Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0684
Jackmans Farm, Adversane Lane, Adversane, West Sussex,

DESCRIPTION:
Full application for a proposed nine pitch settled gypsy accommodation site (Part Retrospective)

RELEVANT PLANNING HISTORY:

DC/19/1604	Prior Approval for Change of Use from Agricultural Building to dwelling house (C3)	Prior Approval Required and permitted on 11.10.2019
HRA/22/0019	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/22/1572.	Application Refused on 29.08.2023
DISC/22/0204	Approval of details reserved by conditions 1 and 2 on application DC/19/1604.	Split Decision on 23.09.2022
DC/22/1572	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and PERMITTED on 28.09.2022
DC/23/1195	Demolition of agricultural barn, stables and a shed and erection of 1no 3-bed dwelling	Application Refused on 03.01.2024

SITE AND SURROUNDS

The application site is to the north side of the Adversane Lane, east of Adversane and is outside of a defined built-up area boundary. The site is located within countryside but has no other statutory designations. The site is within a rural area characterised by agricultural land, commercial uses and individually designed dwellings. The application site consists of three / four existing gypsy pitches with associated residential amenity area, and at the time of writing the report does not have an extant planning permission.

The nearest non-associated neighbouring dwellings are Curlytail bungalow (approximately 39m to the south east) and Honeypots bungalow (approximately 43m to the southwest).

DETAILED DESCRIPTION

Planning permission is sought for the change of use of the land to provide nine gypsy pitches, although it is noted that there are already four on site and were not present prior to 2021 according to satellite images of the site. It is noted however that the block plan submitted details only 3 caravans as existing. For this reason, the application is part retrospective in nature. The pitches would be sited within the centre of the site, with a central access from the street and would include on the submitted plans, parking for each of the pitches indicated in orange crayon. The block plan indicates an additional parking space on the plans to the south of the agricultural barn labelled as ‘Class Q’, although it is noted that there is no approved HRA application in respect of this barn. There would be to the western site curtilage access to the neighbouring field and a landscaped site boundary treatment is indicated around most of the northern part of the site.

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 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

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 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 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 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District
Policy 41: Rural Exception Homes
Policy 42: Retirement Housing and Specialist Care
Strategic Policy 43: Gypsies and Travellers
Policy 44: Rural Workers Accommodation
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

Supplementary Planning Guidance:
Gypsy and Traveller Accommodation Assessment (2020)
Gypsy and Traveller Site Assessment (Regulation 19) (2021)

Billingshurst Parish Neighbourhood Plan 2019-2031
Bill 1: Billingshurst Built-up area Boundary
Bill 14: Residential Parking Provision

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC Environmental Health: Objection (summary)
The proposal includes a rainwater harvesting system for potable water, but concerns about contamination require a detailed management and maintenance report before approval. The report must address potential contaminants, treatment methods, sampling/testing protocols, maintenance plans, supply continuity, and foul drainage impact. Environmental Health does not accept a pre-commencement condition and insists on this report before determination.

Additionally, due to past illegal waste disposal and historical agricultural use, a revised preliminary risk assessment (PRA) is needed to evaluate contamination risks.

Plans for sewage and surface water management lack essential details, including tank specifications, pipework, and discharge arrangements. Compliance with environmental and building regulations remains uncertain.

Finally, the proposed caravan site layout does not meet required licence conditions, with inadequate separation distances, recreation space, and parking arrangements. A redesign with fewer pitches is necessary for compliance.

WSCC Highways: Comment (summary)
The application site, Jackmans Farm on B2133 Adversane Lane, currently has four mobile homes occupied by the owner and family. The proposal seeks permission for a nine-pitch settled gypsy accommodation site, including parking.

The existing access will remain unchanged. The road has a 60 mph limit, but no visibility issues or significant increase in traffic are expected. A review of collision data over the past five years shows no recorded incidents near the junction, indicating no existing safety concerns.

The proposal includes 18 parking spaces, aligning with best practice recommendations of two spaces per pitch. There is adequate space for vehicle turning, allowing safe access to the public highway. Secure cycle parking for two bicycles per unit is recommended.

Southern Water: Comments (summary)
It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

- Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:
    - Revised Water Neutrality Statement with evidenced existing water use, proposed water use and mitigation, as required.

PUBLIC CONSULTATIONS:

Representations:
23 letters of representation received from 19 separate addresses, objecting to the proposal on the following grounds:

- Increase in traffic, noise and pollution
- No regard to impact on flora or fauna
- Inaccurate information contained in document
- Human waste from the current caravans into surrounding land and water course.
- Impact on neighbouring properties
- Poor visibility
- The street is already dangerous
- Landscape impact
- The submitted statement refers to 4x pitches and not 1x
- Insufficient parking
- Ecological impact
- Loss of trees and no tree survey
- Increased flood risk
- Increased pollution
- Insufficient water neutrality information
- Insufficient utilities to service the use
- Impact on countryside location and rural setting
- Sufficient gypsy accommodation in the area already
- The landowners have changed the topography of the land in places by filling in ditches
- The landowners spread contaminated waste on site
- The landowners spread contaminated materials on site

Parish Council: Objection

- **Policy 23.** The site fails to meet the requirements of Policy 23 of the HDPF. It is a speculative application on an unallocated site;
- **Prematurity.** The application is premature coming in advance of the examination of the Draft Local Plan which has allocations for a significant number of pitches throughout the Horsham District;
- **Water Neutrality.** It is wholly unacceptable that the application has not been submitted with a Water Neutrality Statement and that the agent has suggested that this be a condition of planning permission;

- **Flood Risk.** The site is in flood zone 1 and is not at risk of flooding from rivers or the sea but, as it is larger than 1 hectare, a flood risk assessment should be carried out. According to the Flood Map for Planning Service, there is a risk from surface water flooding at this site. A drainage ditch within the site has been filled in and this will certainly contribute to surface water drainage issues;
- **Drainage and Waste Disposal.** There are no mains sewers in the locality for this site to connect to. Already neighbours are experiencing ditches running with sewage which creates a serious risk to health – both of those residents on the site and the neighbouring residents;
- **Highway Issues and Sustainability of Location.** The Parish Council is aware that, although the road is subject to a 50mph speed limit, traffic frequently exceeds this. There is no safe pedestrian or cycle path in the locality and this will lead to reliance on motor vehicles for residents of the site to access services and facilities;
- **Urbanising Effect/Overdevelopment.** The scale and layout represent an urbanising form of development which will be detrimental to the rural character of the location. The number of pitches proposed will result in a significant intensification and increase in the level of activity on the site and will lead to noise and light pollution in the open countryside;
- **Proximity to Existing Gypsy and Traveller Accommodation Sites.** Billingshurst is already well served in terms of accommodation site for gypsies and travellers. Sites include the West Sussex County Council-run Adversane Caravan Park, and Kingfisher Farm and Greenfield Farm (just out of the Parish boundary). It also remains to be seen where new allocations will be situated when the Draft Local Plan is approved and adopted;
- **Compliance with Planning Policy for Traveller Sites (PPTS).** Parish Councillors are aware that this national policy sets out the approach that Local Authorities must take when considering applications of this nature. The DCLG Planning Policy for Traveller Sites is clear that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective. This proposal should be weighed against recommendations in these policy documents, as well as the Designing Gypsy and Traveller Sites Good Practice Guide;
- **Contamination of Land.** The land is known to be contaminated and should be investigated fully. Environmental Health have already flagged concerns about the potential for contamination of the proposed underground water harvesting tanks. A pre-commencement condition. as proposed, should not be acceptable.

Member Comments:
Several councillor call in requests if the application were to be approved, including from Joan Grech, John Trollope.

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

Policy Background and Principle:

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. Public hearings on the contents of the draft plan began in December 2024, though the hearing were paused on 12 December 2024 as further information was requested by the Inspector. The Council has since written to the Inspector and that it will be able to carry out any necessary Local Plan updates within the Government's preferred six-month timescale. This means that there is a pathway open to the Inspector to resume the hearings and progress the current Plan. The plan is expected adopted in the Autumn /

Winter of 2025. 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, and a direction of travel for such sites to be developed.

In terms of the Council's current policy position: Policy 23 is now considered to be 'out of date', thus the Council is unable to demonstrate a five-year supply of pitches. Paragraph 28 of the PPTS (updated December 2024) outlines that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Paragraph 11 of the NPPF states that the presumption in favour of sustainable development should apply where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or any adverse impacts of doing so would *significantly and demonstrably outweigh the benefits*, when assessed against the policies in this Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and provision affordable homes, individually or in combination. Additional changes have taken place under the most recent changes to PPTS including the definition of Gypsies and Travellers for the purposes of planning policy, where as amended includes *'Persons of nomadic habitat of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together.'*

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

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 holds limited weight in the determination of applications, policies contained within the HDPF remain relevant for consideration. As above, as the Council cannot currently demonstrate a five-year housing land supply for traveller sites, restrictive housing policies are afforded reduced weight in the overall planning balance (further detailed below). However, Policy 23 (Gypsy and Traveller Accommodation) seeks to resolve specific issues regarding 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.

As above, the Council are not currently able to demonstrate a five-year housing land 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. 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.

The description of the application relates to the provision of nine pitches- the proposed plan indicates that three of the pitches are indicated as existing (Google Earth imagery illustrates a fourth in line with those indicated as existing), which gives the impression that the site is an existing gypsy / traveller site and that the proposal would result in an uplift of five / six units. However, the three 'existing' units have been stationed on the land since approximately January / February of 2022 ***without*** planning permission. An enforcement notice was issued against this on 09 February 2022.

The barn indicated as 'Class Q' on the submitted block plan has no approved HRA application such that it is not considered to be an extant permission capable of implementation at the time of assessing this application. Additionally, DC/19/1604 has only had one of its pre-commencement conditions discharged such that this is also not considered extant or capable of implementation without being in breach of one of these conditions.

The description of the application does not include the change of the use of the land from agricultural to gypsy traveller pitches. This is relevant as the description in its current form assumes the change of use has already occurred lawfully, however given that this is not the case, this assessment would also have to acknowledged that a change of use of the land has occurred. The barn indicated on DC/22/1572 would be within the red line boundary and assumed part of the change of use of the land.

The application site is approximately 1.24 km south of the built-up area boundary of Billingshurst (classified as a small town / larger village within Policy 3 of the HDPF) and would be approximately 1.14 km from the nearest settlement of Adversane (an unclassified settlement under Policy 3). Given the distances between the application site and neighbouring settlements it is not considered that the proposal would be located in or near to existing settlements such that it would not be within reasonable distance of a range of local services and community facilities. The nearest bus stop is located some 1.2km due west of the site on Stane Street (A29), via Adversane Lane (B2133)- this road is wholly unpedestrianised and unlit, subject to a 50mph speed limit (40mph closer to Stane Street) and travelling towards the bus stop traverses a single-gate level crossing. Given the distance to the nearest bus stop and arrangement of Adversane Lane, it would not be considered likely that sustainable journeys to and from the site would occur.

The Council acknowledges recent appeal history as set out above which have fallen in favour of the applications in terms of their location. However, each and every application is determined under its own merits, and the material circumstances surrounding this particular application are not directly comparable to the cases set out above. As such, the Local Planning Authority conclude that this site is not located in a suitable location for a use / development of this scale.

The shortage of allocated Gypsy traveller pitches is a material consideration given significant weight in the decision-making process (further assessed below). Nevertheless, given the relative distance to Adversane, its associated facilities, lack of evident easily accessible public transport, potentially contaminated land and lack of pedestrian access the remote location of the site itself would not appear an appropriate location for the provision of pitches. As such, the principle of the development in this location would be unacceptable, and the proposed development would not adhere to the criteria set out within the NPPF and HDPF Policy 23.

Design, Appearance and Landscape Character:

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.

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'

Some indicative landscaping has been included as part of the application. Part of the site would be enclosed from the vantage point of the public right of way (1323: footpath) to the north with hedging. This is considered to soften the impact of the site as an urbanising feature in a semi-rural context. Furthermore, the surrounding neighbours are residential in nature with the pitches set the rear of existing residential development away from the streetscene which would soften the visual impact of the proposal from Adversane Lane. The plans do not detail the general landscape layout in terms of species, heights etc such that it is unclear what impacts the development would have on this part of the countryside. However, given the flat topography and the indication of soft landscaping it is considered that the proposal would have potential to be sufficient in terms of limiting harm to the landscape and visual appearance of the site with the addition of a suitably worded condition. Furthermore, the development would be set back into the site away from the B2133 behind existing development fronting the highway, thus aiding in the concealment of the site. Overall, there are no objections to the design, appearance or impact on landscape character.

Highways Impacts:

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

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

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

WSCC Highways have been consulted on the application, and no objections have been raised on highways grounds. The Local Highways Authority do not consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network. In addition, no objection has been raised by the Rights of Way team. It is considered that the proposal would provide sufficient parking for the number of pitches proposed, with the existing access considered to be functioning appropriately.

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

Other Matters

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

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

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

and

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

The site is not located within an Environment Agency defined Flood Risk Zone and given the nearby neighbours would be located in proximity to existing public foul sewers. It is noted from comments

received from neighbouring properties that the public sewer may not be suitable for additional connections, however no objections have been raised by Southern Water in this regard. Notwithstanding the above, full details of the means of foul and surface water drainage could be secured and controlled by a suitable condition.

The site has previously been served an enforcement notice and temporary stop notice relating to the illegal and unlicenced disposal activities. To date, the notice has not been complied with and the material thus remains on the site. The Council's Environmental Health Officer has noted that a preliminary risk assessment had previously been submitted for other developments on the site (associated with DC/22/1572 and DC/23/1195). However, the reports are not bespoke to the present proposal, and would require updated surveys given the time lapsed since it was undertaken (July 2022). As such, it is not presently clear if the land and use would be subject from contamination from the previous disposal activities. Given that four caravans are currently present on the site, it could be the case that occupants are already exposed to potential contaminants. Whilst matters relating to contamination can usually be dealt with by way of condition, the works are part-retrospective, thus the prolonging of occupation may result in adverse harm to human health. Accordingly, a condition would not sufficiently cover the matter, and thus the detail should be submitted upfront. To date, no such information has been submitted in support of this, and therefore in the knowledge of previous illegal and unlicensed works on the site the proposal is contrary to Policy 23(a) of the HDPF.

The Council's Environmental Health Officers have been consulted during the course of the application and have objected to the proposal in light of a lack of information with regards to the drainage strategy. In particular there is an absence of information in regard to the soakaway and the treatment of sewage. There is potential for the proposal to result in potential harm to future occupiers of the development. This is regarded as poor drainage which would result in potentially hazardous land and would conflict with policy 23(a) of the HDPF. In any case, Officers are satisfied that further detail could be submitted post-consent by way of condition in the event that permission were to be granted.

In terms of access to power and water, given the existing extent of development along Adversane Lane, it is not inconceivable that the site could benefit from a mains power and water connections (notwithstanding potential water neutrality solutions).

Parking and Amenity Provision

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

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

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

WSCC Highways have commented on the proposal stating that the provision of two parking spaces per pitch (18 total) would be sufficient to meet the needs of the use. Furthermore, cycle parking storage can be dealt with by way of condition. No visibility concerns were raised from the access into / out of the site, and ample circulation appears to be achievable. With this in mind, the proposal would accord with the above policies on parking and vehicle circulation grounds.

Each pitch would also benefit from a modest amenity space, parking areas, and a grassed area surrounding 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.

Amenity Impacts:

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

The proposed pitches would be sited roughly behind the existing building line with the established residential buildings on the street. However, it is appreciated that the development would result in a perceived increase in activity over and above the existing arrangement. Nevertheless, given that the nature of development which would be limited to ground floor given that it concerns caravan pitches, there would be little opportunity for the application to result in loss of privacy, or daylight/sunlight.

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 is within a red zone for the great crested newt. The application site beyond the existing barn and retrospective three / four pitches on site consists of open agricultural field.

The site is located within the Bat Sustenance Zone sited some 5km south-east of the Mens SAC. The applicant has not detailed the potential ecological impact of the development, nor considered ecological and biodiversity mitigations and enhancements – this information is required to provide the Local Planning Authority with certainty of 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, even those made in outline form. Whilst there are no trees on the site, the surrounding boundaries are planted which may benefit bat foraging. Therefore, the proposal does not accord with Policy 31 of the HDPF.

Biodiversity Net Gain (BNG):

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

As the works are part-retrospective, the requirements of BNG therefore do not currently apply.

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.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

The applicant has provided water neutrality statement which simply expresses agreement to the use of planning conditions. The statement does not provide any detail as to the existing use or water consumption of the site, or the proposed water demand. The statement also notes in regard to the SNOWS scheme, detailing that the applicant would be willing to buy into the council's SNOWS offsetting scheme. There is no further detail included as part of this and the offer of purchasing credits for an unspecified quantity without legal agreement would not be sufficient to provide certainty of mitigation given there is no demonstrated usage or SNOWS scheme is not for speculative development.

With the above in mind, there is no certainty that the proposal will not 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.

Conclusions and Planning Balance:

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

As the Council cannot currently demonstrate a supply for gypsy / traveller sites, it is considered that the relevant policies would be considered 'out of date' as per Footnote 8 (FN8) associated with this paragraph of the NPPF. However, Footnote 7 (FN7) clarifies that the policies of 'particular importance' indeed includes policies that would affect designated heritage assets (in this case, Policy 31 of the HDPF). As the proposal would result in adverse harm to the Arun Valley protected sites, 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, which would have a welcomed but *moderate benefit* in terms of the extent to which it would alleviate the shortage.

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

As demonstrated by the Council, the site is not considered to be located within a sustainable location, and therefore the use would overwhelmingly promote the use of cars / automobiles. This is attributed significant weight against the grant of permission. Given the Council's current five-year housing land supply position, this attribution would be tempered to *moderate weight* at most. Furthermore, the applicant has failed to demonstrate that the development would not result in adverse ecological harm (with regards to onsite harm owing to the site's location within the bat sustenance zone and offsite relating to water neutrality and increased water abstraction). Given the potential resultant ecological harm both onsite and offsite, these are both attributed with *significant weight* respectively. As above, the continued use and occupation of the site may well result it / have resulted in harm to human health by virtue of contamination on the land. Given this considerable potential consequence, this is attributed *significant weight* against the granting of permission.

Summary

As above, though the tilted balance is engaged, the ecological impacts reset the balance in favour of granting the application to the neutral position by virtue of Footnote 7 as a 'strong reason for refusing' the application. The provision of nine pitches in this location would contribute towards the need for gypsy / traveller accommodation within the district, thus weighing as a *moderate benefit* in favour of the application. The resultant harm owing to the unsuitable location of the site, potential ecological harm

and harm to human health would not be sufficiently outweighed by this benefit (moderate and significant weight attributed respectively).

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

The benefit of providing gypsy / traveller accommodation within this location is not considered to outweigh the harm as identified. It is not considered that the harm identified could be overcome by the granting of a temporary consent, or indeed a personal permission. The proposal is therefore considered contrary to relevant local and national planning policies, and is therefore recommended for refusal.

Recommendation: Application Refused

Reasons for Refusal:

1 The development is in an unsustainable location, remote from local services and facilities and with restricted access to safe and sustainable pedestrian travel options. The proposal is therefore contrary to Policies 23, 26 and 40 of the Horsham District Planning Framework (2015). In addition, the proposed development would not comply with the aims of the Planning Policy for Traveller Sites, which advises new traveller sites to be suitable for safe access to local services and facilities.

2 It has not been demonstrated to the satisfaction of the Local Planning Authority that future and existing occupants of the proposed development would not be adversely impacted by contaminated water, providing public health risks arising from the development contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015) and Paragraphs 196 and 198 of the National Planning Policy Framework (2024).

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).

4 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 193 and 194 of the National Planning Policy Framework (2024), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DC/24/0684
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	01.05.2024
Block plan		NONE	01.05.2024
Elevation & Floor plan	(Mobile Home), as proposed	NONE	01.05.2024
Supporting Statement	Appeal Decision (Land at Pear Tree Farm)	NONE	01.05.2024
Supporting Statement	Designing Gypsy and Traveller Sites (Good Practice Guide)	NONE	01.05.2024
Supporting Statement	Water Neutrality	NONE	01.05.2024
Design & Access Statement	Planning	NONE	01.05.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 13/01/2025

Authorising Officer sign/initial RHERMITAGE Date: 29.01.2025