Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2025

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/Z3825/W/25/3367225
Greenfield Farm, Valewood Lane, Barns Green, West Sussex RH13 0QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs A Ray against the decision of Horsham District Council.
- The application reference is DC/25/0055.
- The development proposed is the use of land for the stationing of 5 static caravans for residential purposes; 3 associated day rooms; and associated landscape works.

Decision

1. The appeal is allowed, and planning permission is granted for the use of land for the stationing of 5 static caravans for residential purposes; 3 associated day rooms; and associated landscape works at Greenfield Farm, Valewood Lane, Barns Green, West Sussex RH13 0QJ in accordance with the terms of the application, reference: DC/25/0055, dated 12 January 2025, and subject to the conditions set out in Annex 1 to this decision.

Main Issues

2. The Council refused planning permission for two reasons. The first related to the (cumulative) impact of the proposal on the receiving landscape while the second referred to the lack of information necessary to satisfy the Council that there would be no unacceptable impact on the ecological and/or biodiversity interests of the site. With that in mind it seems to me that there are two main issues to be considered namely the effect of the proposal on (1) the character and appearance of the area; and (2) the ecology and biodiversity interests of the site.

Reasons

3. Before moving on to those main issues, there are a number of matters to be addressed by way of background. The first of these is the development plan. This includes the Horsham District Planning Framework (HDPF) that dates from 2015. HDPF Policy 22 refers to Gypsy and Traveller sites. Part 1 safeguards existing, authorised, sites for Gypsies, Travellers, and Travelling Showpeople from development that would preclude continued occupation by such people, unless the site is no longer required to meet the identified need. Part 2 says that the provision of sites to meet the objectively assessed needs beyond 2017 will be identified in a Site Allocations DPD. It seems that this DPD has not materialised, but in any event, Part 2 of the policy allows for the provision of further accommodation on windfall sites, and/or as extensions to existing sites, amongst others.

4. HDPF Policy 23 provides a criteria-based approach to windfalls and/or extensions to existing sites. Criterion e requires the development to have no unacceptable

impact on the character and appearance of the landscape and the amenity of neighbouring properties and to be sensitively designed to mitigate any impact on its surroundings. The approach of criterion e follows on from the more general manner in which HDPF Policy 25 deals with the natural environment and landscape character, Policy 32 addresses the quality of new development, and Policy 33 sets out development principles.

5. HDPF Policy 31 deals with Green Infrastructure and Biodiversity and is supportive of development that maintains or enhances the existing network of green infrastructure. Development that does not is resisted unless it can be demonstrated that any loss can be mitigated or compensated for. The policy also refers to the hierarchy of sites and habitats in the district notably (i) SPAs and SACs, (ii) SSSIs and NNRs, and (iii) SNCIs and LNRs alongside ancient woodland, local geodiversity or other irreplaceable habitats not already covered by (i) and (ii). Where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development is to be refused unless it can be demonstrated that first, the reason for the development clearly outweighs the need to protect the value of the site; and second, that appropriate mitigation and compensatory measures are provided. Moreover, specific reference is made to the Arun Valley SPA and the Mens SAC and the need for HRA and Appropriate Assessment. I deal with these requirements further below.

6. Alongside that, the Council has accepted that as things stand, the needs of Gypsies and Travellers in Horsham are nowhere near being met. There is no purpose served by delving into the background, and the various versions of the GTAA, that fed into the Local Plan Review work, because paragraph 28 of the Planning Policy for Traveller Sites (PPTS) says that if a local planning authority demonstrate an up-to date 5 year supply of deliverable sites, then the provisions of paragraph 11(d) of the National Planning Policy Framework (the Framework) are brought into play.

7. It is against that background that the main issues identified need to be analysed.

Character and Appearance

8. The appeal site is a field with an existing access off West Chillington Lane. Set beyond what appears to be a stable, the site would broadly speaking be a northern extension of an existing Gypsy and Traveller site made up of 14 pitches, with 9 of those pitches facing south and 5 facing west, granted planning permission between 2010 and 2016. This site is known as Greenfield Farm.

9. In the first instance, the Council recognises that, as set out in the PPTS, there is nothing unusual or necessarily incongruous about sites for Gypsies and Travellers being located in the countryside. In that context, it seems to me that the proposal would appear as a logical extension of the existing site, with the pitches set out in a rational arrangement, utilising an existing access from the highway.

10. The Council maintains that considered in isolation, the appeal proposal would cause no harm to the surrounding area. Given that it would extend an existing Gypsy and Traveller site into an area that currently appears as part of the hinterland to that site, I agree with that. The issue for the Council relates to the cumulative impact of the proposal considered alongside the Gypsy and Traveller site at Kingfishers Farm (authorised for 11 pitches but currently home to more than

that it seems), to the north-east, and Greenacres Farm, to the immediate north of the appeal site, where there is a number of unauthorised pitches.

11. There is a difference between the parties on the question of cumulative impact in that the Council considers that both the authorised and unauthorised development of pitches for Gypsies and Travellers in the area should be taken into account in any assessment, while the appellant makes the point that only those developments authorised through a grant of planning permission, ought to be brought into the assessment. Although cumulative landscape effects are relevant considerations in certain instances, in this case I take the view that the Council is wrong to take the overly simplistic view it has. This is for the simple reason that it is of course open to the Council to take enforcement action to secure the removal of those pitches that are unauthorised and considered unacceptable in character and appearance (or indeed any other) terms.

12. Taking account of that, it seems to me that the proposal would be sufficiently separated in terms of distance from the development at Kingfishers Farm such as to prevent any significant cumulative impact. What is more, the pitches at Kingfishers Farm are screened from the west, and the appeal site, by what appears to be a substantial earth bund. As such, I detect no unacceptable cumulative impact on the character and appearance of the area as a result of the proposal before me. There is, moreover, nothing to indicate that the landscape here is protected, valued, or particularly sensitive in terms of its intrinsic character.

13. The Council have developed their argument with reference to paragraph 26 of the PPTS which says that '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'. The Council outlines that at the time of the 2021 census, the Parish of Itchingfield, where the proposal lies, had a population of 1,778. It seems to me that an extra 5 pitches, on top of the 25 already authorised at Greenfield Farm and Kingfishers Farm, is hardly going to dominate the nearest settled community. I would reach much the same conclusion if I considered the same question taking into account the unauthorised pitches, as the Council would (incorrectly) have me do.

14. Instead, the Council concentrates on the 24 existing dwellings to the east of the appeal site along Valewood Lane and points out that the 25 authorised pitches plus the 5 proposed would dominate the *locale* and the effect would be even greater if unauthorised pitches are factored into the analysis. I must point out that *locale* is not a term used in the PPTS; we are to consider whether the nearest settled community would be dominated. To my mind, given the rural location of the site, some distance away from Barns Green, the nearest distinct settlement, this question is more appropriately addressed at the Parish level, not by cherry picking an isolated group of dwellings in the countryside and forming conclusions against that, as the Council has done. As I have found above, the local community would in no way be dominated by the proposal, considered alongside the existing authorised pitches in the area.

15. It is important too I believe to consider the overall context for any analysis of the impact of the proposal on the character and appearance of the area, and the point raised in the PPTS. The Council accepts that it is not meeting the needs of Gypsies and Travellers and from the information put forward, it is clear that those needs have not been addressed for a considerable period of time. In that context, it seems

to me that the stance taken by the Council is unnecessarily restrictive, when it has no cogent suggestion as to how, where and when the needs of Gypsies and Travellers in the district might be met.

16. Overall, I am content that the proposal would have no unacceptable impact on the character and appearance of the receiving landscape and the area generally. It would not lead to any domination of the nearest settled community. On that basis, I am content that the proposal complies with HDPF Policies 22 Part 2, and Policy 23 criterion e. There would be no departure from HDPF Policies 25, 32 or 33 or for that matter, the PPTS.

Ecology and Biodiversity

17. At the time the Council made its decision, a number of matters relating to ecology and biodiversity were outstanding. I allowed time for the appellant to complete some survey work and, of course, allowed the Council to comment on the results. On the basis of the material put forward, the Council has confirmed that it has no ecological- or biodiversity-based objection to the scheme, provided that certain conditions are attached to any grant of planning permission.

18. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 as amended requires that, before deciding to give any permission or other authorisation for a project which is likely to have a significant effect on a European site, a competent authority must make an appropriate assessment of its implications (including in combination with others). As that competent authority I address these matters as follows.

19. The first relates to the need to ensure that the development is water neutral so that any adverse impact on the Arun Valley SAC/SPA and Ramsar sites is thereby avoided. As the Council sets out, this can be addressed through a pre-commencement condition requiring the necessary credits to be secured through the Sussex North Offsetting Water Scheme, or for a bespoke water neutrality mitigation scheme for the proposal to be submitted and approved by the Council, implemented before occupation, and retained thereafter.

20. The second relates to the potential of the site to house reptiles and/or Great Crested Newts. This was highlighted by the Preliminary Ecological Assessment which recommended that appropriate surveys should be undertaken, in the light of site characteristics. Those were carried out, and the resulting Reptile and Great Crested Newt Survey Report did not return any positive results. However, it did recommend a series of precautionary mitigation measures. Those measures can be secured by condition.

21. The third aspect concerns the potential impact of the proposal on bats. The site lies about 8.7km to the east of the Mens SAC and is therefore within the 12km Wider Conservation Area for the SACs (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and may be within the range of bat foraging areas. Ebernoe Common SAC is a relatively short distance outside the 12 km zone from the appeal site.

22. The site is currently home to a stable, but the Preliminary Ecological Assessment confirmed that this building has negligible bat roost potential. Moreover, the proposal does not involve the removal of any hedgerows or trees so there would be no severing of the flight lines of foraging or commuting bats from the SAC, and

habitat continuity within the site will be maintained. However, there is the possibility that without proper control, artificial lighting on the site could cause disturbance to bats, and their habitats but a properly worded condition can be applied to ensure that any external lighting is properly designed so as to avoid any such impact.

23. There may be issues too in relation to Hazel Dormice but these can be avoided if a 15m buffer is maintained between hedgerows and any works as set out in the Preliminary Ecological Assessment. Moreover, mobile protected species, like the Hedgehog, can be safeguarded by the Precautionary Method Statement included in the Preliminary Ecological Assessment. Again, all that can be properly secured by condition.

24. Natural England, the appropriate nature conservation body under Habitats Regulation 6(3), informed the Sussex North Offsetting Water Scheme. They have also commented on the scheme specifically, informing the evidence that has been produced and the approach to conditions taken by the Council. As set out above, there is now no dispute that adverse ecological effects are avoidable subject to appropriate conditions. On that basis, as the competent authority I am of the view that no likely adverse effects would result either on or off site in respect of ecology or biodiversity, subject to those conditions. As such, the proposal would comply with HDPF Policy 31.

Conditions

25. I have considered the Council's suggested conditions in the light of advice in paragraph 57 of the Framework. This says that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Further, we are told that conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

26. There is a necessity for the usual commencement condition. Another condition is needed to set out the approved plans. The Council proposed a series of pre-commencement conditions. As set out above, one is very clearly necessary to address water neutrality, whether by securing the necessary credits through the Sussex North Offsetting Water Scheme, or by means of a site-specific scheme. Another is required to address the potential for contamination of the site, and a further condition of this type is needed to secure details of foul and surface water drainage. I should point out that the latter needs to include details of an implementation timetable. A further pre-commencement condition is suggested to address construction site set up details but given the nature, and relatively limited scale, of the proposal, I do not consider such a condition to be justified.

27. A series of pre-occupation conditions have been suggested to deal with the provision of full fibre broadband connections, cycle parking, and electric vehicle charging points. Given the nature of the development proposed – a caravan site designed to accommodate Gypsies and Travellers – I do not consider these to be necessary before the site (for which there is a clear need) is occupied. If the occupiers of the site wish to secure these provisions, then I am sure they will be able to do so. There is no need to require them by condition. By contrast, the provision of hard and soft landscaping, parking and turning areas, and the required

visibility splays at the access point, are clearly required before the site is occupied, so conditions are necessary to address these matters.

28. The Council suggests a condition limiting the times when works to implement the permission can take place. This it is said is intended to protect the living conditions of properties along Hill Farm Lane. Bearing in mind the nature of what is proposed, and the degree of separation involved, I do not consider such a restriction to be necessary.

29. A condition is required to ensure that the site is used by Gypsies and Travellers though I would point out that the condition suggested by the Council refers to the definition in an out-of-date version of the PPTS. The condition needs to reflect the current definition, obviously.

30. Bearing in mind that what is being permitted here is a caravan site, a condition is necessary to limit the number of static caravans, and the number of touring caravans, that can be in place on the site at any time. Restrictions on permitted development rights relating to fences, gates and walls and so on are necessary in order to ensure the site is retained in the manner in which it has been designed.

31. Finally, as indicated above, conditions are required to address the potential effects of the development, in terms of its implementation, and subsequent occupation, on ecology and biodiversity and protected species, in particular. To those ends, conditions are required to ensure that the works and measures of mitigation included in the Preliminary Ecological Assessment are carried out in accordance with that assessment, and that a Biodiversity Enhancement Strategy is approved and subsequently implemented and retained. In order to ensure that any external lighting on the site is carried out in a way that is sensitive to any potential impact on bats, a condition is needed to secure the approval and implementation of an external lighting design scheme.

Conclusions

32. To conclude, I am content that the proposal, subject to the suite of conditions set out below, complies with the relevant policies of the HDPF and the development plan as a whole. There are no other material considerations that weigh against the scheme to such a degree that a decision not in accordance with the development plan would be justified. There is no need, in this case, for the ‘tilted balance’ in paragraph 11(d) of the Framework to be applied but if it was, then the justification for a grant of planning permission would be even greater. On that overall basis, it is my finding that the appeal should be allowed.

Paul Griffiths

INSPECTOR

Annex 1: Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2410GR_R3_002.3 Revision 003: Proposed Site Overview; 2410GR_R3_001 Revision 002: Visibility Splays; 2410GR_R3_000.2 Revision 002: Location Plan; 2410GR_R3_100 Revision 000: Refuse, Boundary & Surfacing; 2410GR_R3_101 Revision 000: Proposed Day Room; and 400 Revision 000: Landscaping.

3) No development hereby permitted shall commence until either: (a) details have been submitted to and approved in writing by the local planning authority confirming that the necessary credits to achieve water neutrality have been secured through the Sussex North Offsetting Water Scheme; or (b) a site-specific water neutrality mitigation scheme including full details of any and all on-site and offsite mitigation and the means through which they are to be secured, and a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until either (a) or (b) have been implemented and completed in accordance with the approved details. The mitigation shall be maintained and operated in accordance with the approved details thereafter.

4) No development hereby permitted shall commence until the following components of a scheme to deal with the risks associated with contamination (including asbestos contamination) have been submitted to and approved in writing by the local planning authority: (a) a preliminary risk assessment that has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and any potentially unacceptable risks arising from contamination at the site. The following aspects (b) to (d) shall be dependant on the outcome of (a) and may not, necessarily, be required: (b) an intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment of the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off-site; (c) the intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken; and (d) prior to the occupation of any unit, 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 requirement 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. Development shall be carried out in accordance with the approved details.

5) No development shall commence until details of the proposed means of disposal of foul and surface water, and a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

6) Before the static caravans approved herein are occupied, full details of all hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. These shall include: details of all

existing trees and planting to be retained; details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers; and tree pit details; details of all hard surfacing materials; details of all boundary treatments; and a timetable for implementation. The approved hard and soft landscaping works shall be implemented in accordance with the approved details. Unless otherwise agreed as part of the landscaping works, no trees or hedges on the site shall be wilfully damaged or uprooted, felled or removed, and/or topped or lopped, until 5 years after the completion of the development. Any proposed 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.

7) No unit of accommodation hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the unit concerned have been completed in accordance with the approved plans. Those parking, turning and access facilities shall be retained in their approved form thereafter.

8) None of the units of accommodation hereby permitted shall be occupied until visibility splays of 2.4 metres x 91 metres to the north and 2.4 metres x 186 metres to the south have been provided at the site access on to West Chillington Lane in accordance with the approved plans. Once provided the visibility splays shall be retained and kept free of any obstruction over a height of 0.6 metres above the adjoining carriageway level.

9) The site shall not be occupied by any persons other than Gypsies or Travellers defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

10) No more than 5 static caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) and 5 touring caravans shall be stationed on the land at any time.

11) 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 that would otherwise be permitted by Class A of Part 2 of Schedule 2 shall be carried out.

12) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Sylvatica Ecology Ltd dated November 2024) and the Reptile and Great Crested Newt Survey Report (The Ecology Co-op dated July 2025). This will include the appointment of an appropriately competent person, for example an Ecological Clerk of Works, to provide on-site ecological expertise during the construction process. The appointed person shall undertake all relevant activities, and the development shall be carried out in accordance with the approved details.

13) No development shall take place until a Biodiversity Enhancement Strategy (BES) for protected, priority and protected species, prepared by a suitably qualified ecologist has been submitted to, and approved by, the local planning authority. The content of the BES shall include: (a) purpose and conservation objectives for the proposed enhancement measures; (b) detailed designs or product descriptions to achieve stated objectives; (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); (d) persons responsible for implementing the enhancement measures; (e) details of initial aftercare and long-term maintenance (where relevant); and (f) a timetable for implementation. The BES shall be implemented in accordance with the approved details and retained as such thereafter.

14) The development shall not be occupied until a 'Lighting Design Strategy for Biodiversity' in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) 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 the provision of appropriate lighting plans 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 full accordance with the scheme and retained in the approved format thereafter. Under no circumstances shall any external lighting other than that included in the approved scheme be installed.