

From: Planning@horsham.gov.uk <Planning@horsham.gov.uk>
Sent: 28 January 2026 10:45:41 UTC+00:00
To: "Planning" <planning@horsham.gov.uk>
Subject: Comments for Planning Application DC/25/2057
Categories: Comments Received

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 28/01/2026 10:45 AM.

Application Summary

Address:	Land North of Little Slaughterford Chapel Road Barns Green West Sussex
Proposal:	Proposed development of 68 dwellings with vehicular and pedestrian accesses, public open space, hard and soft landscaping and associated works including supporting foul and surface water drainage works, and works to existing culverted watercourse on site.
Case Officer:	Alice Johnson

[Click for further information](#)

Customer Details

Address: Sillwood House Sandhills Road Barns Green Horsham West Sussex

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Planning Application
Reasons for comment:	- Highway Access and Parking - Loss of General Amenity - Other - Overdevelopment - Privacy Light and Noise - Trees and Landscaping

Comments:

Re: Planning Application DC/25/2057 (M2 Group / Miller Developments): Land South of Smugglers Lane and Chapel Road, Barns Green, West Sussex

Executive Summary

This representation constitutes a formal objection to the above planning application for approximately 68 residential dwellings on land North of Little Slaughterford, Chapel Road Barns Green

The proposal is fundamentally contrary to the statutory Development Plan, national planning policy, and binding environmental law; not to mention, a grotesque and opportunistic attempt to develop land which is, to any reasonable minded person inappropriate development

It conflicts directly with the recently made Itchingfield and Barns Green Neighbourhood Plan (IBGNP), introduces a severe and demonstrable cumulative highways impact, fails to lawfully address water neutrality within the Sussex North Water Resource Zone, relies upon demonstrably inadequate wastewater infrastructure, causes unacceptable harm to irreplaceable habitats and countryside, and would materially undermine the integrity of the plan-led system.

These are not matters of planning balance, judgement, or mitigation. They are matters of policy compliance and legal constraint. Taken individually and cumulatively, they render the proposal unsound in principle and incapable of lawful approval. In particular:

- The application site was expressly assessed and rejected through the neighbourhood plan process, which was endorsed by referendum in September 2025 and now attracts full statutory weight, consistent with *Gladman Developments Ltd v SSCGLG* [2018] EWCA Civ 1610.
 - The cumulative addition of over 100 vehicles onto Chapel Road, via a single constrained access, gives rise to a severe residual impact on highway safety and network operation within the meaning of paragraph 111 of the National Planning Policy Framework. It is neither reasonable, practical nor rational to claim that residents could rely on public transport system.
 - Notwithstanding the withdrawal by Natural England of the 2021 position statement on water neutrality, the proposal fails to demonstrate water neutrality beyond reasonable scientific doubt, as required by the Conservation of Habitats and Species Regulations 2017 and the principles established in *People Over Wind and Sweetman v Coillte Teoranta* (Case C-323/17) and the Dutch Nitrogen cases (*Joined Cases C-293/17 and C-294/17*).
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- Foul drainage and wastewater infrastructure capacity is demonstrably insufficient, and reliance on future upgrades or conditions is inappropriate where the principle of development is itself unsound.

- The development would result in unacceptable direct and indirect harm to ancient woodland, biodiversity networks, and the rural setting of Barns Green.

For these reasons, the application is not capable of being approved consistently with section 38(6) of the Planning and Compulsory Purchase Act 2004, as reaffirmed by the Supreme Court in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37.

For these reasons alone, in addition to other bona fide objections, planning permission should be refused.

1. Introduction and Site Context

This objection draws upon a planning appraisal and impact assessment prepared in respect of the proposed development at land south of Smugglers Lane and Chapel Road, Barns Green. While there has been some inconsistency in public-facing records regarding the application reference, the nature and scale of the proposal promoted by M2 Group and Miller Developments are clear and undisputed.

The application seeks to deliver approximately 68 dwellings on an 8.15-acre greenfield site located wholly outside the defined Built-Up Area Boundary of Barns Green. The land lies on the western edge of the settlement and is bounded by rural lanes, historic hedgerows, and open countryside. It lies in proximity to Muntham Wood ancient woodland and within the hydrological catchment affecting the Arun Valley Special Area of Conservation. The proposal constitutes a substantial urban extension of a village that has already accommodated recent growth through the consented Sumners Fields development. When assessed cumulatively, the scale, form, and intensity of development proposed bears no relationship to the role, function, or infrastructure capacity of Barns Green as defined within the district settlement hierarchy.

2. Statutory Planning Framework and Development Plan Conflict

Section 38(6) of the Planning and Compulsory Purchase Act 2004 imposes a statutory duty on the decision-maker to determine applications in accordance with the Development Plan unless material considerations indicate otherwise.

In this case, the Development Plan comprises the Horsham District Planning Framework and the IBGN, which was made following a successful referendum in September 2025. The

neighbourhood plan is therefore the most up-to-date component of the Development Plan and attracts full statutory weight.

There is no policy vacuum, no shortfall in allocated housing land within the parish, and no evidential basis upon which to justify departure from the adopted spatial strategy. Critically, the application site was expressly considered during preparation of the neighbourhood plan through a structured call-for-sites and assessment process. The land south of Smugglers Lane was not allocated. That outcome was the result of a conscious, evidence-led policy choice by the qualifying body, endorsed by the local community at referendum.

Instead, the neighbourhood plan allocates Sumners Fields and the Old School site as the appropriate and proportionate means of meeting local housing requirements. The present proposal therefore represents a direct challenge to the spatial strategy deliberately chosen by the community.

Paragraph 14 of the NPPF is unequivocal that where a planning application conflicts with an up-to-date neighbourhood plan, permission should not normally be granted. No material considerations of sufficient weight arise in this case to justify setting aside that presumption.

3. Highways, Access, and Severe Cumulative Impact

Chapel Road functions as the principal route through Barns Green but is constrained by historic development patterns, extensive on-street parking, sub-standard carriageway widths, and intermittent pedestrian provision. In the critical section between the village shop, the primary school, and the Queen's Head public house, the effective carriageway width is routinely reduced to a single running lane. Traffic movement relies upon informal driver negotiation and low traffic volumes, an arrangement already operating at the limit of acceptability.

Based on established rural car-ownership data, the proposed development would introduce in excess of 100 additional private vehicles, generating approximately 39 vehicle movements in each peak hour and between 350 and 400 movements per day, all routed through a single access point onto Chapel Road. When assessed cumulatively with the consented Sumners Fields development, the impact is clear and unavoidable: increased queuing at pinch points, heightened pedestrian risk adjacent to the primary school, materially reduced network resilience, and impaired emergency access.

These impacts are not hypothetical but the predictable consequence of introducing a substantial volume of traffic into a constrained rural network. The residual cumulative impact on the highway network would therefore be severe within the meaning of

paragraph 111 of the NPPF, and the application must be refused on highways grounds.

4. Water Neutrality and Habitats Regulations Compliance

The site lies within the Sussex North Water Resource Zone, where abstraction directly affects the Arun Valley Special Area of Conservation. Natural England has consistently advised since 2021 that residential development in this zone must demonstrate water neutrality in order to avoid adverse effects on the integrity of the SAC.

This requirement arises from the Conservation of Habitats and Species Regulations 2017. It is a legal obligation, not a matter of planning judgement or policy preference. The local planning authority, as competent authority, must be satisfied beyond reasonable scientific doubt that the proposal would not increase water abstraction.

Speculation regarding potential future changes to water-neutrality policy is immaterial. Decisions must be taken in accordance with the legal framework in force at the time of determination. Strategic guidance cannot override statutory duties, nor can it retrospectively cure a failure to demonstrate project-level neutrality.

No credible, secured, or enforceable offsetting strategy has been demonstrated for a development of this scale. In the absence of lawful certainty, planning permission cannot be granted without exposing the authority to material legal risk. See Addendum A for further details.

5. Foul Drainage, Flood Risk, and Infrastructure Constraint

Southern Water's own evidence identifies significant wastewater capacity constraints and flood risk within the catchment serving Barns Green. The network is already subject to hydraulic stress during heavy rainfall events. The addition of substantial new foul flows would exacerbate these conditions.

The site's Weald Clay geology further undermines confidence in infiltration-based drainage solutions and increases reliance on attenuation and controlled discharge systems, with attendant downstream flood-risk implications. These are fundamental infrastructure constraints that cannot be deferred to post-permission conditions or future investment without rendering the principle of development unsound.

6. Ecology, Ancient Woodland, and Biodiversity Harm

Muntham Wood is ancient woodland and therefore an irreplaceable habitat afforded the highest level of protection under paragraph 180(c) of the NPPF. Development in close proximity

requires wholly exceptional justification. No such justification exists in this case.

Even where nominal buffers are proposed, indirect impacts arising from lighting, noise, air pollution, nitrogen deposition, and recreational pressure remain significant and unavoidable. These impacts cannot be meaningfully mitigated. The proposal would also result in the loss of local biodiversity and wildlife connectivity. Off-site biodiversity net gain does not compensate for on-site ecological harm or loss of local natural capital.

7. Landscape Character, Countryside Protection, and Prematurity

The site forms part of the rural setting of Barns Green and contributes to the clear and deliberate distinction between settlement and countryside. Development of this scale would introduce suburban form beyond the Built-Up Area Boundary, in direct conflict with HDPF Policy 26.

Approval would also undermine the recently completed neighbourhood planning process and prejudice emerging district-wide policy, eroding public confidence in the plan-led system.

8. Overall Conclusion

This application is unsound in principle and unlawful. It conflicts with the Development Plan, fails mandatory national policy tests, and does not overcome binding environmental and infrastructure constraints.

The decision before the authority is not one of planning balance but of policy compliance and legal duty. For the reasons set out above, planning permission for application DC/25/2057 must be refused.

Miller Homes asks the Inspector to set aside the democratically adopted Development Plan and ignore legally binding European and Domestic case law regarding environmental protection.

THERE IS NO DISCRETION TO APPROVE UNLAWFUL DEVELOPMENT.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and in the absence of material considerations sufficient to displace the strong statutory presumption against development, Planning Permission must be refused.

Kind regards

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**Horsham
District
Council**

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