



Appeal Decision

Site visit made on 1 April 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/Z3825/W/23/3324144

Land North of The Rise, Partridge Green, West Sussex RH13 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Rydon Homes Limited against the decision of Horsham District Council.
 - The application Ref is DC/22/0301.
 - The development proposed is Outline Application for redevelopment of the site to provide up to 55 dwellings, ancillary parking and associated infrastructure with all matters reserved except access.
 - This decision supersedes that issued on 8 February 2024. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for Outline Application for redevelopment of the site to provide up to 55 dwellings, ancillary parking and associated infrastructure with all matters reserved except access at Land North of The Rise, Partridge Green, West Sussex RH13 8JB in accordance with the terms of the application, Ref DC/22/0301, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with access to be determined. All other matters are reserved for future consideration. An illustrative layout and parameters plan was submitted with the application and I have taken those into account as indicative of potential future development.
3. The Horsham District Local Plan 2023-2040 (draft LP) has been submitted for examination and the Council have provided an update on process dated 28 April 2025. An Interim Findings Letter has been sent by the Inspector recommending that the plan be withdrawn. I understand the Council are considering their next steps. The parties have particularly drawn my attention to the effect of this on the Sussex North Offsetting Water Scheme (SNOWS) that I shall return to later in my decision. Notwithstanding the Interim Findings Letter, the parties have indicated that limited weight should be given to the draft LP and I see no reason to disagree.
4. The National Planning Policy Framework (NPPF) was revised in December 2024. I have taken that version into account in coming to my decision.
5. A legal agreement under section 106 of the Town and Country Planning Act 1990 (the Act) was submitted on 18 January 2024. I will return to this under other matters later in my decision.

Main Issue

6. The effect of the development on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Sites.

Reasons

7. Water supply to this site would be provided from the Sussex North Water Resource Zone (WRZ), an area of serious water stress. Water abstraction within the WRZ affects the water levels and flow in wetland habitats within the River Arun catchment area and downstream of the WRZ. These include the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Sites (the Arun Valley sites).
8. The Arun Valley sites are a series of wetland meadows, alluvial grazing marsh and former raised peat bog, dissected by a network of ditches. The variation in soils and water supply lead to a wide range of ecological conditions and a rich and diverse flora and fauna. The qualifying features of the protected areas that may be affected by development within the catchment area comprise wildfowl and waterbird assemblages, including Bewick's swan, shoveler, teal and wigeon; wetland invertebrates, as well as a range of rare flora, including duckweed, water-cress, milfoils, dropworts and pondweeds.
9. The proposal would not be directly connected with or necessary to the management of the protected sites. Natural England suggest that additional development in the area is likely to affect the integrity of the Arun Valley sites. This effect would be through water abstraction to meet the needs of residents of development, including at the appeal site. That would lead to changes in water level and flow in the Arun Valley sites. It is necessary to consider any effects on a precautionary basis. The effects would arise from development either alone or in combination with other projects, such as other housing development in the area.
10. For these reasons and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), as the competent authority it would be necessary for me to carry out an appropriate assessment to determine the extent of those effects, whether they could be avoided or whether mitigation measures could remove or reduce the effects.

Appropriate assessment

11. The appropriate assessment needs to consider the effect of the development on the integrity of the Arun Valley sites and their qualifying features and species. In order to mitigate the effects of the development, it would be necessary to demonstrate water neutrality of the development, i.e. that the amount of water used by the development is the same or lower after the development has taken place as before.
12. The Council indicate that water neutrality can be addressed through the use of an appropriate condition in certain cases and have suggested such a condition in this case (condition 14). Natural England have confirmed they are content with that approach. This is subject to development being eligible to access the SNOWS. To access this, the development must meet certain conditions, including that it is identified in a post-submission local plan. The site is intended for allocation through the draft LP that is post-submission. I accept, taking account of the latest

position set out in my preliminary matters, the draft LP may be withdrawn but at present it accords with the requirements of the SNOWS. I note this reflects the comments of the parties.

13. A Unilateral Undertaking has been submitted by the appellant relating to measures seeking to mitigate the effects of the development on the Arun Valley sites. For clarity, taking account of the ability of the condition and the SNOWS to effect appropriate mitigation, I consider the Unilateral Undertaking to be unnecessary and I have not taken it into account in coming to my decision.
14. As the development is eligible to access SNOWS and as this can be secured by condition, I conclude that there would be no adverse effect on the integrity of the Arun Valley sites.

Conclusion on the effect on Arun Valley sites

15. For the reasons set out in the appropriate assessment, I conclude that the development proposed would comply with Policy 31 of the Horsham District Planning Framework (HDPF), the draft LP and the NPPF that require appropriate mitigation and compensation measures be provided to allow development where there would otherwise be direct or indirect adverse impacts on areas such as the Arun Valley sites.

Other Matters

16. The proposal includes provision of affordable housing that would be secured by the legal agreement. This would contribute towards providing an appropriate mix of housing types for the local community, including affordable housing, as required by Policy 16 of the HDPF and the NPPF. I have taken this into account in coming to my decision.
17. The development would also contribute open market housing that would count toward the supply of housing in the area. The provision of housing, including affordable housing, carries significant weight in favour of the scheme.
18. Access to the site would be taken from Littleworth Lane. This is a relatively narrow and well-used lane leading out of the village of Partridge Green. The legal agreement includes provisions relating to highway works in the vicinity of the development and traffic monitoring scheme. These provisions would ensure connection of the development to Littleworth Lane, a new footway along the eastern side of the road and new crossing point, tactile paving at the bus stop and a cycleway/footway along with traffic calming measures. These ensure the development would provide safe and suitable access to the site as required by the Policy 40 of the HDPF and the NPPF. For these reasons, I have taken account of the provisions within the legal agreement in coming to my decision.
19. I understand that facilities within the village may be limited, including access to GPs, sewerage and that the bus service has been cut back. The houses provided by this development may put further pressure on those services. However, residents of the new houses would support existing and future services within the village. This reflects the NPPF that states housing should be located where it will enhance or maintain the vitality of rural communities.
20. Paragraph 11 of the NPPF, the presumption in favour of sustainable development, states that where the local planning authority cannot demonstrate a five year

supply of deliverable housing sites, development plan policies which are most important for determining the application should be considered out of date. Where that is the case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In this case, I have not found conflict with policies in the NPPF.

Conditions

21. In addition to conditions providing timescales for the submission of reserved matters and commencement of the development that should be imposed to address legislative requirements, in the interests of the character and appearance of the site and the locality, a condition shall be imposed in relation to reserved matters of appearance, scale, layout and landscaping (1-3). I shall impose a condition specifying the relevant drawings as this provides certainty (4). A condition is necessary in relation to the parameter plans in order to protect the character and appearance of the area (5).
22. A condition is necessary to provide, prior to development commencing, a construction method statement to ensure the development works take place without undue disturbance to neighbouring occupiers and to maintain highway safety (6). Conditions are necessary to protect ecology and biodiversity, including in relation to protected and priority species, great crested newts and badgers, including mitigation statements prior to development commencing (7-9 and 26). Conditions are necessary in relation to contamination, including requiring further information prior to development commencing and ensuring implementation, in order to ensure acceptable living conditions for future occupiers of the dwellings (10-11 and 27). A condition requiring archaeological works in accordance with a Written Scheme of Archaeological Investigation, to be submitted prior to development commencing, is necessary to protect any archaeological remains on the site (12).
23. A condition is necessary in relation to drainage in order to manage the risk of flooding and improve water quality (13). A condition is necessary in relation to water neutrality in order to protect the integrity of the Arun Valley sites (14). Conditions in relation to soils and air quality are necessary to protect the surrounding environment and living conditions of future occupiers (15-16). Conditions are necessary relating to lighting and requiring a Landscape and Ecological Management and Maintenance Plan to protect ecology and biodiversity (17-18).
24. A condition is necessary to ensure the site access arrangements are constructed prior to occupation of the houses in order to ensure highway safety (19). A condition requiring a Travel Pack is necessary to encourage sustainable travel options in accordance with Policy 40 of the HDPF (20). A condition requiring provision of a SuDS drainage system is necessary to reduce the risk of flooding and protect ecology and biodiversity (21). Conditions relating to landscaping are necessary to protect the character and appearance of the area (22-23). A condition relating to high speed internet is necessary to ensure adequate living conditions for future occupiers in accordance with Policy 37 of the HDPF (24). A condition requiring details of fire hydrant(s) is necessary to protect the safety of future occupiers (25). A condition is necessary to protect the trees in and around

the site during the course of development in order to protect the character and appearance of the area (28).

25. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. I have not included a condition relating to hours of working as that would be covered in the construction method statement.

Conclusion

26. Taking account of the above, I conclude that the development accords with the development plan, comprising the HDPF and draft LP, as a whole. I have not found any material considerations, including the NPPF, that would indicate the development should be determined other than in accordance with the development plan.
27. For the reasons given above the appeal should be allowed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos. 1031-OA-100 (Location Plan), JNY10529-01 Rev B (Proposed Access Arrangement) and JNY11188-RPS-0100-006 Rev A (Proposed Access Arrangement – Potential Table Top Ramp arrangement).
- 5) The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate substantial compliance with the following parameter plans to fix the development principles, unless otherwise agreed to and approved in writing by the Local Planning Authority:

Drawing No.	Description
1031-OA-110 REV C	Parameters Plan
1031-OA-108 REV A	Community Facilities and Recreation
1031-OA-101 REV E	Illustrative Layout 55 Units
1031-OA-112 REV A	Pedestrian/Cycleway Parameters Plan
1031-OA-109 REV A	Heights Plan
1031-OA-102	Tree Removal Plan
1031-OA-103	Parking Allocation Plan
1031-OA-104	Refuse And Recycling Plan
1031-OA-105	Fire Tender Tracking Plan

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
- i) an introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location; the anticipated number, frequency and types of vehicles used during construction;
 - ii) details of public engagement both prior to and during construction works and communication procedures with the local community regarding key construction issues;
 - iii) a description of management responsibilities;
 - iv) a description of the construction programme which identifies activities likely to cause high levels of noise or dust;
 - v) details of traffic construction routing to and from the site;
 - vi) delivery, demolition and construction working hours;
 - vii) the parking of vehicles of site operatives and visitors;
 - viii) detailed site logistics arrangements and loading and unloading of plant, materials and waste;
 - ix) storage of plant and materials used in constructing the development;
 - x) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - xi) wheel washing facilities;
 - xii) measures to control the emission of dust and dirt during construction;
 - xiii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development, including demolition pursuant to the permission granted, shall commence unless a Great Crested Newt Mitigation Method Statement has been submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 8) No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 9) No development above ground floor slab level shall commence 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.

- 10) No development, including demolition pursuant to the permission granted, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site has been submitted to and approved in writing by the Local Planning Authority:

i) 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 ii) and iii) shall be undertaken, if required, in accordance with the preliminary risk assessment i):

- ii) An intrusive site investigation scheme 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.
- iii) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation ii) and an options appraisal.

The development shall be completed in accordance with the requirements of i), ii) and iii) above.

- 11) No part of the development hereby permitted shall be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 10) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10), unless otherwise agreed in writing by the Local Planning Authority.
- 12) No development or preliminary groundworks shall commence until a programme of archaeological work secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.
- 13) No development shall commence until a detailed foul and surface water drainage scheme including a foul and Surface Water Drainage Statement, informed by Flood Risk Assessment and Drainage Statement Doc Issue 05 by Stuart Michael Associates SMA Ref: 6338.FRA&DS Jan 2022 based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the

landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

14) 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 credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or
- ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and
- iii) The development shall not 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.

The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

- 15) Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed within the development site. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.
- 16) No part of the development hereby permitted shall be occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £30,838. The air quality mitigation plan shall be implemented as approved.
- 17) Prior to the installation of external lighting full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 18) No part of the development hereby permitted shall be occupied until a Landscape and Ecological Management and Maintenance Plan (LEMMP) has been submitted to, and be approved in writing by, the local planning authority. The content of the LEMMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions (including long term design objectives, management responsibilities, landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 19) No part of the development hereby permitted shall be occupied until such time as the site access arrangement has been provided in accordance with the approved planning drawings detailed in the documents as listed below, and maintained as such thereafter:

TECHNICAL NOTE Response to WSCC comments dated 22 Dec 2022 by RPS Dated 30 Jan 2023 Ref JNY1188-03a;

TECHNICAL NOTE by RPS Report Reference JNY1188 - 02 Project Title: Land at Partridge Green Date: 15th November 2022; and

TRANSPORT STATEMENT by rpsgroup Version 01 Date 04 November 2020 JNY10529.

- 20) No part of the development hereby permitted shall be occupied until such time as details of the Travel Pack have been submitted to and approved in writing by the Local Planning Authority. The approved Travel Pack shall thereafter be distributed to all dwellings prior to them being first occupied.
- 21) No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings and that report has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.
- 22) No part of the development hereby permitted shall be occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 23) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 24) No part of the development hereby permitted shall be occupied until the necessary infrastructure (ducting or conduit) to facilitate the installation of high-

speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

- 25) No part of the development hereby permitted shall be occupied until details of the proposed location of fire hydrant(s) to ensure all dwellings hereby permitted are within 150 metres of a fire hydrant for the supply of water for firefighting, have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant(s) shall be installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use prior to the first or in a phased occupation of the development hereby permitted and shall thereafter be retained as such.
- 26) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Technical Note (RSK ADAS Ltd., May 2023) in Appendix B of the Statement Case (DMH Stallard, May 2023), Preliminary Ecological Appraisal (ADAS, May 2019), the Reptile Survey Report (ADAS, July 2019), the Great Crested Newt eDNA Survey Report (ADAS, May 2019), the Tree Removal Plan (September 2021) and the Ecology Update Letter (ADAS, 29 September 2020). This will 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.
- 27) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development or relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 28) All works shall be executed in full accordance with the approved Arboricultural Impact Assessment/Method Statements titled: Technical Note: Arboriculture by FLAC Instruction ref. CC42-1054 Partridge Green, Land North Of The Rise - Site Access Provision And Arboricultural Implications Assessment by Broad Oak Tree Consultants Limited Ref: J46.82 11 January 2022.