Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1803
Southover Farm, Springfield Lane, Colgate, West Sussex, RH12 4TA

DESCRIPTION:
Construction of an access path with a gate, along with the establishment of a private burial plot featuring a single tomb on a concrete plinth (part retrospective)

RELEVANT PLANNING HISTORY:

None Relevant

DESCRIPTION OF THE SITE

The application site lies within open countryside, to the south of Southover Farm, and within the High Weald Area of Outstanding Natural Beauty (AONB). The setting is distinctly rural in character, surrounded by fields and woodland, with limited development in the vicinity. The site contains a private access track formed from crushed concrete timber and gates. The development is not readily visible from public vantage points and is screened by vegetation on all sides.

DESCRIPTION OF THE APPLICATION

The proposal is part-retrospective and comprises several elements. It includes the laying of a 3.75-metre-wide private access track, which is surfaced with 200mm of crushed concrete and topped with 50mm of planings. Additionally, timber gates have been installed at the entrance to the access. The proposal also involves the construction of a private tomb situated on a concrete plinth, forming part of a personal burial plot.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Neighbourhood Plan:
Colgate has not been designated as a Neighbourhood Plan area.

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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

Consultations:

HDC Environmental Health: Comment – Environmental Health would recommend the LPA seek technical advice from the Solent and South Downs Groundwater Protection team at the Environment Agency.

WSCC Highways: No Objection - In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Environment Agency: No objection - The proposed individual above-ground burial is considered a de minimis groundwater activity under the UK Government's guidance, meaning it is excluded from requiring an environmental permit—unless there is evidence it could pollute groundwater, which appears unlikely at this location.

Additionally, the burial also aligns with the low-risk cemetery guidance, further supporting that no environmental permit is needed.

PUBLIC CONSULTATIONS:

Representations:
One letter for Support have been received from 1 address, supporting the application The letter expresses full support for the planning application for a private burial ground and access, highlighting the applicants' considerate approach to the environment and local neighbours. They note that the plans do not impact the landscape, maintain privacy, and allow quiet reflection without disruption. The design and access have been thoughtfully planned with minimal environmental impact, and the application is seen as a respectful and personal initiative worthy of approval.

Parish Comments:
Colgate Parish Council: Comment - The Parish council wonder why there is a need for a separate access.

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

Principle of Development:

Policy 1 of the Horsham District Council Planning Framework states that the Council will take a positive approach that reflects the presumption in favour of sustainable development. Policy 2 of the HDPF directs development to within defined settlement boundaries unless it supports the needs of rural communities or land-based uses. Policy 26 seeks to protect the countryside against inappropriate development unless it supports the needs of agriculture, forestry, or rural enterprises and maintains the rural character of the area.

The application site lies in the countryside and outside any defined built-up area boundary. The proposal comprises a private access track, timber gate, and a tomb within a personal burial plot. The tomb does not serve a commercial purpose, nor does the development involve any new residential accommodation or infrastructure that would intensify the use of the land.

The access is of limited scale and characteristically rural, comprising recycled planings and crushed concrete, and does not extend beyond what is reasonably necessary to serve a single private use. The proposed tomb is discreetly located, permanent but small in scale, and occupies a defined space with no potential for harmful cumulative development. The Environment Agency has raised no objection to the proposal, noting that the individual above-ground burial is considered a de minimis groundwater activity under UK Government guidance and is therefore excluded from requiring an environmental permit, unless there is evidence it could pollute groundwater, which appears unlikely at this location. Additionally, the burial falls under low-risk cemetery guidance, further supporting that no permit is required. Given its personal nature, limited footprint, and low impact, the development is considered to represent an acceptable form of countryside development, consistent with the aims of Policies 1, 2, and 26.

Design and Appearance:

Policy 25 of the HDPF requires development to conserve and enhance landscape character and features. Policy 33 requires proposals to demonstrate high standards of design that relate sympathetically to the landscape and surroundings. Policy 33 further requires developments to be locally distinctive and respect the character of the surrounding area, including views and setting.

The site lies within the High Weald Area of Outstanding Natural Beauty (AONB), a nationally protected landscape. The development, including the tomb and access, is modest in both scale and appearance. It is sensitively located, with the tomb positioned away from the public realm and screened by vegetation. The access track is surfaced using low-profile, recycled materials and does not extend over a large area. The gate is of traditional timber construction and consistent with the rural context.

There has been no loss of tree cover, no introduction of intrusive lighting, and no visible urbanising impact on the wider AONB landscape. The development is considered sympathetic to the prevailing character of the site and surroundings and does not detract from key views or the intrinsic quality of the AONB. The proposal therefore complies with Policies 25 and 33.

Residential Amenity:
Policy 33(2) requires development to ensure that it does not cause unacceptable harm to the amenity of surrounding users or occupiers.

The tomb and access are located well away from neighbouring properties and are not visible from any nearby residential dwellings. The use is passive, personal, and respectful in nature. The tomb is a non-commercial, static structure that does not emit noise, light or odour, nor is it expected to generate regular visitors. Given the low-intensity use and physical separation from nearby receptors, no material harm to residential amenity arises. The proposal accords with Policy 33(2).

Highways Impacts:

Policy 40 of the HDPF requires that development provides safe and suitable access and does not cause unacceptable highway impacts. Paragraph 116 of the National Planning Policy Framework (NPPF, 2024) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The access track is 3.75 metres wide, surfaced with crushed concrete and planings, and is not intended for regular or intensive use. The track serves only a private tomb and is unlikely to generate any meaningful level of vehicular activity. The visibility at the entrance is appropriate for its rural context, and there is sufficient space to enable turning and access without obstructing the public highway.

West Sussex County Council, as Local Highway Authority, raised no objection, stating that the proposal does not result in any highway safety concerns nor generate a severe impact on the local road network. The access is therefore considered proportionate, appropriately designed, and acceptable under both local and national transport policies.

Water Neutrality:

Policy 31 of the HDPF requires developments to avoid adverse impacts on water quality and supply, particularly where proposals fall within sensitive water catchments. The site lies within the Sussex North Water Supply Zone, which is subject to water neutrality requirements due to the potential effects on the Arun Valley SAC, SPA, and Ramsar designations.

The proposed development includes no plumbing, utilities, or water infrastructure. The Planning Statement confirms that the development will not consume water and no services are required for its function. The development is therefore considered water-neutral and compliant with Policy 31.

Biodiversity Net Gain (BNG):

Under the Environment Act 2021, development is required to achieve at least a 10% Biodiversity Net Gain unless exempt. The Biodiversity Gain Requirements (Exemptions) Regulations 2024 confirm that developments affecting less than 25m² of habitat and of a non-commercial nature qualify as ‘de minimis’ and are exempt from formal BNG requirements.

Given the scale and nature of the proposal, and the minimal habitat disturbance involved, the development qualifies as exempt under Regulation 4. There is no further requirement for a Biodiversity Gain Plan.

Conclusions:

The proposal comprises a modest, part-retrospective development involving a private access and tomb, located discretely within a rural setting. The development is small in scale, causes no adverse environmental or visual impacts, and is acceptable in design and character terms. The tomb is sensitively positioned and raises no concerns in respect of landscape, amenity or highways safety. The development is water-neutral, qualifies as exempt from BNG requirements, and is consistent with the High Weald AONB Management objectives.

The proposal is considered to comply with the relevant policies of the Horsham District Planning Framework (2015), the emerging Local Plan, and the relevant provisions of the NPPF (2024). As such, planning permission is recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin 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 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

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.

Plans list for: DC/24/1803

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		NONE	30.05.2025
Supporting Statement	Planning Statement	NONE	21.03.2025
Elevation & Floor plan	Proposed Tomb	NONE	20.02.2025
Details plan	Access and Gate Plan	NONE	30.05.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 22.07.2025

Authorising Officer sign/initial RHERMITAGE Date: 25.07.2025