) field boundary, and would be strengthened with planting as part of the proposed landscape scheme

2.2.6. The proposed development includes 2.76Ha of public open space, which is approximately 43% of the overall site and in excess of policy requirement. The open space includes areas of amenity grassland and wildflower meadow mixes, through which a recreational path would be routed. The existing hedgerow and tree planting to the site boundaries would be enhanced as part of the overall landscape strategy with new native hedge and thicket planting.

2.2.7. The site layout includes trails, two Local Areas for Play (LAP) and a Local Equipped Area for Play (LEAP). The sustainable drainage strategy includes two attenuation basins and a swale.

3. Planning History and Determination of Application

Planning History

3.1. There is no relevant planning history relating to the Application Site.

3.2. The Applicant undertook two rounds of pre-application discussions with The Council. The first was in July 2022 for a larger scheme (207 units) than that applied for in the planning application. The second was in June 2024 where a variation of the appeal scheme (105 units) was considered by officers.

3.3. Public consultation was also undertaken in April / May 2024. Full details of the pre-application stage are provided in the Statement of Community Involvement submitted with the appeal documentation.

Determination Period

3.4. The application was submitted on 31st October 2024 and validated on 7th November 2024.

3.5. The Applicant and The Council held generally positive discussions during the course of the application. Several requests for further information were received from statutory consultees including The Council's landscape advisor, the Lead Local Flood Authority and the County Council as Highways Authority.

3.6. Several extensions of time[1] were agreed to allow the provision of this additional information and to consider how the application can address water neutrality. The last was agreed on 28th August 2025, expiring on 29th August 2025.

3.7. Statutory consultee comments were addressed so that no outstanding technical objections to the application remained. This is evident from the officer's report and the reasons for refusal listed on the decision notice.

3.8. The appellants water neutrality strategy states that the relevant water offsets would be delivered either through the Council's emerging SNOWS scheme or through a private provider. Details of three boreholes (provided by Nicholls, a third party water credit provider) from which water credits could be obtained were provided to the Council on 21st March 2025.

3.9. The Council advised that, in order for it to undertake the necessary Appropriate Assessment to satisfy the requirements of Section 70 of the Conservation of Habitats and Species Regulations 2017, it needed technical details of the proposed boreholes to have sufficient certainty that the mitigation will be effective in practice and suitably secured before planning permission is granted. Officers advised that these details need to include the following:

- the location of the borehole or boreholes and the relative aquifer in relation to the Hardham site;
- whether the borehole or boreholes have sufficient quantum of water to offset the water requirements of the proposal (taking into account any other proposals the borehole may be off setting);

[1] 13th January – EoT agreed until 28th February 2025; 24th February – EoT agreed until April 30th; 23rd April – EoT agreed until May 30th; 30th May – EoT agreed until June 30th; 24th July – EoT agreed until 11th August; 28th August – EoT agreed until 29th August

- what use the borehole or boreholes will serve and how will this save water usage,
- the quality of the water and whether it is suitable for its use.

3.10. The Appellant has been in discussions with a number of third-party providers of boreholes to address the water neutrality concerns. One example of this has been with Nicholls who offer private water neutrality credits for developers in Horsham District with a view to providing as much information as possible to meet the Council's objection. These discussions have taken place for a number of months and continue at the time of writing. The latest position is that Nicholls requests a substantial amount of outlay, ahead of any consent, that is prohibitively expensive for any major developer in order to secure the necessary credits. For the avoidance of doubt, there are available credits to secure as part of any Grampian condition.

3.11. To this end, and given that the Council had indicated that the only reason for refusal would be on water neutrality grounds, the appellant suggested two alternative approaches whereby the application could be taken to planning committee with a resolution to grant permission:

i. Allow the scheme to access SNWCS (formerly SNOWS) given it is a full application, meets the FAD / SDHD requirements, and would make a significant and immediate positive contribution to The Council's housing land supply position. This is particularly important in circumstances where there are no allocated sites emerging as part of the emerging Local Plan process (see later in this statement for further commentary on the local plan); and / or

ii. Attach a Grampian planning condition to the recommendation, worded to prevent development from commencing until such time as a private water off-set scheme, secured by a legal agreement, is secured, and which would allow permission to be granted without offending the Habitats Regulation Assessment process. This would ensure that development could not commence until details are provided to the Council demonstrating that the solution has been implemented thereby satisfying HRA. This would be in line with recent appeal decisions such as that at Broadbridge Farm (APP/Z3825/W/23/3321658) and Pegler Way in Crawley (APP/Q3820/C/25/3360233).

3.12. The Council has confirmed by email dated 15th July 2025 that it does not agree with either approach. This followed an email from The Council on 10th July 2025 that *"It looks as though this can be a delegated refusal on the grounds of water neutrality."* Relevant correspondence is provided in Appendix A. The application was subsequently refused on these grounds.

4. Matters Agreed

4.1.1. The following represent those matters that are agreed between the Appellant and the Council:

- **Description of site**
- **Sustainable location of the site**
- **The appeal scheme complies with the FAD document**
- **The appeal scheme in combination with other committed development in Partridge Green is appropriate to the scale and function of the village**
- **The Local Plan is out of date and the Council has a one year supply of housing land**
- **Affordable Housing Need (which carries substantial weight – parties are agreed that weight afforded to its delivery is the highest level in planning terms)**
- **The over provision of affordable housing compared to existing policy carries substantial weight in favour of the application**
- **Provision of new housing (substantial weight - parties are agreed that weight afforded to its delivery is the highest level in planning terms)**
- **The proposed layout is acceptable with dwellings appropriately located within the site**
- **Findings of the Landscape Visual Impact Assessment**
- **The proposed landscaping and layout responds to the local environment in a way that retains and enhances the local landscape character features and the guidelines of the landscape character area in which it sits**
- **There is no arboricultural objection subject to works being in accordance with the submitted Arboricultural Impact Assessment**
- **Benefit of Open Space provision**
- **There is no objection on noise impact grounds subject to planning conditions securing a suitable noise environment for Plot 1**
- **Delivery of a cycle link which would take Downs Link users off Bines Road is a significant benefit**
- **Benefit of Biodiversity Net Gain at a level above the Statutory Requirement**
- **Less than substantial heritage harm to the Grade II listed Crouchers is outweighed by the public benefits of the scheme**
- **Archaeology can be dealt with by appropriate conditions to secure a programme of works**
- **The acceptability of the appeal scheme with regards to surface water drainage and management of flood risk.**
- **That Reasons for Refusal 2 can be dealt with by means of finalising and agreeing S106 Agreement with Horsham District Council.**
- **There are no objections in relation to Contaminated Land, Air Quality or Minerals Safeguarding**
- **Economic benefits (moderate weight) of the proposal in relation to:**
  - **Increased residents and positive spin off spending for local services.**
  - **Construction activity**

5. Matters in Dispute

5.1.1. The following represent those matters that are currently **subject to dispute** between the Appellant and the Council in relation to Reason for Refusal 1 only:

- **The ability for the scheme to access the SNWCS water credit scheme**
- **That the use of a Grampian Condition which restricts commencement of development until water neutrality is secured is, in an of itself, sufficient to allow planning permission to be granted and ensure the protection of the Arun Valley SAC, SPA and Ramsar sites**

6. Conclusions

6.1. The above seeks to identify those matters which are considered to not be in dispute and those which are continued to be in dispute as matters of common ground between the Appellant and the Council ahead of the proposed Hearing.

Signed:

Planning Agent for the Appellant:



Paul Carnell MRTPI
Associate Planner

Horsham District Council:

Signed:

On behalf of Horsham District Council: