Planning Inspectorate

Appeal Decision

Hearing held on 2 December 2025

Site visit made on 3 December 2025]

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2025

Appeal Ref: APP/Z3825/W/25/3372733
Oakhurst Centre, West Chiltington Lane, Coneyhurst RH14 9DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Phil Rowe against the decision of Horsham District Council.
- The application Ref is DC/24/0298.
- The development proposed is settled gypsy accommodation site comprising 10no pitches and associated utility buildings.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by the appellant against Horsham District Council. This application is the subject of a separate decision.

Procedural Matters

3. For my banner heading above I have taken the description of development from the appeal form as it reflects the amended number of pitches on which the Council determined the planning application following publication and consultation. As such, no procedural unfairness would be caused to any party by my determination of the appeal on that basis.

4. The second reason for refusal is no longer contested by the Council as the appellant's information submitted before the hearing confirmed that it had gained access to the District Level Licensing scheme and would therefore avoid harm to Great Crested Newt species. On the evidence before me I can see no reason to disagree and therefore the effect of the development on those species is not a main issue in this appeal.

5. Prior to the hearing the appellant indicated an intention to submit additional documents described as including 'the FRA and several allowed appeal decisions for gypsy pitches within a higher flood zone namely FZ3.' The documents that the appellant brought to the hearing were discussed, including those intended to indicate that several Inspectors had granted planning permission for caravans in higher risk flood zones than the appeal development before me. I asked the appellant whether it was necessary for me to read all those documents and take them into consideration to note that point and it was agreed that it was not.

6. However, I have taken account of the extracts from the flood risk assessment for a development of caravans for Gypsies and Travellers allowed on appeal in the functional floodplain in South Gloucestershire[1] dated August 2022, as it is relevant to the appeal. This was submitted because the appellant considers the mitigation measures in that allowed appeal development are typical of those found acceptable by Inspectors in allowing appeals for caravans in areas at high risk of flooding. I will deal with the relevance of those documents later in this decision.

7. I have also taken account of a recent allowed appeal in the Council's area at Barns Green[2] for 5 static caravans for occupation by Gypsies and Travellers as it is relevant to some other matters in this appeal and it could not have been submitted in accordance with the appeal timetable.

8. The Government recently published a consultation draft of its proposed reforms to the National Planning Policy Framework. As the consultation is at a very early stage the draft document could be subject to significant changes, and I have therefore based my decision on the extant National Planning Policy Framework ("the Framework") and the Planning Policy for Traveller Sites ("the PPTS")

Main Issue

9. The main issue in this appeal is whether the appeal site is suitable for the development proposed, having particular regard to national and local policy on flood risk, including the sequential test and the exception test where relevant.

Reasons

10. The appeal site is at risk of surface water flooding as shown on the Environment Agency's Surface Water Flood Map (EASWFM), which was updated in March 2025. The appellant's revised site-specific Flood Risk Assessment (FRA) dated August 2025, took account of that updated flood mapping. At the hearing, the main parties agreed that paragraph 027[3] of the Planning Practice Guidance (PPG) was relevant to the appeal proposal as it specifically refers to developments at risk of current and future surface water flooding. It advises decision makers to take a proportionate approach to the application of the flood risk sequential test in Framework paragraphs 174 and 175 to development at risk of surface water flooding.

11. PPG paragraph 027 states that the flood risk sequential test need not be applied *"where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere".*

12. The EASWFM indicates the probability and extent of surface water flooding. It shows areas of the appeal site located roughly in the centre and towards the northern boundary, and with a smaller area adjacent to the eastern boundary, to be at a medium to high risk of surface water flooding. The FRA explains that those areas at risk become larger in the future modelled scenarios for the years 2040-2060.

[1] APP/P0119/W/20/3264070
[2] APP/Z3825/W/25/3367225
[3] Paragraph: 027 Reference ID: 7-027-20220825

13. An overlay showing the proposed layout of the appeal development and the EASWFM is not before me. Nonetheless, it is clearly apparent that a number of pitches together with sections of the route of the shared access that were serve them are within the modelled extent of flooding shown on the EASWFM. Whilst there was some discussion at the hearing as to the methodology used by the Environment Agency to determine the EASWFM, the appellant's FRA contains no alternative scientific modelling of surface water flooding. Therefore, I find no basis to depart from the EASWFM, which is the starting point for a site-specific FRA.

14. PPG paragraph 005[4] sets out the relevant factors to be considered through a site-specific FRA when assessing the safety implications of flood risk for development. This includes the characteristics of a flood event that could affect the safety of people and property, including the speed of the onset of flooding and its duration, and the depth and velocity of flood water.

15. The appellant's FRA contains some qualitative descriptions of what might occur on the appeal site during a surface water flood event. For example, it suggests that surface water flooding would quickly subside as water runs off the clay ground and towards the River Adur. However, this appears to be contradicted by its reference to water ponding on the ground, such as within the paddock near the sand school, where proposed pitches would be located. Whilst just a snapshot in time, I also observed water ponding on the site during my visit. Given that surface water flooding is caused by rainfall as opposed to water rising up from a river, it would be reasonable to suppose that such flooding could occur quickly and without much warning. The FRA confirms the appeal site is not located in a flood warning area.

16. There is little quantitative evidence or analysis in the FRA to substantiate its descriptions of the effects of surface water flooding on the appeal site. It was agreed at the hearing that the FRA does not provide an estimated flood level for surface water flooding, or the depth and velocity of flood water affecting the appeal development, or the speed of the onset of flooding occurring or its duration. In accordance with PPG paragraph 005, I consider that information to be fundamental to the assessment of flood risk and for setting parameters against which to judge the effectiveness of proposed mitigation measures.

17. I can have no confidence on the evidence before me that floor levels would be set above the estimated flood level, or that a safe route of access or escape above that level for future occupiers would be provided. Even if an estimated flood level had been provided in the FRA, apart from an indication that the appeal site is around 23 metres above ordnance datum, there is no topographical survey of the appeal site to compare it with. Whilst caravans tend to have their floor levels raised above ground level, the same would not appear to apply to the sizeable utility buildings which would contain important living facilities for future occupiers. In any case, as no flood level is before me, I cannot compare floor levels to a flood level, nor have I been provided with the likely depths or velocities of flood water on the appeal site during surface water flooding.

18. In the absence of the necessary quantitative information and analysis set out in PPG paragraph 005, I find that the appellant's FRA has not shown that the flood resilient design and mitigation measures, which are referred to as a disputed

[4] Paragraph: 005 Reference ID: 7-005-20220825

matter in the Statement of Common Ground, would be effective in ensuring that occupiers would remain safe during flooding.

19. Whilst the appellant contends that the appeal proposal would reduce the area of impermeable surfaces at the appeal site, I have no quantitative calculations to demonstrate that would be the case. It was confirmed by the main parties at the hearing that the appeal site has not been subject to ground investigations to demonstrate that the rate of water infiltrating the ground would be effective in draining surface water during flood events. In any case, given the nature of the underlying clay soil, I am not satisfied that permeable surfacing or soft planted gardens would avoid surface water flooding from occurring during the flood events shown by the EASWFM. Consequently, it has not been shown that permeable surfacing would be effective in mitigating the risk that surface water would pose to future occupiers of the development and their properties.

20. At the hearing the appellant advised that I could make my own assessment of the likely depths of surface water flooding on the appeal site by comparing land levels of the areas shown to be at risk by the EASWFM with those areas that are not. However, as flood risk is a fundamental safety matter, a visual inspection of the appeal site would not be an appropriate substitute for a proper assessment of flood risk that includes the characteristics of flooding that are set out in PPG paragraph 005. In any case, whilst I would not describe the appeal site as steeply sloping there was a clearly discernible change in land levels across the site, which could influence flood water depths and velocities. I also observed relatively deep ponding of surface water in the areas of the appeal site identified in the appellant's FRA.

21. On the evidence before me I cannot be confident that securing an amended FRA by a planning condition would demonstrate that occupiers and users of the proposed development would remain safe during flooding. As such, the proper assessment of flood risk cannot in this instance be deferred to a planning condition.

22. PPG paragraph 027 and Framework paragraph 181 are clear that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The appellant's FRA acknowledges the possibility that the proposed development will increase the risk of flooding elsewhere. It therefore proposes permeable surfacing to reduce surface water run-off onto third party land. However, I have already explained why the clay ground conditions mean that permeable surfacing has not been shown to be effective in allowing surface water to drain away into the ground.

23. The appellant's FRA refers to the capabilities of rainwater harvesting and water-butts in capturing rainwater that falls on roofs and storing it to mitigate the risk of surface water flooding. However, they would have no effect on rainwater falling on the ground and they appear to require occupiers of the development to operate them and ensure they are not full when a rainfall event occurs. There are no calculations to demonstrate that the capacity of those devices would be effective in avoiding or adequately mitigating surface water flooding.

24. The appellant put it to me at the hearing that it was normal practice for a surface water drainage scheme to be secured by a planning condition. However, no details of any surface water drainage scheme, save for the suggested permeable paving,

are before me in evidence, and I cannot be satisfied that an acceptable solution exists. Moreover, given the ground conditions, it seems to me that in order to avoid rainwater ponding on the appeal site during surface water flooding and posing a risk to its occupiers and their properties, any drainage system that captures rainwater falling on the appeal development will either need to discharge it offsite at a faster rate or store it elsewhere on the appeal site before releasing it at a slower, controlled rate.

25. Discharging water at a faster rate poses a risk of increasing flooding elsewhere. In this instance, as the appeal site is described as having no formalised drainage system, with the FRA indicating that it drains across adjacent land and into the River Adur, it seems highly probable that increasing the rate and volume at which surface water runs off the land or is drained from the development would result in an increased risk of flooding elsewhere, including downstream of the appeal site. There is no substantive evidence before me to demonstrate that surface water would soakaway effectively into the ground or that it could be discharged at a controlled rate directly into a public sewer or the nearby River Adur.

26. Framework paragraph 182 sets out that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, taking account of advice from the Lead Local Flood Authority (LLFA) and having appropriate minimum operational standards and maintenance arrangements.

27. As set out above, no details of the proposed surface water drainage system are before me in the appellant's FRA, save for reference to permeable surfaces. The LLFA has advised that no mobile homes should be located within areas at risk of surface water flooding and that as no drainage strategy has been provided it is unclear how the site would be drained and this could affect the site layout. The Council's Drainage Officer advises that the suitability of the development cannot be assessed until a surface water drainage strategy has been received.

28. I am aware that planning conditions can be used to secure surface water drainage schemes. However, in this instance and for the reasons given above, I cannot be satisfied on the evidence before me that surface water could be adequately drained from the appeal development without increasing flood risk. Furthermore, there is considerable uncertainty as to whether the layout of the development and the number of pitches proposed would be substantially altered in order to accommodate any necessary sustainable drainage system infrastructure, such as to convey and store surface water or to balance discharge rates and volumes.

29. Altering the layout could result in a materially different scheme to the one before me in this appeal and for which consultation with interested parties would be necessary. Deferring details of surface water drainage to a planning condition could therefore deprive interested parties with an opportunity to comment on those details, thus leading to injustice. It would also be unreasonable to impose a condition that could require substantial changes to the scheme and therefore its terms could not be met.

30. Consequently, for those reasons it has not been clearly demonstrated on the evidence before me, and in accordance with PPG paragraph 027 and Framework paragraphs 181 and 182, that the proposed layout, design, and mitigation measures would ensure that occupiers and users of the proposed development

would remain safe from current and future surface water flood risk for the lifetime of the development, and would not increase flood risk elsewhere.

31. As a matter of principle, I am not prevented by local or national planning policy from granting planning permission for highly vulnerable caravans within high-risk flood zones. I have had careful regard to the allowed appeal in South Gloucestershire for traveller pitches in the functional floodplain (Flood Zone 3b), and the accompanying FRA. This indicates that the flood risk mitigation strategy relied upon evacuation of the site with flood water taking around 6 hours to reach the mobile homes and the access road following a flood warning. The depth and speed of flooding on the access road was classed as having a very low hazard rating and the caravans would be set above the modelled 100-year flood level and firmly anchored to the ground. I find no basis to disagree that those mitigation measures would be appropriate in that instance given the characteristics of flooding at that particular site.

32. However, the FRA for the appeal development before me contains no comparable evidence on the characteristics of flooding at the appeal site, such as the depth and velocity of floodwater, and the time it would take to reach the development. Therefore, I cannot make an informed judgement whether comparable flood risk mitigation measures would be effective at the appeal site, which is not within a flood warning area. Furthermore, the planning balance in the allowed appeal was materially different as the caravans appeared to be occupied by families where the best interests of the children were a primary consideration. Accordingly, there are significant material differences between that case and the appeal before me, and it is therefore of limited weight and relevance to my consideration of it.

Sequential test

33. For the reasons given above, the appellant's site-specific flood risk assessment has failed to demonstrate clearly that occupiers and users of the proposed development would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere. Consequently, it follows from PPG paragraph 027, and Framework paragraphs 174 and 175 that the flood risk sequential test must be applied.

34. The Council has submitted a list of sites, including from its emerging Local Plan, that it considers are sequentially preferable sites for the development proposed. However, given the current position of that emerging Local Plan, there is uncertainty over whether and when those sites would be allocated. I also noted that some of the larger Gypsy and Traveller sites appear to be part of large-scale housing allocations, which are more likely to be delivered over a longer time frame than smaller sites. There is limited evidence detailing when the pitches would be delivered, including relative to the houses on those sites. Footnote 4 of paragraph 10 of the PPTS defines a deliverable site.

35. Whilst the Council advised at the hearing that some of those sites now have planning permission, substantive documentary evidence of that has not been put before me in this appeal. Accordingly, I am not satisfied on the evidence before me that the sites identified by the Council are reasonably available to accommodate the development proposed having regard to the requirements of PPG paragraph 028[5].

[5] Paragraph: 028 Reference ID: 7-028-20220825

36. The appellant advised at the hearing that a search of alternative permissions for sites for Gypsies and Travellers in the local area was undertaken and that no sequentially preferable sites for the development proposed were identified as available and deliverable. However, there is limited documentary evidence to support the appellant's position in that regard. The appellant places substantial weight on an email from a Council Officer to the appellant's FRA consultant confirming that there are no available sites capable of hosting 12 permanent Gypsy pitches in the wider Billingshurst area. At the hearing the Council advised that I should treat the content of that email with caution as the context of the discussions that led to it being provided are not before me.

37. However, even if I were to take that email at face value and limit the geographical search area for reasonably available sites at a lower flood risk to the wider Billinghurst area as the best-case scenario for the appellant, there is limited evidence as to why the land immediately west of the appeal site that is edged by a blue line on the submitted drawings and within the control of the appellant, would not be sequentially preferable for the development proposed. That land is in use as a paddock and was indicated at the hearing to be owned by the same landowner. The EASWFM indicates that it is mostly subject to a lower risk of flooding than the appeal site and it was identified in the Council Officer's delegated report to be sequentially preferable to the appeal site in flood risk terms.

38. On the evidence before me, it seems probable that the land edged blue could form a reasonably available and sequentially preferable site, either alone or in combination with the parts of the appeal site that are not shown to be at risk from flooding. Whilst the appellant advised at the hearing that the blue lined land was not currently available for development, no clear explanation or evidence has been provided to justify their position on that matter.

39. For those reasons, the blue line land would appear to meet the definition of being reasonably available for the development proposed and at a lower risk of flooding. Therefore, the proposed development would fail the flood risk sequential test. However, even if I was to adopt the appellant's position on this matter and reach the opposite conclusion, it would not make the appeal development acceptable. This is because the appellant's submitted FRA has failed to clearly demonstrate that occupiers and users of the development would remain safe from current and future surface water flooding, and without increasing flood risk elsewhere, contrary to Framework paragraphs 170, 181 and 182, and PPG paragraph 027.

Exception test

40. PPG paragraph 032[6] is clear that the exception test should only be applied as set out in Table 2 and only if the sequential test has shown that there are no reasonably available lower risk sites, suitable for the proposed development, to which the development could be steered. As the appeal site is in Flood Zone 1 in respect of river or sea flooding, Table 2 does not require the exception test to be applied to the appeal development. Whilst the note in the first bullet point in Table 2 refers to flood risk from sources other than rivers and the sea, that is in the context of the sequential test and not the exception test. Therefore, in having regard to Table 2, the appeal development could be permitted in flood risk terms without needing to apply the exception test. Consequently, there would be no

[6] Reference ID. 7-030-20220825

conflict with Framework paragraphs 177, 178 and 179 relating to the exception test.

Conclusion on flood risk

41. Flood risk is an important matter of safety to people and property. Taking all the above into account, the appellant's submitted FRA has failed to clearly demonstrate that occupiers and users of the development would remain safe from current and future surface water flooding, and without increasing flood risk elsewhere. As such, it is contrary to the requirements of PPG paragraph 027 and Framework paragraphs 170, 181 and 182. It therefore follows from PPG paragraph 027, that the flood risk sequential test needs to be applied. Given that the blue line land would be sequentially preferable in flood risk terms and the appellant has not explained why it is not reasonably available, the appeal proposal has failed the sequential test, contrary to Framework paragraphs 174 and 175.

42. Consequently, the appeal proposal would conflict with Policy 38 of the Horsham District Planning Framework 2015 ("the HDPF"), insofar as it requires proposals to follow a sequential approach to flood risk management, giving priority to sites with the lowest risk of flooding and making development safe without increasing flood risk elsewhere, including through applying the sequential test. It would also conflict with HDPF Policy 23, insofar as it requires no significant barriers to the development of Gypsy and Traveller accommodation in terms of flooding or poor drainage.

The need for and supply of Gypsy and Traveller sites

43. Based on the evidence before me, including the latest Gypsy and Traveller Accommodation Assessment, September 2024, there is an indicated need for some 61 pitches in the Council's area. The Council advised during the hearing that recent planning permissions would reduce that need. However, apart from the allowed appeal at Barns Green, copies of those recent permissions are not before me and therefore I have taken the higher figure of need as a best-case scenario for the appellant in determining the appeal. Nonetheless, even if the pitches granted by those recent permissions were subtracted from that figure, it was agreed at the hearing that the Council is unable to demonstrate a 5 year supply of sites for Gypsies and Travellers as required by the PPTS.

44. On the evidence before me the unmet need for pitches for Gypsies and Travellers is significant and has not been met for a considerable period of time. Given the current position of the Council's emerging Local Plan, there is considerable uncertainty over the timescale for the Council's strategy for addressing the needs of Gypsies and Travellers. In that context, the proposed pitches in this appeal carry substantial weight in its favour.

Other Matters

45. Local residents have raised several concerns in respect of the appeal proposal's effects including on their living conditions, highway safety, character and appearance of the area, ecology and protected species, loss of employment uses, whether a Biodiversity Net Gain would be achieved, the adequacy of foul drainage and the scale of the proposed development relative to the nearest settled community. Those matters are largely addressed in the Council's delegated report. However, it is unnecessary for me to reach a finding on any of those other matters

given my overall finding, and an absence of harm would not have weighed positively in favour of the appeal proposal or altered the outcome of the appeal.

46. I am aware of a dispute over the ownership of part of the appeal site and whether the appellant served notice on the correct owner or owners of all the appeal land. The Council was aware of this during its determination of the planning application and the validity of the application and appeal has been questioned. However, as the appeal has been dismissed the proposed development would not proceed. Therefore, the relevant parties would not be prejudiced by my decision in that regard.

47. Following Natural England's withdrawal of its position statement on Water Neutrality, the Council confirmed that no mitigation measures are necessary and it is satisfied that the proposed development would have no significant adverse effects on the Arun Valley Special Area of Conservation and Special Protection Area. However, I need not consider this matter any further as it would not alter the outcome of the appeal and an absence of harm in that regard would be a neutral factor.

48. I am aware that the Grade II listed buildings of Oak Cottage, Kettlesbridge Cottage, Palmers Farm and Fewhurst Farmhouse and the Barn to the northwest are located nearby. I have had regard to my statutory duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention and have regard to the desirability of preserving the settings of those buildings.

49. On the evidence before me the special interest of those listed buildings appears to be derived from their age, materials and vernacular architectural styles. I share the Council's assessment that intervisibility between them and the appeal development, which would consist of relatively low height caravans, buildings and associated development would be limited, if not non-existent. Therefore, the development would preserve the settings of those listed buildings.

Planning Balance

50. The appellant's submitted FRA has failed to clearly demonstrate that occupiers and users of the development would remain safe from current and future surface water flooding without increasing flood risk elsewhere. Those harms are important matters that carry very substantial weight against the appeal development.

51. Whilst the proposed development would generally perform well against the criteria in HDPF Policy 23, there would be conflict with Part 1a of that Policy relating to flood risk, which is an important matter of safety that brings the development into conflict with that Policy as a whole. There would also be conflict with HDPF Policy 38 in respect of the harms arising from the consequences of flooding. The conflict with those policies would bring the development into conflict with the development plan as a whole.

52. Given the shortfall in supply, the proposed delivery of 10 pitches for Gypsies and Travellers carries substantial weight in favour of the appeal. The personal circumstances of Gypsies and Travellers occupying the appeal development in the future are not before me. Nonetheless, they would have a shared protected characteristic for the purposes of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The shortage of pitches for

those occupiers may indicate inequality of housing opportunities for Gypsies and Travellers for which the refusal of planning permission would exacerbate. Whilst it does not follow from the PSED that the appeal should be allowed, the equality implications of the proposed development weigh significantly in its favour.

53. Occupation and construction of the development, which includes previously developed land, would deliver some sizeable economic benefits, including future occupiers spending money in the local area. Securing a gain in biodiversity adds some modest weight in its favour. Reopening the Public Right of Way (PRoW) through the site that has been severed by buildings would allow beneficial public access across the countryside. However, given that approval has been granted to demolish those buildings it seems likely that the PRoW would be re-opened irrespective of the outcome of this appeal. It therefore carries modest weight in favour of the appeal scheme.

54. Weighed in the balance those benefits do not outweigh the harms arising from the consequences of flooding, which are important matters of public safety for people and property, and determinative in this instance. Consequently, the benefits of the proposal do not outweigh the conflict with the development plan as a whole.

55. As the Council cannot demonstrate a 5 year supply of deliverable sites for Gypsies and Travellers the PPTS states that the provisions of paragraph 11.d) of the Framework are relevant. In that scenario planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, as listed in footnote 7, provide a strong reason for refusing the development proposed.

56. Framework paragraphs 170, 174, 175, 181 and 182 are footnote 7 policies that in my judgement relate to areas at risk of flooding and therefore protect areas or assets of particular importance. They do so by seeking to steer new development to areas with the lowest risk of flooding from any source and ensuring that development can be made safe without increasing risk elsewhere. The very substantial weight that I attach to the application of the policies in the Framework relating to flood risk provides a strong reason for refusing the development. Therefore, the so called ‘tilted balance’ in Framework Paragraph 11.d)ii does not apply in this instance.

57. The PPG states that a time limited planning permission is only likely to be appropriate in certain circumstances, including where it is expected that the planning circumstances will have changed in a particular way by the end of the temporary period. The EASWFM map indicates that surface water flood risk at the appeal site is predicted to increase in the future. There is no substantive evidence to indicate that flood risk would be materially different, let alone lower, at the end of any temporary permission. Consequently, a temporary planning permission would not be justified.

Conclusion

58. Dismissing the appeal could interfere with the rights of Gypsies and Travellers under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, which give the right to respect for private and family life and home, including the particular lifestyle which is shared by Gypsies and Travellers as an ethnic group. However, given my conclusions on flooding, which is an important matter of public safety, dismissing

the appeal would amount to a proportionate level of interference with those rights. In this instance the objectives of flood risk policy could not be achieved by means that are less interfering of those rights.

59. The proposed development would be contrary to the development plan as a whole. The material considerations, including the benefits of the proposal and the provisions of the Framework and PPTS, are insufficient to outweigh that finding. Consequently, I conclude that the appeal proposal is unacceptable, and the appeal is dismissed.

G Sylvester

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Rowe – Appellant

Mr Nicholson – BJ Developments and owner of Oakhurst Centre.

FOR THE LOCAL PLANNING AUTHORITY:

Mr Whitehouse - Senior Planning Officer

Mr Kleiman - Principal Planning Policy Officer

INTERESTED PARTIES:

Mrs Bryant – Local Resident

Mr Cuddis – Local Resident

Mrs Ellis – Local Resident

Mr O'Connor - Itchingfield Parish Council

Mr Yeo - Itchingfield Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Flood Map for planning (larger scale copies of those in the FRA)
2. Appeal decision APP/Z3825/W/25/3367225
3. Flood Risk Assessment for development allowed by appeal decision APP/P0119/W/20/3264070
4. Copy of the Council's webpage setting out its position on Water Neutrality