# PLANNING COMMITTEE REPORT

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| **TO:** | Planning Committee |
| **BY:** | Head of Development and Building Control |
| **DATE:** | 21 October 2025 |
| **DEVELOPMENT:** | Use of land for the stationing of a further 2 static caravans for residential purposes, changing siting of two existing caravans and associated layout changes |
| **SITE:** | Rose View Park, Hill Farm Lane, Codmore Hill, West Sussex, RH20 1BW |
| **WARD:** | Pulborough, Coldwaltham and Amberley |
| **APPLICATION:** | DC/25/0318 |
| **APPLICANT:** | **Name:** Mr J Chatfield **Address:** c/o Promethean Planning, Suite 114, 26 The Hornet, Chichester, West Sussex, PO19 7BB |

**REASON FOR INCLUSION ON THE AGENDA**: At the request of Councillor Clarke

**RECOMMENDATION**: To approve planning permission subject to appropriate conditions

## 1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The current use of the application site is for two gypsy pitches and is served by a timber gate, with the north of the wider planning unit remaining in its current use.

1.3 Planning permission is sought for a further two pitches on site, increasing the current number from two pitches to four. The existing two pitches would be re-orientated within the site to accommodate the additional two.

1.4 The proposal would incorporate additional parking provision such there would be an additional two parking spaces per pitch. There would be cycle parking and refuse provision within the application site.

DESCRIPTION OF THE SITE

1.5 The application site is located at the junction between Hill Farm Lane and Stane Street, Codmore Hill Pulborough and the site adjoins the defined built up area boundary of Codmore Hill. The site is accessed via the public highway to the south and over an area of land/hardstanding/a layby of which the applicant has a right of way over (as confirmed within the title deeds to the site). The site area measures approximately 2260sqm

1.6 Following the most recent site visit in 2025, the most up to date condition of the site consists of areas of hardstanding with some overgrown areas. There are a number of trees to the southern boundary of the site which are covered by a blanket Tree Preservation Order (TPO), however it is noted that a number of these trees and undergrowth hedging and shrubs have been removed. A post and rail fence is also present to this boundary. The eastern boundary consists of extensive unmaintained soft landscaping. A close boarded timber fence and hedging make up the western boundary of the site and while the northern boundary is open, there is extensive soft landscaping to the north of the site which encloses the site from this perspective.

1.7 The surrounding area consists of residential properties to the west, south and east. It is noted that there are Grade II Listed Buildings located on the eastern side of Stane Street at Forge Cottage and The Old Forge and a restaurant to the south of the site. This section of Hill Farm Lane/Stane Street is served by a pedestrian pavement and public foul sewers are located just outside of the site. The site is not located within a Conservation Area or a Flood Risk Zone.

1.8 It is noted that the site benefits from extant planning permission for its change of use for occupation by gypsies and travellers and the creation of two (2) no. pitches and a day room which was granted in September 2019 under planning reference DC/19/0845.

## 2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework (Dec 2024)**

2.3 **Horsham District Planning Framework (HDPF 2015):**

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 4 - Strategic Policy: Settlement Expansion
Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations
Policy 22 - Gypsy and Traveller Sites
Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

2.4 **Pulborough Neighbourhood Plan**

Policy 1: A spatial plan for the Parish
Policy 15: Design

Policy 16: Water Neutrality

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

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| DC/20/0636 | Change of use of land for the provision of four (4) no. pitches for gypsies and travellers. | Application Refused on 01.12.2020<br><br>[*DISMISSED ON APPEAL*] |
| DC/19/0845 | Change of use of land for the provision of two pitches for gypsies and travellers and the erection of a shared day room. | Application Permitted on 20.09.2019 |

## 3. OUTCOME OF CONSULTATIONS

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

3.2 **HDC Arboriculture:** No concerns.

3.3 The site has a frontage that formerly included a strip of laneside trees (holly and elm) made subject of a Tree Preservation Order (Ref: TPO/0761) in 1987. None of the original trees now remain.

3.4 The proposed revised site layout and additional units will have no foreseeable additional arboricultural impacts to those previously considered in respect of the development of the site. Tree planting as part of a landscape scheme befitting of the landscape character can be secured by condition as deemed appropriate.

3.5 **HDC Conservation**: No objection. The previous appeal Inspector (DC/20/0636) found that the harm to the setting of the neighbouring listed buildings is outweighed by the public benefit of the provision of accommodation at the site.

3.6 **WSCC Highways**: No objection. The existing access would be used for the current proposal and there appears to be suitable visibility such that no objections are raised in this regard. Two parking spaces have been proposed per pitch which would be a suitable level of parking for the development size.

3.7 **Ecology Consultant**: No objection, subject to conditions.

3.8 **Natural England**: No Objection, subject to the inclusion of suitable mitigation measures outlined within the Water Neutrality statement. It is noted that the development would result in an increased level of abstraction of water without the inclusion of the outlined mitigation measures.

3.9 **HDC SNWCS:** This application will be able to access SNWCS as long as it meets the eligibility criteria.

PUBLIC CONSULTATIONS

3.10 **Pulborough Parish Council:** Object for the following reasons: -

3.11 While the National Planning Policy Framework (NPPF) recognises the need for traveller sites, this particular location presents several challenges. It is situated in a rural area; the site is two miles from Pulborough's centre and the existing road infrastructure is insufficient

to support the increased traffic that would result from two extra caravans and associated vehicles. Given these concerns, development on this site is considered unsuitable. The risks of overdevelopment, negative impacts on the surrounding landscape, and the overall incompatibility of expansion in this rural setting reinforce the strong objections to the proposal.

3.12 3 representations have been received (from 2 separate addresses) objecting to the application for the following reasons: -

- Design in particular concern for the historic buildings in the area.
- Highway Access and Parking
- Overdevelopment
- Privacy Light and Noise
- Trees and Landscaping
- No mention of who will be living in the pitches
- Reliance on rainwater harvesting
- Proximity to 700 metres there is another site with 13 pitches awaiting a decision.

## 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

## 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. PLANNING ASSESSMENTS

### Background

6.1 Planning Committee South refused planning permission in 2020 under ref: DC/20/0636 for a 'change of use of land for the provision of four (4) no. pitches for gypsies and travellers'. The application was refused, contrary to the officer recommendation, for the following reason: -

> *The proposed development, by virtue of the size of the site and the number of pitches, would result in over dominance of the surrounding area and community within the small settlement of Codmore Hill. No special circumstances have been presented to justify a need for this site. The proposal would therefore be contrary to Policies 23 and 26 of the Horsham*

*District Planning Framework (2015) and paragraphs 14 and 25 of the Planning Policy for Traveller Sites (2015).*

6.2 A subsequent appeal was allowed before being quashed by the High Court (as the appeal decision failed to consider water neutrality related considerations). The redetermined appeal was dismissed solely for reasons relating to water neutrality, which had not been demonstrated as part of the appeal documents. In dismissing the appeal (on water neutrality grounds) the Inspector stated that '*the proposal, together with nearby gypsy and traveller sites, would not dominate the settled community. It would comply with HDPF Policies 23 and 26 and paragraphs 14 and 25 of the PPTS as set out above'* (para. 19).

6.3 In making a separate award of costs to the appellant, the Inspector stated: -

- '*In relation to the effects on local services and facilities, again there is no analysis to assist in understanding the Council's case. The area contains numerous and good services, including a large supermarket. The suggestion that 2 additional pitches, as proposed, would over-stretch this or any other service within the area is not credible*'.

- '*Taken as a whole…..the Council's case amounts to vague and generalised assertions which are not based on evidence of any weight. They have delayed and sought to prevent development which should clearly have gone ahead. In my view, any proper and rigorous analysis of the proposal would have concluded that planning permission should be granted. The appellant has been unnecessarily put through the appeal process and has had to expend resources and finance which should not have been necessary*'.

6.4 A copy of this appeal and costs decision is appended to this committee report.

**Policy Background and the Principle of Development**

6.5 The Council has progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA) in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. In January 2020, the 'Gypsy and Traveller Accommodation Assessment (GTAA) – Final Report' was published. This Report was part of the background evidence base that accompanied the Local Plan Review (Regulation 18) Consultation which ran from February to March 2020. The GTAA Report provides an evidence base for the provision new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2019 to 2036. The GTAA identifies that there is a need for 93 pitches for Gypsy and Traveller households over the plan period (2019-2036).

6.6 The need of 93 pitches for Gypsy Traveller Households stated in the GTAA dated January 2020 has since been updated by Opinion Research Services for Horsham Council and published in December 2023. The update indicates a need between 2023-2040 (the plan period) for 128 pitches. This follows the result of the Lisa Smith Judgement where the Planning Policy for Traveller Sites (PPTS) was updated in December 2023 to revert back to the 2012 PPTS planning definition of a Traveller by reintroducing those who have ceased to travel permanently due to education, ill heath, or old age into the definition (now referred to as the 2023 PPTS). Whilst the local plan submission is not currently progressing, and there is a proposal to withdraw the plan, the needs assessment produced to support the local plan review provides the most up to date evidence base.

6.7 In terms of the Council's current policy position, Policy 22 and 23 of the HDPF are considered to hold great weight, allowing speculative gypsy and traveller sites to come forward in principle. Paragraph 28 of the PPTS (updated December 2024) outlines that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

6.8 Paragraph 11 of the NPPF states that the presumption in favour of sustainable development should apply where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and provision affordable homes, individually or in combination. This presumption is disengaged where footnote 7 exceptions provide a strong reason to refuse. Such exceptions include impacts on ecology or designated heritage assets. These matters are discussed further below.

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

6.10 Policy 23 (Gypsy and Traveller Accommodation) of the HDPF seeks to resolve specific issues regarding un-allocated sites (rather than the principle of a development), and states that the following criteria (a-e in subsequent sections of this report) will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non-allocated sites. In terms of the site's location, the Policy states that it must be demonstrated that:

*d. The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;*

6.11 The development would provide two additional pitches in the context of a considerable shortfall in the number of pitches required and identified as outlined in the preceding paragraphs. It is appreciated that there are already two pitches within the application site, however, even when considered cumulatively the scale of development would still be appropriately low density whilst contributing to improving upon the five-year housing land supply to accommodate an identified need of Gypsy and Travelling Showpeople sites within the District.

6.12 These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. The principle of development of the scale proposed on this site is therefore considered acceptable, subject to all other material considerations, as set out below.

**Character and Appearance**

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

*e. The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

6.14 In addition, Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

6.15 It is considered that given its location, in very close proximity to the built up area boundary of Codmore Hill, the presence of significant residential development within the vicinity and the relationship the site has to this, that the site is not within a 'rural' location. Whilst it is acknowledged that the site is located outside of the built-up boundary and for policy purposes, the makeup of the site is considered to be well-related to the existing residential development which characterises this area.

6.16 The topography of the site is such that the street is considerably higher than where the existing two pitches are sited and the pitches themselves were not visible given that they are set back from the streetscene and set behind large timber gates. The site has the appearance of a defensible boundary of a mixture of mature hedging, trees and parking in advance of it adjoining the street. The proposed development would be contained within the existing established boundary and would not materially encroach into the wider surrounding countryside.

6.17 It was considered as part of the committee report under DC/20/0636 for four pitches, that the quantum of development proposed was acceptable. Furthermore, the prevcious Inspector concluded that "the proposal would neither appear to be visually dominant nor detrimentally affect the character and appearance of this part of Codmore Hill." Given the similarity in scale between the current proposal and that previously proposed, there are no grounds to reach a different conclusion.

6.18 Taking into account the presence of existing development on the site and the boundary screening, the development would not result in an unduly urbanising effect, and while there would be some localised landscape impact this would be limited.

6.19 Overall, given the site that would have a sense of enclosure being positioned in the context of sufficient vegetation surrounding the site which screens the development from the road, it would not be considered that the visual impact of the proposal would be unacceptable, and is in accordance with the above policies.

**Heritage impacts**

6.20 Policy 34 of the HDPF recognises the importance of heritage assets as irreplaceable resources and seeks to continue to preserve and improve the setting of heritage assets.

6.21 Paragraph 212 of the NPPF states that "when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)." Paragraph 213 continues to state that "any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or for of development within its setting), should require clear and convincing justification."

6.22 Grade II listed buildings are located on the eastern side of Stane Street at Forge Cottage and The Old Forge.

6.23 The previous appeal Inspector (as part of DC/20/0636) identified that there would be some harm at the "very lowest end of the scale of less than substantial harm". Nevertheless, the proposal would have no unacceptable effects on the existing settlement, its residents or the

services/facilities within it. It would not be visible from the road or in proximity to the listed buildings such that it is viewed from outside of the context of how the listed buildings would be appreciated. The benefits of the proposal were therefore considered to outweigh the limited identified harm.

6.24 It remains the case that given the limited impacts of the development on the surrounding locality, and the distance between the application site and the separation distances between the site and listed buildings it would not be considered to result in harm to the significance of the listed buildings, their settings or the appreciation of the historic fabrics of the listed buildings. While less than substantial harm has been identified, this would continue to be outweighed by the benefit derived from the provision of additional pitches on this site in this location, in accordance with the above policies.

**Amenity Impact**

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

6.26 There are residential properties in the immediate locality with Orchard Cottage to the west. It is considered that given the single storey nature of the caravans/buildings/structures on site, the existing lawful use of the site, and the distances maintained and the existing boundary and proposed boundary treatments, that the proposed would not cause unacceptable harm to neighbouring amenity.

6.27 As part of the preceding appeal decision, the Inspector concluded that there was no evidence to suggest that there would be excessive noise generated from the development. Given the similarities between the applications, a similar conclusion must be drawn as part of the current application.

6.28 The amenity impacts of the proposal are therefore considered acceptable and in accordance with the above policy.

**Highways Impact**

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

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

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

6.31 The site is accessed from a lay-by on Hill Farm Lane over which the appellants have a right of way. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

6.32 The existing access would be used for the current proposal and there appears to be suitable visibility such that no objections are raised in this regard. Two parking spaces have been proposed per pitch which would be a suitable level of parking for the development size.

6.33 The proposal is acceptable in light of policy 23(b), with this view consistent with preceding applications and appeal decisions on the site.

**Water Neutrality**

6.34 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.35 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.36 The applicant initially sought to demonstrate that the increase in water usage arising from the residential use of the application site could be accounted for through rainwater harvesting. The application was not though accompanied by a sufficient level of information to demonstrate that related water quality was acceptable. The Part G calculator outlines a usage of 74.8 litres per day per person with a maximum number of bedrooms per unit of three such that the occupancy for each of the caravans would be 2.47 people.

6.37 The applicant has outlined a preference to join the Sussex North Water Certification Scheme (SNWCS) however as a preferred form of mitigation such that rainwater harvesting is no longer pursued as the mitigation. Through SNWCS, it is proposed to allow development supported in a made plan or a post-submission plan the option of offsetting its water demand through the purchasing of a water certificate via the Council.

6.38 As Policy 23 of the HDPF allows for unallocated gypsy and traveller site to come forward in the countryside, the proposed development would meet the access criteria for SNWCS. It is therefore proposed that a condition be applied giving the applicants the option of purchasing a SNWCS water certificate or implementing a bespoke strategy, with confirmation of the approach being undertaken to be provided before development commences. The applicant would have to purchase 185 credits as part of the SNWCS water certificate such that it forms a viable mitigation for the proposed usage.

6.39 Subject to this condition, the project would not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects. Natural England have been consulted on the Appropriate Assessment undertaken for this proposal and have raised no objection. Officers are satisfied that the proposal accords with HDPF policy 31, CNP Policies 12(m) and 17, and avoids contribution to the possible adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar designations addressed by the Natural England Position Statement of September 2021 and satisfies the Authority's duties pursuant to the Protection of Habitats and Species Regulations 2017 (as amended) at Regulation 63.

**Other Matters**

<u>Barriers to Development</u>

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

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

6.41 The site is located in a flood zone 1 for fluvial flooding and is not within an area identified as susceptible to surface water flooding as such it is not considered for the applicant to submit a Flood Risk Assessment. Given the transient nature of a caravan, the development would not be of a nature that would be likely to result in an increase to the risk of flooding.

6.42 The structures on site would not be considered to result in a greater risk of flooding and it would therefore not be reasonable in this regard to warrant a refusal on the basis of lack of information.

Services

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

*c) The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;*

6.44 Given the existing use of the site where two caravans are already in situ the site benefits from power and means of foul drainage.

6.45 As discussed in the preceding sections of the report, WSCC Highways have been consulted and have no objections to the proposal in respect of vehicle turning space.

6.46 No foul drainage information has been submitted, however given that the application site already has a residential use and is in some proximity to residential dwellings it is evident that foul drainage is possible within the site. Whilst no details have been included at this stage, these details can be requested by way of a suitably worded pre-commencement condition.

6.47 In addition to the above, whilst the amenity space serving each of the caravans would be modest, it is not an unacceptable provision. With the above in mind, the proposal is considered to accord with the provisions of HDPF Policy 23(c).

**Ecology**

6.48 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

6.49 The site comprises agricultural use currently, with an existing access and hedgerow as the site boundary treatment. The submitted plans indicate that none of the existing hedgerows will be detrimentally impacted by the proposal, with the submitted plans including details of further planting to be undertaken as part of the development. It is considered that the proposal will have no adverse effect on protected species or habitat.

6.50 There is already a residential use of the application site, with two pitches already on the site. A Preliminary Ecological Appraisal has been submitted and considered by Place services, with no objection to the proposed development subject to the inclusion of relevant suitably worded conditions. It is considered that the proposal will have no adverse effect on protected species or habitat.

**Biodiversity Net Gain (BNG)**

6.51 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.52 The applicant has confirmed that they will purchase Biodiversity Net Gain units in order to meet the above requirement. This would be secured by way of a suitably worded condition as the application is required to demonstrate BNG.

**Conclusion and Planning Balance**

6.53 The Council cannot currently demonstrate a five-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this context it is recognised that the proposal would go some way to addressing the identified need. This is a material consideration of *significant weight* in the overall planning balance.

6.54 It is considered that although the application site is located within the countryside it is within a reasonable distance of services and facilities. Further, the scale of the site and its relationship with surrounding properties and land is such that there would be no adverse impacts on landscape character, visual amenity or on the setting of heritage assets. The development can achieve water neutrality by a condition, no adverse impact on the highway network has been identified, and the proposal would not result in unacceptable harm to neighbouring amenity. No other adverse findings have been found in respect of any other material consideration.

## 7. RECOMMENDATIONS

7.1 To approve full planning permission, subject to the conditions set out below:

1 **A List of the Approved Plans**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun 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 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 (Slab Level) Condition:** No development above ground floor slab level shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

(a) Purpose and conservation objectives for the proposed enhancement measures;
(b) Detailed designs to achieve stated objectives;
(c) Locations of proposed enhancement measures by appropriate maps and plans;
(d) Persons responsible for implementing the enhancement measures;
(e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

5 **Pre-Commencement Condition:** No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary certificate to achieve water neutrality has been secured via the Sussex North Water Certification Scheme; or

ii) The applicant has shown that they can achieve Water Neutrality through another means by way of a Water Neutrality statement; and

iii) Pursuant to part ii), no pitch shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented in accordance with the Water Neutrality statement submitted. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar improved water performance.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6 **Pre-Occupation Condition:** No development shall take place, including any works of site clearance, until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all existing trees and planting to be removed and retained, including details of necessary protection measures during construction works.
(b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.
(c) Details of all hard surfacing materials and finishes.
(d) Details of all boundary treatments including new hedgerow.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made. 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).

8 **Pre-Occupation Condition:** The further two caravans hereby permitted shall not be occupied until the parking, turning and access facilities necessary have been implemented in accordance with the approved plans. The facilities shall thereafter be retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority 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).

10 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

12 **Regulatory Condition:** This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2024).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition:** No industrial, commercial or business activity shall be carried out on from the site, including the storage of materials.

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

14 **Regulatory Condition:** No Heavy Goods Vehicles (defined as any vehicle having 3 axles or more and with a weight exceeding 3,500kg) shall operate to or from the site or be stationed, parked or stored on the site at any time.

Reason: In the interest of highway safety and amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development site hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16 **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 (Sylvtica Ecology Ltd). This may 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

17 **Regulatory Condition**: There shall be no more than 4 pitches on the site with no more than 4 mobile home/static caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the pitch at any time. There shall be no more than 1 touring caravan per pitch stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity and to enable the Local Planning Authority to control the use of the site, in accordance with Policy 21, 22, 23 and 26 of the Horsham District Planning Framework (2015).

**Biodiversity Net Gain Condition**
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

**This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.**

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:

https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan

*Statutory exemptions and transitional arrangements*
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-netgain

*Irreplaceable habitat*
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Background Papers DC/25/0318
DC/20/0636 (and related appeal and costs decision)