Appendix E-

IN THE MATTER OF: LAND WEST OF BINES ROAD, PATRIDGE GREEN, HORSHAM

COUNSEL NOTE

INTRODUCTION

1. I have been asked by ECE Planning Ltd to advise Croudace Homes Ltd in relation to the site at Patridge Green, Horsham. The site is located in the Horsham District local planning authority area. **I am content for this advice to be shared with the Council in the hope that we are able to reach common ground.**

2. It is worth setting out some context to this advice and note for present purposes.

   a) A full planning application was been submitted in October 2024;

   b) We seek to provide 101 homes with 45% affordable housing, with the appropriate tenures to be agreed with the Council;

   c) The proposal seeks to achieve nearly half (c.43%) over the overall site comprising public open space, 2.76ha, significantly in excess of the policy requirements.

   d) The policy context is that HDC is only able to demonstrate 1 year housing land supply; and the latest local plan has been withdrawn from examination;

   e) These proposals are able to meet the relevant FAD/SDHD criteria;

   f) The SNOWS system (now called SNWCS) is said to be accessible only to schemes that either have the principle of development agreed or is a proposed allocation;

   g) There are at least two recent appeal decisions where it was accepted that a Grampian condition can be attached to overcome the water neutrality concerns; HDC's position appears to be a Grampian condition is only appropriate in specific circumstances;

h) The proposals as currently submitted is unlikely to have objections from the statutory consultees, with the technical matters likely to be agreed. The policy and spatial position is unclear from the perspective of the Council;

i) The latest position is Horsham DC are likely to have water neutrality concerns. This is an issue that can be resolved in a pragmatic way working with the Council.

ADVICE

3. Patridge Green is a medium tier village (3rd) with sufficient services and facilities that is able to accommodate the level of growth we are proposing. To this end, the proposed level of growth is neither disproportionate nor does it distort the spatial strategy of the settlement. It would be roughly a 10% increase.

4. The remaining residual concern for HDC is likely to be the water neutrality concerns. It is possible to resolve this issue in a way that does not compromise the development.

5. The government's Planning and Infrastructure Bill is seeking to propose a strategic answer to this issue, but we cannot be sure whether this will operational anytime soon. It therefore follows that the only realistic option available is the Grampian condition similar to other schemes. To this end, there is a hierarchy of options that are available and realistic. This should be able to give comfort to HDC in determining this application.

6. In order to achieve this, there are multiple ways to satisfy the Council's legitimate concerns satisfactorily, including,

a) Following the example of **Lower Broadbridge Farm**[1] appeal which was granted planning permission in which a Grampian condition was said to be satisfactory. This was not legally challenged and remains a logical approach.

[1] APP/Z3825/W/23/3321658 (DC/22/1052)

b) Another example also involves the **Kinwood Vale**[2] decision which was similarly granted permission on and which both Condition 5 and Condition 6 are currently pending applications seeking the discharge of conditions.

c) It is also my clear view that this site should be given access to the SCWCS system as it currently stands. In a District desperate to see more housing (at the last check only able to demonstrate a 1 year housing land supply position) it would seem logical to avoid limiting access to the local water neutrality solution. Notwithstanding the simple fact that the system is currently not operational, when it eventually comes online, HDC should grant access on a first come first served basis. HDC is confident that this will become operational in the next couple of months. This is a compelling way of addressing this where there are no allocated sites to come forward soon. It makes little sense for sites to be excluded in an arbitrary manner.

d) Further, there are plenty of private credit providers to whom we would be able to engage and support the application. An example of this is the **Nicholls system** which is operational and available to Croudace. Again, in granting planning permission with a Grampian condition HDC will still maintain full control of whether to discharge the condition if, at a later stage, (however remote) the crediting system fails. It is my view that Croudace is able to present comprehensive evidence that it works, it is operational, we have inquired after it, we have received quotations from the providers and we are willing to utilise it subject to planning permission;

e) The **Guildoak** system is another one which we are currently investigating and we are able to set out its utility and ability to offer another option for a solution. Much of the same principles set out in the Nicholls context applies here too;

f) There are also a number of sites in the District that have a significant surplus in their on-site bespoke bore hole solution. These are scattered around the District and Croudace would be able to once again seek access, subject to demonstrating its feasibility and accessibility, and with a Grampian condition following any grant of planning permission. There are quite a few other sites that offer this solution as a viable option;

[2] APP/Z3825/W/23/3333968 (DC/23/0856)

g) Finally, there are other bore hole options outside of HDC which can be explored.

7. I am confident that all these options will be able to offer solutions that can give HDC the confidence that this issue will be overcome. I am not of the view that these options require securing and payment *before* consent can be forthcoming. Provided they're a realistic option, and that Croudace is able and willing to make them happen, I think that would be more than satisfactory for any decision maker to accept a Grampian condition as being appropriate for our case.

8. This would be the best and most logical way for a local grant of planning permission to be forthcoming and with that avoiding a planning appeal.

CONCLUSION

9. In sum, given the few issues at large for this site, it makes sense to try and resolve this with a local consent. Avoiding an appeal solely focused on the issue of water neutrality would plainly be the right outcome.

10. There are some useful and practical solutions, including the SCWCS system that can be secured in order to ensure that a Grampian condition is legally enforceable. Any scheme that is considered sustainable in all other planning terms should patently be given access to the SCWCS system on a first come first served basis in order that the Council proactively seek to address their significant, unmet housing need. This should be given the highest priority and accepted in good faith by the Council.

11. To date there has been significant and positive engagement with the Council on this site and I do hope that such engagement can continue. I advise accordingly.

HASHI MOHAMED

Landmark Chambers

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30 July 2025