Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0934
Kingfisher Farm West Chiltington Lane Billingshurst West Sussex RH14 9DR

DESCRIPTION:
Change of use of land to provide 10no gypsy pitches with dayroom, associated parking, access and services (part retrospective).

DETAILED DESCRIPTION:

The application seeks retrospective planning permission to regularise the material change of use of part of a field for a material change of use of land to provide 10no. gypsy pitches with individual dayrooms, associated parking, access and services (part retrospective).

The red line application site (as submitted on LOCATION PLAN received 04 June 2025) is drawn tight to the hard surfaced area, roughly a rectangular block laid out to provide for the 10 pitches served by an internal track, a drainage run westwards from the hard surface to West Chiltington Lane and the main access track to the site as already constructed is a straight route that follows the northern field boundary.

Each pitch would include 1 no. static caravan, 1 no. touring caravan, 1. day room, 1no. bin store, 1. Wastewater treatment plant and soakaway, 2 no. car parking spaces and space for associated vehicle turning and residential paraphernalia. It is noted these details do not form part of the application description but are shown on submission drawing PROPOSED SITE LAYOUT PLAN: 501.

By virtue of site visit, boundary treatment has been installed to demarcate the pitch boundaries but not shown on the submission drawings nor referred to in the application description.

SITE AND SURROUNDINGS:

Kingfisher Farm lies in the open countryside some 800m to the west of the village of Barns Green and was formerly one large field of some 5 hectares. The field is bounded by West Chiltington Lane to the west, an open field to the north, a paddock to the east, and by open land rear at Greenfield Farm to the south. Valewood Lane runs close to the south-eastern corner of the field and provides access to several dwellings immediately southeast of the field as well as the pitches at Greenfield Farm.

The Kingfisher farm field is enclosed by mature hedgerows and field margin trees along the northern, eastern and western boundaries. Some land mounding has taken place along the southern boundary. The site is linked to the highway on West Chiltington Lane by way of a single principal access track along the northern field edge.

The eastern part of the Kingfisher Farm field has been developed as a caravan site for use by the gypsy and traveller community. This existing development was subject to 2011 appeal permission and 2018 appeal dismissal, a subsequent planning permission in 2019 (11x pitches), and a pending planning application (site history detailed below). The 10x pitch development applied for under this current application relies on land occupied by drainage that serves this development.

The surrounding area is rural and characterised by an undulating topography with small woodlands, tree belts and mature hedgerows that help to define the linear field pattern. The sense of field enclosure is strong. The long-established farmsteads and hamlet developments now exist alongside

the modern settlement of Barns Green, which has a more suburban character. The local mix of traditional building materials includes timber framing, weatherboarding, brick and tile hanging.

A grade II Listed Building, Pear Tree Farmhouse, sits some 480m to the west of the main part of the site. A fishing and camp site, Sumners Ponds, lies on the edge of Barns Green to the east of the site. Barns Green is defined as a 'medium village' under the settlement hierarchy set out in Policy 3 of the Horsham District Planning Framework.

RELEVANT PLANNING HISTORY:

Kingfisher Farm:

DC/10/1041	Use of the land for the stationing of caravans for residential purposes for 11 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use.	Refused 09-03-2011 ALLOWED At Appeal
DC/17/1184	Variation of conditions 3, 11 and 13 relating to Appeal Reference Number: APP/Z3825/A/11/2150329 (Use of land for the stationing of caravans for residential purposes for 11 no. gypsy pitches together with the formation of additional hard standing and utility/day rooms ancillary to that use)	Non-determination 02-08-2018 DISMISSED at appeal
DC/17/1185	Change of use of land as an extension to permission granted in appeal APP/Z3825/A/11/2150329	Refused 21-07-2017 NO FURTHER ACTION is taken on the appeal
DC/17/0816	Hybrid planning application for the part variation of condition 3, 11 and 13 of Appeal Decision ref: APP/Z3825/A/11/2150329 and material change of use of land	Not processed – returned 19-MAY-2017
DC/19/1205	Change of use of land for the stationing of 11 pitches for residential purposes. To contain 11 static caravans, 11 touring caravans, 11 dayrooms, parking for associated vehicles, hard standing and associated infrastructure	Permitted 11-11-2019

Greenfield Farm (neighbouring site)

DC/25/0055	Use of land for the stationing of 5 static caravans for residential purposes and 3 associated day rooms. Associated landscape works.	Refused
DC/16/2721	Change of Use for extension to site at Greenfield Farm for permanent use for five mobile homes to include the one existing for family members and five touring caravans for summer months only	Permitted 24.07.2017
DC/13/2457	Change of use of land for the stationing of caravans for residential purposes for 4no. additional gypsy pitches (to comprise 4 permanent mobile homes), together with the formation of hardstanding areas and a new access from West Chiltington Lane to serve plots 5 - 9, and stationing of 4 additional touring caravans.	Permitted 13-06-2014
DC/12/0298	Proposed additional permanent mobile home	Permitted

	and one additional touring caravan to existing site	09-10-2012
DC/10/0721	Removal of Condition 1 of planning application DC/08/0416 to retain 4 mobile homes and 4 touring caravans with associated works for occupation by a Sussex gypsy family	Permitted 18-06-2010
Neighbouring Site		
DC/24/1290	Change of use for 2No. gypsy residential units along with day room, full drainage, car parking, 2m high bund and soft and hard landscaping.	Refused 29 Sep 2025

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
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 29 - Equestrian Development
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 41 - Community Facilities, Leisure and Recreation

Barns Green & Itchingfield Neighbourhood Plan (2024-2031):
Policy 1: Green Infrastructure conservation
Policy 2: Biodiversity conservation
Policy 3: Heritage Assets and Itchingfield Conservation Area
Policy 5: Protection of green infrastructure
Policy 12: Design parameters
Policy 13: Sustainable Design Requirements
Policy 15: Off-Street Parking
Policy 16: Water Neutrality

Horsham District Local Plan (2023-40) (Regulation 19):
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 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 33: Equestrian Development
Strategic Policy 43: Gypsies and Travellers

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Shaping Development in Horsham District
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 (summarised):

HDC Conservation: No objection.
Will not impact setting of listed building.

HDC Environmental Health: Objection / More Information.
Drainage strategy unrealistic. Recommend no permission is given until feasible drainage strategy provided and evidenced by applicants and agreed with adjoining landowners, the LLFA and the Environment Agency. More information relating to Promethean Planning, Water Neutrality Report and Water Management Plan dated 15th April 2025.

HDC Biodiversity Net Gain: Advice.
Retrospective, and therefore BNG cannot apply.

HDC Tree Officer: Advice.
No significant concerns.

HDC Strategic Planning: Advice / No Objection.
Do not object to the principle of the proposed development. For the case officer to assess merits of application against relevant policies.

HDC Consultant Ecologist: Further information required/Temporary holding objection pending further information on European Protected Species (bats).

Not satisfied sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on bats is provided prior to determination.

HDC Consultant Landscape Architect: Not supportive.
Overall, given concerns regarding adverse impacts on landscape character, the site's countryside setting, location and absence of adequate landscaping provision, consider proposals in its current form to be contrary to HDPF Policies 25, 26 & 31.

HDC Consultant Newt Officer: Advice
If application entirely retrospective, no likely impact on great crested newts or their habitats.

HDC Consultant Archaeologist: No Objection

West Sussex County Council Local Lead Flood Authority: Objection.
Until viable method of draining the site has been provided, without which surface water flood risk could increase elsewhere. New drainage strategy will need to follow National Standards for SuDS and relevant national and local planning policy and guidance.

West Sussex County Council Local Highway Authority*:* Advice.
Given site history and appeal decisions of DC/10/1041 and DC/17/1185, application does not seek to increase use of site over and above what has previously been acceptable to LHA and Planning Inspectorate. LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore not contrary to NPPF (paragraph 116), and no transport grounds to resist.

Environment Agency: No Objection.

Sussex Police - Horsham Neighbourhood Policing Team: Do not support.
Given current evidence of Anti-Social Behaviour (ASB) and criminality any expansion and/or intensification of occupation of this location could lead to further increases in ASB and Crime and this would require further additional police resources and time to tackle.

PUBLIC CONSULTATIONS
2 No. Objections received; content summarised below.

- Over development
- Detrimental impact on the local community
- Unlawful behaviour - question validation of application as works taken place
- Unwarranted burden on local amenities
- Foul / water drainage issues: i) site emissions spill continually down Valewood Lane, causing highway hazard and effluent smell; ii) drainage issues evident across West Chiltington Lane, into Eastlands watercourse across New Rd to Pear Tree Farm, again emanating from site; iii) infilling existing pond and natural spring.
- Applicant proposes to discharge surface water run-off into an Ordinary Watercourse located on my land. Make it clear that: • not been consulted regarding this proposal. • not given, nor intend to give, consent for my land to be used in this way. • No easement or legal right exists for applicant to discharge water into a watercourse on my property. This proposal is not only unacceptable but also directly conflicts with 1. NPPF, Chapter 14: Planning decisions must ensure that flood risk is not increased elsewhere. By directing surface water onto third-party land without consent, this application creates additional flood and liability risks, contrary to national policy. 2. Planning Practice Guidance on Flood Risk and Coastal Change: Developers are expected to manage surface water run-off within their own site, using sustainable drainage systems where appropriate. Offloading run-off onto neighbouring land without consent fails to comply with this principle. 3. Local Policy (West Sussex County Council & Local Flood Authority guidance): Any works to an Ordinary Watercourse require Ordinary Watercourse Consent. This has not been secured, and given my refusal of consent, cannot lawfully be obtained. In summary: • The applicant is attempting to impose a drainage burden onto land outside their

control. • The strategy is unlawful without landowner consent. • It exposes me, as landowner, to flood risk and liability for which the developer must take full responsibility. For these reasons, object in strongest possible terms. Drainage strategy must be rejected, and applicant required to provide an alternative solution within their own landholding.

Parish Comments:

Itchingfield Parish Council: Objection

- Overdevelopment of an unlawful site with significant adverse consequence to the amenity of the Barns Green community and causing increased traffic along West Chiltington Lane. No transport connections into the nearest main village of Billingshurst
- the risk of substantial malfunction in foul water drainage from the site, with adverse consequence to neighbouring properties and roadway infrastructure. The lack of drainage design affecting neighbouring properties in the Billingshurst Parish. This leads to foul sewage being discharged into local waterways. Potential liability for failure in water neutrality

Principal concerns:

General amenity

The Gypsy, Traveller and Travelling Show People act of 1994 states that sites should not exceed 11 pitches and goes on to say that this is to prevent internal problems arising leading to bad feeling and violence. Quite clearly the level of unlawful development within Kingfisher Farm has already exceeded that sensitivity threshold and the proposed development would double the jeopardy. Taken in conjunction with the existing and proposed development of neighbouring sites (Greenfield and Greenacre), the intensity of occupation – potentially exceeding 200 inhabitants – increasingly risks overpowering the local, rural community of Barns Green (population 1,1072) and eroding the amenity of local established residents and landowners. Importantly, the overdevelopment of Kingfisher Farm also has the potential to undermine the satisfactory integration of the legitimate, stable and settled Romany gypsy community.

Foul water drainage

The proposed development, coupled with that already present on the Kingfisher Farm site, will exacerbate the problematic treated water outflows from the unlawful development within the DC/19/1205 footprint. These outflows, unable to permeate the Weald Clay Formation, and without a coherent drainage infrastructure, currently are left to disperse haphazardly through inadequate ditches resulting in a constant foul water flow across and down Valewood Lane. Kingfisher Farm and Greenfield Farm sites both have a history of periodically discharging foul smelling water into the neighbouring drainage ditches. The drainage scheme offered by Bright Plan Civils, Drg P004 revision P00 and PL006, Revision P00 shows treated foul water aggregated from the individual sewage treatment plants (STP) on each of the 10 pitches, being discharged across West Chiltington Lane into an ordinary waterway in the neighbouring property Eastlands.

Eastlands has large, landscaped lakes fed from a spring source close to West Chiltington Lane and the discharge of foul water, treated or not, into this aquatic facility, could cause a serious health hazard in Eastlands and further downstream from the lakes overspill across New Road and into Peartree Farm which operates a Montessouri pre-school play group. The only watercourses around the site are these ditches which discharge into West Chiltington Lane and Valewood Lane (see Drg No PL002 Rev P00 (Dec 2024). Foul water drainage from 6 of the existing unlawful pitches in Kingfisher Farm is shown in Drg No PL006 RevP00 (Apr 2025) as running via existing sewerage treatment plants (STPs) through the proposed site into a SuDs pit in the southeast corner of the site and thence into Valewood Lane. However, this facility – if it ever existed – has been infilled and currently a further unlawful pitch (additional to the 11 originally requested) has been erected on top of this SuDs pit site. The drainage system for both the original unlawful development (DC/19/1205) and that now proposed as a drainage system extension are fundamentally flawed and is unlikely to function as drawn or described. There seems a likelihood that the outlets from all these STPs will now be diverted through the proposed site and discharged into the lakes in Eastlands on the west side of West Chiltington Lane. STPs for the remaining pitches are collected into a pipe which goes nowhere and just stops at the southern edge of the site (Drawing No PL006 Rev P00). Furthermore, during the spring of 2025, many hundreds of tonnes of unidentified spoil and topsoil were imported and distributed over the Application site. This invalidates the topographical survey by BP Civils and renders meaningless the survey information in

Drg. No PL001 Rev P01 (Dec 2024). The Preliminary Levels and contours Drg PL05 Rev P00 of 25th April 2025 shows "Proposed" levels but without evidence of supporting numbers.

The Drainage Strategy, which is such an important element in considering suitability of the site for the proposed development, is therefore implausible. It also raises significant concern about the ongoing foul water outflows from the original, unlawful development that continue to flow down Valewood Lane, even during the drought conditions that have been experienced in the first half of 2025.

Water neutrality
The water neutrality statement by Promethean Planning (April 2025) uses a "worst case scenario", coping with a 60-day drought, and accepting that the 10 pitches under DC/25/0934 will be more densely populated than their 3-bedroom specification would otherwise indicate. Based on a Kingfisher census, Promethean Planning has built their model based on 54 persons occupying the 10 pitches. Promethean estimate a water need for the site of 207,846 litres per annum. It is suggested that this will be met by water harvesting for all water requirements via filtration measures from the roofs of the stated structures on each of 10 pitches, through installation of a 10,000-litre potable rainwater harvesting tank and a 15,000-litre potable rainwater harvesting tank at each pitch. However, even with this collection capacity, there will be a per diem deficit of nearly 1,200 litres that is proposed would be offset through private supplies, presumably protected through pre-occupancy conditions should this application go forward.

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

Sussex Police have been consulted and have advised that given current evidence of Anti-Social Behaviour (ASB) and criminality any expansion and/or intensification of occupation of this location could lead to further increases in ASB and Crime and this would require further additional police resources and time to tackle.

PLANNING ASSESSMENT

Principle:

The development plan for the application site comprises the Horsham District Planning Framework (HDPF) (2015) and the Barns Green & Itchingfield Neighbourhood Plan (BGINP) (2025), the West Sussex Joint Minerals Local Plan (2018), and the West Sussex Waste Local Plan (2014). The respective Minerals and Waste Local Plans are not relevant in this case

HDPF Policy 2 establishes the core strategic spatial approach of the development plan, in seeking to maintain the rural character of the district while ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. Policy 2 to the HDPF seeks to focus development in and around the key settlement of Horsham, whilst allowing for

growth in the rest of the district in accordance with the identified settlement hierarchy. Policy 2, further, seeks to manage development around the edges of existing settlements in order to prevent the merging of settlements, allow the opportunity for people to work close to where they live and to protect rural characters, landscapes and natural environmental resources.

Policy 23 of the HDPF sets out the criteria for assessment in the determination of planning applications for non-allocated (windfall) gypsy and traveller development. Policy 23 requires that consideration be given to whether a site is located in or near to existing settlements within a reasonable distance of a range of local services and community facilities (particularly schools and health services) or is part of an existing strategic allocation. This policy, in addition, stipulates that a site should be appropriately supported by essential services and a safe and convenient means of vehicular/pedestrian access. Policy 23 in addition, provides that development should not result in an unacceptable impact upon the character and appearance of the receiving landscape, the amenities of nearby occupiers and is otherwise sensitively designed, and that no significant barriers exist to development in respect of ground stability and flood-risk.

Other Material Planning Considerations

National policy for gypsy and traveller sites is defined within the Planning Policy for Traveller Sites document (PPTS) (2024) and NPPF (2024). Paragraphs 2 and 24 to the PPTS confirms that applications for planning permission should be determined in accordance with the development plan, unless material circumstances indicate otherwise. Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 continues that Local Planning Authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Suitability of Location

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'.

The application site is located within a rural context approximately 1km (as the crow flies) north-east from the defined built-up area boundary of Barns Green, which is categorised within Policy 3 to the HDPF as a 'medium village', broadly characterised as a type of settlement providing a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day-to-day needs for residents but rely on small market towns and larger settlements to meet a number of their requirements.

The proposed access would lead onto West Chiltington Lane, which is a national-speed limit road lacking dedicated pavements or street lighting in the vicinity of the site. A more direct route leading to the west of the site in the direction of Barns Green is available via public right of way footpath though, this footpath is comprised of an unsealed surface, also lacks street lighting and is not a designated bridlepath allowing use by cyclists. In light of the condition of available routes, and their respective length, it is highly likely that future occupiers would prove very dependent on the use of the private vehicle to access employment, education, healthcare and recreation in addition to general services and public transport.

The spatial criteria for the assessment of windfall gypsy and traveller sites stipulated within HDPF Policy 23 demands that consideration be given to whether sites are located "*in or near to*" existing settlements and *"within reasonable distance of a range of local services and community facilities, in*

particular schools and essential health services." Policy 23, therefore, does provide support for the development of sites in the countryside and demands that these need only be found at reasonable distance from, as opposed to sustainably or well-related to, existing services and facilities.

Recent appeal decisions in Horsham district for gypsy and traveller sites have considered the location of such 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 the 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.

In the case of the Pear Tree Farm appeal APP/Z3825/W/22/3311819 (DC/21/1796), the Inspector found the proposal for settled gypsy accommodation site with five pitches to align with policies supporting accommodations for gypsies and travellers. Although the site is outside the designated area for new developments, 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.

Dominance:

Paragraphs 14 and 26 to the PPTS provide that, when assessing the suitability of sites in rural or semi-rural settings, LPAs should ensure that scale of such sites respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure.

In this instance, consistent with previous appeal decisions at Kingfisher Farm, the nearest 'settled community' for the purposes of PPTS paragraphs 14 and 26 is Barns Green, which is a settlement categorised as a medium village within development plan settlement hierarchy in HDPF Policy 3.

The application site is in close relation to several similar developments, notably Kingfisher Farm and Greenfield Farm (both comprising caravan sites) located approximately 90m to the east and 160m to the south respectively.

According to the recently 'made' (8th Oct 2025) Barns Green & Itchingfield Neighbourhood plan, the census data from 2011 shows that the total population for the parish was 1565. This was a rise of 88 people from 2001 (5.95%). A total of 50.2% (785) were male, whilst 49.8% (780) were female. Since the 2011 Census the Ashmiles development has been built in Barns Green, consisting of 67 houses, and adding an estimated 150 inhabitants to the parish; the estimated population is therefore 1715. In 2011 the age structure was: 385 between the ages of 0-17 395 between the ages of 18-44 507 between the ages of 45-64 278 persons aged 65 and over. There were (in 2011) a total of 555 occupied dwellings. This has now risen to 628 including the Ashmiles development. By reference to the current Electoral Register, 475 homes have a "Barns Green" address and 153 have an "Itchingfield" address. Therefore approximately 75% of parish residents live in Barns Green or its surroundings.

Sussex Police have made representation to the application on reported incidents and occurrences of crime and anti-social behaviour, and do not support further expansion and intensification of the site, which is evidence not to be dismissed lightly. Nonetheless, it does not follow that doubling the numbers of pitches on site would be likely to dominate local services and social infrastructure and community provision. In a rural area an increase in residents and new households may offer a means of supporting declining services. It is considered that the scale of proposed development (as both standalone 10x pitch and cumulatively with other gypsy / traveller pitch developments in the locality) is proportionate to the scale of the nearest settled community, not resulting in a greater quantum of development to that present within the settlement such as to reasonably be considered to dominate the settled community in a manner contrary to provisions of PPTS paragraphs 14 and 26 in this regard. It is, further, considered that a development of this scale would not place undue pressure on local infrastructure.

The Need for Sites:

Paragraph 25 to the PPTS, in addition, provides that in determining applications for gypsy and traveller related development, Local Planning Authorities should consider, amongst other things:

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants
- Other personal circumstances of the applicant;
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- That they should determine application for sites from any travellers and not just those with local connections.

In light of the provisions of PPTS Paragraph 25(a) explicit consideration, therefore, must be given to the existing scale of need.

The strategic approach of the development plan, as provided for within HDPF Policy 22, seeks to satisfy need for gypsy and traveller pitches primarily through the preparation of a site allocations development plan document (DPD). Preparation of the draft DPD commenced in 2017, and which sought to satisfy a requirement for 60x gypsy pitches over a ten-year period to 2027 and a fifteen year requirement for 78x pitches. At the time of initial preparation, pitch allocations within the draft DPD sought to satisfy a previously unmet need of 40x pitches as of 2017. Subsequent to initial preparation the site at Bromeliad Nursery, Billingshurst, was withdrawn together with the 15x pitches which that site would provide, compromising the delivery of the 60x required pitches over the 10-year period to 2027. The DPD, consequently, did not proceed to formal submission or adoption, with no subsequent strategic approach pursued to allocate pitches in advance of the preparation of the draft HDLP.

The Council's latest assessed need was considered within the Targeted Update to the Gypsy and Traveller Accommodation Assessment (GTAA, September 2024) produced in response to an updated definition of gypsy and travellers contained within the PPTS. The Targeted Update to the GTAA identifies a need for 79x pitches for households meetings the pre-2023 definition, a need of up-to 20x pitches households whose status could not be determined and 29x pitches for households which did not previously meet the pre-2023 definition to 2040.

For the immediate 5-year period assessed within the Targeted Update to the GTAA (2023-2027), a need of 61x pitches is calculated comprising 50x pitches meeting the pre-2023 definition and 11x pitches whose status could not be determined at the time of Targeted Update. For the purposes of Policy 43 of the submission HDLP, therefore, officers are satisfied that a need for the pitches sought to be provided by the proposed development does exist.

The Council's latest published AMR confirms at paragraphs 3.44 and 3.45 that a single pitch has been delivered in the previous monitoring period and 9x pitches have been approved. In relation to the immediate need for pitches, comprising of at least 50x pitches to 2027, therefore, officers consider that there is a significant unmet need for pitches within the District, and which largely reflects historic unmet need (40x pitches) assessed at the time of the preparation of the 2017 DPD. The nature of need, therefore, is one which should be acknowledged as immediate and entrenched such as to represent a

significant material consideration in relation to Part (a) of Paragraph 25 of the PPTS. The proposal, in seeking to provide 10x pitches, would make a meaningful and important contribution to addressing immediate and historic unmet. This is considered to attract substantial weight in favour of a grant of planning permission.

The submission draft HDLP, at Policy 43, does seek to allocate sites sufficient to meet the Council's identified 10-year need in providing 69x net-pitches primarily by allocating additional pitches at existing authorised sites. The examination hearings for the submission draft HDLP opened in December 2024, though, at the conclusion of the first week of hearing sessions the plan Inspector explained that he held a number of soundness and legal compliance concerns in respect of the plan. These concerns were more thoroughly communicated in the Inspectors 'Interim Findings' letter of 4th April 2025, where the Inspector advised that the Council had failed in its 'Duty to Co-operate' with neighbouring authorities and that the drafting the HDLP did not, consequently, take sufficient account of the needs of neighbouring authorities. Within his Interim Findings letter the plan Inspector recommends that the submission draft HDLP be withdrawn from examination.

The Council responded to the plan Inspectors interim findings on 22nd April 2025, expressing the Council's disagreement with the Inspectors conclusions and advising that the Council would consider its next steps and available options. As of the time of drafting this report the Council has not formally withdrawn the submission draft HDLP, as recommended by the plan Inspector. The conclusions of, and recommendations made within, the Inspectors Interim Findings, however, cast considerable doubt over the ability of the Draft HDLP to proceed to adoption and are tantamount to an objection to the policies of the submission plan as a collective whole. Given the provenance of those objections, originating from the plan Inspector, these are regarded as a significant unresolved objection. Pursuant to Paragraph 49 to the Framework it is, therefore, considered that the provisions of the draft HDLP at Policy 43, in seeking to allocate sites sufficient to meet the anticipated need for pitches to 2034, could only be considered to attract negligible (if any) weight. In the event that the draft HDLP were withdrawn, the provisions of the draft HDLP would attract no weight in any determination.

Personal circumstances including human rights and best interests of the children

In relation to Parts (b) and (c) to Paragraph 25 of the PPTS the information before the council is not conclusive that the applicant is a gypsy or traveller. There is little evidence about travelling lifestyle and employment, for instance. The proposals, therefore, would have no influence on the personal availability of accommodation available to the applicant, or otherwise prejudice their living conditions and/or that of their family and any resident dependents, including the best interests of any children.

Conclusions on Principle:

As above, the Council are not currently able to demonstrate a five-year supply to accommodate an identified need of Gypsy and Travelling Showpeople sites within the district. It is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the district.

It is noted the site is immediately adjacent to Kingfisher Farm with 11 pitches in total allocated to that site, though not allocated for further provision of pitches, the site has previously been assessed based on its acceptability in terms of its location and access to nearby services / facilities, which was considered acceptable.

Consistent with preceding appeal and applications determinations, notwithstanding a high degree of anticipated reliance on the use of the private car, the site represents a suitable location for gypsy and traveller development in spatial terms in compliance with the provisions of HDPF Policy 23 and PPTS when read as a whole. It is, further, considered that the proposed development would not result in the over-dominance of the closest settled community of Barns Green on an individual or cumulative basis such as to conflict with the provisions the PPTS at Paragraph 14 and 16.

Therefore, the Council does not dispute the principle of the development being unacceptable in this instance, subject to all other considerations as discussed below.

Heritage:
HDPF Policy 34 concerns cultural and heritage assets and provides that the Council will sustain and enhance its historic environment through the positive management of development affecting heritage assets. Applications for such development must make appropriate reference to the significance of heritage assets, reflect current best practice guidance, reinforce the special interest of the district's historic environment through development of appropriate character, siting, scale, form and design, materials and techniques, and retain the setting of heritage assets.

Regarding underground heritage, the council's consultant archaeologist advises proposals do not involve extensive deep ground disturbance and raises no concerns. On above ground heritage, the Listing Description indicates a domestic scale to the setting of Peartree Farmhouse. Pear Tree Farmhouse is recorded as a C16th timber framed building. It appears from recent aerial photographs that it is in close proximity to modern farm and agricultural buildings. It is separated from the application site by open fields and mature tree lines. For these reasons the council's Conservation Officer is satisfied the development will not impact the setting of the listed building and compliance with national and local planning policy, including Policy 3 of the BGINP (2025).

Landscape:
Policy 23(e) of the HDPF states that development for non-allocated gypsy / traveller sites must demonstrate that the development will not have an unacceptable impact on the character and appearance of the landscape and is sensitively designed to mitigate any impact on its surroundings.

Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the district, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation, while not amounting to a significant intensification of activity in the countryside.

Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

Policy 1 of the Barns Green & Itchingfield Neighbourhood Plan states that development proposals shall, where possible with other policies in the Plan, incorporate measures that will conserve, maintain, and/or enhance the green infrastructure of the Parish, with provisions to produce additional green infrastructure. Proposals which would result in the loss of existing green infrastructure will be rejected unless it can be demonstrated that the development proposal brings new opportunities which mitigates or compensates land loss, while ensuring the protection of the existing ecosystem. Developers will be required to demonstrate how they intend to achieve a net gain in biodiversity.

Policy 5 of the same Neighbourhood Plan states that development proposals shall incorporate measures that will protect and enhance the green infrastructure and valued landscape features of the Parish.

Policy 12 of the Barns Green & Itchingfield Neighbourhood Plan states that development will not be supported unless they are of a high quality design and layout; contribute positively to the private and public realm to create a sense of place; respect the character and scale of the surrounding buildings and landscape; protect open spaces and gardens that contribute to the character of the area; protect the identity and character of Barns Green and Itchingfield; protect existing landscape features and contribute to the Parish's Green Infrastructure network; incorporate the use of local materials which are appropriate to the existing housing stock; and positively respond to the local vernacular character of the Parish.

Character and Appearance

The application site falls within the LW6 Central Low Weald of the Landscape Character Assessment of West Sussex (2003). Key characteristics relevant to the site and its context include: • Predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and Hedgerows • Dense cover of ancient broadleaved woodlands and conifer plantations • Local concentrations of horse grazed paddocks and golf course development. Key issues of change include poor hedgerow and woodland management, fragmentation of hedgerows and loss of hedgerow trees and pasture or field trees, increased traffic and suburban development. Landscape and visual sensitivities include: • Unsympathetic urban development, changes in settlement pattern and addition of suburban features. • Changes in land management practices leading to change in field sizes, and loss of hedgerows and isolated pasture trees, loss of tranquillity. • Subdivision of fields and changes in boundary styles linked to increase in horse paddocks are also considered a sensitivity.

Although this last key issue of change is considered in association with horse paddocks, the council's consultant landscape architect does judge subdivision of the field parcel to accommodate individual plots to be comparable to the proposed development. Furthermore, historic features include small and medium-sized assets, linear patterns associated with droveways and irregular fields radiating out from settlements; historic mapping identifies the sites original field pattern to include two medium sized linear fields separated by a tree belt along their length.

The site is identified as Landscape Character Type G: Wooded Small Scale Farmlands, Landscape Character Area (LCA) G2 – Itchingfield and Barns Green Wooded Farmlands of the Horsham District Landscape Character Assessment (2003). This character area largely reflects the characteristics of the application site, and key characteristics described as horse grazing and set aside fields, narrow country lanes and a strong sense of enclosure. The Character Assessment also describes the overall landscape condition in this area as 'declining' with a moderate overall sensitivity to change. Key sensitivities include "further small-scale incremental erosion of character such as suburban features."

Policy 23 of the HDPF states that for Gypsy and Traveller Accommodation, "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".

The application has not been accompanied by a Landscape and Visual Appraisal (LVA) to demonstrate that the application does not have unacceptable landscape and visual impacts, though in the professional judgement of the Council's consultant Landscape Architect is that given the intimate enclosed nature of the site, visual impact would be limited. However, the council's architect does have concerns regarding impact on landscape character, where urbanising features of the proposals will have a negative effect on the tranquillity of the small, enclosed horse paddocks as described in both Landscape Character Assessments.

Furthermore, the proposals directly influence key sensitivities within both Local Character Areas, particularly due to the subdivision and incremental erosion of their character. The cumulative impact of the proposals alongside existing similar developments amplifies the overall effects. Additionally, the lack of meaningful landscape interventions provides minimal mitigation of the adverse negative effects. These conclusions are shared with Inspector in the combined appeal (Appeal Decisions APP/Z3825/C/16/3153910, APP/Z3825/C/16/3153915, APP/Z3825/W/17/3188942, APP/Z3825/W/17/3188945) where paragraphs 76-84 discuss matters of character and appearance. Notably para 83 the inspector notes "In conclusion, the harm to the visual amenity and the appearance of its surroundings is limited. However, the development results in harm to landscape character, harm that is increased markedly by the cumulative impact."

The Council's landscape consultant agrees that visual impact will be limited; albeit previous consultation at DC/24/1290 - Greenacres Farm West Chiltington Lane Billingshurst West Sussex (dated 18/10/2024) identified some loss of hedgerow along West Chiltington Lane which was considered unacceptable noting "received site photos indicate a section of hedgerow has been removed to facilitate a new access point. This reduces the enclosure of the site impacting both visual amenity from West Chiltington Lane and a key characteristic of the landscape." While outside of the site, this loss of enclosure will undoubtedly increase the visual sensitivity along West Chiltington Lane of the proposals.

The introduction of hardstanding encroaching the entirety of the site removes the provision of meadow grassland, a valued contribution toward the wider Green Infrastructure network and therefore in conflict with Policy 1 of the IPNP.

Cumulative impact

The development applied for does not exist in isolation. The site is experienced and viewed against the wider locality which includes the existing consented 9x pitches to the southeast and the established use and development to the immediate on Greenacres Farm and Kingfishers Farm to the immediate east. Kingfishers Farm was granted consent for the use and siting of 11x pitches on appeal under application DC/10/1041 and subsequently DC/19/1205. However, the development has not been carried out in accordance with the approved plans, in which a current application (DC/21/1141) seeks to regularise this breach which unlawfully extends beyond the boundaries of the site. Further breaches have since been documented on the site, which are subject to further Planning Compliance investigations.

Whilst these breaches are currently under investigation and are unlawful, the resultant impact has been harmful to the prevailing character of this rural setting. The adjacent site at Greenacres Farm, has unlawfully sited 2 units without planning permission (DC/24/1290 refused 29th Sep 2025). Across both sites, significant levels of hardstanding have been laid, in addition to inappropriate boundary treatment, which has resulted in significant erosion of the rural qualities of the site and surrounding area. As above, the proposal would be read against the backdrop of this wider development within the area, in particular in the context of the unlawful 11x pitches and additional 5x pitches (DC/25/1029 currently pending consideration) at Kingfisher Farm as their respective hard standings abut each other with little to no differentiative.

Historic mapping identifies the incremental subdivision of the Kingfisher Farm field site and its wider setting from two distinct linear field separated by a substantial tree belt. The site identifies the eastern boundary to comprise the tree belt which is now removed. Further mapping identifies the intensification of this subdivision from 2024 to present day. The abutment of hard standings serving all three developments (the 5x pitch DC/25/1029; 11xpitch; and the current 10xpitch proposal) without any landscaping between means all three are experienced as a coalesced development, with very little distinct visual separation. The ability to secure good quality landscape scheme is constrained by the current extent of hardstanding – there is no scope for planting give the red line is drawn tight to the hard surface. The resultant impact is significant cumulative harmful impact across these three sites, and wider harm to the character and appearance of the landscape.

Even when considered standalone, the 10xpitch development currently applied for is characterised by hard urban form including extensive hardstanding, external fences, together with static and touring caravans and associated structures.

In 2011 the appeal inspector for the original 11xpitch development at Kingfisher Farm (DC/10/1041) concluded that the significant concentration of urbanisation would detract from the intrinsic open nature of the countryside. The size of the site would result in a negative impact on area character, although the degree of harm would not be great. In this case the larger site undoubtedly has a harmful effect on local landscape character. The Council considered that the additional footprint would not be of a size that would significantly change the harm considered acceptable before. The concern was directed to the effect of the new layout on the reduced scope for landscaping, particularly by pitch 1 and the further urbanisation of the area and related impacts through an increase in the number of caravans, activity and external lighting. The degree of landscape harm would be greater than assessed in the site allocation DPD.

In the 2018 appeal for the subsequent unlawful 11xpitch development, the Inspector shared those concerns (para 80) acknowledging that whilst a more effective use of land would be achieved this would be a less satisfactory layout. An increase in caravans, facilitated by the larger hardsurfaced pitches, would also be accompanied by more structures, such as day rooms, utility rooms, sheds and stables. The amount of activity would increase and further extension into the agricultural land could occur, unless adequately controlled by condition. The development would not be in character with the countryside surroundings. The 2018 Appeal Inspector concluded:

83. In conclusion, the harm to the visual amenity and the appearance of its surroundings is limited. However, the development results in harm to landscape character, harm that is increased markedly by the cumulative impact. The caravan site is not sensitively designed to mitigate its impact on its surroundings and would be the dominant component of the mixed use if occupied close to its maximum capacity. There is a lack of compliance with criterion (e) of Policy 23 of the HDPF and the high quality of design sought by Policy 32 is not achieved. The area of the component uses and the total number of caravans are important to ensuring an acceptable scale of development, appropriate to its countryside character and location in accordance with Policy 26.

The current proposal is something much greater altogether – it is in effect, near doubled the extent of hard surface and number of pitches on the Kingfisher Farm field. Optimising the potential and making efficient use of the site to a level of development, as sought by the applicant, have not secured a well-designed layout. The balance sought by the Framework, between promoting an effective use of land in meeting the need for homes (in this case pitches) and safeguarding the environment, has not been achieved.

Overall Conclusions on landscape

The site is in a wider rural area but adjacent to a few other residential developments, within a predominantly rural context. When considered standalone and/or cumulatively with other nearby development in the wider context, the proposed development further subdivides the land, resulting in an awkward and uncharacteristic field pattern with disruptive and intrusive urbanising impacts, failing to protect, conserve and enhance the landscape character of the area, and results in unacceptable harm to the character and appearance of the area, contrary to Policies 23, 25, 26 and 33 of the Horsham District Planning Framework (2015) and Polices 1, 5, and 12 of the Barns Green & Itchingfield Neighbourhood Plan.

Amenities: Neighbouring and Future Occupier

HDPF Policy 33 seeks to ensure that development does not result in unacceptable harm to the living conditions of nearby occupiers/users of land in respect of a possible loss of privacy, natural light and/or overlooking. This is read in connection with Policy 23(e) in the case of gypsy proposal sites.

Neighbours
Given the relationship with the nearby residential properties, and the distance between the site and neighbouring properties, it is not considered that the effects of a development of this scale would amount to unacceptable harm, especially with the inclusion of appropriately worded conditions regulating lighting, construction and business activity. The proposal, therefore, is compliant with the requirements of HDPF Policies 23 and 33 in this regard.

Future Occupiers

Paragraph 27 of the PPTTS (2024) states 'When considering applications, local planning authorities should attach weight to the following matters: a) effective use of previously developed (brownfield), untidy or derelict land b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community'.

The proposed layout and arrangement is logical, efficiently utilising the parcel of land with ample separation between the existing and proposed units whilst also providing suitable amenity areas. The proposed layout indicates that each pitch would benefit from hardstand providing a space for 2x cars, a touring caravan and a refuse store incorporating an EV charging point and storage for 2x cycles. Each pitch would also benefit from amenity space, hosting a day room to the northern pitches, parking areas, and a grassed area to the side / rear of each pitch. The arrangement is considered sufficient to provide suitable amenity space and areas for play for children. The proposal would therefore accord with 23(c) of the HDPF.

Some degree of intervisibility could arise between existing/future occupiers, though, this is somewhat mitigated by the perpendicular arrangement of proposed static homes to the existing retained mobile home. Regarding these circumstances, it is not considered this would unacceptably diminish privacy to be contrary to HDPF Policy Policies 23, 32, and 33 of the HDPF (2015).

Highway Safety

HDPF Policy 40 provides that development will be permitted provided it is appropriate in scale to existing transport infrastructure, maintains the existing transport system, includes opportunities for sustainable travel and to minimise the distance people need to travel. Development, further, should provide for a safe and suitable access for all highways users.

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

The NPPF 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'.

Access and Visibility

The site is served by an existing access via West Chiltington Lane. Following consultation with WSCC Highways, there are no apparent visibility concerns with the existing point of access onto West Chiltington Lane. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing concern.

The proposed development is of a scale which would not materially influence the operation of the highway network at strategic scale. In capacity terms the intended provision is considered adequate, with the layout of proposed pitches (and development as a whole) considered to allow sufficient ability for vehicles to turn within the site and exit onto the public highway in a forward gear.

Parking and Turning
HDPF Policy 41 seeks to ensure adequate parking facilities within development. HDPF Policy 23 also states that development for non-allocated gypsy / traveller sites states the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas. Policy 15 of the BGINP (2025) is similarly aligned.

20 car parking spaces are proposed for the site, with each pitch providing two car parking spaces. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. Therefore, the proposed parking provision is considered acceptable and is anticipated to meet the needs of the site.

For these reasons, it is considered that safe and adequate access would be provided for users of the site, and the proposed development is not considered to have a severe cumulative impact on the function and safety of the highway network. The proposal is therefore considered to accord with the above policies.

Ecology

HDPF Policies 25 and 31 seek to ensure that development safeguards and minimises effects upon protected species and features of biodiversity interest, secures a proportionate biodiversity net-gain and that any loss of green infrastructure or protected trees resulting from proposed development is compensated for. HDPF Policy 31, further, requires that development resulting in direct or indirect adverse effects on features for biodiversity that development will be refused unless it can be

demonstrated the need for the development clearly outweighs the need to protect the value of the site and that appropriate mitigation/compensation are secured.

Policy 2 of the BGINP (2025) requires development proposals to incorporate measures that seek to seek to ensure and enable the protection, conservation and enhancement of the parish's biodiversity and ecology including its hedgerows, ponds, orchards, roadside verges and woodland, including shaws and ancient and veteran trees. Development proposals on greenfield sites, including any windfall development, would require a project-level Habitats Regulations Assessment that is supported by up-to-date data from bat surveys.

The site lies approximately 7.7km east of The Mens Special Area of Conservation (SAC) and therefore lies within the 12km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The qualifying feature for the SAC is Barbastelle bats, but there are no records for this species within 2km of the site (Sussex Biodiversity Records Centre (SxBIS). Development with potential to impact upon the Arun Valley SPA or the Mens SAC will be subject to formal habitats-regulations assessment.

Protected and Priority Habitats and Species

The Council's Ecology consultant has reviewed the submission material but identifies there is an absence of ecological information included with the application to help assess the potential use of the site by European Protected Species, Priority species and the presence of Priority habitats. Accordingly, they are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on bats is provided prior to determination. The reasons for this are outlined below:

Bats

It is noted from the submitted documents that bats may be impacted as a storm drain utility line will be connected across West Chiltington Lane through or beneath the hedgerow. Surrounding hedgerows contain mature trees and Government Standing Advice says that you should ask for a survey if a development proposal is likely to negatively affect bats or their: • roost habitats • foraging habitats • commuting habitats In addition, the site lies approximately 7.7km east of The Mens Special Area of Conservation (SAC) and therefore lies within the 12km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) for which the qualifying feature is Barbastelle bats. The council would need to prepare a project level Habitat Regulations Assessment Appropriate Assessment to record its decision and consult Natural England on the conclusion.

To fully assess the impacts of the proposal the council needs ecological information for the site, particularly for bats, which are European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby". The information is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." This information is therefore required to provide the council with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the council to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also

requested by the Inspector even where ecology has not been a reason for refusal. Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

Absent of the above detail, the Council cannot have confidence of the absence of possible adverse effects upon bats or whether any relevant effects are capable of being successfully mitigated through the incorporation of relevant mitigations secured as a condition of any consent. The proposals, therefore, could result in harm to protected species contrary to the provisions of HDPF Policy 31 and the Authority's duties pursuant to the Conservation of Habitats and Species Regulations (2017) (as amended). The weighting afforded to this policy is not reduced by the age of the development plan.

Newts

The council's consultant newt officer is satisfied there would be no likely impact on great crested newts or their habitats.

Biodiversity Net-Gain (BNG)

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of the application relating to retrospective development.

Arun Valley SAC, SPA and Ramsar (Water Neutrality)

The application site falls within the Sussex North Water Supply Zone, where increased demand for mains-water would exacerbate demand for the continued use/scale of public groundwater abstractions at Hardham Water Works contributing to associated adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.

In support of the proposed development the applicant has provided a Water Neutrality Statement. No water use for the existing baseline has been demonstrated and is therefore considered as nil. Each unit is demonstrated to comprise a water demand of 64.3lpd. Rather than just applying the Council's average occupancy for a three-bedroom unit (2.47 persons), the applicant has calculated overall demand on a 'real world' pitch occupancy scenario, with demand across the site at 3,472 litres per day (64.3 x 54 persons). Utilising rainwater harvesting on the available roof area of the static caravan and the utility building on each pitch, would yield 2,293 litres per day. For drought contingency, the development would therefore require harvesting tanks with a minimum storage capacity of 207,846 litres (it is proposed to install 2 no. potable rainwater tanks in each pitch). With the rainwater harvesting systems installed, the development would require 1,179 litres per day (3,472 - 2,293) to offset. It is proposed to purchase credits from a private supplier to ensure the development is water neutral.

The above strategy presents issues of concern that are fatal to demonstrating the proposal is water neutral; i) the council's Environmental Health Officer is not convinced the system provides suitable treatment of the water to potable standard; ii) the yield from the harvesting cannot be certain as the model of caravan cannot be controlled; and iii) there is no detail of a private supplier for the offsetting.

- *Water treatment*

The guidance referenced in this report should be The Private Water Supplies (England) Regulations 2016. This shall also be the regulations used to determine sampling parameters and frequency. Additionally, BS EN 16941 1:2018 is referred to throughout, but this standard was withdrawn in March 2024 and updated in June 2024. The report fails to include a schematic diagram of the proposed RWH system, this is required. There is no mention of the pipework associated with the system, including the material used or their location. Nor is there any reference to the siting of the septic tank on the site, which poses a risk for cross-contamination. The report mentions that a regulation 6 risk assessment will be completed. It should be noted that it is expected the risk assessment to follow the Drinking Water

Inspectorate (DWI) risk assessment tool, which can be downloaded from their website. The tank mentioned is designed to be fitted above ground, current guidance does stipulate that storage tanks associated with RHW should be located underground. The applicant should explain why each unit will have 2 smaller tanks (total of 20 on site), rather than 1 large tank each. The report needs t oread as a statement of positive intent/action so use of the word 'should' will need to be replaced with 'shall'. This application is for ten units and so this needs to be reflected in the report. The report mentions the treatment will be installed into "the building". Is this the day room, the static caravan, or something else entirely. If each unit has its own treatment, the treatment section of the report needs to allude to ten treatment systems.

- *Model of caravan*

The siting of a particular product model of caravan cannot be controlled via condition as this would not fall within the definition of 'development' under Section 55 of the Town and Country Planning Act 1990, thus it would be unreasonable and unenforceable to control this aspect of the proposal by way of condition as a form of mitigation, as a particular caravan model could be removed from site and replaced with another (i.e. a smaller model). Removal and replacement of caravans would also require significant infrastructure changes to any installed rainwater harvesting system.

This matter was considered at combined appeals at Oaks Farm, Wineham Lane, Wineham under references APP/Z3825/C/24/3350120/121/122/123/124/125/126/127/128, where the Inspector considered that there was no surety over the size of caravans to be installed on each ploy, where the calculations for water collection, based on a certain area of roof, would not reflect the capacity on site. The Inspector therefore considered that a condition requiring each occupier to have a mobile home of a certain size would not be reasonable. Furthermore, the Inspector noted that ensuring the scheme was retained for the lifetime of the development would not be reasonable given the likely transient nature of the occupiers of the site over the lifetime of the development.

Further, it is noted that the proposal relies upon collecting rainwater from the roofs of the caravans. A recent appeal decision at Oak Farm considered rainwater harvesting on caravan sites, where it was concluded that there is insufficient surety over the size of caravans to be certain of the roof area required for rainwater collection. As such, any calculations of roof area may differ over the lifetime of the development, particularly as the replacement of a caravan would not be deemed development and could not therefore be controlled. In addition, given the likely transient nature of the occupiers of the site over its lifetime, the proposed mechanism to limit the size of caravans could not be secured in perpetuity. As such, the appeal decision concluded that the suggested measures would be insufficient to address water neutrality.

- *Private Supplier*

The absence of details any private supplier to secure the offsetting residual water demand is fatal to the required certainty necessary to demonstrate water neutrality for Habitat Regulations Appropriate Assessment. As the application is retrospective, the development would not benefit from the Sussex North Water Certification Scheme as an alternative solution, and a Grampian condition to secure water offsetting could not be reasonably imposed.

Summary on water neutrality

In the absence of demonstration that the proposed development would have no adverse impact on protected species and its habitat, the proposals are contrary to Policy 31 of the HDPF (2015) and Paragraphs 193 and 194 of the NPPF. The proposal has failed to demonstrate Water Neutrality with the required degree of certainty such that the development would contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 193 and 194, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017, and contrary to BGINP Policy 16.

Drainage and Flood Risk

HDPF Policy 23 states that 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 the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

HDPF Policy 38 provides that, where there is potential for development to increase in flood-risk elsewhere, that sustainable urban drainage systems, or alternative water management measures, be incorporated such as to eliminate that risk with a preference for drainage systems which mimic natural features wherever possible.

Drainage is infrastructure related to an essential utility service; the larger number of pitches and increased level of occupation have implications for local infrastructure, health and environmental protection. The district environmental health position is that Environment Agency consultation (July 2025) has not accounted of the cumulative effect of drainage from the multiple caravan sites and proposed sites in this small area, nor of the historical issues.

It is noted the submitted Design and Access Statement uses a copy of an email from the HDC drainage engineer in August 2022, but this email refers to a different drainage strategy for the adjacent Kingfisher Farm site for 11 units, utilising a ditch to the east of the site and bears no relation to the current proposal. The submitted drainage strategy proposal for disposal of surface water and treated effluent from this site is to discharge into a stream and pond system to the west of the site, which is in different ownership to the proposed site.

West Sussex County Council in its capacity as Local Lead Flood Authority (LLFA) has been consulted and has formally objected to the submitted drainage strategy, which is reliant upon obtaining Ordinary Watercourse Consent to which the agreement of the third-party landowner on the west side of West Chiltington Lane onto those land the foul and surface water would discharge. That landowner, The Faulding Estate West Chiltington Lane, has made formal objection to the application.

The LLFA are the authority who issue Ordinary Watercourse Consent under the Land Drainage Act. The applicant would need third party agreement both from a consenting perspective but also from a planning perspective to ensure surface water flood risk does not increase elsewhere (following the National SuDS Standards referred to in Planning Practice Guidance Flood risk and coastal change:

National SuDs Standards paragraph 1.6: *Where access to third party land is required to facilitate discharge to a final destination, evidence that any necessary easements are in place for the lifetime of the development shall be provided to the approving body.*

It is evident from the submission of the landowner's objection that permission for this discharge would not be forthcoming. Permission from West Sussex County Council to take sewage pipes under their land and road has not been evidenced. The run of discharge pipe in the Kingfisher farm field westwards from the pitch hard standing to the road is also through land that is under separate ownership to the applicant, although owners have been served notice via the application and not made representation.

Additionally, the development applied for under this current application relies on land occupied by existing drainage serving septic tanks of the adjacent existing 11x pitch development at Kingfisher farm; thereby requiring, dependant on land ownership, a 3rd party way leave to be put in place to ensure both sites can operate independently protecting the drainage corridors. There is no detail in the submission to how this is to be secured.

If permission to discharge the effluent is not granted, an alternative strategy will be required, and as identified in the Drainage Statement: D2328, infiltration is not an option due to the impermeability of the ground on site. There are ongoing difficulties with drainage of the adjacent caravan sites to ditches both to the east and west in this small area, so adequate drainage is critical to the whole application.

Drainage was critical to the 2018 11x pitch Kingfisher Farm appeal; the Council's case on the lawfulness of the development resting solely on the issue of conditions precedent. In that case, the

Inspector agreed with the Council that drainage went to the heart of the permission and fundamental to delivering the material change of use to a caravan site. It was judged:

Having an adequate system in place from the outset would be essential for the health and amenity of the site occupants and nearby residents or visitors to the area. Consequently condition 15 goes to the heart of the permission and is a true condition precedent.[para 49]

The critical nature of the drainage is further expressed in national planning policy at paragraph 182 which states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff. Further, Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

It is evident for the reasons already set out, that the inability to deliver appropriate foul and surface water discharge is fatal to the proposed drainage strategy to fulfil the requirements of national policy to be acceptable in planning terms.

Summary

In the absence of a comprehensive scheme to show how surface and foul water would be disposed satisfactorily the development fails to comply with HDFP Policy 24. Without adequate drainage, there is potential harm to future occupiers of the development and uncertainty to surface water flood risk not to increase elsewhere, in conflict with HDPF policies 23 and 38 and paragraph 182 of the NPPF. It has not been shown the site can be properly serviced and that the development is compliant with HDPF Policy 39 on infrastructure provision.

Conclusions and Planning Balance

Considering the development plan first, the relevant policies 21 and 22 on traveller site provision are considered out of date in so far as the five year target. Paragraph 28 to the PPTS provides, in instances where an Authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, that the provisions of Paragraph 11(d) of the National Planning Policy Framework (NPPF) apply.

The Council's latest published Authority Monitoring Report (AMR) (30th April 2025), at Chapter 3, Paragraph 3.46 acknowledges the Council cannot demonstrate a five-year supply of deliverable sites for pitches, accordingly, the presumption in favour of sustainable development at NPPF Paragraph 11(d) is engaged in this instance.

For decision-taking this means:
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) 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:
i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed;
or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework 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 providing affordable homes, individually or in combination.

Benefits
The proposals would convey social benefits (10x gypsy pitches) through the provision of additional available pitches sufficient to account for a sizeable proportion of the Council's identified unmet need to address the requirements from the specific needs of a minority group, and this is afforded significant weight and has the support of HDPF Policy 42. The best interests of the children has significant weight, whilst the 'failure of policy' has a small degree of weight. The site is located to enable reasonable access to facilities in existing settlements. Development would not dominate the nearest settled community, and undue pressure would not be placed on the highway network.

Neutral Impacts
The proposed development would not unacceptably impact upon highway safety and operation, nor the living conditions of nearby occupiers/users of land. There is no conflict with Policy 40 and parking provision complies with Policy 41. The absence of harm in these regards, however, is neutral in the planning balance.

Harms
The proposals would result in harms (to the character and appearance of the locality; to potential impact on protected species and habitats including the Arun Valley Sites; and in exacerbation of flood risk). Policy 26 allows for the use within a countryside location as a sustainable development but the scale is not appropriate to its countryside character and location. The considerations set out in Policy 23 highlight significant harm regarding essential utility services to the site, landscape character and design of the layout. A requirement in respect of environmental protection in Policy 24 is not satisfied, the quality of the development falls below the requirement of Policy 32 and development principles within Policy 33 are not met.

The development would promote an effective use of land but the balance with safeguarding and improving the environment and ensuring heathy living conditions has not been demonstrated. Infrastructure provision (drainage) is outstanding and in view of the implications for public health has substantial weight. The absence of an approved drainage system is particularly important to achieving an appropriate density of development and in ensuring full account is taken of ground conditions and the likely effects on health, living conditions and the natural environment. Planning conditions are not able to overcome the planning objections.

These Environmental Harms are contrary to relevant local policy to which afforded weighting is not reduced by the age of the current development plan, are considered strong reasons to refuse and are judged to weigh significantly against a grant of planning permission.

Planning Balance and Overall Conclusions

Failure to demonstrate water neutrality warrants refusal of planning permission pursuant to Paragraph 11(d)(i) of the Framework (as there is conflict with policy of 'particular importance' relating to the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar habitat sites that would disengage the 'tilted balance'), and the previously identified environmental harms resultant from the proposed development are considered to weigh significantly against a grant of planning permission.

Furthermore, it is considered even in the event that Water Neutrality is resolved at a strategic level, those other harms would in themselves significantly and demonstrably outweigh the benefits of the proposals if, as consequence, a determination were made pursuant to Paragraph 11(d)(ii) of the Framework, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places. The harms identified could not be overcome by the granting of a temporary consent or personal permission.

The proposal is therefore considered contrary to relevant local and national planning policies and is therefore (on balance) recommended for refusal for the reasons given below.

Proportionality assessment

The proposed refusal of permission would be an interference with the rights of the applicant and families living on the pitches to respect for their home and family life. The interference would have consequences of sufficient gravity as to engage the operation of Article 8 because of the potential loss of the home, disruption to family life and the possibility that an alternative pitch would be less suitable or that they would have to return to living by the roadside. The interference would be in accordance with the law provided that planning policy and relevant statutory duties are appropriately and lawfully applied. The interference would be necessary in the interests of the protection of the environment and the health of residents as part of the regulation of land use, recognised as an important function of

Government. A proportionality assessment is necessary to establish whether the interference would be proportionate to the legitimate public end sought.

On the limited amount of information provided in the application about the circumstances of the applicants, having weighed and balanced the personal interests of each of the families against those of the wider community the interference with their Article 8 Convention rights is necessary and proportionate, the conclusion would be to refuse to grant planning permission for the development would strike a fair balance in relation to all the family units and would not result in a violation of their rights under Article 8.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	440	0	440
		Total Gain	**440**
		Total Demolition	**0**

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

Recommendation

Reasons for Refusal:

1.) The proposed development would, by reason of its scale and activity and resultant incremental subdivision and intensification of the site, the overall harms of which would be amplified when considered cumulatively with other nearby development, result in an unacceptable harm to the rural character and undeveloped nature of the countryside, with key sensitivities within the Landscape Character Areas in which the site is located being neither protected nor conserved and absence of adequate landscaping provision as mitigation to adverse negative effects, all of which conflict with Policies 23, 25, 26, 32, and 33 of the Horsham District Planning Framework (2015), and Polices 1 and 12 of the Barns Green & Itchingfield Neighbourhood Plan (2025) and Paragraph 27(b) and (d) of the Planning Policy for Traveller Sites (2024).

2.) It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would provide for satisfactory essential utility services to the site (foul and surface water drainage) and safeguard the heath of the site occupiers and environmental protection, and to avoid increasing flood-risk elsewhere, all of which conflict with Policies 23, 24 and 32, 33, 38, 39 of the Horsham District Planning Framework (2015) and Paragraph 182 of the National Planning Policy Framework (2024).

3.) It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would avoid possible adverse effects upon protected species (bats) and their habitat, or that potential adverse effects are capable of being successfully addressed through the incorporation of relevant mitigations. The proposals, therefore, are contrary to the requirements of Policy 31 to the Horsham District Planning Framework (2015) and Policy 2 of the Barns Green & Itchingfield Neighbourhood Plan and the Authority's duties pursuant to the Conservation of Habitats and Species Regulations (2017) (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2007 (as amended).

4) Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Policy 16 of the Barns Green & Itchingfield Neighbourhood Plan (2025), and Paragraphs 193 and 194 of the National Planning Policy Framework (2023), 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).

NOTE TO APPLICANT

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/25/0934

Schedule of plans/documents **refused**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Plans	Location Plan	PP-14050679v1	04.06.2025
Plans	Topographical Survey	1885-01	20.06.2025
Plans	Topographical Survey	1885-02	20.06.2025
Plans	Site Layout As Proposed	501 REV A	04.06.2025
Plans	Day Room Details	1050 REV E	17.07.2025
Plans	Swept Path Analysis Estate Car Site Parking	2501083-TK01	04.06.2025
Plans	Swept Path Analysis Estate car Site Parking	2501083-TK02	04.06.2025
Plans	Swept Path Analysis Car Towing Caravan Site Access	2501083-TK03	04.06.2025
Supporting Statement	Water Neutrality Report and Water Management Plan by Promethean Planning 15th April 2025	NONE	04.06.2025
Supporting Statement	Soil Infiltration Testing and Groundwater Monitoring Report by eps consulting	P1262/R1/V2	04.06.2025
Supporting Statement	Surface Water Drainage Design Summary and Calculations by BP Civils	D2328	04.06.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 16-10-2025

Authorising Officer sign/initial Adrian Smith Date: 16/10/2025