Horsham District Council

Douglas J P Edwards
Blonks Barn
Hooklands Lane
Shipley
Horsham
West Sussex
RH13 8PY

Application Number: DC/23/1524

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Ms Vivienne Killner

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Restoration upon previously deposited wastes to create a wildflower meadow/garden

Southlands, Kent Street, Cowfold, Horsham

as shown on Plan and Application Number DC/23/1524 submitted to the Council on 11/10/2023. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would result in clear benefits to the site and its wider surroundings and that the scale of waste importation is proportionate to the scale of expected benefits. The proposed development, therefore, is not considered to represent an acceptable form of waste-related development nor an essential form of development to this countryside location in conflict with the requirements of Policy 26 of the Horsham District Planning Framework (2015) and Policy W8 of the West Sussex Waste Local Plan (2014).

2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development necessitates the use of land at risk of flooding, and that the proposed operations would not result in a material increase in surface water flood-risk elsewhere. The proposed development, therefore, is contrary to the requirements of Policy 38 of the Horsham District Planning Framework (2015), Policy W17 of the West Sussex Waste Local Plan (2014) and Paragraph 173 of the National Planning Policy Framework (2023).

3 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would prevent harm to and/or the loss of trees present to the boundaries of the application site, and which are expected to be negatively impacted by operations within the respective root-protection areas of individual trees. Trees possess intrinsic value for the ecosystem services they provide and, in this instance, are considered to positively contribute to the rural landscape character of the site and its surroundings. Prospective harm or loss of trees as a consequence of proposed operations, therefore, is considered contrary to the requirements of Policy 33 of the Horsham District Planning Framework (2015) and Paragraph 180(c) of the National Planning Policy Framework (2023).

4 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would avoid adverse harm to protected and priority species and their habitats. The proposed development, therefore, is contrary to the requirements Policies 25 and 33 of the Horsham District Planning Framework (2015) and Policy CNP2 of the Referendum Cowfold Neighbourhood Plan (2021).

5 It has not been demonstrated to the satisfaction of the Local Planning Authority that waste materials previously imported to the site, and which would be retained on the site as part of the development proposals, has not resulted in the introduction of contaminated materials harmful to the environmental quality of local ground conditions and watercourses. The proposed development, therefore, is contrary to the requirements of Policy 24 of the Horsham District Planning Framework (2015).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan		20-02-01	31.07.2023
Supporting Statement	Planning		31.07.2023
Location plan	WSCC highway		31.07.2023
Site plan	Land Survey		31.07.2023
Section plan			31.07.2023
Supporting Statement	Analytical Report		31.07.2023
Supporting Statement	Soil Analysis		31.07.2023
Site plan	Original Ground Levels		31.07.2023
Site plan	Proposed Improvement Works		31.07.2023
Section plan	Proposed Improvement works sections		31.07.2023
Site plan	Flood Map		31.07.2023

Note To Applicant:
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Emma Parkes
Head of Development and Building Control

Date: 09/04/2024

ADDITIONAL INFORMATION

Right of Appeals

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.