

Appeal against refusal of application DC/25/1371

Appeal reference 6012367

Use of land for the stationing of 2 static caravans for residential purposes and associated day rooms. Erection of stable building and formation of hardstanding (retrospective). Associated landscape works including planting of native hedges and removal of hardstanding and American barn

Land West of Parsons Field Stables, Pickhurst Lane, Pulborough, West Sussex, RH20 1DA

Response to the Local Planning Authority and Interested Parties

September 2026

Purpose and conclusion.

This response addresses the Council's Statement of Case and the representations made by interested parties, with particular attention to the Batcheller Monkhouse representation and the Studio Loci Landscape and Visual Appraisal.

It also applies the National Planning Policy Framework published on 17 August 2026. The updated Framework materially strengthens the policy support for the appeal through Policies S5(1)(g) and HO12.

It also introduces Policy DM8, which requires substantial weight to be given to intentional unauthorised development where that conclusion is established on the evidence.

The Appellant does not avoid that policy. Even allowing substantial negative weight under DM8, the benefits of two pitches meeting an admitted unmet need, the absence of a five-year supply, the lack of suitable alternatives and the compelling welfare and personal circumstances substantially outweigh the limited and highly localised residual effects of the amended scheme.

Scope and material before the Inspector

The appeal concerns the use of the land for two residential static caravans and associated day rooms, the retention of a stable building and hardstanding, and landscape works. The appeal scheme is not the development as first carried out. It includes removal of the American barn, removal of substantial hardstanding, removal of the separate southern access drive, replacement of close-boarded fencing on the western and southern boundaries with post-and-rail fencing, replacement of cherry laurel with native hedging, and restoration of much of the site to grass.

The Council's sole reason for refusal alleges significant landscape harm which mitigation would not address. The application was refused by committee against the professional officer recommendation. The committee was entitled to reach a different planning judgment, but the appeal must be determined on the evidence now before the Inspector and under the policy framework current at the date of decision.

This response has considered the Council's September 2026 Statement of Case, the Appellant's July 2026 Statement of Case and confidential personal circumstances, the original committee assessment as reproduced and discussed in the appeal material, the general interested-party representations, and the Batcheller Monkhouse representation of 11 September 2026 with its Studio Loci LVA.

This response is accompanied by a note from Trevor Furse CMLI MI HORT RFS Cert ISA of Furse Landscape Architects Ltd which directly addresses the assessment in the Studio Loci LVA.

The updated national policy framework

The August 2026 Framework post-dates submission of the appeal and replaces both the December 2024 NPPF and the separate Planning Policy for Traveller Sites. It is therefore the current national policy and must be applied to this appeal.

Policy S5(1) establishes a positive decision-making test for specified development outside settlements: qualifying proposals should be approved unless their benefits would be substantially outweighed by adverse effects assessed against the national decision-making policies. Policy S5(1)(g) expressly includes development addressing an evidenced unmet need for Gypsy, Traveller or Travelling Showpeople accommodation, provided it meets Policy HO12. Footnote 26 confirms that unmet need includes, but is not limited to, the absence of a five-year supply.

That is a material strengthening of the Appellant's case. The proposal is no longer reliant only upon an out-of-date local allocation strategy or the former tilted balance. It falls within an expressly supported category of countryside development. The threshold is not whether the proposal produces any adverse effect; it is whether the combined adverse effects substantially outweigh the benefits.

Policy HO12 recognises that a settled base supports sustainability and that traditional lifestyles may make locations not well-related to settlements appropriate. It requires access to frequently used education, welfare and health services. It also expressly requires the decision-maker to take account of existing provision, need for additional sites and relevant personal circumstances, and makes clear that applications are not limited to travellers with local connections.

The Council accepts that Policy 23 is materially inconsistent with HO12 insofar as it requires a site to be in or near a settlement, and accepts that this part of Policy 23 should not control the appeal. It also accepts that the site's location was previously found sustainable by reference to the allowed appeal at the adjoining Parsons Field Stables site and that there remains an unmet need and no five-year supply.

Policy N4(4) requires development in the setting of a Protected Landscape to be sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape. It does not place land in the setting on the same footing as land within a National Park, nor does it impose an automatic refusal where any local landscape change occurs. The relevant question is the nature and degree of any adverse impact on the National Park itself. The scheme's containment, removal of intrusive development and enforceable landscape mitigation are directly relevant to compliance with N4(4).

Policy DM8(2) is also relevant. If, on the evidence, the Inspector concludes that the unauthorised development was intentional, that fact must be given substantial weight against permission. The Appellant accepts that this is a serious consideration. DM8 does not, however, state that permission must be refused; it does not displace the statutory development-plan balance, S5 or HO12; and it does not convert enforcement conduct into additional landscape or ecological harm. Substantial negative weight must be placed into the overall balance once, without double counting the same conduct through several separate labels.

Matters agreed or effectively conceded by the Council

The Council's Statement of Case makes several important concessions:

- the adopted pitch policies are significantly out of date;
- the emerging plan remains unadopted and attracts limited weight;
- the Council cannot demonstrate a five-year supply; there remains an unmet need;
- the shortfall attracts significant weight and weighs heavily in favour of permission;
- the location has previously been regarded as sustainable; and
- the provision of pitches together with the personal circumstances weighs in favour of the appeal.

The Council's figures do not reduce the need benefit to a negligible matter. Its own evidence identifies a need for 61 pitches to 2028 when the 11 undetermined households are included, against 47 consented pitches in its table.

Batcheller Monkhouse states that only two pitches remain outstanding by relying on a different total and a count of 48 permissions, while also listing four pitches awaiting determination. An undetermined application is not supply. In any event, the Council expressly confirms that it cannot demonstrate the policy-required five-year supply. The proposal would deliver two immediately available pitches for identified households, which is qualitatively different from an allocation or permission that may not be available to them.

The sole refusal reason is landscape-related. Ecology, arboriculture, drainage, highway safety, heritage, residential amenity and water neutrality were not reasons for refusal. Those matters were assessed through the application process and officers considered the amended scheme acceptable, subject to conditions. Interested-party concerns do not automatically become additional reasons for refusal; they require substantiated evidence demonstrating an unresolved planning harm.

Response to the Batcheller Monkhouse landscape case

The Batcheller Monkhouse representation includes an LVA prepared by Studio Loci.

The LVA appears to make a number of statements in relation to the baseline of the site which are considered to be an inaccurate approach.

For a retrospective proposal, the lawful pre-development condition is relevant when identifying the change caused by the development. The Appellant does not suggest that the current unauthorised condition should be treated as a beneficial baseline. However, the decision must assess the appeal scheme actually proposed, including its removals, restoration and planting, rather than treating every element presently on site as though it were to remain.

The Studio Loci LVA repeatedly moves between three scenarios: the former pastoral field, the more extensive development as carried out, and the reduced appeal scheme. That leads to ratings which attribute the full change from the historic field to the appeal scheme even where the appeal scheme itself removes visually intrusive elements.

This is most evident at Viewpoints 2 and 3. The LVA describes most of the scheme as screened or indistinct, acknowledges removal of hardstanding and close-boarded fencing and the introduction of grass and native hedge, yet assigns a "high" magnitude and "major adverse" Year 1 effect. The rating is driven by the historic change, not by a transparent assessment of the residual scheme after its mandatory mitigation.

The proper comparison does not erase the historic baseline. It asks what development would remain if permission were granted and conditions complied with, and what its effects would be relative to that baseline. Removals secured by condition form part of the proposal and cannot rationally be ignored when describing the scale of the residual effect.

The LVA contains a number of findings supportive of the appeal: the site is not in an unduly prominent location; vegetation, woodland, hedgerows and topography restrict views; the site is generally well contained; outward visibility is limited; most views are screened or greatly restricted; effects are localised; the perceived contribution of the site to the wider landscape was and remains limited because of enclosure; and the surrounding area is now a more settled and active rural environment containing adjacent caravan development and other built form.

At Viewpoint 1 the LVA identifies no change and no effect at either Year 1 or Year 15. Views from sequential points along PUL1983 are described as screened, with no development visible other than a short section of fence. At the close entrance viewpoints, the view is transient or of low value, and the scheme removes the separate drive, much hardstanding and close-boarded fencing. These findings do not demonstrate a broad or significant effect upon the landscape setting of the National Park. They demonstrate a confined site with short-range effects concentrated at its access.

The labels “major adverse” and “moderate adverse” are products of the LVA author’s own sensitivity and magnitude matrix. They do not by themselves establish unacceptable planning harm or conflict with N4(4). Guidelines for Landscape and Visual Impact Assessment (GLVIA3) recognises professional judgment and does not prescribe a universal significance threshold for a non-EIA appraisal. The Inspector should give greater attention to the described visibility and actual change than to the headline labels.

Studio Loci’s LVA adopts an unjustifiably adverse interpretation of the proposal’s landscape and visual effects. It places disproportionate emphasis on mere visibility instead of addressing the decisive question: whether the visual change would cause material harm in its actual context. This approach plainly overstates both the scale and magnitude of the effect.

The proposal would be experienced within an established, settled and managed landscape. It would not introduce an alien or wholly uncharacteristic form into an untouched setting. As the LVA itself recognises, the change would be localised and perceived alongside existing physical features, boundaries and surrounding development influences. The magnitude of change must therefore be assessed as limited, and there is no sound basis for treating the resulting visual effects as unacceptable

Effect on the South Downs National Park

The corrected distance to the National Park boundary is accepted: the boundary is approximately 6–9 metres from the appeal site, with the nearest retained built form farther away. The original report's apparent 160-metre reference was wrong. Proximity is relevant, but it is not itself an impact. The refusal reason's use of "contiguous" is also imprecise because the appeal site is outside the National Park and separated from it by the right of way and intervening boundary features.

Neither the Council's Statement nor the objector's LVA clearly identifies a particular special quality, valued view, perceptual characteristic or statutory purpose of the National Park that would be materially harmed by the reduced scheme. The LVA assesses change to the appeal field and views near the entrance, but the policy test under N4(4) is adverse impact on the Protected Landscape. Its conclusion largely infers such harm from proximity and from a change in the site's own character.

The independent evidence before the committee from the Council's landscape professional welcomed removal of hardstanding and built structures along the western boundary and regarded the amended scheme as more appropriate and sensitive to its location. The case officer concluded that conditions would overcome the previous concerns. Although those officers may not have stated the correct boundary distance, their assessment was based upon the scheme, site visits, plans and actual containment. The corrected distance does not reverse the physical facts: the site remains outside the designation, enclosed, and subject to substantial removals and planting.

The proposal therefore responds positively to N4(4): the most intrusive western elements are removed; fencing is made rural in character; native hedging is restored and reinforced; hard surfacing is substantially reduced; and retained vegetation filters the limited views. A detailed landscape scheme, implementation timetable, replacement planting obligation and long-term management condition would make those measures enforceable.

Mitigation and Year 15 assumptions

The LVA assumes that hedge growth beneath retained trees may be “sporadic” because of shade and competition, but provides no arboricultural or planting specification evidence to show that an appropriate native mix cannot establish. Species selection, planting sizes, soil preparation, watering, replacement of failures and management can all be secured by condition. If necessary, the landscape condition can require a shade-tolerant native mix and five-year replacement planting, with management thereafter.

The suggestion that mitigation is uncertain is not a reason to disregard it. Policy DM3(1)(e) requires consideration of whether otherwise unacceptable proposals can be made acceptable through conditions. The Council’s own landscape officer and case officer considered conditions effective. The American barn and surplus hardstanding have now been removed and the Inspector may impose conditions relating to replacement of fencing; native planting in the first available season; and control of external lighting.

The LVA’s statement that no lighting details were available and its assumption that current lighting would remain do not establish harm. A condition can require a lighting scheme, low-level directional fittings, warm colour temperature, timers or sensors, and no lighting directed toward boundary vegetation, the right of way or National Park.

Cumulative effects and the adjoining appeal history

The earlier appeal APP/Z3825/A/14/2218650 concerned a materially different scheme and policy context. The quoted finding that a modern mobile home appeared out of place cannot be transferred mechanically to this appeal. More recent decisions have accepted permanent traveller accommodation at Parsons Field Stables, including DC/19/2105 and DC/24/0256. Those decisions are more probative of the acceptability and sustainability of this immediate location, subject to site-specific design and mitigation.

Existing adjacent pitches are part of the receiving environment. They may create cumulative effects, but they also mean this is not an isolated incursion into an otherwise untouched tract. The LVA itself recognises a more settled and active rural environment. The two-pitch appeal scheme is modest in scale and physically contained. Assertions concerning sites in Blackgate Lane and Hill Farm Lane are not supported by a defined cumulative study area, verified visibility or an explanation of how their effects combine with this site.

Intentional unauthorised development and enforcement history

The evidence may support a finding of intentional unauthorised development. The Appellant therefore proceeds on the cautious basis that DM8(2) is engaged and substantial negative weight should be given to that fact.

That conclusion does not predetermine the appeal. DM8 deliberately uses the language of weight, not a prohibition or a mandatory refusal. The Inspector must still determine the planning merits of the reduced scheme, apply S5 and HO12, consider the best interests of the children and relevant human rights, and perform the overall balance.

The negative weight should be proportionate to the fact established and should not be counted repeatedly. The retrospective character of the proposal cannot simultaneously be used as: a free-standing substantial DM8 penalty; proof that all present site works will remain; proof of permanent landscape harm despite proposed removals; and proof of ecological harm without evidence. The conduct attracts substantial weight once; the physical effects are then assessed on evidence.

The appeal process is also the statutory mechanism for deciding whether the reduced development is acceptable. Granting permission would not endorse breach of control. Conditions would define what may remain and require the harmful excess works to be removed. Failure to comply would be enforceable.

Personal circumstances and the interests of children

Batcheller Monkhouse states that there is no evidence of personal circumstances requiring accommodation at this location. That is incorrect. Detailed confidential evidence was supplied, and a public summary appears in the Appellant's Statement. The Council's own Statement acknowledges the updated personal circumstances and accepts that they weigh in favour of permission.

The pitches are intended for two Romani Gypsy families with strong local connections. Both households include young children. The evidence addresses registration with Pulborough Medical Centre, school attendance or applications and home education, adult diagnoses including anxiety, depression and Tourette's, and care provided to a younger family member. The families left an overcrowded lawful site following aggressive behaviour and concerns for their children's safety. No available public pitch or other suitable, lawful and affordable alternative has been identified.

HO12(2) now places explicit national policy emphasis on both need and personal circumstances. A settled base enables regular education, healthcare and welfare access, which is precisely the function recognised by HO12(1). The best interests of the children are a primary consideration. They are not automatically determinative, but they must be identified and given substantial practical weight rather than dismissed on the basis that children are often present on traveller sites.

If permission is refused and no suitable alternative exists, the evidence indicates a return to roadside living or insecure arrangements, with predictable consequences for safety, education and healthcare. That harm is immediate and personal. By contrast, the residual landscape effects identified by the objector are localised, substantially mitigable and, in most views, screened or absent.

Article 8 rights are engaged because the decision affects the families' homes and private and family life. Any interference must be lawful, necessary and proportionate. The availability of a reduced, conditioned scheme and the absence of a suitable alternative are important to proportionality. Article 14 and the public sector equality duty are also relevant in ensuring that the different accommodation needs and protected ethnic status of Romani Gypsies are considered without stereotyping.

Response to other interested-party matters

Ecology and trees

The representations refer to dormice, Great Crested Newts, reptiles, bats, nesting birds, past hedge removal and the absence of a pre-commencement CEMP. The application included further ecological information and mitigation, and ecology was not a reason for refusal. Allegation or uncertainty is not evidence that a protected species offence occurred or that the appeal scheme will cause unacceptable ecological harm.

Any remaining safeguards can be secured through conditions covering a landscape and ecological management plan, sensitive lighting, habitat creation, timing of vegetation works, precautionary working methods and supervision where necessary. Separate wildlife legislation continues to apply.

The arboricultural concerns relate mainly to existing fence posts, hardstanding, the stable and root protection areas. The appeal scheme removes hardstanding and fencing in sensitive areas and depends upon retention of boundary vegetation. A condition can require an arboricultural method statement, accurately plotted root protection areas, no-dig construction where appropriate, protective fencing and replacement of any failed or damaged planting. This is consistent with the Council landscape officer's request and is not shown to be incapable of resolution.

Drainage and flood risk

The objections allege an incorrectly shown ditch, third-party land requirements, discharge near ancient woodland and an observed foul-water issue. These are serious allegations but were not adopted as a refusal reason. The Inspector should distinguish between the proposed drainage arrangement and any separate operational failure or regulatory complaint.

Permission need not authorise works outside the red line or on third-party land. A pre-occupation or compliance condition can require a detailed foul and surface-water scheme, evidence of lawful outfall or an on-site alternative, treatment specification, maintenance responsibilities and protection of ancient woodland. The existence of a technical matter capable of resolution does not demonstrate that the principle of two pitches is unacceptable.

Heritage and public rights of way

The nearby listed buildings and public rights of way form part of the context. No heritage harm was identified in the refusal reason. The LVA confirms that effects upon right-of-way users are short-range and in many sequential views screened. The appeal does not obstruct the right of way. The Inspector can assess the actual experience on the site visit, including seasonal visibility, rather than relying solely upon photographs deliberately framed toward the site.

The planning balance

The principal harm is the change from a pastoral field and the residual domestic influence of two pitches close to the National Park. That harm is real but geographically confined. The objector's own LVA shows that the site is generally well contained, most views are screened or restricted, effects are localised and the appeal scheme removes several of the most intrusive elements.

Substantial adverse weight is given to intentional unauthorised development on the cautious assumption that DM8 applies. Nevertheless, the new Framework requires the balance to be completed. In the circumstances of this appeal, the combined adverse effects do not substantially outweigh the benefits. On the contrary, the need and welfare benefits, reinforced by the explicit direction of S5 and HO12, outweigh the limited residual landscape harm and the DM8 consideration.

The benefits are not generic. They comprise two deliverable pitches in a district which admits an unmet need and an absence of five-year supply; secure homes for identified Romani Gypsy families; stability for young children; access to education, health and welfare services; avoidance of roadside or insecure living; and delivery of the particular form of accommodation which S5(1)(g) now expressly supports.

Conclusion

The committee's decision is respected as a legitimate exercise of democratic planning judgment, but it is not insulated from scrutiny. It was taken against the professional recommendation, without a landscape appraisal supporting the refusal, and before publication of the August 2026 NPPF. The subsequent Studio Loci LVA identifies a change to the field but also demonstrates containment, limited outward visibility and localised effects. Its headline ratings overstate the residual appeal scheme by conflating the historic change and the more extensive development as carried out with what would remain after mitigation.

The updated NPPF changes the balance materially. S5(1)(g) gives express support to traveller accommodation meeting evidenced unmet need, HO12 recognises that such sites may appropriately lie away from settlements and requires need and personal circumstances to be considered, and the Council accepts both unmet need and the absence of five-year supply.

The proposal has been sensitively contained and designed to minimise adverse effects on the Protected Landscape, as required by N4(4). Any residual effect would be limited and would not justify refusal when assessed within the S5 balance.

DM8 requires substantial adverse weight and the Appellant does not ask the Inspector to dilute it. But it is a matter of weight, not a veto. When weighed once and fairly against the compelling policy, need, equality, welfare and children's interests, and against the limited residual landscape effects of the reduced scheme, the benefits comfortably prevail. The appeal should therefore be allowed subject to appropriately robust conditions.



The Planning Inspectorate
c/o Quadient
69 Buckingham Avenue
Slough
SL1 4PN

Date: 23 September 2026

Our ref: Pickurst/ LVA

Dear Sir/ Madam

Ref: Planning Inspectorate Reference – 6012367
Horsham District Council Reference – DC/25/1371
Site – Land West of Parsons Field Stables, Pickhurst Lane, Pulborough, West
Sussex RH20 1DA

We write on behalf of the appellant in response to the recent Landscape and Visual Appraisal (LVA) submitted by Batcheller Monkhouse in support of a third-party objection to the above appeal.

Having carefully reviewed the LVA and supporting documentation, I make the following observations:

Studio Loci's (SL) assessment adopts an unjustifiably adverse interpretation of the proposal's landscape and visual effects. It places disproportionate emphasis on mere visibility instead of addressing the decisive question: whether the visual change would cause material harm in its actual context. This approach plainly overstates both the scale and magnitude of the effect.

The proposal would be experienced within an established, settled and managed landscape. It would not introduce an alien or wholly uncharacteristic form into an untouched setting. As the LVA itself recognises, the change would be localised and perceived alongside existing physical features, boundaries and surrounding development influences. The magnitude of change must therefore be assessed as limited, and there is no sound basis for treating the resulting visual effects as unacceptable.

Studio Loci's conclusions should be given reduced weight unless they demonstrate a clear and transparent GLVIA3-based reasoning chain from receptor sensitivity and magnitude of change to the asserted level of adverse effect. GLVIA3 demands reasoned professional judgement, not unsupported assertion. The Inspector is therefore invited to adopt the more balanced and properly evidenced conclusion: the proposal



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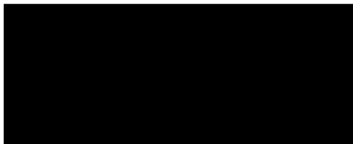
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would give rise to no more than limited, localised adverse effects, which are capable of effective mitigation and do not outweigh the benefits of the development.

SL materially underestimates the screening benefits of the proposed hedging and adopts an unduly pessimistic view of its increasing effectiveness as it matures. Any residual concern about its healthy establishment and long-term sustainability beyond the initial five-year period can be fully addressed by a condition requiring a straightforward Landscape Management Plan, subject to quinquennial review.

Accordingly, the Studio Loci evidence provides no proper basis for refusing the application or dismissing the appeal. The landscape and visual impacts are demonstrably acceptable in planning terms, consistent with the original planning officer's recommendation for approval. The appeal should therefore be allowed.

Regards



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