Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1551
Land at Marches Road, Warnham, West Sussex,

DESCRIPTION:
Change of use of land for the siting of 2no. static caravans, 2no. touring caravans for habitation to be occupied by Gypsys and Travellers with associated parking and relocation of existing access. (Retrospective).

RELEVANT PLANNING HISTORY:

DC/24/0426	Application to confirm the siting of shipping containers used for B8 Storage and Distribution and Laying of hardstanding for a period in excess of ten years (Lawful Development Certificate - Existing).	Split Decision on 17.09.2024
DC/23/2057	Application to confirm the continuous use of land and buildings for storage purposes for a period in excess of ten years (Lawful Development Certificate - Existing)	Application Refused on 11.03.2024

DESCRIPTION OF THE SITE
The application site lies to the north of Long Wells Vineyard in the parish of Warnham outside of the Built-Up-Area within a countryside location. It is partly screened by trees to the north and south boundaries and is accessed via an existing gate from Marches Road. A new 2 metre high close boarded fence and access gate has been erected along the road frontage and a new access installed further towards the middle of the road boundary.

DESCRIPTION OF THE APPLICATION
The proposal seeks the retrospective change of use of land for the siting of 2no. static caravans, 2no. touring caravans for habitation to be occupied by Gypsies and Travellers with associated parking and relocation of existing access.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations
Policy 22 - Gypsy and Traveller Sites
Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation
Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Warnham Neighbourhood Plan (2017):
Policy W1: Built-Up-Area-Boundary

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

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
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 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31: Rural Economic Development
Strategic Policy 43: Gypsies and Travellers

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:

HDC Environmental Health: The Water Neutrality statement is lacking in sufficient detail required to assess whether a safe water supply can be secured for the site from rainwater harvesting. There is no information about how the foul sewage is proposed to be treated, so the suitability of the site for occupation cannot be assessed on the basis of information given.

HDC Landscape Architect: Objection (*summary*). The proposed development, situated in a rural countryside location outside any Built Up Area Boundary, raises significant concerns due to its adverse impact on the visual amenity and rural character of the area. The loss of boundary vegetation and increased activity, light, and noise pollution undermine the tranquillity and rural qualities of the landscape, contrary to policies 23, 25, and 26 of the Horsham District Planning Framework (HDPF). The site, previously characterized by dense vegetation and a well-screened, pastoral appearance, now appears visually open and urbanized, detracting from the local landscape character. Public rights of way and views from Marches Road further highlight the negative visual impact. Without a Landscape and Visual Appraisal (LVA), these effects cannot be fully assessed, and mitigation measures, such as planting and sensitive design, are strongly recommended. Additionally, enforcement issues and the retrospective nature of some works exacerbate concerns. An LVA in accordance with GLVIA3 guidelines is essential to address the proposal's impact and explore measures to conserve and enhance the area's key features.

Nature Space: No comments

Natural England: Further Information Required: -

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is **unable to rule out an adverse effect** on the integrity of the Arun Valley designated sites, due to insufficient consideration as to how the proposed application will not result in a net increase in abstraction within the Sussex North Water Supply Zone. Having considered the assessment, Natural England concurs with the conclusion you have drawn. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Southern Water: Comment, general comments on SUDS adoption

WSCC Highways: 19.11.24: More Information
The Local Highways Authority is now in receipt of amended visibility splay plans showing the trees at the corner of Marches Road to the west of the site and a set back to the gated access point.

Access, Visibility and use
The Local Highways Authority previously requested clarification on how the sightlines were affected by trees sited immediately west of the existing access. The trees required are those shown below.

It is also noted that the splays as demonstrated will require the 2m high fencing to be moved back or to be reduced in height to below 0.6m (within the visibility splay) to accommodate for the sightlines and allow them to be achievable.

As discussed within my previous report it would be beneficial for the applicant to confirm whether any B8 use will be retained at the site and whether this would be a commercial operation. Although the planning statement has put weight into the fact that the traveller site will produce less movements than the potential of the existing use, it has not been shown within the plan that the storage containers will be removed. Can this please be confirmed by the applicant.

The set back access as shown appears a workable solution for domestic vehicles, 6m allows an average sized vehicle space to wait clear of the highway whilst the gate is operated. It is unclear if this is an electronic gate however the gates should open inward of the site to allow vehicles the space to wait. The average size of touring caravans tends to be between 7-8m long with smaller tourers measuring around 6m.

Representations:
Five public letters of representation have been received from five separate addresses, *objecting* to the application on the following grounds:

- The site is not a site allocation
- Impact on neighbouring residential amenity
- Introduction of residential paraphernalia and higher levels of movement and activity
- Visual landscape impact
- Impact on character and appearance of the area
- Out of keeping with agricultural character
- Unsustainable location
- Highways safety and increased traffic and movements

Parish Comments:
Warnham Parish Council: Objection

Member Comments:
None received

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

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

PLANNING ASSESSMENT

Principle of Development:

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

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

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

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

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

The Horsham District Local Plan Regulation 19 document was approved at the meeting of full Council on 11 December 2023. Consultation on the draft document is took place between 19 January to 1 March 2024, and was formally submitted to the Planning Inspectorate on Friday 26 July 2024. The draft Local Plan has yet to be adopted and is of limited weight. It does however provide guidance with respect future policy direction, demonstrating that the identified need (as above) will be met through the democratic allocation process.

In terms of the Council's current policy position: Policy 23 is now out of date, thus the Council is unable to demonstrate a five year supply of pitches. Paragraph 27 of the Planning Policy for Traveller Site (PPTS) (2023) states that if a local planning authority cannot demonstrate an up–to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. In the absence of an adopted DPD, the Council is unable to demonstrate a five-year supply of Gypsy and Traveller pitches. In accordance with Paragraph 27 of the PPTS, the absence of such a supply is a significant material consideration, and this weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant planning policies (further detailed and assessed below).

Policy C of the PPTS relates to sites in rural areas and the countryside, with paragraph 14 stating that "when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community". Paragraph 25 of the PPTS continues that local planning authorities "should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure".

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.

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

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

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

In considering the appeal under reference APP/Z3825/W/20/3265226 Hillybarn Farmhouse (DC/20/1993), The Mount, Ifield, the Inspector recognised that residents of site were unlikely to walk to facilities given the separation distances. Also, only a limited bus service travels along Ifield Wood to Horsham and so it was unlikely to provide a realistic travel option for most trips. The development was considered to be within a reasonable cycling distance of Crawley, although it was recognised that this would be an unattractive choice of transport for many journeys, particularly during inclement weather. As such, it was noted likely that occupants of the development would be highly reliant on the private car. However, the Inspector considered that occupants of Gypsy and Traveller sites would have less opportunity to travel by foot, cycle or public transport as they are allowed outside settlements under HDPF policy 23 and the PPTS. In light of the policy context, the short car journeys to Crawley were

considered to add in favour of the development. It was thereby concluded that the site would be a suitable location for the development.

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

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

It is considered, taking into account the above decisions, that the site is in an acceptable location for the intended use, particularly as it is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the District. These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. On the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Character and Appearance

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

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

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

The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS paragraph 26 states that Local Planning Authorities should "very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". Furthermore, it advises that any sites in rural areas respect the scale of, and do not over-dominate, the nearest settled community.

Paragraph 27 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-

a) effective use of previously developed land (brownfield), untidy or derelict land;

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The site is situated outside of any Built Up Area Boundary (BUAB), in a countryside location. It is irregularly shaped, bounded by newly erected closeboard fence, with the exception of stock proof fence on the southeastern boundary.

The site falls within I2 Warnham & Rusper Wooded Ridge Landscape Character Area (LCA) as defined by the Horsham District Landscape Character Assessment (2003). Key relevant characteristics of D2 experienced within the site and contextual landscape include *secretive wooded ghylls*, a *strong pattern of shaws and hedgerows*, *an intricate patchwork of small pasture field*s and *mostly rural character*. Key issues affecting this LCA include *localised intrusion from suburban features and poor woodland and hedgerow/shaw management*. Planning and land management guidelines considered relevant to this development state to *conserve the rural wooded character of the area.*

The site now comprises newly laid hardstanding, 2no. storage containers, 2no. static caravans and accompanying vehicles. Prior to the laying of the hardstanding and erection of close boarded fence (evidenced from historic satellite imagery) the site was well treed and benefitted from dense hedgerow and vegetation abutting Marches Road, thereby screening views on to site. Before the hardstanding was laid unlawfully, the site was of a green appearance, complimenting and blending in with the countryside surrounds. While glimpse views of 1no. storage container may have been an urbanising detractor, it was seen in the context of agricultural surrounds and did not result in a domestic or residential appearance.

It is considered that the proposal would result in a sense of domestic sprawl to the detriment of the undeveloped character and quality of the local landscape. Due to extensive tree and vegetation removal, the site is now visually open to the wider countryside, therefore it is particularly sensitive to views from the north. The proposal and retrospective works will be at odds with the undeveloped nature of the surrounding area and does not relate sympathetically to the local landscape. In the absence of a landscape and visual appraisal (LVA), it is considered that the urbanising form and further loss of existing boundary vegetation has an adverse effect on visual amenity of the nearby public right of way (PRoW) and receptors on Marches Road, as well as an eroding effect on the rural landscape character of the area, contrary to policy 23 (e), 25 and 33 of the HDPF.

The proposal in its current form equally does not conserve or enhance the key features and characteristics of its landscape character area, contrary to policies 26 and 23.The increase in overall level of activity in the countryside location, and additional light and noise pollution incurred as a result of the development, is also considered to be contrary to policy 26 of the HDPF and would detract from the tranquillity and sense of place of the rural countryside setting.

It is noted that the submission considers the current use of the site to be unrestricted Class B8 (storage and distribution). It is though considered that the recent lawful development certificate, ref: DC/24/0426, established the lawful presence of one storage container on the site, with the related site plan only identifying this container. It is not therefore accepted that the use of the wider site would fall within Class B8.

Amenity Impact

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

No details of an ‘amenity building’ have been provided. It is not clear if the site can accommodate an amenity block within the area laid out on the ‘proposed site plan’ for the two pitches. Without this information it is considered that the proposal may not be capable of being serviced to the required

standards with the submitted plans being unable to demonstrate the space for the required amenity block/ space in line with HDPF policy 23 or best practice guidance.

It is acknowledged that objections have been received in relation to increased noise and disturbance from the proposed use. However, the application site is located at a distance from nearby residential properties, the nearest residential dwellings are situated around 100 metres to the southwest at the vineyard and around 100 metres to the north east at Stonefarm and Milestone Barn. Given the distance between the site and the nearest residential properties, and in considering the residential nature of the proposed development, it is not anticipated that the proposal would result in harm through overlooking, loss of privacy, or unacceptable noise and activity over and above the agricultural use on the site.

Highways Impact

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

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

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

The Local Highways Authority requested clarification on sightlines in their first representation, particularly in relation to trees immediately to the west of the existing access. It is considered that within the submitted documents there is not enough certainty that the manoeuvres required for caravans as well as cars can be made safely without providing obstruction to other road users. An additional plan was provided showing visibility splays. The applicant has stated in response that trees shown in the image provided by the Highways officer adjacent to the existing entrance and between the proposed/new entrance, are mature and established with canopy at a greater height from the floor providing no impact to the vehicles entering and exiting the site. The lower hedgerow will be maintained to ensure clear visibility is provided and retained. However, this was still considered to be unclear. In particular the proposed new access has vegetation in both directions and it is unclear if this is in the control of the applicant or not. There will be substantial pressure to cut this back for visibility purposes and it is not clear if this would be possible or within the applicants control.

I do not agree with the applicant that the proposal will produce less movements than the current use, as the lawful use is mostly agricultural with one small storage use. However the intensity of use from two pitches in this location is unlikely to be unacceptable in this location in any event.

Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

There appears to be sufficient space within the site to provide adequate provision.

Other Matters

Barriers to Development

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

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

The site does not sit within any designated flood zone, surface water flood area or groundwater protection zone.

Services

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

c. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;

The site is historically agricultural and is unlikely to have direct access to the sewage network. No detail of the means of treatment and disposal of sewage are provided in this application, other than a box ticked for a package treatment plant in the application form. If the application were to be approved details would be required in order to assess the suitability of a development which is not on mains sewage and the need for rainwater collection in lieu of a main water connection.

As outlined above, there is no provision for amenity buildings within the site. Without this information it is considered that the proposal may not be capable of being serviced to the required standards with the submitted plans being unable to demonstrate the space for the required amenity block/ space in line with HDPF policy 23 or best practice guidance.

Ecology

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The application site comprises agricultural land. The site is adjacent to a corridor of hedgerow linked to ancient woodland to the south and the north, with potentially high ecological / wildlife and biodiversity value with agricultural fields and linking hedgerows located within the vicinity.

A number of trees appear to have been removed from the site (from historic aerial photographs), particularly from the north-eastern boundary of the site, with hardstanding laid and some hedgerow removed. The planning statement says that the hardstanding was laid before the current owner purchased the site, but this is not a matter relevant to this planning application and the hardstanding is considered to be unlawful.

The site has / had the potential to be used as habitat and a connector for various species. The applicant has provided no ecology information and it has not therefore been demonstrated that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and the NPPF.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024). The application is retrospective, made under Section 73(A) of the Town and Country Planning Act, and therefore considered exempt.

Water Neutrality

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

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

Each caravan will have an average occupancy of 2.47 people (4.94 people in total on site) with a total water use of 317.64 litres per day or 115,938.6 litres per year. However, current occupancy levels on the site are in excess of this, with 6 persons present on the site. In this scenario it is considered more appropriate, and precautionary, to examine water consumption based on actual known occupancy, rather than a potential average occupancy which may never take place. Based on this the estimated total water use is calculated as 385.8 litres per day or 140,817 litres per year.

The strategy seeks to ensure the proposal is water neutral through the installation of rainwater harvesting to provide 100% of the required water. The calculations submitted and set out in the WNS show there is sufficient roof area on the site to collect the required amount of rainwater. However, after reconsidering the submitted statement there are inconsistencies and inaccuracies in the calculations that were missed on first consideration. The inconsistencies relate to the occupancy rate of the site and the size of the units on the site, as well as the absence of a yield coefficient to take account of surface and filtration reductions.

The submitted plans reflect what is on site, which are smaller units than suggested in the WNS with a reduced combined roof area of 86.98 square metres rather than the 155.15 square metres shown in the calculations. The calculations also do not include the required yield coefficients within the calculation to account for surface yield reduction and filtration/ treatment reduction, both of which are calculated at 0.9.

The calculation based on what is on site and the correct yield coefficients results in a yearly yield of 53,545 litres and a daily yield of 146.7 litres. This is a deficit of 87,272 litres a year or 239 litres per day based on actual occupancy figures. If the proposal was changed to provide larger units in line with the figures quoted in the WNS then, once factoring in the yield coefficients and actual occupancy rates, there is still a deficit of 45,307 litres per year or 124 litres per day.

The site is limited in size and it has not been shown that two units that are large enough to collect the amount of water required can be accommodated on site. A six metre clearance is required between any mobile home or touring caravan for fire safety and a three metre space is required from any unit to all boundaries.

In light of the discrepancies in the occupancy figure, size of the units and use of yield coefficients the calculations are not considered to provide the LPA with the certainty required to provide the LPA with 'proof beyond reasonable scientific doubt' that the proposal is water neutral.

Revised Water Neutrality Information

The applicants have sought to overcome these concerns with a revised Water Neutrality Strategy. A revised plan has been submitted that shows larger units (to be placed on site) on the site. Whilst these may result in a larger roof area for collecting rainwater it is still considered that the tourers are too close to the mobile homes as there needs to be a six metre clearance between the tourer and the mobile home to comply with a caravan site licence (for fire safety reasons to stop the spread of fire).

Further, and as above, it is considered reasonable and precautionary to establish a baseline water consumption figure based on 'the current number of occupants'. This approach is consistent with other existing uses (both commercial and residential) when calculating baseline water consumption and is considered to raise no equality concerns.

The revised strategy seeks to allow for a reduction in water use for travelling days throughout the year, which has been precautionarily estimated as 65 days per year. The planning policy definition of 'gypsies and travellers is:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’

With this definition in mind it would be unreasonable for the LPA to apply a restriction by condition that the occupants must travel for a minimum of 65 days a year, as some or all may have ceased to travel temporarily or permanently. Further, it is not apparent how such a restriction could be enforced. There would therefore not be a reasonable way of ensuring that the water use is reduced by essentially ensuring the site were vacant through travelling.

The revised statement includes a section entitled ‘alternatives’ which refers to the purchase of water credits, such as Nicholls Borehole scheme. No further details have been provided, with no draft legal agreement to secure the off-setting and we are not aware that credits have been allocated to this scheme.

It is therefore concluded that insufficient evidence has been provided to ensure that the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. Natural England have been consulted on this position, and have raised similar concerns.

Conclusion and Planning Balance

The Council cannot currently demonstrate a five-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is therefore recognised that the proposal would go a small way to addressing the identified need, but two pitches are considered limited in their contribution. This is a material consideration of *significant weight* in the overall planning balance.

As the Council cannot currently demonstrate a supply for gypsy / traveller sites, it is considered that the relevant policies would be considered ‘out of date’ as per Footnote 8 (FN8) associated with this paragraph of the NPPF. However, footnote 7 of paragraph 11 confirms that the policies referred to in the Framework are those relating to, among others, habitat sites. Insufficient information has been provided to demonstrate that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. Paragraph 11(d) is not therefore engaged in this instance. As the proposal would result in adverse harm to the Arun Valley protected sites, in addition to the Mens SAC, Footnote 7 would be triggered. Accordingly, whilst the tilted balance in favour of sustainable development as per Paragraph 11(d) is engaged, this is reset to the neutral position and not in favour of granting the permission.

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

It is considered that the proposal would result in a sense of domestic sprawl to the detriment of the undeveloped character and quality of the local landscape. Due to extensive tree and vegetation removal, the site is now visually open to the wider countryside, therefore it is particularly sensitive to views from the north. The proposal and retrospective works will be at odds with the undeveloped nature of the surrounding area and does not relate sympathetically to the local landscape. In the absence of a landscape and visual appraisal (LVA), it is considered that the urbanising form and further loss of existing boundary vegetation has an adverse effect on visual amenity of the nearby public right of way (PRoW) and receptors on Marches Road, as well as an eroding effect on the rural landscape character of the area, contrary to policy 23 (e), 25 and 33 of the HDPF.

The proposal in its current form equally does not conserve or enhance the key features and characteristics of its landscape character area, contrary to policies 26 and 23.The increase in overall level of activity in the countryside location, and additional light and noise pollution incurred as a result of the development, is also considered to be contrary to policy 26 of the HDPF and would detract from the tranquillity and sense of place of the rural countryside setting.

The site also has / had the potential to be used as habitat and a connector for various species. The applicant has provided no ecology information and it has not therefore been demonstrated that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and the NPPF.

It is also noted that there is no provision for amenity buildings within the site. Without this information it is considered that the proposal may not be capable of being serviced to the required standards with the submitted plans being unable to demonstrate the space for the required amenity block/ space in line with HDPF policy 23 or best practice guidance.

With the above in mind, it is considered that the provision of two additional gypsy pitches on this site is not justified when balanced against the lasting harm that the development would cause by virtue of the issues outlined above. It is considered that given the nature of harm identified, including the position in respect of water neutrality and the protected Arun Valley sites, that a temporary or personal permission would not overcome or alter the above planning balance. It is therefore recommended that planning permission be refused.

Recommendation: Application Refused

Reasons for Refusal:

1 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2024), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would not result in an adverse visual and/or landscape impact, or cause harm to the semi-rural character and setting of the site, with particular reference to the laying of hardstanding and removal of vegetation and pressures to remove more on the boundary with the road. The development is therefore contrary to Policies 23, 25 and 33 of the Horsham District Planning Framework (2015).

3 Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1551
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Existing Access Visibility Splays	GP/02/24	07.10.2024
Location plan		GP/01/24	07.10.2024
Supporting Statement	Planning	NONE	07.10.2024
Block plan	Proposed With Visibility Splays	GP/04/24	07.10.2024
Block plan	Proposed	GP/03/24	07.10.2024
Supporting Statement	Water Neutrality	NONE	07.10.2024
Elevation & Floor plan	Proposed Static 2	GP/06/24	21.10.2024
Elevation & Floor plan	Proposed Static 1	GP/05/24	21.10.2024
Elevation & Floor plan	Water Neutrality	GP/05/24	13.03.2025

DELEGATED

Case Officer sign/initial Kate Turner Date: 19/03/25

Authorising Officer sign/initial Guy Everest Date: 21.03.2025