



# SOUTHWATER PARISH COUNCIL

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## Horsham District Council

Albery House,  
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Horsham,  
West Sussex RH12 2GB

23 March 2026

Dear [REDACTED]

## REPRESENTATION IN RELATION TO DC/26/0366 AT LAND NORTH WEST OF SOUTHWATER

I write on behalf of Southwater Parish Council to register our comments regarding planning application DC/26/0366 at Land West of Southwater, the application is for:

*Outline planning application, with all matters reserved (except for primary access to the highway) for a phased development comprising: the demolition of existing buildings and the construction of residential dwellings (GRAHAM affordable housing) (Use Classes C2 and C3); a mixed-use neighbourhood centre (Use Classes E and F); education facilities (Use Class F1(a)); business and employment floorspace (Use Classes B2, B8 and E(g)); redevelopment of existing agricultural buildings including construction of a building for community use (Use Classes E and F2); improvements to public rights of way; sports pitches; gypsy and traveller pitches/plots; public open space; landscaping, and associated infrastructure.*

After consideration, the Parish Council **OBJECT** to the proposed development. This letter sets out the Parish Council's main considerations in coming to this position, in the following order:

1. Framing of the application
2. Principle of development
3. Other Matters

*Sporting provision*

*Open Space*

*Building Heights*

*Southwater as a single settlement*

*Education*

4. Concluding remarks

The Parish Council welcomes early, meaningful and constructive engagement with all applicants to help shape a scheme that properly reflects the aspirations of the community, as expressed in the Southwater Neighbourhood Plan. Although the Parish Council welcomed the meeting held in November 2025 to discuss

the proposed scheme, it was disappointed by the limited communication both before and after that meeting. In the Parish Council's view, there remains a realistic and deliverable route to bringing forward development on a smaller parcel of land, consistent with the Southwater Neighbourhood Plan, in a way that could secure local support.

Further engagement with the Parish Council would therefore be both welcomed and beneficial.

## 1. Framing of the application

This application represents the second substantial proposal on broadly the same site. The earlier application, reference DC/22/1916, sought outline planning permission for a mixed-use strategic development including demolition of existing buildings and the erection of up to 1,500 dwellings, up to 15,750 sq m GIA of flexible employment space within Use Classes E, B2 and B8, up to 2,900 sq m GIA of flexible community floorspace within Use Classes E, F1 and F2, education facilities, sports facilities, five gypsy and traveller pitches, public open space, landscaping and related infrastructure. Horsham District Council's planning portal records that application as withdrawn on 22 February 2023. The current proposal relates largely to the same site, albeit with some areas excluded.

Importantly, unlike the earlier application, the description of development in the present case does not appear to include express numerical caps or "up to" limits on the amount of development proposed. The application form states that the scheme would provide 1,000 homes, comprising 650 market dwellings, 245 homes available for social, affordable or intermediate rent, and 105 affordable home ownership units. The form further confirms the provision of 2,550 sq m of floorspace within Use Classes E and F, 17,000 sq m within Use Classes B2, B8 and E(g), and 11,000 sq m within Use Class F1 for learning and non-residential institutions. However, this information and figures do not appear in the operative description of development.

That matters. The description of development is of central importance because it defines the development for which permission is sought, informs consultation, and frames the basis on which the application is assessed. In *R v Rochdale MBC ex p Milne*, the Court made clear that an application must contain an adequate description of the proposed development, including its site, design and size or scale, so that its environmental effects can properly be assessed. In *Finney v Welsh Ministers*, the Court of Appeal reaffirmed that the operative description of development is not incidental, it is a central pillar of any application and permission granted.

The Parish Council therefore objects to the absence from the description of development of clear numerical parameters identifying the quantum of development proposed. Although the wider application material, including the Environmental Impact Assessment, refers to a scheme comprising 1,000 dwellings together with substantial associated floorspace, the operative description does not itself define that scale of development. That creates unnecessary uncertainty for decision-makers, consultees and the public alike as to the true scope of the proposal and potential for creep at a later stage of development through amendments to the permission which have not been fully assessed. The concern is heightened by the fact that the applicant previously advanced proposals on broadly the same site for up to 1,500 dwellings and associated development, which gives rise to legitimate uncertainty as to the basis upon which the present

application has been framed. In the Parish Council's view, the application description should accurately and expressly identify the scale of development for which permission is sought.

The description of development confirms that the proposal is intended to be delivered on a phased basis. Yet the application material also makes clear that the submitted phasing plan is only "*indicative at this stage*" and merely "*provides an indication of how the Proposed Development could be delivered to provide the homes and associated infrastructure alongside one another in an appropriate programme*".<sup>1</sup>

The Parish Council fails to see how the impacts of a phased scheme of this scale can properly be assessed where the phasing strategy is not fixed. That concern applies not only to the effects of individual phases, but also to the cumulative and in-combination impacts of multiple phases over an extended build-out period. Critically, it remains unclear what infrastructure, services and facilities would be delivered, and when, in relation to the occupation of new homes.

In the Parish Council's view, this lack of certainty goes to the heart of whether the proposal has been presented in a way that allows for proper public consultation and meaningful technical assessment. It gives rise to significant local concern and calls into question the ability of the Local Planning Authority and others to assess the application on a properly informed basis.

The application description be amended to accurately set out the scale of the proposed development and the phasing (and order that the phases will come forward) be fixed to enable proper assessment. Failing that, the Parish Council's position is that any decision issued on the application as presently framed would be highly vulnerable to legal challenge, including by way of Judicial Review, and the Parish Council would consider taking such action if necessary.

## 2. Principle of development

Assuming the development comes forward at reserved matters broadly in line with the documentation submitted, the proposal would deliver up to 1,000 new homes and associated development in Southwater Parish, much of it on land that is not allocated for development in the adopted development plan.

The Parish Council's position is that the development is not acceptable in principle and should be refused. The proposal is substantially larger than the scale of development planned for Southwater through the adopted development plan, extends in significant part onto unallocated land, reaches beyond the Built-Up Area Boundary defined through the Southwater Neighbourhood Plan, and would materially undermine the separate identity of Southwater and Christ's Hospital. These are fundamental conflicts which go to the heart of the plan-led strategy for the parish.

The applicant states that the Horsham District Planning Framework is the "*overarching planning document for Horsham District, outside the South Downs National Park, covering 2011 to 2031*"<sup>2</sup>. This framing of the HDPF is fundamentally wrong. The HDPF forms part of the development plan, and sits alongside (not above) other documents including the Southwater Neighbourhood Plan.

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<sup>1</sup> Planning Statement (Nexus) February 2026 para 4.36

<sup>2</sup> Planning Statement (Nexus) February 2026 para 6.4

It is accepted that the tilted balance set out in the NPPF is engaged. As such, NPPF paragraph 11d applies to this application, and as such paragraph 14 of the National Planning Policy Framework is relevant. The neighbourhood plan became part of the development plan less than five years ago (it was made on 23<sup>rd</sup> June 2021) and the contains policies and allocations to meet its identified housing requirement. In this case therefore, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This position is accepted by the applicant and so long as this application is determined in accordance with statutory timeframes (by 2 June 2026) this will be the situation at the point of determination.

The Parish Council does not accept the applicant's contention that the Southwater Neighbourhood Plan *"materially out of date, as it was also based on a spatial strategy and housing need that is not consistent with the NPPF"*. With reference to the Horsham Golf Club appeal (ref: APP/Z3825/W/24/335546 paragraph 58(2) of the decision). What the applicant fails to recognise is the attempted judicial review by Horsham District Council on two points – one of which was regarding the inspector's argument that the Southwater Neighbourhood Plan should be considered out of date. On point the Parish council also wrote to the Planning Inspectorate setting out the same concerns. Whilst the High Court did not allow the challenge to proceed to a full hearing, both the Secretary of State and the Court agreed that the inspector had made an error in law by failing to properly consider the Southwater Neighbourhood Plan. As such, the neighbourhood plan is not out of date and retains full weight in accordance with NPPF para 14.

The proposal conflicts with the Southwater Neighbourhood Plan in a number of clear respects:

- a) This greatly exceeds the quantum of development allocated within Southwater Parish in the Development Plan. The SNP allocated land for 422 - 450 new residential units. The proposal therefore conflicts with the development strategy set out in the adopted development plan, and in particular conflicts with SNP1 and SNP2.
- b) It will extend beyond the Built-Up Area Boundaries (BUAB) defined by the SNP and shown on the Neighbourhood Plan Policies Map. It is important to note that the BUAB in the neighbourhood plan was subject to a full review and redesignation as part of the neighbourhood plan process and differs to the BUAB within the HDPF. As such it wholly contained within the SNP and carries full weight.
- c) Whilst part of the proposal is on land allocated for development by the neighbourhood plan, much of it is not and the proposal as a whole conflicts with SNP1.1(b). The applicant states that *"this part of the proposal does not conflict with the development plan"* however from the documentation we have reviewed, we have not found any concrete information that demonstrates this to be the case. Most plans are indicative or lack sufficient detail to be able to undertake a full assessment of compliance against SNP2.2 – in line with our earlier comments about being unable to properly assess the proposals giving the vagueness put forward.
- d) The proposed development would result in the coalescence of Southwater Village and Christs Hospital, to the detriment of their unique and separate identities. The proposal therefore conflicts with SNP1.3.

The emerging local plan is noted but given the state of flux and that at this time we do not know if such a plan is going to succeed our view is that limited weight can be afforded to it given its current status. It is

also noted that the Shaping Development in Horsham District Planning Advice Note ('PAS') has no legal status and is not a sound basis for decision making.

Against that policy background, the applicant's conclusions at paragraphs 7.33 and 7.34 are not accepted. They understate the extent and significance of the conflict with the Southwater Neighbourhood Plan, place undue reliance on emerging and non-statutory material, and proceed as though the existence of a partial allocation is capable of establishing the acceptability in principle of a much larger scheme extending well beyond that allocation. It is not. Nor is it possible to conclude with confidence that the proposal is policy-compliant where important aspects of the scheme remain indicative or deferred – even as a completely outline proposal.

For those reasons, the Parish Council rejects the applicant's contention that the principle of development is acceptable. Properly assessed, the proposal is in substantial and direct conflict with the adopted development plan, in particular the Southwater Neighbourhood Plan. The adverse impacts are significant, the conflict with the plan-led strategy for Southwater is fundamental, and the case for overriding the recently made neighbourhood plan has not been made.

The development is therefore in conflict with the development plan and not acceptable in principle. This must be given substantial weight against the development in the planning balance.

### **3. Other Matters**

Without prejudice to the Parish Council's position that the proposal is unacceptable in principle, and to its concerns regarding the way the application has been framed, the Parish Council offers the following comments on certain elements of the proposal.

#### Sporting provision

The proposal it fails to demonstrate that adequate sporting provision will be secured to address the existing shortfall in Southwater, or the substantial additional demand that would arise from the development.

Southwater already suffers from a serious and well-established lack of sporting facilities, a matter Berkeley was made aware of at pre-application stage. The village has two football clubs and one cricket club, but only three adult football pitches, one junior football pitch and one cricket pitch. With 43 football teams and 3 cricket teams already in operation, there is said to be an existing shortfall of around 13 football pitches and 1 cricket pitch. As a result, teams are already having to travel to Christ's Hospital, Horsham, Crawley and Warninglid to train and play.

Against that background, the sporting offer shown in the illustrative material is plainly inadequate. The Planning Statement refers to 2.5 hectares of sports pitches, comprising two football pitches and one cricket field, together with further pitches at the proposed secondary school that may in due course be available to the community through a community use agreement. That falls well short of a robust and deliverable solution. There is no clear indication of the ancillary infrastructure needed to make the pitches genuinely usable, including parking, changing facilities, toilets and drainage. Nor is there any certainty as to when, or indeed whether, the school pitches would be available for community use.

The Parish Council is concerned that the provision set out is insufficient. Six pitches and an integrated cricket pitch would represent only around half of what is currently needed locally, before any account is taken of the demands arising from 1,000 new homes. The proposal would therefore worsen the situation rather than address it. Whilst the Parish Council accepts that it is not necessarily the role of this development to remedy all existing shortcomings, it would create a community that remains reliant on travelling elsewhere to access adequate sporting facilities – an unsustainable solution.

In such circumstances, the claimed sporting and health benefits of the proposal should attract little weight. The application does not demonstrate that adequate sporting infrastructure will be delivered in a timely, certain and usable form. In the absence of precise and enforceable provision securing the number, type, timing and availability of pitches, together with the necessary ancillary facilities and consideration of year-round provision such as 3G surfaces, the proposal is unacceptable in sporting provision terms and this weighs against the grant of planning permission.

### Open Space

The application includes what appears to be a large amount of public open space, however the Parish Council seek clarification on the numbers cited. The Land Use Parameter Plan appears to show “Green Infrastructure including Public Open Space” – the areas shown appear to disregard roads etc that would need to flow within this space or other factors.

We are also unclear whether there is double counting or overstating of figures. Green Infrastructure is not the same as functional and accessible open space for existing and future residents. This point is reinforced by the Design & Access Statement which confirms that areas of inaccessible woodland are included within the applicant’s open space figures.

Greater clarity is requested on the extent of accessible public open space that is proposed.

### Building Heights

The neighbourhood plan confirms that much of Southwater comprises two storey buildings. Storey Heights Parameter Plan shows buildings ranging 1 storey (6m ridge height) residential buildings through to 3 storey (12m ridge height) residential and mixed-use buildings.

The Parish Council are concerned at there being more 3 storey residential properties within the Parish which do not reflect local character or vernacular. SNP16.1(d) requires that *“new development actively responds to other properties in the vicinity ensuring no unacceptable impacts on residential amenity occur”*. There is concern that the proposed scale of buildings proposed will not adequately respond to the built style of nearby properties and provide scope for mission creep – with the potential for loft conversions and 3.5 storey dwellings which is not appropriate in this rural location.

The Parish council request that no residential buildings are greater than 9m ridge height, which would better reflect the local vernacular and character.

### Southwater as a single settlement

The Parish Council have concerns that the Movement Parameter Plan does not incorporate adequate connections to the existing settlement, and raises concern over the quantum of traffic that would pass along the road connection to Two Mile Ash Road.

It is noted that the Design & Access statement includes a Movement Strategy Diagram<sup>3</sup> which provides some very high level detail on proposals for a “5k loop” and “cycleway”. Whilst it may be that this plan is intended to primarily show vehicular connectivity around the site, the Parish Council are of the opinion that this is insufficient. The key document that would likely be conditioned is the Movement Parameter Plan – which fails to show anything beyond vehicular movement routes. This document should be enhanced to set out the proposed and expected routes through the site for motorised and non-motorised users.

Beyond this, the Parish Council is also concerned about the lack of adequate connections and links to the existing settlement. As such the proposed development risks being an isolated bolt on with lack of true integration into the existing settlement.

This perspective is also reinforced by the proposed Neighbourhood Centre which the applicant states, the Design & Access Statement, that this will be the new “heart” of development. This indicates that the proposed development will be seen as an independent area, separate from the remainder of the settlement.

It is noted, and appreciated, that the currently proposed Neighbourhood Centre is considerably smaller than the last iteration. But, without greater detail there is concern that the development will conflict with SNP1 which requires development to positively contribute towards Southwater Village remaining a single centre settlement, with shops, services and facilities centralised in/around Lintot Square.

### Education

The location of the proposed secondary school would be in an unsustainable location on the edge of Southwater Village. This location means that many in Southwater will not be able to travel to it by foot or cycle and instead will rely on the use of private motor vehicles, increasing unnecessary vehicular movements. This will negatively impact highway safety and increase pollution. The proposal therefore conflicts with SNP1.1(c), SNP1.1(d), SNP1.1(f). The Parish Council remain of the view that the location for a secondary school identified in the neighbourhood plan represents the optimum location for such a facility. The proposal therefore conflicts with SNP3.

## **4. Concluding remarks**

The Parish Council’s objection rests on two principal grounds. First, there is a fundamental technical defect in the way the application has been framed. Secondly, and in any event, the proposal is unacceptable in principle and should be refused on policy grounds.

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<sup>3</sup> Design & Access Statement page 75

As set out in Section 1 of this representation, the application description fails to define with sufficient clarity the scale of development for which permission is sought. Whilst the supporting material refers to 1,000 dwellings and substantial associated floorspace, those numerical parameters do not appear within the operative description of development itself. In addition, the application is presented as a phased development, yet the phasing strategy is expressly said to be indicative only.

In the Parish Council's view, those defects are not minor drafting points. They go to the heart of the application. The description of development and the phasing of a proposal of this scale are central to public consultation, technical assessment and lawful decision-making. As currently framed, the application does not provide a sufficiently certain basis on which the Local Planning Authority, consultees or the public can properly assess the true scope, effects and timing of the development proposed.

For that reason alone, the application should not be approved. If the applicant wishes to pursue development of this site, the application should first be amended so that the description accurately defines the quantum of development proposed and the phasing and infrastructure delivery strategy are presented with sufficient certainty to allow proper assessment.

Separately, and even if the application had been correctly framed, the Parish Council considers that the proposal should be refused on its planning merits.

As set out in Section 2, the proposal is in substantial and direct conflict with the adopted development plan, in particular the Southwater Neighbourhood Plan. It proposes development on a scale materially beyond that planned for Southwater, extends significantly onto land that is not allocated for development, breaches the built-up area boundary established through the neighbourhood plan, and would erode the separate identity of Southwater and Christ's Hospital. These are not limited or technical tensions with policy. They are fundamental conflicts with the plan-led strategy for the parish.

The applicant's case seeks to downplay the status and weight of the adopted development plan, whilst placing undue reliance on an emerging local plan that remains untested and on documents that carry no statutory weight. That is the wrong approach. The correct starting point remains the adopted development plan, including the Southwater Neighbourhood Plan.

It is accepted that the presumption in favour of sustainable development is engaged. However, this is a case in which paragraph 14 of the NPPF is plainly relevant. The Southwater Neighbourhood Plan was made less than five years ago and contains policies and allocations to meet its identified housing requirement. In those circumstances, the adverse impact of allowing development that conflicts with that neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. As such this conflict attracts very substantial weight in the planning balance.

The Parish Council does not accept that the benefits claimed by the applicant outweigh these clear defects and conflicts. Many of the claimed benefits are advanced at a high level of generality only and, because this is an outline application with all matters reserved apart from primary access, there is insufficient certainty that they would be delivered in the form, extent or timeframe suggested.

The applicant's planning balance is therefore materially skewed. It overstates the weight to be given to the alleged benefits and understates the significance of the technical shortcomings, the conflict with the

neighbourhood plan and the wider adverse impacts of the scheme. The Parish Council’s assessment of the planning balance is set out below:

<b>Consideration</b>	<b>Weight given by applicant</b>	<b>Weight given by Parish Council</b>
Conflict with the HDPF	<b>Limited weight</b>	<b>Limited weight</b>
Conflict with the SNP	<b>Limited weight</b>	<b>Very substantial weight</b>
Compliance with emerging policies	<i>No comment</i>	<b>Very limited weight</b>
Housing Delivery (Market/Affordable)	<b>Very substantial weight</b>	<b>Moderate Weight – as quantum not confirmed in description</b>
Specialist older persons / C2 accommodation	<b>Substantial weight</b>	<b>Moderate Weight – as quantum not confirmed in description</b>
Gypsy and Traveller pitches	<b>Significant weight</b>	<b>Moderate Weight – as quantum not confirmed in description</b>
Economic benefits / employment growth	<b>Significant weight</b>	<b>Moderate Weight – as quantum not confirmed in description</b>
Landscape harm	<b>Moderate weight.</b>	<b>Moderate weight</b>
Heritage conservation as a general policy matter	<b>Great weight must be given to conservation of designated heritage assets</b>	<b>Great weight must be given to conservation of designated heritage assets</b>

For all of these reasons, the Parish Council’s position is clear. The application is not properly framed for determination, is unacceptable in principle, conflicts fundamentally with the adopted development plan, and should be refused.

Should you have any comments on this submission please do not hesitate to reach out and I will relay it to Councillors, and respond as required.

Yours sincerely,



**Justin Tyler**  
Executive Officer & RFO