PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	21 October 2025
DEVELOPMENT:	Change of use to four pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings.
SITE:	Sussex Topiary, Naldretts Lane, Rudgwick, West Sussex, RH12 3BU
WARD:	Pulborough, Coldwaltham and Amberley
APPLICATION:	DC/24/1502
APPLICANT:	**Name:** Bloxham **Address:** c/o Melton Lodge, Rusper Road, Newdigate, RH5 5BX

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.2 To consider the planning application.

DESCRIPTION OF THE SITE

1.3 The application site is located outside of any defined built-up area boundary, and is located in the countryside in policy terms. The site is located approximately 850m from the built-up area of Bucks Green and approximately 1.2km from the built-up area of Rudgwick.

1.4 The application site is accessed from Naldretts Lane and is enclosed by boundary hedging and trees to the north, east and south, with the boundary enclosed by post and rail fencing to the west.

1.5 The surrounding area to the north, east and west is residential in character, with a matrix of fields and field boundaries to the south. Horsham Sports Club is located approximately 600m to the west and Chesworth House 500m to the south. The site is bounded by mature trees along the south, west and partially along the northern boundaries of the site.

Contact Officer: Hannah Darley

DESCRIPTION OF THE APPLICATION

1.6 This application is for the change of use of part of the application site to a four pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings. Each pitch would be orientated around the shared central amenity space and would include a mobile home, day room/utility building, space for a touring caravan and 2no.vehicular parking spaces.

1.7 The day rooms would be detached and provide bathroom, living area, for each pitch. The building would measure 9.6m in length, 5.2m in depth and would incorporate windows and door to the front elevation and a window to the rear. The external materials would be finished with brick and tile.

1.8 The application proposed 14 parking spaces for the development. The immediate surrounds of the site are characterised as countryside, with limited, sporadic residential development. While it is acknowledged that the site is located within 0.8km of the built-up area of Bucks Green and 1.2km of the built-up area of Rudgwick, the immediate surrounds comprise limited and sporadic residential development.

1.9 The site is, otherwise, found adjacent to a field to the east and west, which are fields fringed with hedgerow which runs alongside Stall House Lane. The site itself would be tucked into the hedgerow which separates the field to the east and south.

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 **Rudgwick Neighbourhood Plan 2021 (RNP)**

Policy RNP1 - Spatial Strategy

2.5 **Rudgwick Parish Design Statement**

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/25/0369	Campsite for 60 days starting 11th April 2025	OBJN on 24-04-2025
DC/19/2309	Change of use to four pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings	Application Refused on 07.01.2020 and dismissed at appeal on 07.11.2022.
DC/19/1362	Retrospective change of use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use	Application Permitted on 04.10.2019
DC/19/0897	Change of use to eight pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings	Application Refused on 04.10.2019
DC/13/2170	Change of use of land for the stationing of caravans for residential purposes for 4 No. gypsy pitches along with the formation of hardstanding and 4 No. utility/dayrooms ancillary to that use	Application refused on 14-03-2014

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 **Environmental Health:** Objection:-

3.3 Inconsistency in the information provided in regards to Water Neutrality and use of rainwater harvesting with the water being used for washing machines and then being used for potable purposes. Insufficient information with proposed UV treatment, insufficient information with the sewerage system and not site specific. Request to update a certain section regarding private water supplies being monitored by the council. The drainage is noted to be 'unknown' within the Planning Statement and then provides some general information on the Matrix treatment tanks which could be installed but there is a large sewerage tank on the site and a recent proposal for the site to be linked to mains drainage by the owners. The application has not considered either of these as solutions and details need to be provided for collection and treatment so that the proposal can be assessed for consideration. Given that there is insufficient information for the UV treatment system, it is not clear if the system would be acceptable to result in a potable water supply.

3.4 **Southern Water:** Comment: -

3.5 The proposed rainwater harvesting system should be designed, installed and maintained to current British standards to ensure that measures are in place to protect the public supply and avoid cross contamination. There are no existing public sewers in the vicinity of the proposed development.

3.6 **WSCC Highways**: No highway safety concerns with the current submission. The existing access would be used and, whilst this access is not ideal for the speed limit, the road is lightly trafficked and visibility is sufficient for the anticipated road speeds. There is sufficient space on Naldretts Lane for vehicles to manoeuvre in and out of the site. There are no recorded accidents within the vicinity of the site and no evidence to suggest the access is unsafe. 14

car parking spaces are proposed and no cycle parking has been demonstrated by the applicant.

3.7 The applicant is advised to consider the inclusion of cycle parking given that Rudgwick is a cyclable distance. There are recommended conditions in respect of car parking spaces and cycle parking.

3.8 **Ecology officer:** No objection subject to condition.

3.9 **Natural England**: Comment that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Arun Valley Special Area of Conservation (SAC), Special Protection (SPA) and Ramsar site.
- damage or destroy the interest features for which Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI have been notified.

3.10 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- The delivery, management and maintenance of any measures identified in the applicant's water neutrality statement that are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

3.11 **Fire and rescue**: Comment: -

3.12 The nearest fire hydrant for the supply of water for firefighting is 360 metres away, 185-metres further than the 175-metre distance required for a domestic premises. If an alternative water supply for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 1: BS section 14 and agreed with West Sussex Fire & Rescue Service.

3.13 Evidence will also be required to show Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: BS Section 13, including Table 13.1and diagram 13.1.

PUBLIC CONSULTATIONS

3.14 **Rudgwick Parish Council**: Object: -

3.15 Water provision and usage, pop up campsite on the same site already being advertised on ukcampsite.co.uk website, available from 1/4/2025-31/8/2025 with 75 pitches for tent, motorhome and caravans, with facilities including toilets, showers, water, available. Existing water provision gives occupants of the 4 proposed gypsy and traveller pitches opportunity to abstract water from this source, and add to issues in the Sussex North Water Supply Zone. Also detail of this existing water supply has not been mentioned in the submission of this application.

3.16 Sewage - the information supplied shows a septic tank on site, but with the campsite (5 months of the year) to be taken into account, concerns exist locally over sufficiency of capacity.

3.17 The parish council supports the view of Southern Water consultation response to refused application DC/19/2309 referring the applicant to 'the presence of a public sewerage network in the close vicinity of the site' (shown on the map they provided). SWA advise applicant in the current application to investigate the feasibility of connection to the sewerage network.

Local residents previously have had concerns about sewage run off onto the land during wet weather, and owing to the topography of the site.

3.18 Confusing and conflicting detail provided. For instance, the most relevant planning application, DC/19/2309 (refused at appeal) is not referenced in the lengthy planning statement. It is difficult to tell whether the statements and details submitted are attributed to the correct planning application source.

3.19 16 representations have been received (from 14 different addresses) objecting to the proposal for the following reasons: -

- Increase in traffic
- Increase risk to highway user safety
- Existing issue with speeding
- Drainage issues at the site would be made worse
- Character and design would be harmed
- Narrow access
- Overdevelopment
- Contrary to policies 23, 26 of the HDPF
- Question over how the rainwater harvesting system will be monitored and the company identified for water treatment is not in business anymore.
- Sewage smell will be made worse
- Question of whether there is genuine need for pitches
- Smell of sewage
- Not everyone has been notified who ought to have been
- Disproportionate to the number of houses in the locality
- The caravans are already being rented out on facebook so no real need for the pitches
- Damage to verges

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 Permission was refused in 2020 under ref: DC/19/2309 for a 'change of use to four pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings'. The application was refused for the following reason: -

> *The proposed development would be of a number and scale that would result in a significant intensification and increase in the level of activity on the site within a countryside location. The proposal would result in the fragmentation and formalisation of the undeveloped and informal paddock, and the impact of the proposal would result in a level of activity in the countryside which would dominate the sporadic residential development that defines the settlement. In addition, the proposal would fail to retain the rural character and undeveloped nature of the countryside. 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.*

6.2 A subsequent appeal was though dismissed solely for reasons relating to water neutrality, which was introduced following Natural England's Position Statement which was issued during the appeal process. In respect of the above reason for refusal, the Inspector considered: -

- '*The appeal scheme would introduce a new development into what is currently a grassed field. However, the site currently has little influence on the wider area and views of it are not generally available from vantage points in the locality. From the nearby road, vegetation as well as distance provide effective screening. Where there may be glimpses of the development, these would be within the context of an already developed site. Any visual effect of the scheme as proposed would therefore be negligible.*'

- '*Given that there is an acceptance that gypsy traveller sites are, in principle, acceptable within countryside locations, in this case any effect that would arise from the development would not be such that it would rise to an unacceptable level*'.

- '*….the proposal would have an acceptable effect on the character and appearance of the area. Thus, there would be no conflict with policies 23 and 26 of the HDPF, insofar as they seek to ensure the development of gypsy traveller accommodation does not have an unacceptable effect on the character and appearance of the landscape and that development in the countryside should be of an appropriate scale*'.

6.3 A copy of this appeal decision is appended to this committee report.

Policy Background and the Principle of Development

6.4 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).

6.5 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.

6.6 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.

6.7 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.

6.8 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*".

6.9 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;

6.10 The current application submitted closely reflects the scale, design, number of pitches and nature of development of the previous application which was refused (DC/19/2309). The officer's report outlines that they considered the level of activity on site and formalisation resulting from the proposal to be a significant change to the undeveloped character of the countryside location that would fail to protect, conserve or enhance the key features and characteristics of the landscape character area. This determination was appealed (APP/Z3825/W/20/3253886) and subsequently dismissed for reasons other than the principle of development. There is no new relevant information that would result in an alternative assessment to that of the Inspector where they did not consider the development

in this location to be contrary to the development plan in respect of principle of development. No new objections to the principle of development are therefore raised.

6.11 As outlined above, the Council are not currently able to demonstrate a five-year housing land supply to accommodate an identified need of Gypsy and Travelling Showpeople sites within the District. It is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the District. These matters are of significant weight in the consideration of the application, and weigh in favour of granting planning permission. On the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Character and Appearance

6.12 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.

6.13 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.

6.14 In determining a preceding appeal scheme, the Inspector considered the application at appeal (APP/Z3825/W/20/3253886) with regards to impact of the development on the landscape character, its visual impact and the overall design of the proposed.

6.15 In respect of the design of the proposal on the character of the area, the inspector acknowledged that the appeal scheme would introduce a new development into what is currently a grassed field but outlined that the site currently has little influence on the wider area and views of it are not generally available from vantage points in the locality. As such, the impact of the development would be negligible and not unacceptable.

6.16 The Inspector's conclusions with regard to landscape where that it would be anticipated to have a gypsy site with the countryside, although noted that the proposal in this case would not result in an unacceptable impact outside the wider site given that the site is well-defined through the presence of mature boundaries, comprising trees and hedging, as well as post and rail fencing because of the defined boundaries of the or countryside.

6.17 There is no new information from which to draw a distinct conclusion that would deviate from the Inspectors conclusion, however such that the application is considered in its entirety consideration of the design is below.

6.18 The appeal site comprises of a field which lies adjacent to a site permitted for gypsy travellers for four pitches. There are mature boundaries of trees and hedging which means that the site is generally no available to view from vantage points in the locality. The distance and vegetation act as effective screening and therefore any visual effect of the development would be negligible. It is accepted that there would be an increase in activity arising from the increase in the number of pitches, however this would not be to an unacceptable level. Given the above, there would be no conflict in regards to policies 23 and 26 of the HDPF.

Amenity Impact

6.19 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.

6.20 The application site is located to the south of Naldretts Lane, with the surrounding residential properties positioned between approximately 120m and 200m to the east and north of the site respectively. Given the distance between the proposed pitches which are in an enclosed site and the neighbouring properties it would not be likely that the development would have an unacceptable impact on the neighbouring properties in respect of privacy or amenity.

6.21 The new day rooms would be of a modest size of 25sqm to accommodate the required expected needs of a family in terms of facilities.

6.22 Environmental Health Team initially objected to the application on the basis of the rainwater collection and drainage system which was considered to result in potential health concern to the future occupiers, since this however the application has agreed to connect to mains drainage. As such, subject to the inclusion of a condition to secure that the development provides evidence of a connection to mains drainage, the development would not give rise to unacceptable impacts in this regard. This approach is considered sufficient to prevent any unacceptable harm to amenity.

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

Highways Impact

6.24 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;

6.25 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.

6.26 The letters of objection have been considered as part of the application which are in part concerned with public safety, safe access, pedestrian safety and the generation of traffic. Following consultation with WSCC Highways, there are no apparent visibility concerns with the existing point of access onto Naldretts Lane, although it is noted that this is a narrow road, with no footpaths. In addition, it is not anticipated that the proposed development would give rise to a significant material intensification of vehicular movements to or from the site. The proposed parking provision is considered to be sufficient, with sufficient space for on-site turning to be achievable.

6.27 For these reasons, it is considered that safe and adequate access would be provided for users of the site, and the proposed development is not considered to have a severe cumulative impact on the function and safety of the highway network. The proposal is therefore considered to accord with the above policies.

6.28 The Highways Authority has carefully considered the application and do not consider that the proposal would have a ‘severe’ impact on the operation of the Highway network. There

are considered to be no reasons to take a different view and the highway impacts of the proposal are considered acceptable.

Water Neutrality

6.29 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.

6.30 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.

6.31 The application initially sought to use rainwater harvesting to provide mitigation for the increase in water abstraction, however since this time have agreed to alter their suggested form of mitigation.

6.32 The development would be eligible to join the Sussex North Water Certification Scheme (SNWCS). 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. 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.

6.33 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>

6.34 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.

6.35 The site is not located within a flood zone 2 or 3 such that it would be at risk of 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 caravans the development would not be of a nature that would be likely to result in an

increase to the risk of flooding. Furthermore, the only permanent structure proposed would be the day room which is a modest scale and would not in itself be considered to result in a greater likelihood of flooding.

Services

6.36 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;

6.37 Given the existing use of the wider site, the site would benefit from power.

6.38 The Council's Environmental Health Officers raised concerns initially that they object to the proposal on the basis of insufficient detail on the means of foul drainage. Since this the application has agreed to connect to mains drainage and Environmental health are aware of this connection being made, with this process being in its final stages at the time of drafting the report. As such, subject to the inclusion of a condition to ensure that the foul drainage connection is made, there would be no objections on this basis.

6.39 In addition to the above, given the existing use of the site, Officers are satisfied that the site can be adequately served with the necessary services needed for residential occupation. In addition, suitable parking and turning space would be provided, in addition to ample amenity space for future occupant use. With the above in mind, the proposal is considered to accord with the provisions of HDPF Policy 23(c).

Ecology

6.40 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.

6.41 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. An Ecological Apprisal has been submitted to support the application. It is considered that the proposal will have no adverse effect on protected species or habitat.

Biodiversity Net Gain (BNG)

6.42 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.

6.43 The applicant submitted a Biodiversity Net Gain metric that has demonstrated that the development can met the mandatory 10%. This would be ensured via a condition.

Other Considerations

6.44 At the time of writing there is no planning permission for Gypsy or traveller pitches on the adjacent site to the east. The current application would not therefore result in any cumulative impact(s) of similar development along Stall House Lane. It would be a consideration for any future applications on adjacent sites to consider the relationship between any such future proposals and the development sought by this current application.

Conclusion and Planning Balance

6.45 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.

6.46 It is considered that although the application site is located within the countryside it is within a reasonable distance from 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 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).

5 **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).

6 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) Prior to the occupation of the dwelling, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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).

7 **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).

8 **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).

9 **Pre-Occupation Condition:** No part of the development hereby permitted shall 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).

10 **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).

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**: 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).

17 **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 (Pro Vision Ltd., December 2024). 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).

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/24/1502
DC/19/2309 (and related appeal decision)