

Attn: Case Officer Ms Alison Johnson

Horsham District Council

planning@horsham.gov.uk

14 July 2026

Dear Ms Johnson,

CPRE Sussex representation OBJECTING to

DC/26/0585

Land at Station Road, Warnham, West Sussex RH12 3SR

Outline application for approximately 24 residential buildings, with all matters reserved except for access

Our concerns and reasons for objecting to this application are explained below.

1. DC/26/0585 is a speculative application. The site has not been allocated for development either in the HDPF or HDLP. The application is not supported by Warnham Parish Council.

2. “The proposals are for the development of multiple residential houses and flats with associated infrastructure and landscaping. The proposals will involve the clearance of most of the habitat on site” (The applicant’s Ecological Impact Assessment, page 10).

3. Local Planning Authorities are required to comply with:

- Section 40 of the Natural Environment and Rural Communities (NERC) Act, and
- Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and the Impact within the Planning System.
- Natural England’s Guidance Protected species and development advice for Local Planning Authorities: How to assess a planning application when there are protected species on or near a proposed development site (last updated 7 April 2025).

3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act places a duty to conserve biodiversity on public authorities in England. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions

such as policy and decision-making. 'Conserving biodiversity' may include enhancing, restoring or protecting a population or a habitat.

3.2 Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System stipulates that

99. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.

Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted”.

(NPPF December 2024 footnote 68: “Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system”).

3.3 Natural England’s Guidance Protected species and development advice for Local Planning Authorities: How to assess a planning application when there are protected species on or near a proposed development site (last updated 7 April 2025):

- This is Natural England’s ‘Standing Advice’, “general advice that Natural England, as a statutory consultee, gives to LPAs”.
- “Many species of plants and animals in England are protected. This protection often applies to the habitats supporting features they live in. What you can and cannot do by law varies from species to species.
- “Local planning authorities (LPAs) should use this guide to assess whether a planning application would harm or disturb a protected species. It will help you decide if you can give planning permission”.

CPRE Sussex considers that applicant's Ecological Impact Assessment is inadequate and potentially misleading for the reasons explained below

4. The EIA states: "To inform this report on potential ecological impacts regarding the proposed extension of the site, various sources of previous information have been used, this includes; site visits undertaken in April-September 2025, **together with biological records provided by the Surrey Biodiversity Centre**" (page 10).

4.1 The site, however, is in West Sussex, not Surrey, and the application is not for a 'proposed extension'.

5. Elsewhere in the EIA it is stated that **"Biological records within 2km of the site were "requested from the Sussex Biodiversity Record Centre, which included records of protected and notable species and any nearby non-statutory designated sites not available through MAGIC"** (page 15).

Biodiversity Record Centre data omitted from the Environmental Impact Assessment. HDC should ask for omitted data

6. Unfortunately, protected and notable species recorded by the Biodiversity Record Centre within 2 km of the site are not presented in the applicant's Ecological Impact Assessment.

6.1 This omission needs to be explained by the applicant.

6.2 Data obtained from the Biodiversity Record Centre should have been presented in the EIA.

6.3 HDC should ask for the omitted data.

7. Furthermore **"Species specific groups were not contacted for their detailed records within the survey area"** (EIA page 15). This is a questionable omission. They should be contacted for their detailed records within the survey area.

The applicant's bat survey is inadequate; it does not comply with Natural England's Guidance and Standing Advice.

8. The EIA states **"Suitable foraging and commuting habitat for bats is present on site, within the grassland habitats and along the edges of adjacent woodland"** (EIA page 40).

9. The EIA makes no mention of Natural England's Guidance Bats advice for making planning decisions: How to assess a planning application when there are bats on or near a proposed development site' (updated 7 April 2025).

9.1. This Guidance and advice is Natural England’s ‘standing advice’ in respect of bats, which “local planning authorities (LPAs) should take into account when making planning decisions. It is a material planning consideration for LPAs”.

The Guidance advises that:

- “Several species of bats are [included on the list of species of principal importance in England](#) under section 41 of the Natural Environment and Rural Communities Act (2006). Some species are also listed as vulnerable, endangered and critically endangered on the [Red List for England’s Mammals on the Mammal Society website](#).

The Guidance stipulates that:

- “You must consider the conservation of all bat species as part of your planning decision. Find out more about your [biodiversity duty](#)”.
- “The effect of a development proposal on a bat population will need to consider the predicted level of impact based on both the:
 - conservation status of the bat species affected
 - importance of the development site for bats at a local and national level”.

“For example, Bechstein’s bat is a woodland species with a localised distribution, found in southern England and south-east Wales. Development proposals in these areas could be very significant to the national population of this species. Common pipistrelle are the most common and widespread bat species. The effect of a development proposal would be less significant to the national population but could still be very significant to a local population”.

- LPAs “should ask for a survey if a development proposal is likely to negatively affect bats or their:
 - roost habitats
 - foraging habitats
 - commuting habitats”.

10. In order to comply with the Guidance, it would be necessary to identify bat species using the site and adjacent woodland as a roosting habitat, foraging habitat and/or as a commuting habitat - whether bat species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006) or bat species listed as vulnerable, endangered and critically endangered on the [Red List for England’s Mammals on the Mammal Society website](#) .

10.1 To meet these requirements, bat surveys using handheld and automatic bat detectors would need to be employed.

11. The on-site bat surveys conducted by the applicant’s ecologists were confined to visual inspections - to determine the potential of the site’s trees, buildings (x2) and relate agricultural structures to support bats.

11.1 Bat detectors were not used.

12. Potential roosting features (PRF) were identified by inspection in two large, mature oak trees. T8 and T9 within the northeast corner of the site (EIA page 39), and in tree clusters at G4, G5 and G9 (Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement: Tree Survey Schedule Table, pages 17-20).

12.1 The on-site buildings x 2 and related agricultural structures were considered unsuitable for bats (EIA pages 38,39).

12.2 The date/times on which buildings, structures and trees were inspected are not reported.

12.3 Trees in adjoining woodland were not examined for potential bat roosts.

13. Natural England's Guidance Protected species and development advice for Local Planning Authorities: How to assess a planning application when there are protected species on or near a proposed development site (last updated 7 April 2025), stipulates (dependent on weather conditions) when bat surveys should be undertaken, as follows:

- Bats (preliminary roost assessment): Any time of year (trees are best surveyed without foliage).
- Bats (hibernation roosts): November to mid-March
- Bats (summer roosts): May to August
- Bats (foraging or commuting): April to October for spring, summer and autumn behaviour.
- Bats (swarming): August to October.

14. In summary, in compliance with Natural England's Guidance and Standing Advice, bat species using the site and adjacent woodland as a roosting habitat, and/or foraging habitat and/or as a commuting habitat need to be identified, using bat detectors, handheld and automatic.

14.1 Whether bat species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006) or bat species listed as vulnerable, endangered and critical endangered on the Red List for England's Mammals on the Mammal Society website can then be determined.

14.2 Only then can species-specific measures needed to avoid, or minimise, or mitigate harm be considered and applied.

The applicant's bird survey is inadequate. It does not comply with Natural England's Guidance and Standing Advice.

15. The EIA states: "Breeding Birds: The habitats on site were assessed to determine their suitability for nesting with a check carried out for the presence of any active nests or any evidence of nesting behavior" (page 21).

15.1 EIA Table 18 Baseline Species Evaluation states under the heading 'Summary' "Small numbers of birds within the adjacent woodland and denser vegetation".

15.2 Apparently no active nests were found on the site.

15.3 But the date or dates when the site's habitats were assessed to determine their suitability for nesting and checked for the presence of active nests or evidence of nesting behavior is not reported.

16. The Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement states that "The trees surveyed do provide potential for nesting birds as do the hedgerows and shrubs elsewhere on the site" (para 1.4, page 5).

16.1 The Arboricultural Constraints Survey's Protection Plan and Method Statement reveals that an 18m/20m length of Station Road's roadside hedgerow, comprising Ash, Elder, Holly and Hawthorn, (designated H-1 in the survey) at the southern extremity of the site is to be removed (page 21: Trees impacted by the development table).

16.2 The applicant's EIA makes no mention of this hedge and the intent to remove it.

16.3 Whether birds and which bird species nest in this hedge is not considered either in the EIA.

17. No attempt was made to identify which bird species use the site, adjacent woodland and denser vegetation, and the hedgerow. Consequently, whether and which birdspecies of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006) and/or Amber and Red Listed birds of Conservation Concern use the site has not been determined.

18. Some objectors to the application, in their submissions to HDC, advise that they have heard Nightingale(s) singing there, an indication of breeding behavior on or near to the site by this iconic Red Listed Bird of Conservation Concern.

19. The EIA makes no mention of Natural England's Guidance Wild birds: advice for making planning decisions How to assess a planning application when there are wild birds on or near a proposed development site (last updated 7 April 2025).

20. This Guidance is Natural England’s “‘standing advice’ for wild birds. It is a material planning consideration for local planning authorities (LPA)”, which LPAs should take into account when making planning decisions. It forms part of a [collection of standing advice for protected species](#) “.

- LPAs “should read this guidance alongside [Protected species and development: advice for local planning authorities](#).

- LPAs “must consider the conservation of all wild birds as part of their planning decision. Find out more about your [biodiversity duty](#).”

21. The Guidance stipulates that LPAs should “ask for a survey if a development proposal affects any of the following:

- natural habitats, such as wetland, woodland, scrub, meadow or moorland **(there is scrub on the site, the site adjoins woodland).**
- mature gardens **(the site adjoins mature gardens).**
- trees that are more than 100 years old.
- trees that have holes, cracks and cavities **(trees that have holes, cracks and cavities are present on the site).**
- trees that are more than 1 metre around at chest height.
- buildings that could support nesting birds, such as agricultural buildings **(agricultural buildings and related structures, all of which are to be demolished, that could support nesting birds are present on the site).**

Such development proposals could include:

- **agricultural buildings, such as barns being** changed, converted or **demolished.**
- installation of outside lighting for churches and listed buildings
- **floodlighting green space within 50 metres of woodland, water, hedgerows or lines of trees connected to woodland or water.**
- work to trees or buildings that barn owls use.
- demolishing or changing natural features like rock faces.
- **removing ground nest habitats with activities like soil stripping**
- **disturbances to birds caused by recreation, new housing developments** or wind farms

LPAs “should also ask for a survey if the development proposal is likely to affect:

- Breeding birds.
- Wintering birds.

- Barn owls and other birds listed in schedule 1 of the Wildlife and Countryside Act.
- Birds listed in Section 41 of the Natural Environment and Rural Communities Act 2006.
- Birds included on the red or amber Birds of Conservation Concern list on the British Trust for Ornithology website.

22. Natural England’s Guidance Protected species and development: advice for local planning authorities. How to assess a planning application when there are protected species on or near a proposed site’ (last updated 7 April 2025) stipulates that bird surveys should be undertaken, as follows:

- Birds (breeding) March to August (species dependent)
- Birds (winter behaviour) October to March
- Birds (migration) March to May, August to November (dependent on species).

23. In summary, bird surveys, in which the surveyors identify and record bird species seen or heard, are needed to determine which bird species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006), bird species listed in Schedule 1 of the Wildlife and Countryside Act, and/or Amber and Red Listed birds of Conservation Concern breed, nest and forage on and/or in close proximity to the site.

23.1 Only then can the species-specific measures needed to avoid, minimise or mitigate harm be considered and applied.

Whether the proposed scheme would deliver housing that is truly affordable is not assured.

24. The applicant’s Planning, Minerals and Sustainability Statement (PMSS) states that the proposed development would provide 35% affordable housing in a mix of rented and shared ownership (paragraph 5.24).

The applicant’s Tenure Mix Plan shows that of the proposed ‘approximately’ 24 dwellings, five will be ‘Affordable Rent’ and three will be ‘Intermediate Tenure’ (presumably shared ownership) homes.

25. When supposedly ‘affordable’ rentals “can cost up to 80% of private rents, the reality is that they aren’t that affordable at all”.

25.1 “Social rent homes are the only genuinely affordable type of home because their rents are set by a formula tied to local incomes. On average, the weekly rent for a genuine social home is around £89 compared to £196 for private renters – around half the cost”.

(Shelter: The problem we are facing’

https://england.shelter.org.uk/support_us/campaigns/social_housing/what_is_social_housing).

26. Since ‘affordable’ and ‘social’ housing are often used interchangeably clarification of the applicant’s intent is needed.

27. Will the five ‘affordable homes’ be for ‘Social Rent’ or ‘Other Affordable Housing for Rent’ as defined in the NPPF (December 2024) Glossary:

a) Social Rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent; (b) the landlord is a registered provider; and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision?

b) Other Affordable Housing for Rent: meets all the following conditions:

(a) the rent is set in accordance with the Government’s rent policy for affordable Rent, or is at least 20% below local market rents (including service charges where applicable);

(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and

(c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)?

Clarification is essential.

28. If the ‘affordable housing’ for the scheme is to be secured by a Section 106 Agreement, the actual number of affordable homes delivered could be reduced at the Reserved Matters stage on grounds of financial viability.

29. A dearth of providers: research by the Home Builders’ Federation (HBF) by means of FOI requests to Local Authorities in England and Wales in June 2025, report published 1 October 2025:

<https://www.hbf.co.uk/news/uncontracted-section-106-affordable-homes-october-2025/> found that:

- Across a sample of 105 Local Authorities, there are 302 completed Section 106 Affordable Homes that currently remain unsold due to the absence of a contract with a Registered Provider.

- There are at least 2,254 Section 106 Affordable Homes across 84 Local Authorities that are either under construction or due to commence construction within the next 12 months that are not currently under contract with a Registered Provider.
- Approximately 228 sites have been delayed or stalled across 103 Local Authorities in the past three years due to the absence of a contract with a Registered Provider.

Extrapolating the data for all 317 Local Authorities across England and Wales, we can estimate that:

- There are **approximately 900 completed Section 106 Affordable Housing units that remain unsold** due to the absence of a contract with a Registered Provider.
- There are **around 8,500 Section 106 Affordable Housing units that are either under construction** or due to commence construction within the next 12 months and **are not currently under contract with a Registered provider.**
- **More than 700 sites have been delayed or stalled** in the past three years due to developers' inability to secure an RP to acquire the Affordable units.

"The results highlight that developers continue to face significant constraints in delivering both Section 106 Affordable Homes and market-sale units".

30. Regarding Shared Ownership, findings of The Shared Ownership House of Commons Levelling Up, Housing and Communities Committee's Fifth Report of Sessions 2023-24 (26 March 2024) included:

"Shared ownership schemes are drastically failing to deliver an affordable route to homeownership for too many people and subject buyers to rising rents, uncapped service charges, complex leases and a disproportionate exposure to repair and maintenance costs".

<https://publications.parliament.uk/pa/cm5804/cmselect/cmcomloc/61/report.html>

30.1 The negative findings of this report were reinforced by the subsequent National Audit Office (NAO) Investigation into shared ownership (published 23 March 2026).

<https://www.nao.org.uk/reports/investigation-into-shared-ownership/>

30.2 Sir Geoffrey Clifton-Brown, the chairman of the public accounts committee, which worked closely with the NAO, said shared ownership was wholly unsatisfactory for those who relied on the scheme to get a foot on the property ladder.

<https://www.telegraph.co.uk/money/property/mortgages/shared-ownership-trapping-a-generation-audit-finds/>

In conclusion, CPRE Sussex asks that the above application be refused for the reasons explained above.

Yours faithfully,

Dr R F Smith, DPhil, BA (Hons), PGCE, FRGS
Trustee CPRE Sussex

Copy to: Chair CPRE Sussex