RELOCATION OF HOLBROOK ANIMAL RESCUE
WITH ASSOCIATED BUILDINGS AND INFRASTRUCTURE

STATEMENT OF COMMON GROUND
LPA Reference: DC/24/0204
PINS Reference: 6003043

Dated 11th May 2026

1 Introduction

1.1 This Statement of Common Ground (SoCG) is between the Appellants and Horsham District Council (the lpa).

1.2 This SoCG covers:

(i) the reasons for refusal;
(ii) policy relied upon by the lpa;
(iii) matters agreed or not agreed: planning policy;
(iv) matters agreed and not agreed: landscape;
(v) matters agreed and not agreed: noise;
(vi) other matters agreed;
(vii) conditions;
(viii) planning merits and weight.

2 Reasons for Refusal

2.1 It is agreed that there are two reasons for refusal, as set out on the Council's decision notice dated 18th July 2025.

2.2 The lpa's decision letter sets out the plans on which the Council made its decision. Many of the plans are revision A, as specified. A full list of the plans and documents supplied to the Council during the processing of the application is at **Attachment A**.

3 Policy Relied Upon

3.1 The Reason for Refusal refers only to the Horsham District Planning Framework (2015). The decision refers to policies 10, 25, 26, 32 and 33.

3.2 There is no reference to any other policy, and no reference to any conflict with the National Planning Policy Framework (NPPF, December 2024 (as amended February 2025)) being the version current at the date of the Council's decision.

4 Matters Agreed and not Agreed: Planning Policy

4.1 The policies referred to in section 3 are agreed to be relevant.

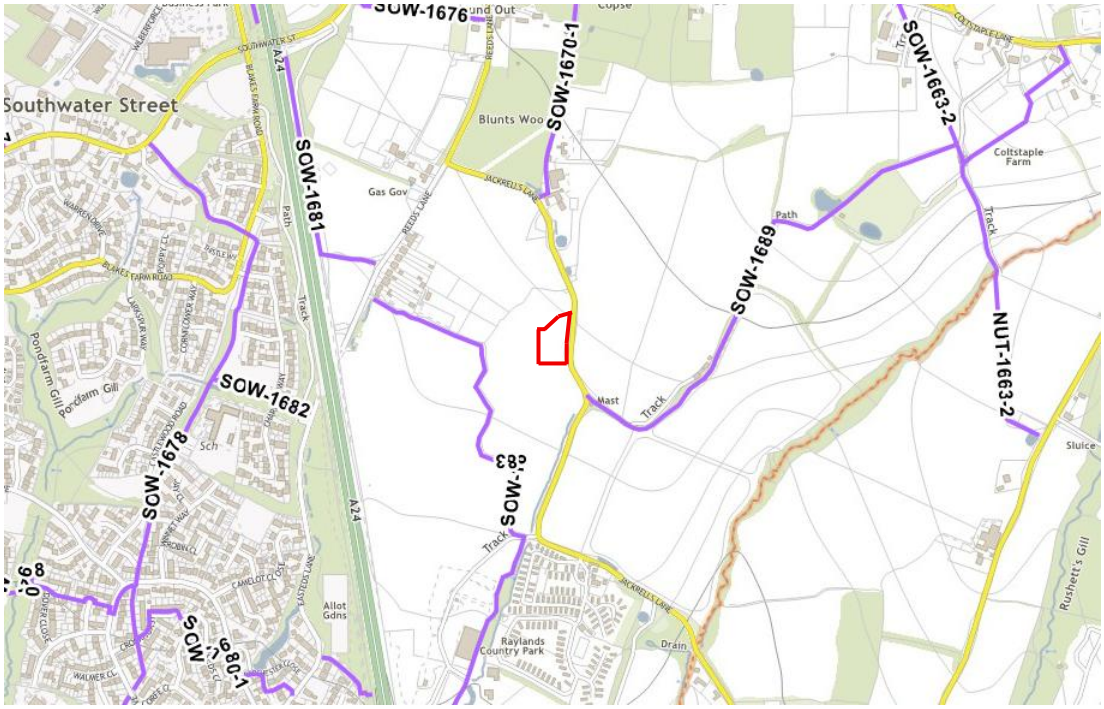
4.2 The relevance and weight to be given to the NPPF is a matter of planning judgment and is not agreed.

5 Matters Agreed and Not Agreed: Landscape

5.1 It is agreed that the Appeal Site is not in any landscape designation areas and it does not form part of the setting of a landscape designation. It is agreed that the Site is not a 'valued landscape' as defined in paragraph 187 of the NPPF (2024).

5.2 It is agreed that the Appeal Site lies within the Local Landscape Character Area (2014) area 25 of Zone 2 : Land East of Southwater, of the Horsham District Capacity Assessment (2021) and within the landscape character area H1 Southwater and Christ's Hospital, as described within the Horsham District Character Assessment (2003).

5.3 The Reason for Refusal refers to the development being detrimental to the rural landscape character of the site and surrounding area, including the amenity of nearby Public Rights of Way and Jackrells Lane. The plan below shows the location of local footpaths and Jackrells Lane.



5.4 It is agreed that the Appeal Site is visible from sections of Jackrells Lane and nearby Public Rights of Way. The extent, nature and significance of those views, and the receptors affected, are not agreed.

5.5 It is agreed that the Appeal Site is visible from Public Right of Way 1689. The resulting effects on users of this route are a matter of professional judgment, with the Appellant assessing the effect as negligible adverse at year 1 and negligible neutral at year 15, and the Local Planning Authority assessing the effect as minor adverse at year 1 and negligible adverse at year 15, having regard to the rural character of the route and the sensitivity of receptors.

5.6 It is agreed that the Appeal Site is visible from Public Right of Way 1683. The resulting effects on users of this route are a matter of professional judgment, with the Appellant assessing the effect as negligible adverse at year 1 and negligible neutral at year 15, and the Local Planning Authority assessing the effect as minor adverse at year 1 and negligible adverse at year 15.

5.7 It is agreed that the Appeal Site is visible from Jackrells lane. The resulting effects on users of this route are a matter of professional judgment, with the Appellant assessing the effect as minor adverse at year 1 and negligible adverse at year 15, and the Local Planning Authority assessing the effect as major to moderate adverse at year 1 and moderate adverse at year 15.

5.8 The parties agree that the assessment of effects on landscape character is a matter of professional judgment. The Appellant assesses the effects on Landscape Character Area H1 as minor adverse at year 1 and negligible at year 15, whereas the Local Planning Authority assesses this as moderate to minor adverse at year 1 and minor adverse at year 15. In respect of the character of Jackrells Lane, the Appellant assesses the effect as minor adverse at year 1 and minor adverse at year 15, whereas the Local Planning Authority assesses this as moderate to major adverse at year 1 and minor adverse at year 15. In respect of the character of the site and its immediate setting, the Appellant assesses the effect as moderate to minor adverse at year 1 and minor adverse at year 15, whereas the Local Planning Authority assesses this as moderate adverse at year 1 and minor adverse at year 15.

5.9 It is agreed that planting is proposed by the Appellant. The extent to which proposed planting or mitigation (including that shown outside the application red line) may influence these effects is not agreed.

5.10 The degree of visual effects is not agreed.

5.11 The parties agree that the assessment of landscape and visual effects is a matter of professional judgment, including the extent to which the proposal would affect landscape character, tranquillity, and the experience of users of the local road and Public Rights of Way network. The weight to be given to those effects in the overall planning balance, including whether the proposal satisfies the environmental requirements of Policy 10 of the Horsham District Planning Framework, is a matter of planning judgment and is not agreed.

6 Matters Agreed and Not Agreed: Noise

6.1 It is agreed that the Council reviewed the Noise Management Plan by Acoustic South East (31.07.24) and concluded that this was adequate.

6.2 It is agreed that the Environmental Health Officer considered this acceptable, by consultation response of 18 October 2024.

6.3 It is agreed that in the officer's report to Committee, noise was not considered to warrant refusal.

6.4 The degree to which noise is an issue which cannot be overcome by conditions, is not agreed.

7 Other Matters Agreed

7.1 It is agreed that:

(i) there are no highway issues;
(ii) there are no ecological issues;
(iii) there are no other environmental issues forming standalone reasons for refusal.

7.2 It is agreed that:

(i) there is a need for the Rescue Centre to relocate from its current location given the construction of the Strategic site north of Horsham;
(ii) the Appellant has submitted information relating to the consideration of alternative sites (Site Purchase Information, June 2024). The Local Planning Authority acknowledges this information; however, the extent to which it demonstrates that the

appeal site is the only suitable or available option, including whether sufficient consideration has been given to sites with existing buildings or within established rural complexes, is not agreed.

8 Conditions

8.1 A list of conditions put forward by the Local Planning Authority is at **Attachment B**, taken from the Statement of Case for the Local Planning Authority.

8.2 All are agreed except for Condition 9. The requirement for a condition relating to water neutrality is not agreed and remains a matter for the decision maker. The Council's Position Statement is at **Attachment C**.

8.3 It is agreed that landscape works, including planting, are proposed both within and outside the application red line. The extent to which planting outside the red line can be secured by condition or relied upon in the assessment of landscape and visual effects, is not agreed.

8.4 The Appellant hereby gives consent to the pre-commencement conditions.

9 Planning Merits

9.1 The Appellant and the Council will seek to agree a table of planning benefits, to be submitted as soon as possible.

Signed on behalf of the Appellants [redacted] Dated 11th May 2026

Tony Kernon

Signed on behalf of the Council [redacted] Dated 12th May 2026

……..

Daniel Homes

ATTACHMENT A

Plans and Documents Forming Part of the Decision

HOLBROOK ANIMAL RESCUE CENTRE
APPLICATION AND APPEAL DOCUMENTS

Documents Submitted with the Application

Application form

Form 1 CIL

Plans: 01A Location Plan (Rev A)
02 Block Plan
03 Proposed Dwelling Elevations and Floorplan
04 Proposed Animal Building Elevations and Floorplan
05 Proposed Stable Elevations and Floorplan
06 Proposed Education Block Elevations and Floorplan
07 Proposed Garage and Outbuilding Elevations and Floorplan
08 Landscaping Plan

Supporting Statement, KCC, February 2024

Water Neutrality Report, CGS Civils, January 2024

Biodiversity Survey and Report, KCC, March 2024

Additional Documents Supplied During the Processing Stage

Amended Water Neutrality Report Rev P2, CGS Civils, July 2024

Noise Management Plan, Acoustic South East, 31st July 2024, submitted 31/07/24

Preliminary Ecological Appraisal Report, aLyne Ecology, 16th September 2024, submitted 24th September 2024

Landscape and Visual Impact Assessment, KCC, November 2024

Highways Information, KCC, December 2024

Noise Policy, KCC, 19th April 2024, submitted 29th April 2024

Plans: 03A Proposed Dwelling Elevations and Floorplan (Rev A), November 2024
04A Proposed Animal Building Elevations and Floorplan (Rev A)
06A Proposed Education Block Elevations and Floorplan (Rev A)
08A Landscaping Plan (Rev A)
09 Visibility Splays
10 Site Layout (submitted February 2025)

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*Consultants - **Ellie Clark** BSc(Hons) MBIAC **Dan Miller** BSc(Hons)*

Appeal Documents

Appellant's Statement, KCC, December 2025

Landscape Evidence, of Wendy Lancaster, Tyler Grange, December 2025

Detailed Soft Landscape Proposals, Laird Bailey, 2025

DRAFT Statement of Common Ground, December 2025

ATTACHMENT B

List of Conditions

9.0 List of Conditions

9.1 The Council maintains that the identified harms are not capable of being made acceptable through condition. However, should the Inspector be minded to grant planning permission, the following conditions are recommended:

1. **List of Approved Plans**

2. **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

   Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4. **Pre-commencement Condition**: A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

   The CEMP (Biodiversity) shall include the following:
   a) Risk assessment of potentially damaging construction activities.
   b) Identification of "biodiversity protection zones". to include Priority habitats as shown in Section 7.1 of the Preliminary Ecological Appraisal Report (aLyne Ecology, September 2024
   c)Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). To include a Precautionary Method Statement for mobile species.
   d) The location and timing of sensitive works to avoid harm to biodiversity features.
   e) The times during construction when specialist ecologists need to be present on site to oversee works.
   f) Responsible persons and lines of communication.
   g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
   H) Use of protective fences, exclusion barriers and warning signs.

   The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

   Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework

5. **Pre-commencement Condition**: No development shall commence until a full and detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to mitigate the identified adverse landscape and visual effects and address the concerns outlined in the Landscape Consultation Response received 16.04.2025. The submitted details shall include:

Existing Vegetation and Retention Measures
- A plan identifying all existing trees, hedgerows, and vegetation to be retained and removed.
- Protective measures for existing trees and hedgerows, in line with BS5837:2012 - Trees in Relation to Design, Demolition, and Construction.

Proposed Planting and Green Infrastructure
- A schedule specifying proposed tree and plant species, planting densities, sizes, heights, and locations.
- Details of native hedgerow reinstatement and additional boundary planting to mitigate visual impact and enhance the site's integration into the rural landscape.
- Details of tree pit specifications and soil preparation methods to ensure healthy establishment.

Hard Landscaping and Site Boundaries
- Full details of all hard landscaping, including proposed surfacing materials and treatments for access tracks, pathways, and parking areas.
- Details of boundary treatments, including fencing, gates, and hedgerow planting to screen-built elements from public views, particularly from Jackrells Lane and nearby public rights of way (PRoWs 1683 and 1689).

Others:
- hard and soft written specifications (NBS compliant) including ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of existing and proposed levels for all external earthworks associated with the landscape proposals
- Proposed and existing functional services above and below ground - such as drainage, power, communications cables and pipelines - including lines, manholes, supports and other technical features

Landscape Maintenance and Management Plan
- A 5-year landscape management and maintenance strategy, including description of landscape components, management prescriptions including replacement of failed planting, heights hedgerows are to be maintained at, etc and maintenance schedules including watering, hedgerow trimming schedules, etc.

The approved landscaping scheme shall be implemented in full in the first planting season following completion of development. Any trees, plants, or hedgerows that die, are removed, or become seriously damaged within five years of planting shall be replaced in the next planting season with species of a similar size and type unless the Local Planning Authority gives prior written consent to a variation. The landscape areas shall thereafter be managed and maintained in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development does not result in unacceptable harm to the rural landscape character, to mitigate visual impacts, and to enhance biodiversity in accordance with Policies 25 and 26 of the Horsham District Planning Framework

(2015) and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

   Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-commencement Condition**: Prior to the commencement of the development, detailed plans showing the proposed location of one fire hydrant or stored water supply (in accordance with the Fire and Rescue Services Act 2004, Part 5, Section 38) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

   Reason: To ensure that an adequate water supply is available for firefighting purposes, in accordance with the Fire and Rescue Service Act 2004, the West Sussex Fire and Rescue Guidance Notes, and relevant local policies.

8. **Pre-occupation Condition**: A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report (aLyne Ecology, September 2024), shall be submitted to and approved in writing by the local planning authority.

   The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

   Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

9. **Condition Removed**

10. **Pre-occupation Condition**: Prior to the first occupation of any dwelling or unit forming part of the development, the fire hydrant (or stored water supply, as applicable) shall be installed at the approved location, in accordance with BS 750 standards, or a suitable stored water supply system shall be provided. The fire hydrant or water supply must be connected to an appropriate water supply in terms of both pressure and volume for firefighting purposes. The fire hydrant shall be maintained by the water undertaker if adopted as part of the public mains supply, or by the owner/occupier if retained as a private network. Access for firefighting vehicles and equipment must be provided in accordance with Building Regulations 2004 and BS 5588 Part B 5.

    Reason: To ensure adequate provision for firefighting water supply and access, in accordance with the Fire and Rescue Service Act 2004, Building Regulations, and relevant policies including CP13, DC40, and CP3 of the Horsham District Local Development Framework.

11. **Pre-Occupation Condition**: No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been submitted to the Local Planning Authority for approval. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition**: Prior to the first occupation of the development, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to each premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

13. **Regulatory Condition**: The development shall be carried out in strict accordance with the Non-Licensed Method of Works for Great Crested Newts, as detailed in the Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., September 2024). These measures must be adhered to throughout the construction phase to mitigate any potential risk to great crested newts and other wildlife on site.

The applicant shall ensure that the appointed ecologist monitors the implementation of the Non-Licensed Method of Works during the construction phase. A report shall be submitted to the Local Planning Authority confirming that the methods have been fully complied with. If any deviations from the approved method are identified, the applicant shall notify the Local Planning Authority immediately and seek further guidance.

All works shall be undertaken during periods that avoid the sensitive periods for great crested newts, as specified in the submitted ecological report, unless otherwise agreed in writing by the Local Planning Authority in consultation with the appointed ecologist.

Reason: To ensure that appropriate measures are taken to safeguard great crested newts during the development, in accordance with the submitted ecological report and relevant wildlife protection legislation and Policy 31 of the Horsham Development Framework.

14. **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (aLyne Ecology, September 2024)), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

15. **Pre-occupation Condition**: No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

16. **Regulatory Condition**: No part of the development shall be first occupied until visibility splays of 2.4 metres by 53 metres to the north and 2.4 metres by 61 metres to the south have been provided at the proposed site vehicular access onto Jackrells Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

17. **Regulatory Condition**: No additional external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

18. **Regulatory Condition**: No music, live or recorded, shall be played on any part of the application site (shown edged in red on plan approved site and location plans, received (06.02.2024) unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

19. **Regulatory Condition**: The development hereby permitted shall be used strictly in accordance with the Noise Management Plan dated 31.07.2024, Project: J3878; Issue 1.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20. **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the Stable Building, 2 Bay Garage, Animal Rescue Building, Education Block (Class Use F1), 3 storage shed/outbuilding and Dwelling hereby permitted shall only be used for the purposes relating to and specified in the approved plan (KCC3091/02 01/24ec) covering the overall site and for no other purposes without express planning consent from the Local Planning Authority first being obtained. This includes, but is not limited to, any change of use to other uses within the Use Classes Order or any equivalent statutory provision.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the potential impact on local amenity, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

ATTACHMENT C

Council's Position Statement

Water neutrality

Water Neutrality Requirements Withdrawn

On 31 October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 has been withdrawn.

This follows agreement between Natural England, Southern Water and the Environment Agency that a reduction in the licence cap on water abstraction will ensure with sufficient certainty that development will not adversely impact the protected Arun Valley habitats. This is the primary element of interest to local authorities in making decisions regarding relevant plans or projects, as it removes the connection between abstraction and growth.

While the licence modification will address issues related to planning, growth, and abstraction, a separate package of measures is also proposed to support recovery and enhance ecological resilience at Pulborough Brooks SSSI. Natural England has advised that local authorities are not required to consider these measures when determining relevant plans or projects.

Whilst the Position Statement has now been withdrawn, it remains the case that Horsham District Council remains the competent authority under the Habitats Regulations, and therefore must be assured that the mitigation will be effective in practice and suitably secured. Given the licence change has not yet taken place (the withdrawal statement refers

to March 2026), we cannot be certain that the issue is yet fully resolved. We do though recognise and welcome the statement from Natural England as a significant step forward in finally addressing water neutrality at a strategic level.

For individual applications, we will now be using the 2024/25 water efficiency savings made by Southern Water to allow all development to move forward as water neutral from 1st November 2025. These savings were previously to be used by the Sussex North Water Certification Scheme (SNWCS), and amount to some 3,240,000 litres per day. SNWCS, for the avoidance of doubt, will no longer be launched.

For applicants, this means that:

1. No water neutrality statement is now required;
2. No payment into SNWCS is needed to use the Southern Water capacity referred to above;
3. No bespoke conditions or s106 obligations are required to demonstrate water neutrality.

Please note that given the area remains at significant water stress, all applications for new housing will be required by condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework. We would welcome and support any applicant who still wishes to include water efficiencies below this standard.

To ensure continued compliance with the Habitats Regulations until the licence change has taken effect, please note that officers will continue to undertake an Appropriate Assessment of your proposals as part of their overall considerations. This will ensure your development remains compliant with the Habitats Regulations, Policy 31 of the HDPF, and Paragraph 193 of the NPPF. Natural England have provided standing advice to assist officers in meeting their duties under Reg 63(3) of the Habitats Regulations.

For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same

condition we applied to all new dwellings prior to the 2021 Position Statement.

For current applicants, please advise your case officer of how you wish to proceed. Please note that any undetermined applications that have already been heard by our Planning Committee will need to be returned to committee to amend the water neutrality requirements, therefore you may wish to conclude your application in its current form and apply separately to vary the relevant conditions and obligations. Please note that if you wish to amend your current proposals we will need to first agree an appropriate extension of time with you.

Further updates will be set out on this page in due course, as and when necessary.

Related pages

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