BRETT INCORPORATED
PLANNING AND DEVELOPMENT SERVICES
LIMITED

30 December 2025

Our Ref.: 1884.3

LPA's Ref.: DC/25/0096

PINS Ref.: APP/Z3825/X/25/3374569

Dear PINS,

Appeal by Mr. Mark Woodage against the decision of Horsham District Council to refuse to grant a lawful use or development certificate under DC/25/0096 as to whether the provision of a culvert, licenced by West Sussex County Council on 05 November 2024 under LDC/HOR/2024/006, would amount to a repeat breach of enforcement notice EN/21/0037 that has already been complied with. Land west of Northlands Lane, Storrington, West Sussex RH20 3EZ

The Appellant has the following comments on the LPA's statement dated 22 December 2025 and the representations from a local resident included with PINS letter of 23 December 2025 that has a response date of 12 January 2026.

LPA Statement

The LPA merely directs the Inspector to its delegated report as to its case in support of the refusal of DC/25/0096, reinforced by the claim the enforcement notice remains in effect and it has not been demonstrated how a licence granted

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under non-planning legislation would alter this. In other respects, the LPA is silent and makes no comment at all on the Appellant's lengthy case set out in the Submission Appeal Statement dated 14 October 2025, which includes that the LPA has not substantiated its claim that if the licenced culvert were constructed a repeat offence would occur, all importantly without reference to the facts of this case and relevant law etc. It leaves that decision firmly to the Inspector, which, for the avoidance of doubt, is not to substantiate its refusal reasons for the appeal application that reinforces the case already made for an award of costs against the LPA for unreasonable behaviour irrespective of the remaining planning and legal merits of this appeal.

East Wantley Barn – dated 10 Dec 2025

These comments relate to both versions of Mr. Philip's representations dated 10 December 2025. I distinguish between the two by noting the 'First' has 3 photographs whilst the 'Second' has only 2 photographs on the respective first page.

Both representations are broadly to the same effect. It appears that at times of heavy rain, the culvert beneath the northern end of Northlands Lane and the ditches that flank it are overwhelmed and the road floods, with or without a culvert at the appeal site, and the situation appears to have got worse since land drainage was installed in the vineyard opposite Northlands Lane that will likely have generate faster runoff than would otherwise be the case and which ultimately contributes to flooding in the lane. It is claimed the appeal culvert will compound the problem but from the evidence presented in the two documents, they appear to confirm an historic flooding problem that will not be impacted in any material way by the appeal culvert.

For the avoidance of doubt, the suggestion in the 'First' representation that the Appellant withheld relevant information to obtain a culvert licence is wholly without foundation. In this respect, there was a choice to be made at the outset about whether to pursue the licenced or unlicenced routes for crossing the ditch

in the light of the attached comments of the Drainage Engineer – Strategic Planning's consultation response of 07 December 2020 to DC/20/0907. This suggests that a 'clear span' approach would not require Ordinary Watercourse Consent but the recommended route was through the consent route supported by hydraulic assessment etc to determine appropriate size of culvert. Because neither the Appellant nor Planning Agent have any drainage expertise the matter was therefore placed entirely in the hands of qualified drainage engineers, CGS Civils, who presented an engineered solution that was agreed with the Lead Local Flood Authority at West Sussex County Council, which went on to issue the attached approval letter on 05 November 2024. In the light of the representations, it is clear there is a drainage issue in the road that requires a strategic approach to resolve irrespective of whether this ditch is crossed by clear span or culvert.

Nevertheless and notwithstanding the above comments, it is considered this appeal turns on points of law rather than issues connected with what causes the lane to flood that is a matter for others and not this appeal process. Whilst the Appellant accepts that the 'clear span' approach to crossing the ditch might be considered to be captured by the enforcement notice and represent a repeat breach, the case has already been set out why the licenced culvert route is considered materially different to the unlicenced and unlawful works enforced against and would not represent a repeat breach.

Yours sincerely,



Simon Brett

Attachments

Drainage Engineer Comments DC/20/0907

WSCC approval letter dated 05/11/24