



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Planning Committee (South)

Tuesday, 15th February, 2022 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors: Tim Lloyd (Chairman)

John Blackall	Lynn Lambert
Chris Brown	Mike Morgan
Karen Burgess	Roger Noel
Jonathan Chowen	Bob Platt
Philip Circus	Josh Potts
Paul Clarke	Kate Rowbottom
Michael Croker	Jack Saheid
Ray Dawe	Diana van der Klugt
Nigel Jupp	James Wright

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

Page No.

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

- 1. Apologies for absence**
- 2. Appointment of Vice Chairman**
To appoint a Vice Chairman for the rest of the Municipal Year.
- 3. Minutes**
To approve as correct the minutes of the meeting held on 25 January.
(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)
- 4. Declarations of Members' Interests**
To receive any declarations of interest from Members of the Committee

5. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive.

To consider the following reports of the Head of Development & Building Control and to take such action thereon as may be necessary:

6. **Appeals** 7 - 8
Applications for determination by Committee:
7. **DC/20/1697 - Land North of The Rosary, Church Road, Partridge Green.** 9 - 40
Ward: Cowfold, Shermanbury and West Grinstead
Applicant: Reside Developments Ltd
8. **DC/21/1375 Moralee Farm, Haglands Lane, West Chiltington.** 41 - 56
Ward: West Chiltington, Thakeham and Ashington.
Applicant: Ms Claire Holloway.
9. **DC/21/1631 Land at Grid Reference 506411 119161 Broomers Hill Lane, Pulborough.** 57 - 70
Ward: Pulborough, Coldwaltham and Amberley.
Applicant: Ms Frances Jacob.
10. **DC/21/1234 Ashley House, Roundabout Copse, West Chiltington.** 71 - 88
Ward: West Chiltington, Thakeham and Ashington
Applicant: Mr & Mrs Hirsch
11. **Urgent Business**
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

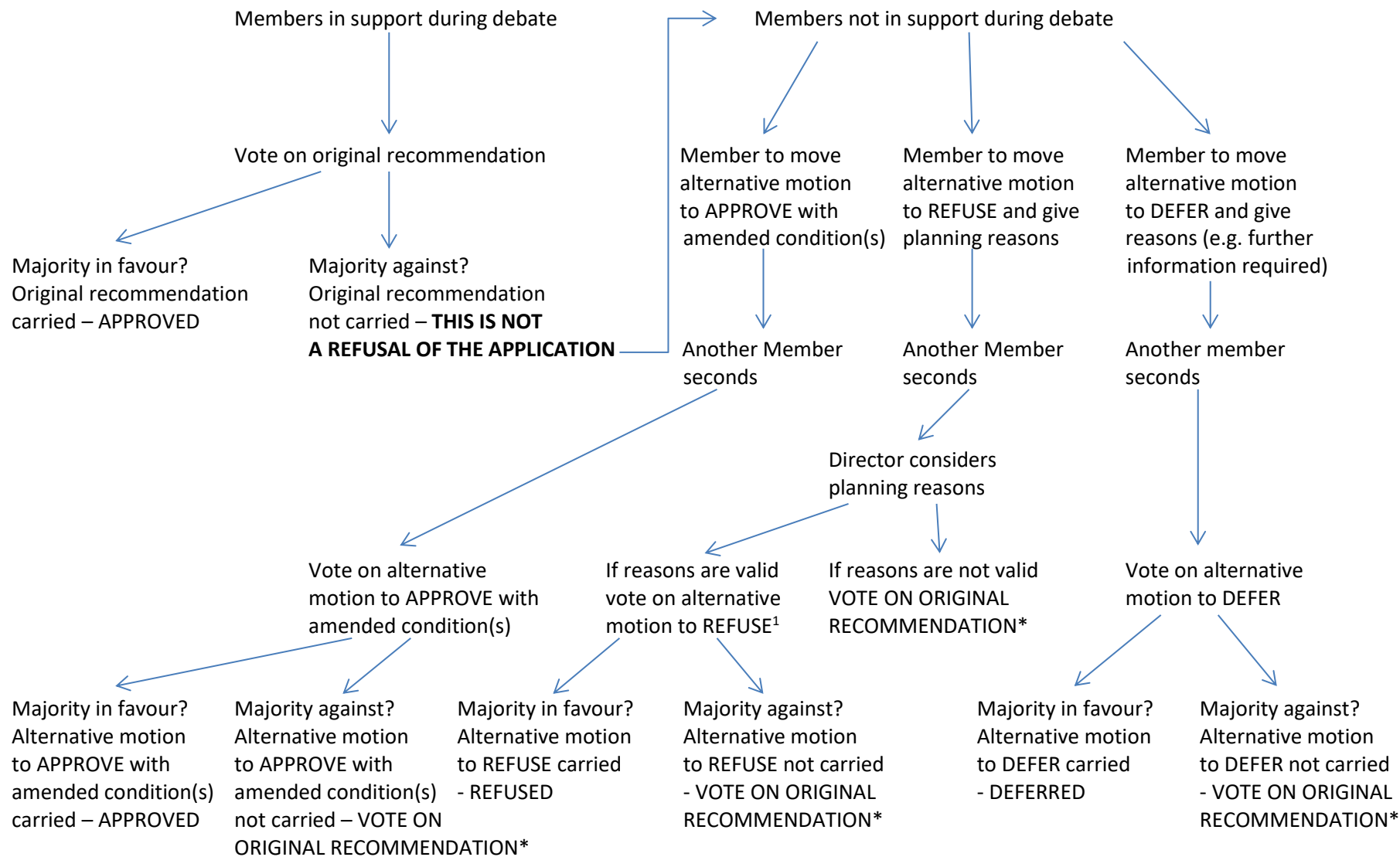
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 5 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.
Alternative Motion to Refuse	If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.

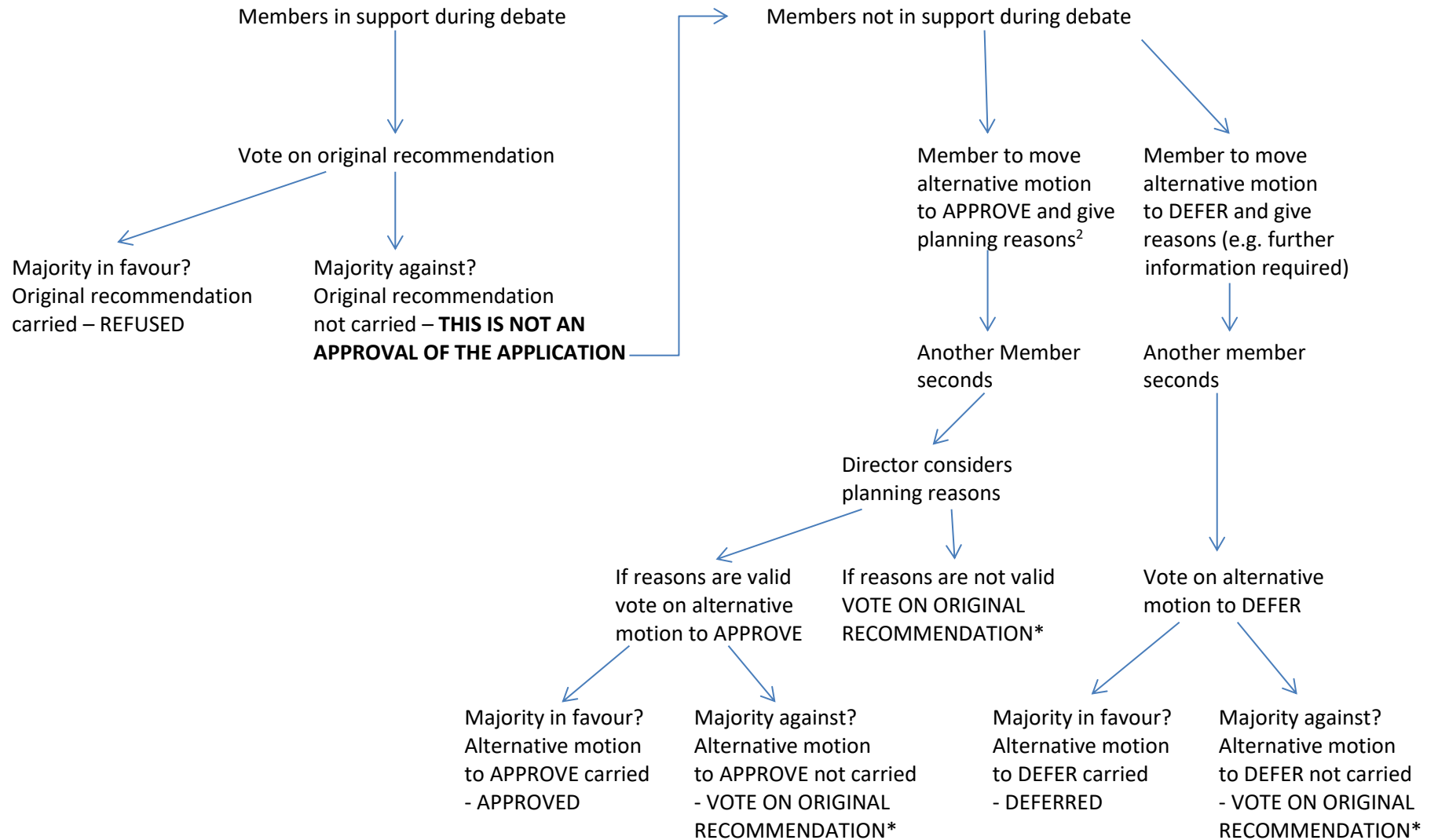
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director’s power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (SOUTH)

Date: 15th February 2022



**Horsham
District
Council**

Report on Appeals: 13/01/2022 – 02/02/2022

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/21/2391	Thistledown Cottage, Harbolets Road, West Chiltington, Pulborough, West Sussex, RH20 2LG	20-Jan-22	Prior Approval Required and REFUSED	N/A
DC/21/1614	95 High Street, Steyning, West Sussex, BN44 3RE	02-Feb-22	Application Refused	N/A
DC/21/1615	95 High Street, Steyning, West Sussex, BN44 3RE	02-Feb-22	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/20/2216	Longlands, West Chiltington Road, Pulborough, West Sussex, RH20 2EE	Written Representation	19-Jan-22	Application Refused	N/A
DC/21/0735	Wychwood Farm, Brighton Road, Shermanbury, West Sussex, RH13 8HE	Written Representation	19-Jan-22	Application Refused	N/A
DC/21/1342	Malthouse Farm, Malthouse Lane, Ashington, Pulborough, West Sussex, RH20 3BU	Written Representation	19-Jan-22	Prior Approval Required and REFUSED	N/A
DC/20/1697	Land North of The Rosary, Church Road, Partridge Green, West Sussex, RH13 8JS	Written Representation	21-Jan-22	Application Refused	N/A
DC/21/0420	The Granary, Hurston Lane, Storrington, Pulborough, West Sussex, RH20 2EW	Written Representation	28-Jan-22	Application Refused	N/A

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/21/0474	Dyke Farm, West Chiltington Road, Pulborough, West Sussex, RH20 2EE	Written Representation	28-Jan-22	Application Refused	N/A
EN/21/0526	Rye Island, Hollands Lane, Henfield, West Sussex, BN5 9QY	Written Representation	31-Jan-22	Notice served	N/A
DC/20/2481	Coppice Hanger, Church Hill, Pulborough, West Sussex, RH20 1AB	Written Representation	02-Feb-22	Application Permitted	Application Refused
DC/21/1784	5 The Green, Dial Post, Horsham, West Sussex, RH13 8QS	Fast Track	02-Feb-22	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/20/2592	Garages Adjacent To 12 The Juggs, Church Street, West Chiltington, Pulborough, West Sussex, RH20 2JW	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/20/1805	Land South of Dukes Row, Pulborough Road, Cootham, West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 15th February 2022

DEVELOPMENT: Outline Application for the erection of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access.

SITE: Land North of The Rosary, Church Road, Partridge Green

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/20/1697

APPLICANT: **Name:** Reside Developments Ltd **Address:** The Dutch House, 132-134 High Street, Dorking, Surrey

REASON FOR INCLUSION ON THE AGENDA: By request of the Head of Development and Building Control

RECOMMENDATION: To amend the reasons for refusal being considered under the current appeal by the Planning Inspectorate. This would comprise withdrawing the reason for refusal on the principle of development and introducing a reason for refusal on water neutrality.

1. THE PURPOSE OF THIS REPORT

- 1.1 To consider revisions to the reasons for refusal for application DC/20/1697, which is subject to a current appeal by the Planning Inspectorate. The recommendation is as follows:
- (a) To withdraw the current reason for refusal relating to the principle of development, owing to the Council's lack of five year housing land supply; and
 - (b) To introduce a new reason for refusal relating to the adverse impact of the development on the Arun Valley SAC/SPA and Ramsar sites, as the development has not been demonstrated to be water neutral.

BACKGROUND:

- 1.2 An outline application for planning permission for the development at the Land at The Rosary, Partridge Green with 81 dwellings was submitted to the Council in September 2020 (ref: DC/20/1697). Following consideration of the proposals planning permission was refused under delegated powers on 19th February 2021 for the following reasons:

1. *The proposed development would be located in the countryside, outside of a defined built-up area boundary, and on a site that is not allocated for development within the Horsham District Planning Framework, or a made Neighbourhood Plan. The Council*

is currently able to demonstrate a 5-year housing land supply, and consequently the proposed development would be contrary to the Council's overarching strategy for development. Furthermore, the proposed development is not essential to its countryside location. The proposed development is therefore contrary to Policies 1, 2, 4, 15 and 26 of the Horsham District Planning Framework (2015), and paragraphs 2, 11, 12, and 47 of the National Planning Policy Framework (2019).

2 The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units, nor an agreement for improvement works to PROW 1840. The proposal is therefore contrary to Policy 16 and Policy 40 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met, nor how the development can be appropriately integrated with the wider network of routes.

- 1.3 The delegated officer report is attached at Appendix A, which includes the description of the site and the full details of the application along with all consultee comments and a discussion of all material considerations.
- 1.4 An appeal against the refusal of permission has now been submitted and is to be heard by way of written representations.
- 1.5 Since the refusal of planning permission, there have been material changes to the weight to be applied to the current development plan which necessitate the re-consideration of the principle of development. The Council can no longer demonstrate a five year supply of deliverable housing sites, and the West Grinstead Neighbourhood Plan has been made and now carries full weight in decision-making. Furthermore, the Natural England Position Statement of September 2021 raises an important new material planning consideration relating to water abstraction in the Arun Valley. In addition, the scheme has been amended to now include 4 self / custom build plots.
- 1.6 Since the submission of the appeal, a new application for 81 dwellings (ref: DC/21/2237) has also been submitted. This application is currently remains under consideration and is awaiting the submission of a water neutrality statement to address the issues raised by Natural England in their Position Statement. The proposed layout for the scheme is the same as the current appeal scheme.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/0820	Outline development of a mix of 129 private and affordable housing units, with associated access, parking and additional landscaping on land to the west of Church Road	Application Refused on 17.06.2015
DC/16/2064	Development of 101 dwellings, with associated access, parking and landscaping (outline application with all matters reserved except access)	Application Withdrawn on 15.11.2016
DC/20/1697	Outline Application for the erection of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access.	Application Refused on 19.02.2021. Subject of an appeal.

3. OUTCOME OF CONSULTATIONS

- 3.1 The full list of all consultations received as a result of the original application are outlined in the appended report, including 38 letters of objection from interested parties. These letters, along with all consultation responses, have been forwarded to the Planning Inspectorate as part of the consideration of the current appeal. Residents and all interested parties have also been notified of the current appeal with any further comments to be made directly to the Inspectorate.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 As set out above, since the refusal of planning permission, new material considerations have arisen relating to:

1. Water neutrality, and the consequential impact of development on the integrity of the Arun Valley SAC/SPA and Ramsar site.
2. The introduction of 4 custom / self-build dwellings in the proposals;
3. The West Grinstead Neighbourhood Plan; and
4. The Council's five year housing land supply position

These new considerations are discussed below along with the officer's recommended re-balancing of the development against these new considerations and the development plan as a whole.

Water Neutrality

- 6.2 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.3 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such

sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.

- 6.4 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.5 The application site at The Land North of The Rosary falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a new material planning consideration relevant to the appeal proposals. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.6 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e. that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.
- 6.7 The appeal documents do not contain a Water Neutrality Statement, therefore it is not possible to conclude with sufficient certainty that the development of 81 dwellings at the Land North of the Rosary would not result in adverse impact on the integrity of the Arun Valley habitat sites. On this basis the development does not comply with s.70 of the Conservation of Habitats and Species Act 2017 and is also contrary to Policy 31 of the HDPF and paragraph 180 of the NPPF.
- 6.8 The officer recommendation is therefore that the following refusal reason be added to the Council's Statement of Case for consideration by the appointed inspector:
1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

The introduction of four custom / self build plots to the development proposals

- 6.9 The scheme, as submitted under the appeal, has been amended to include 4 self / custom build units. This equates to just over 4% of the housing provision. As this proposal is for outline permission, the exact location and design of the units will be assessed under a reserved matters application. The draft legal agreement submitted with the appeal requires the provision of the units with an obligation for the units to be delivered. The exact wording of the agreement is to be agreed. The original refused application did not include the provision of custom / self build units, however the inclusion of the units is welcomed as a benefit of the development and will assist in helping meet this demand in the district. If the

original refused scheme had included the custom / self build units, reason for refusal no.2 would have included a requirement for a legal agreement for the proposal to make reference to the units. This would have secured the provision of the units. As such, a minor amendment is recommended to the wording reason for refusal no.2 to include reference to the custom / self build units as such:

2. *The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units, nor an agreement for improvement works to PROW 1840 or a requirement for the provision of 4 custom / self build units. The proposal is therefore contrary to Policy 16 and Policy 40 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met, nor how the development can be appropriately integrated with the wider network of routes.*

The appellants have submitted a draft legal agreement to include the provision of these four custom / self build plots, as discussed later in this report at paragraph 6.23

The West Grinstead Neighbourhood Plan

- 6.10 Since the refusal of planning permission, the West Grinstead Neighbourhood Plan (WGNP) has passed referendum and now forms part of the adopted development plan for Horsham District. At the time the application was refused the WGNP had passed through examination and was given significant weight in the decision made. The WGNP does not allocate sites to meet its identified housing need, instead relying on the wider district plan to address housing need. Consequently, the principle of housing on this site does not conflict with the WGNP, and there is no identified conflict with any other policy in the WGNP.

The Council's five year housing land supply position:

- 6.11 The application was refused planning permission at a time when the Council was able to demonstrate a five year supply of deliverable housing sites. Accordingly, the identified conflict with Strategic Policies 2, 4, and 26 of the HDPF was afforded full weight and the principle of development on this unallocated greenfield site was considered unacceptable.
- 6.12 Since this decision was made, recent appeal decisions at Rascals Farm, Southwater (DC/20/0695), Newhouse Farm, Horsham (DC/20/0470) and Sandy Lane, Henfield (DC/20/0427) have established that the Council is no longer able to demonstrate a five year housing land supply, with the supply calculated to be between 4.2 and 4.4 years. This is reflected in the Council's latest Authority Monitoring Report, which calculates the five year supply from 1st April 2021 to 31st March 2026 to be 4.0 years.
- 6.13 The absence of a five year housing land supply is a significant new material consideration that in itself triggers the presumption in favour of sustainable development at paragraph 11d of the NPPF. Accordingly, the provision of 81 dwellings carries significant weight in decision making, and the weight to be applied to the identified conflict with Policies 2, 4 and 26 is diminished.

Revised Planning Balance:

- 6.14 In light of the Council's five year housing land supply position and the other new material planning considerations identified above, it is necessary to re-balance the benefits of the proposed development against the harm identified.

- 6.15 The proposals would provide for a number of benefits including 81 dwellings and a policy compliant 35% affordable housing, increased local spend, and improvements to PROW 1840 (subject to completion of a s106 agreement). Whilst some localised landscape harm was identified, this was not considered sufficient to warrant a reason to refuse permission, and no harm was identified in respect of highways impacts, neighbouring amenity, air quality, trees, flood risk, heritage, and ecological impacts. The provision of 4 custom / self build plots would provide a small benefit in helping meet the demand for such plots on the council's custom /self build register.
- 6.16 The proposals however remain contrary to Strategic Policies 2, 4 and 26 of the HDPF, in that the site is located outside a defined settlement boundary, remains unallocated for housing development, and is not essential to be located in this countryside location.
- 6.17 However, as set out above, the weight to be applied to this conflict is now significantly reduced. This is because Paragraph 11d of the NPPF requires that those policies most important for determining applications (in this case Policies 2, 4 and 26) be deemed out-of-date in circumstances where a Council is unable to demonstrate a five year supply of deliverable housing sites (footnote 8). Paragraph 11d in such circumstances then requires that planning permission be granted, triggering the presumption in favour of sustainable development (also referred to as the 'tilted balance'), that is unless
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 6.18 Footnote 7 to Paragraph 11d identifies that policies relating to habitat sites are those capable of forming a clear reason to refuse permission under part i) above. In respect of habitat sites, the NPPF at paragraph 180 states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*. Paragraph 182 of the NPPF further states that *'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'* In this instance, the proposal has not demonstrated water neutrality and therefore would result in harm to the Arun Valley habitats sites. This constitutes a clear reason to refuse permission applying paragraphs 180 and 182 of the NPPF.
- 6.19 Whilst the harm to the Arun Valley habitat sites provides a clear reason to refuse permission that disengages the Paragraph 11d 'tilted balance', it is no longer considered reasonable to otherwise resist the principle of development on this site. As set out above, Policies 2, 4 and 26, and by extension the district's settlement boundaries, are to now be considered out of date given the Council's housing land supply position. The benefit of the housing must now attract very significant weight and outweigh the conflict with these out-of-date policies. As such, officer's advice is that the first refusal reason can no longer be supported.
- 6.20 In reaching this recommendation regard has been had to paragraph 14 of the NPPF which states that *'in situations where the presumption (at paragraph 11d) applies to application to involving the provision of housing, the adverse impact of allowing development that conflicts the neighbourhood plan is likely to significantly demonstrably outweigh the benefits.'* This safeguard is subject to several criteria, including the requirement that any qualifying neighbourhood plan must contain allocations to meet its identified housing need. In this

instance, the recently made West Grinstead Neighbourhood Plan does not include allocations to meet its identified housing need, therefore the protections of paragraph 14 do not apply.

- 6.21 Regard has also been had to the Local Plan Review, with the draft Regulation 19 Plan provisionally published in July 2021 not including this site as a housing allocation. This Plan has not progressed to public consultation while the impacts on water abstraction in the Arun Valley on the Plan are further explored. The content of this draft Plan therefore carries no appreciable weight in decision making.
- 6.22 Accordingly, officers recommend that the Council should no longer defend the first reason for refusal relating to the principle of development. Instead, officers recommend that the Council defend the appeal in relation to the new material consideration concerning the impacts of the development on the Arun Valley habitat sites.
- 6.23 In respect of the second reason for refusal, which related to the absence of a s106 legal agreement to secure the affordable housing and upgrades to footpath 1840, a draft legal agreement has been submitted as part of the current appeal and is being considered by the Council's legal department. At this stage until the draft agreement is agreed the second reason for refusal will remain.

7. RECOMMENDATION

7.1 That the Council advises the Planning Inspectorate that it will:

- (a) No longer be seeking to defend the reason for refusal no. 1 regarding the principle of development given the Council's five year housing land supply position; and
- (b) Will be defending the refusal of planning permission instead on the following grounds:
1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
 2. The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units, nor an agreement for improvement works to PROW 1840 or a requirement for the provision of 4 custom / self build units. The proposal is therefore contrary to Policy 16 and Policy 40 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met, nor how the development can be appropriately integrated with the wider network of routes.

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07) DC/20/1697

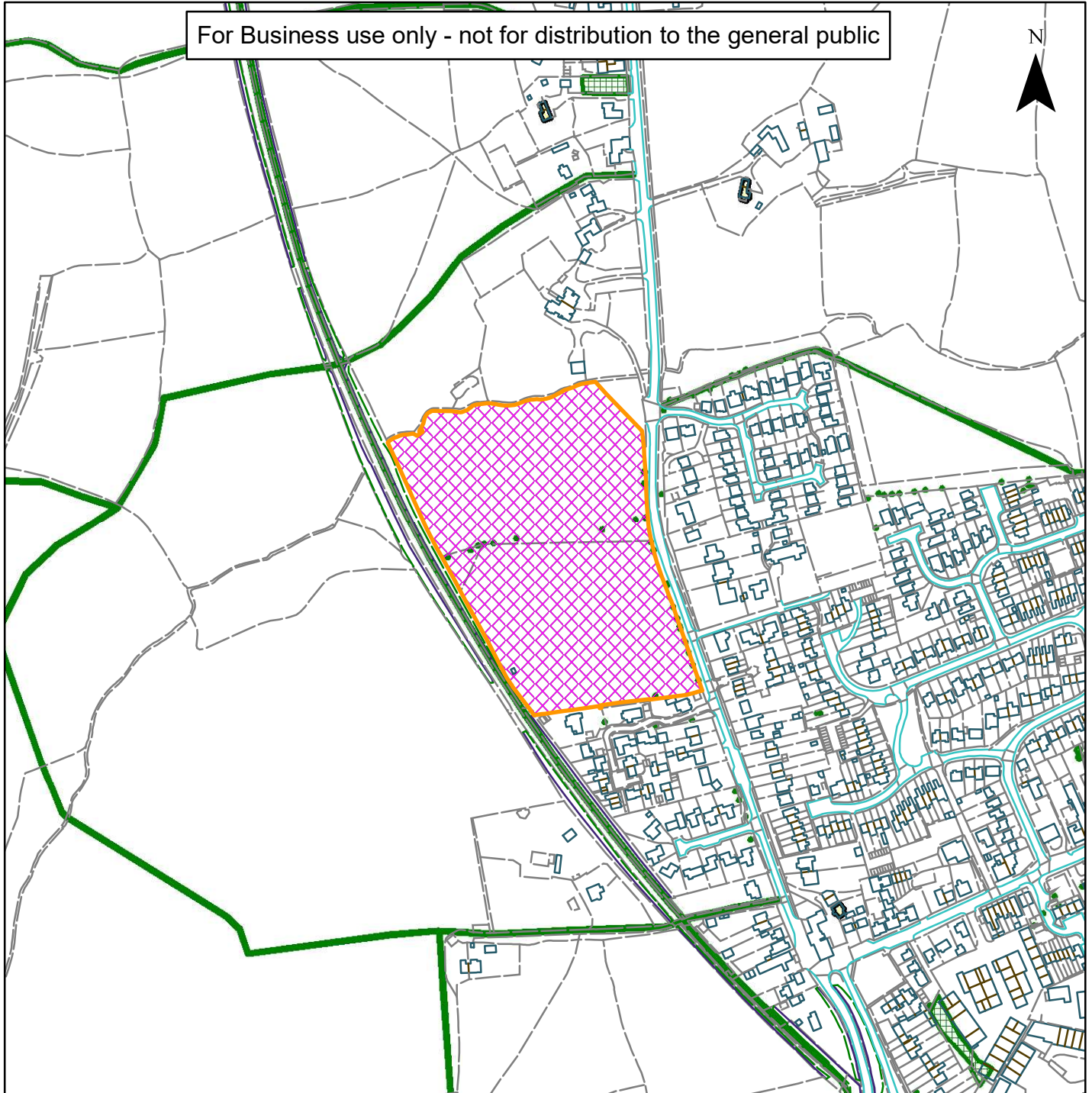


Horsham District Council

Land North of The Rosary, Church Road, Partridge Green,
West Sussex, RH13 8JS

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Scale: 1:5,000

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Organisation	Horsham District Council
Department	
Comments	
Date	04/02/2022
SA Number	100023865

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DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/20/1697

Land North of The Rosary, Church Road, Partridge Green, West Sussex, RH13 8JS,

DESCRIPTION:

Outline Application for the erection of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access.

RELEVANT PLANNING HISTORY:

DC/14/0820	Outline development of a mix of 129 private and affordable housing units, with associated access, parking and additional landscaping on land to the west of Church Road	Application Refused on 17.06.2015
DC/16/2064	Development of 101 dwellings, with associated access, parking and landscaping (outline application with all matters reserved except access)	Application Withdrawn on 15.11.2016

SITE AND SURROUNDS

The 4.8Ha site is located to the north-west of Partridge Green to the west of Church Road, and to the north of The Rosary. The Downs Link (Bridleway 3566) marks the western boundary of the site, and Church Road (B2135) marks the eastern boundary. The small settlements of Jolesfield and Littleworth are located to the north and north-east of the site respectively.

The land rises towards the central eastern part of the site, and this point marks the 'brow' of the B2135. The land undulates downwards towards the north-western corner of the site, which marks the site's low point. Although noise from Church Road can be heard, and glimpses of sub-urban development to the south and east can be seen, the site is tranquil in nature and rural in character.

To the north of the site is an existing line of mature trees and dense vegetation, allowing some glimpses through to Jolesfield House which is located approximately 80m to the north. A sporadic line of mature oak trees (some protected by TPOs) run through the middle of the site in an east-west direction, marking a historic field boundary. Other mature trees are located along Church Road (the eastern boundary of the site) several of which are also protected by TPOs.

Occasional views into the site from the Downs Link can be seen through the existing boundary tree cover, and towards the north-west corner of the site the Downs Link rises above the site forming a bank down to the site itself. Glimpses of St Michael's Church can also be seen from parts of the Downs Link when looking east. Beyond Church Road to the east of the site is an existing development of residential houses (and St Michael's Church) which form part of the built-up area of Partridge Green. Similarly, houses to the south of the site in 'The Rosary' can be seen from parts of the southern portion of the site.

DETAILED DESCRIPTION

The application is proposed in Outline with all matters reserved except for the access arrangements from Church Road, which comprises a new priority T junction. The site is proposed for up to 81 residential units (including a mix of 1, 2, 3 and 4 bedroom private and 35% affordable houses), and is shown to include associated landscaping, public open space (totalling 2.6Ha), internal road networks

and paths, foul and surface water drainage (including attenuation pond and an underground pump station), and a Locally Equipped Area of Play (LEAP). The development has been screened by the Council as not EIA development.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF, 2019)

Horsham District Planning Framework (HDPF, 2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Horsham District Planning Framework (2015) – Update on Status

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan (the HDPF), however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). In this case, the relevant policies as set out above are considered to remain in accordance with national policy set out in the NPPF. The Council's annual target for housing delivery has now risen from the previous 800 dwellings per year set out in HDPF Policy 15 to 920 dwellings per year in accordance with the latest standard housing methodology calculator, however the Council's latest Authority Monitoring Report (2020) sets out that a 5 year housing land supply at 920 dwellings per year can be demonstrated. Accordingly, as the relevant policies are compliant with the NPPF, and a 5 year housing land supply can be demonstrated, paragraph 11 of the NPPF is not engaged in decision making.

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

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

Neighbourhood Plan:

An 8 week public consultation on the (Regulation 16) West Grinstead Neighbourhood Plan (WGNP) took place between July and September 2020. An independent Examiner was appointed by Horsham District Council to undertake the Examination of the WGNP. On 09 December 2020, the Examiner issued a report recommending that subject to a number of modifications, the plan meets the legal requirements and Basic Conditions. HDC are soon to publish a Decision Statement confirming that the Examiner's recommended modifications to the WGNP have been accepted, and that the plan (as

modified) should proceed to Referendum (anticipated to be in May 2021). In line with the Planning Practice Guidance (Paragraph: 107 Reference ID: 41-107-20200925) which was modified recently in light of implications caused by the COVID-19 pandemic, the publication of the Council's Decision Statement means that the West Grinstead Neighbourhood Plan is now considered to carry significant weight in the decision making process.

The application site subject to this assessment was originally sought by the Parish Council to be allocated within the Submission (Reg 16) version of the WGNP as a 'Local Gap' (LG3) in accordance with draft Policy 1, as set out below:

Draft Policy 1: Retention of Local Gaps

Development between the settlements of Partridge Green, Jolesfield and Littleworth and land centred around Jolesfield Common, as identified on the Policies Map, will be resisted unless it can be demonstrated that:

- 1. There is no significant reduction in the openness and break between settlements;*
- 2. Proposals contribute to the conservation and enhancement of the landscape character; and*
- 3. Proposals provide a landscape buffer to protect the residential amenities of neighbours.*

However, in his final report into the examination of the WGNP (issued 09 December 2020), the Examiner recommended in paragraph 7.69 that this Local Gap allocation (LG3) is to be deleted from the plan. The deletion of LG3 has been accepted by the Parish Council and Horsham District Council, and as such, the application site is not subject to any specific allocation or land designation within the WGNP or Horsham District Planning Framework.

Parish Design Statement:

The 'Partridge Green and Dial Post Design Statement' was published in 2001, and was adopted by the Council as Supplementary Planning Guidance (SPG).

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:

INTERNAL CONSULTATIONS

HDC Landscape Architect: No Objection

[Summary]: The proposals will result in some harm to the landscape character and visual amenity of the area. However, assessing the landscape characteristics, urbanising influences and the parameter plan/illustrative layout, it is considered that development would not result in an uncharacteristic change to the receiving landscape and the harm would not be considered significant.

- The site falls within the 'J3 Cowfold and Shermanbury Farmlands Area' of the Horsham District Landscape Character Assessment (2003), and within the 'Partridge Green PG4 Local Character Area' of the Horsham District Landscape Capacity Assessment (2020). This assessment specifically refers to the application site has having some capacity for development.
- Regarding coalescence between the site and Jolesfield - despite the inclusion of open space in the northern field the proposals would result in a reduction of openness, but not lead to coalescence due to existing development along Church Street to the east. Should development parcels be contained within the southern field, the harm to this spatial perception would be neutral or negligible. Although development is set back from the road and trees and hedgerow are to be retained/enhanced, the development would still be visible and perception of activity noted, therefore the green approach to the village would be urbanised. Lighting must therefore, be kept to a minimum. Some harm to the landscape character and spatial perception will have to be considered within the overall planning judgement.
- The site can be seen along the Downs Link (set at a higher level). The receptors of this route are of high sensitivity due to recreational activity. The proposals will result in adverse harm to these

receptors, however as the proposal is set back with open space along the western boundary there is scope for mitigating planting to soften the proposals. Given the receptors using this route are aware of the proximity of Partridge Green, this transient experience will not be completely uncharacteristic but is nonetheless extending urbanising features into the countryside.

- The green corridor that divides the site (east-west) as shown in the parameter plan has been enhanced to show a continuous avenue of trees. The pedestrian link at the south-eastern corner of the site would benefit the wider community, however design of this path should be better considered. The viewpoint towards the church from the Downs Link should be marked on the parameter plan. Further enhancements to the planting along the western boundary would also be expected.

HDC Arboricultural Officer: No Objection

[Summary]: Protected Oak tree (T10) fell in a storm in October 2019 and is not required to be re-planted, therefore no objection is raised to the proposed access point. No other tree concerns are raised (verbal comments received from the Tree Section, 17/11/20).

HDC Conservation Officer: No Objection

[Summary]: I am satisfied the submitted Heritage Impact Assessment can be considered reliable. I accept that the impact on the three listed buildings will be neutral. I would consider Jolesfield House as a non-designated asset if it retains much of its early nineteenth century fabric and appearance. I am satisfied the impact of the proposed development of the site will not result in harm but this is contingent on the site layout respecting the setting of Jolesfield House as a small country house. I also agree that any opportunity to direct distance views of St Michael's should be taken.

HDC Drainage Engineer: No Objection

[Summary]: No objection. Standard conditions suggested include (1) Drainage Strategy, and (2) SuDS Verification Report.

HDC Environmental Health: No Objection (subject to conditions)

[Summary of Initial Comments]: No AQ Assessment submitted. Further details of the proposed pumping station are required to assess the noise impact upon nearby dwellings. Conditions suggested including: (1) Contaminated Land; (2) Construction Management Plan; (3) Acoustic Impact Assessment (from pumping station).

[Summary of Final Comments]: Conclusions within the AQ Assessment are agreed with. An air quality mitigation plan should be secured by condition, accompanied by a s106 agreement to secure the financial contribution of £11,194. The noise impacts of the proposed air source heat pumps must be considered. The applicant should avoid duplicating mitigation normally secured through other regimes.

HDC Housing: No Objection

[Summary]: The applicant has proposed 29 affordable units which makes the application compliant with the HDPF. Housing Officers would urge the applicant to reach an agreement with a provider as soon as possible, in order to clarify and confirm the tenure split. Housing Officers support the application.

OUTSIDE AGENCIES

Ecology Consultant: No Objection (subject to conditions)

[Summary]: The submitted ecology information has been reviewed and includes enough information available for the application to be determined. The mitigation measures specified should be secured and implemented in full. A construction plan for biodiversity should be secured, including details of any lighting needed during construction. The proposed measures to secure net gains for biodiversity are supported, and these should be outlined in a Biodiversity Enhancement Strategy to be secured prior to slab level construction. A Wildlife Sensitive Lighting Design Strategy should also be secured. In summary, no objection is raised, subject to these conditions being secured.

Archaeology Consultant: No Objection (subject to condition)

[Summary]: The development site lies within a sensitive area of archaeological potential. A Geophysical and Walkover Survey and Desk-Based Assessment have been carried out. The Walkover Survey identified a number of features not recorded in the Geophysical Survey, including possible field boundaries, and positive/negative earthworks. A condition is recommended for a programme of archaeological works to be secured in a Written Scheme of Investigation (WSI).

WSCC Highways: No Objection

[Summary of Initial Comments]: There are no in principle objections to the proposed development, however a Stage One Road Safety Audit is required to be submitted and all matters resolved. Specific comments include:

- Access – the proposed junction onto the B2135 is appropriate;
- Speed limits at the site frontage have already been reduced from 40mph to 30mph.
- Stopping sight distances (based on 85th percentile speeds) are recorded at 38.1mph northbound, and 34.8mph southbound. As the recorded speeds are below 40mph, Manual for Streets Guidance has been applied to determine the stopping sight distances. The access has been sited so as to achieve the required stopping sight distances. Adequate visibility can also be achieved for pedestrians crossing. Overall, the proposed access satisfies the guidance within Manual for Streets.
- Sustainable Access – Services available in Partridge Green are within reasonable walking and cycling distance, and there is appropriate infrastructure in place for these modes. A bus service is also available. It is accepted that the majority of trips outside the village will rely on the private car (as is the case for existing residents), but alternative travel options are available.
- Travel Plan - The measures are largely based on informing residents of travel options, but achieving the target based on this approach alone may not be possible. There are other elements of the Travel Plan that do not accord with the WSCC draft Travel Plan, therefore it is recommended that a revised Travel Plan is conditioned.
- Traffic Impact – Trip generation has been estimated using TRICS database (an accepted approach in forecasting traffic increases). The site is anticipated to generate 65 two-way vehicle trips in the AM peak hour (8-9am), and 52 two-way vehicle trips in the PM peak hour (5-6pm). This increase is not considered to result in traffic impact that could be considered severe.
- Layout/Parking – the layout plan submitted is only indicative as this will be a matter reserved for subsequent approval.

[Summary of Final Comments]: A Stage One Road Safety Audit has now been submitted, and raises no safety problems. A condition requiring the revision and re-submission of the Travel Plan is recommended, as well as other conditions relating to the access, visibility splays, and construction management. In summary, WSCC Highways are satisfied that the proposed development would not create any unacceptable safety problems or any other issue that could be considered severe, and highway objection is raised.

WSCC Flood Risk Management: No Objection

[Summary]: The proposal for sustainable drainage techniques (permeable paving, swales and attenuation basis) would be used to control the surface water run-off, and is accepted. Details for the management and maintenance of the SuDS features should be submitted for approval.

WSCC Public Rights of Way: No Objection (s106 Contribution Required)

[Summary]: To encourage sustainable travel, the proposed link from south-west of the development to the Downs Link need to accommodate cyclists (so must be 3m wide, all-weather surface etc). Several PROW routes are omitted from the submitted Travel Plan (Fig 3.1) and Transport Assessment (Fig 3.1), and the map in section 2.8 is incorrect. S106 contribution to be sought for improvements to PROW 1840 located beyond the red line of the site. Works specification to be agreed with WSCC and secured in s106 agreement.

WSCC Minerals: No Objection

[Summary]: The proposal is within the Weald Clay Mineral Safeguarding Area. The applicant has not provided an assessment of this, however, the relative abundance of this resource is acknowledged,

and its safeguarding is a low priority. In accordance with criteria (iii) of Policy M9, it will be for the LPA to establish whether the need for the development outweighs the safeguarding of the mineral.

WSCC Fire and Rescue: No Objection (subject to condition)

[Summary]: To ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting, additional fire hydrant(s) are needed on this site. Condition suggested to that effect.

Southern Water: No Objection

[Summary]: Southern Water can facilitate four sewerage and surface water run-off connected to the proposal. A formal application for connect will be required. Any SuDS facilities not adopted by Southern Water will require long-term management agreements to be in place. No habitable rooms shall be located within 15m of the wastewater pumping station due to noise and vibration.

West Grinstead Parish Council: Objection

[Summary]: Strong opposition on the following grounds:

1. Site is outside built-up area boundary, contrary to HDPF Policy 3.
2. Not an allocated site, contrary to HDPF Policy 4.
3. Disagree that Partridge Green is a 'large village' (as proposed in the Council's Reg-18 draft Local Plan). The PC's representations on the Reg-18 plan are relevant here.
4. The West Grinstead Neighbourhood Plan is at Reg-16 stage, and will not go to referendum until at least May 2021 (due to COVID), however, the draft policies carry some weight.
5. A 'Local Gap' allocation is proposed to preserve identities of Partridge Green and Jolesfield.
6. The proposed site access onto Church Road remains a major concern. Average speeds along this road are above the 30mph limit, with very high max speeds.
7. Crossing Church Road to use PROW1840 to the local school would be dangerous.
8. Few improvements offered to local footpath networks.
9. Bus links to the village and beyond are poor, big reliance on cars. Traffic on High Street will increase.
10. Limited capacity on the village's two GP surgeries.

Representations:

22 letters of objection were received from 19 different households. A summarised list of reasons for objection is below:

- Loss of settlement gap between Jolesfield and Partridge Green;
- Overdevelopment;
- Impact on local infrastructure and resources;
- Loss of green fields and trees;
- Impact on wildlife/habitats/ecology;
- Poor access design (visibility etc);
- Unsafe increase in traffic volumes;
- No job opportunities;
- Located outside built-up area, and unallocated for development;
- Impact on character of the Downs Link;
- Contrary to planning policy;
- Flooding/surface water concerns.

2 letters of support were received, citing benefits of the proposal including: provision of affordable housing, additional public amenities, and improved access to Downs Link.

4 letters (from 3 different households) neither object to or supporting the scheme were also received.

HUMAN RIGHTS

Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of human rights is an integral part of the planning assessment set out below.

PLANNING ASSESSMENT

Background

Prior to this proposal, major-scale residential development on this site has been proposed twice before. Application DC/14/0820 (the '2014' scheme) proposed Outline development of 129 dwellings, and was refused by the Council in June 2015 for the following reasons (summarised):

1. Failure to demonstrate that the proposed quantum of development can be satisfactorily accommodated on the site;
2. Failure to demonstrate that appropriate visibility can be achieved between the site and the B2135 Church Road for either vehicles or pedestrians;
3. Failure to demonstrate that the development will not cause harm to protected and other trees or the erosion of hedgerows;
4. Absence of a Legal Agreement to secure the required quantum of affordable housing and other planning obligations.

Application DC/16/2064 (the '2016' scheme) proposed Outline development for 101 dwellings. This application was withdrawn by the applicant in November 2016, so was not determined by the Council.

The current application proposes a reduced quantum of housing than previously proposed (81 dwellings), as well as a reduction in size of the 'developable area' within the application site. As such, a key consideration in the determination of this application is whether the changes have overcome the previous reasons for refusal as set out in the 2014 scheme, as well as whether any other circumstances about the site, or planning policy have changed since the 2014 application was assessed. The assessment that follows (and the conclusions reached) are based on the merits of the development proposed, its accordance with the adopted Local Plan (the Horsham District Planning Framework), and other relevant material considerations which include national planning policy (NPPF), the West Grinstead Neighbourhood Plan (WGNP), and the Council's previous assessment of the 2014 scheme.

Principle of Development:

The site is located outside any of the District's defined built up area boundaries (BUAB's), and does not form part of Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) or a 'Made' Neighbourhood Development Plan), nor an adopted Site Allocations DPD. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, is not considered to be acceptable. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.

Whilst the West Grinstead Neighbourhood Plan (WGNP) is not yet formally 'Made', having passed independent Examination with all recommended modifications accepted by the PC and by HDC; the WGNP is considered to hold significant weight in the decision making process. The WGNP (as modified) identifies a need to plan for around 110 dwellings in the Parish, however, the policies contained within the plan do not include any specific residential site allocations. The application site is not therefore allocated for development in either the WGNP or the adopted HDPF, and is not therefore acceptable in principle.

Policy 15 of the HDPF sets a housing target of at least 16,000 homes to be delivered over a twenty year plan period, running to 2031. This equates to an average of 800 dwellings per annum. The HDPF was found sound by the Planning Inspectorate in November 2015, and provides for a sufficient housing land supply of deliverable sites across a large proportion of the plan period, including a buffer of over 5%. As of 28th November 2020, the HDPF became 5 years old, therefore the Council's annual target for housing delivery has risen from 800 dwellings per year (as set out in Policy 15) to 920 dwellings per year in accordance with the Government's latest standard housing methodology calculator. Based on this, it is the Council's current position that it can demonstrate a five-year housing land supply of 108%

against the Government's requirement of 920 dwellings per annum (the standard methodology). The calculation and breakdown of this is outlined in the Council's most recent Authority Monitoring Report (AMR) 2019/20, published in December 2020. It is noted that the applicant does not challenge the Council's current five-year housing supply position, but considers in paragraphs 7.16 and 7.17 of the Planning Statement that should the Government decide to adopt the major changes to the standard methodology (as proposed in the White Paper consultation in Autumn 2020), then the Council will fail to meet its needs.

Whilst a recently calculated 5-year housing land supply of 108% can be demonstrated; work to progress a revised local plan (the Local Plan Review) continues, and a 'Regulation 19' draft Local Plan is due to be published for full public consultation in the Spring of 2021. The Local Plan Review will seek to address a projected shortfall in housing supply in the latter part of the HDPF plan period (as identified by the Local Plan Inspector appointed to examine the HDPF in 2015), as well as proposing suitable sites for the District's projected housing needs up to 2036. The Reg 19 draft Local Plan will include proposed site allocations across the District, which will be selected based on their sustainability credentials and the local housing needs of the Parish they are located within. The Reg 19 plan will be subject to public consultation prior to its submission to the Government for Examination, therefore the draft policies and land allocations included will only carry limited weight.

As background to the forthcoming Reg 19 draft Local Plan; in early 2020 the Council published a 'Regulation 18' consultation paper on the Local Plan Review. Within this document, it was identified that Partridge Green (as a 'small town/large village') has potential to deliver around 200 dwellings (in addition to any identified in a Neighbourhood Plan) in order to meet local and District-wide housing needs. The site subject to this application (site reference SA320 'Land West of Church Road') was included in a shortlist of sites with potential for allocation. It should be noted however, that the high-level assessment of sites in the SHELAA is simply to inform future site allocation options for the Council's new Local Plan, and the mention of Land West of Church Road in the Reg 18 paper does not carry any weight in terms of planning decision-making.

As such (and notwithstanding the Council's active work to progress a Local Plan Review), the proposed residential development of the site subject to this application is currently contrary to local and national planning policy, and is not acceptable at this time.

Paragraph 11 of the NPPF (2019) states that '*plans and decisions should apply a presumption in favour of sustainable development*', which for decision-taking means; '*approving development proposals that accord with an up-to-date development plan without delay*'. In determining what is meant by an 'up-to-date development plan', footnote 7 clarifies that out-of-date development plan policies include situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer), or where the Housing Delivery test is failed. In accordance with the data presented in the 2019/20 AMR, the Council can demonstrate a healthy five-year housing land supply of 108%. It is therefore considered that relevant policies for the supply of housing remain up-to-date, and the provision of NPPF Paragraph 11(d) do not apply.

Paragraph 12 of the 2019 NPPF also states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making*'. In relation to this, the Planning Inspectorate's June 2017 decision of an appeal submitted at Chanctonbury Nurseries in Ashington (APP/Z3825/W/16/3151508) is relevant. Despite acknowledgement of the merits of the proposed residential development scheme, the Inspector dismissed the appeal due to the conflict with the development plan strategy - namely that the site was not allocated in the development plan. Notwithstanding any merits or material benefits that would come with the proposed development at the application site, paragraph 12 of the NPPF and the above mentioned appeal decision at Chanctonbury Nurseries makes it quite clear that where a Council has an up-to-date development plan in place (as Horsham does), the presumption in favour of sustainable development does not override the strategy outlined in the development plan.

Paragraph 47 of the 2019 NPPF goes on to states that '*...applications for planning permission [should] be determined in accordance with the development plan, unless material considerations indicate otherwise*'. The HDPF has thoroughly assessed housing need within the Horsham District, and seeks to direct development to the most suitable sites to accommodate that need within the plan period.

Seeking to manage development and growth in this way is one of the fundamental principles of planning and the plan-led system, and is what the NPPF requires all Local Planning Authorities to do. The Council can confidently demonstrate a 5-year housing land supply of 108% against a recently raised target of 920 dwellings per annum, and are actively undertaking a review of the adopted plan to address needs to 2036. It is considered therefore that in terms of identified housing need, supply and delivery; there are currently no material considerations of such significant weight that would warrant a departure from the adopted development plan. The proposed residential development at Land North of The Rosary, insofar as the site is not within a defined settlement boundary and is not allocated within the Council's up-to-date development plan or the forthcoming West Grinstead Neighbourhood Plan; is contrary to the plan-led approach required by planning law, and as endorsed within policies contained within the NPPF and HDPF.

Summary

To conclude, the Council continues to be able to demonstrate a healthy five-year housing land supply (currently 108%) against the Government's standard methodology, and therefore, the adopted development plan and the overall strategy for growth across the District can be afforded full weight. Unplanned and ad-hoc major development, such as this proposal for up to 81 dwellings, places a strain on the District's key infrastructure (including road networks, healthcare and education), and can have a detrimental impact on the character of a settlement and the overall sense of place. As a result, planning for growth through suitable site allocations and accompanying policies in up-to-date Local Plans is vital to ensure settlements grow appropriately to meet current and future needs.

The adopted development strategy outlined in the HDPF currently provides for sufficient housing development across the District through site allocations and opportunity to develop smaller settlements through the Neighbourhood Planning process. In accordance with national planning policy set out in the 2019 NPPF; the HDPF resists the principle of residential developments in locations outside of the defined settlement boundaries and within the countryside. For the reasons outlined above, the principle of providing housing at this site which is located outside the defined built-up area boundary of Partridge Green and within the countryside, and where the land has not been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The principle of the proposed development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Notwithstanding the Council's view with regard to the unacceptable principle of the proposed development on this site, the following sections provide assessment of the more detailed site considerations.

Settlement Coalescence:

Policy 27 of the HDPF highlights the Council's aspiration to retain the District's existing network of rural settlements, all of which collectively contribute to the special character of the District. The Council recognises the importance of retaining the separate identities of rural settlements, and to maintain the sense of leaving one place and arriving in another. Policy 27 therefore seeks to protect landscapes from development which would result in the undesirable coalescence of settlements. Development is resisted by Policy 27 unless it can be demonstrated that there is no significant reduction in the openness and break between settlements. Despite adjoining the Partridge Green village boundary to its south and east, the application site is located outside the defined built-up area boundary of Partridge Green. A small cluster of housing and a pub - known as 'Jolesfield' - is located to the north of the application site, and a larger hamlet of housing and allotments further to the north-east of the site is known as 'Littleworth'. These clusters together have been recognised as having their own established communities, and have therefore been proposed in the Council's Regulation 18 draft Local Plan papers (Feb 2020) to be designated as a 'Secondary Settlement' - to be known collectively as Littleworth.

It is acknowledged by the Council therefore, that these separate settlements exist in their own rights, and have different characteristics to the larger village character of Partridge Green. The consideration with regard to this assessment, is whether the development of the application site for housing would result in unacceptable settlement coalescence between Partridge Green and Littleworth/Jolesfield that would reduce the openness between them, resulting in a threat to their separate identities and characters, contrary to Policy 27.

In the report into the West Grinstead Neighbourhood Plan (December 2020), the Independent Examiner considered the Parish Council's reasoning for including a land allocation for two 'Local Gaps' (LG1 and LG3). Allocation 'LG3' was proposed on the parcel of land subject to the application site, in order to prevent settlement coalescence between Partridge Green and Jolesfield. In paragraph 7.66 of his report, the Examiner notes that sites LG1 and LG3 are '*specific and discreet parcels of land on the edge of Partridge Green*' and was of the view that any potential development on proposed local gap sites LG1 and LG3 '*would not undermine the wider policy objective of preventing the coalescence of Partridge Green and Littleworth*'. Taking his assessment into account, the Examiner concluded that the Local Gap allocations on sites LG1 and LG3 (the application site) should be deleted from the plan.

The Council's Senior Landscape Architect has reviewed the proposal in light of its potential impact on settlement coalescence between Partridge Green and Jolesfield to the north. The Landscape Architect has concluded that given the existing landscape separation between the application site and Jolesfield, in addition to the proposed development strategy which includes an area of open space in the northern field; the development as proposed (whilst acknowledging that there will be a reduction in spatial openness), will not lead to coalescence. The Landscape Architect notes that the existing presence of development along the eastern side of Church Road (opposite the application site) is important, as this establishes the existing experience of entering the settlement of Partridge Green.

In summary, taking the views of the Neighbourhood Plan Examiner and the Council's Senior Landscape Architect into consideration, it is the view of Officers that whilst the proposed development will inevitably result in a new urbanising influence along Church Road, the development as proposed has been designed to respect the existing openness between the site and Jolesfield to the north, as well as retaining and enhancing much of the existing vegetation within the site – particularly along the northern boundary. The presence of housing along the eastern side of Church Road already has an urbanising influence along this road corridor (which differs from the more rural character of Jolesfield), and when travelling south along the B2135 this strongly leads to the sense that one has left Jolesfield, and entered the larger settlement of Partridge Green. As such, it is not considered that the proposal will cause an unacceptably significant reduction in the existing openness between the Partridge Green and Jolesfield, and the urbanising influence that is likely to result can be appropriately managed at detailed design stage. The proposal therefore, is not considered to result in unacceptable settlement coalescence, and is not contrary to Policy 27 of the HDPF.

Landscape Impact:

The site is located outside of, but adjacent to the settlement boundary of Partridge Green. As such, in planning terms, the site is located within the designated countryside, where the provisions of HDPF Policy 26 apply. The site is not allocated for development on a district-wide or local level, and (as has already been established) by virtue of the countryside location of the site and the non-essential need for housing in such a location, the proposal is contrary to policy 26, and not considered to be acceptable in principle.

Existing Site Characteristics

The site comprises of two undulating grassed fields which appear to be unused. The site has a sense of enclosure due to the existing boundary vegetation which includes strong tree lined hedgerows and woodland shaws on the eastern and northern boundaries, and several mature Oak trees on the eastern boundary which are protected by TPO's. The historic east-west boundary that runs through the centre of the site (separating the northern and southern fields) is fragmented, with some remnants of mature hedgerows and several mature Oak trees (several of which are also protected by TPO's). The site is undulating, with a high point in the centre/east of this site, and a low point in the north-western corner, where a stream is present. The Downs Link marks the eastern boundary, and is partly raised on an embankment above the site allowing some views into the site, and across to St Michael's Church to the east.

The site is predominantly rural in character albeit subject to some urban influence from properties visible along the southern boundary and partially seen through the trees on the eastern side of Church Road. There is some noise intrusion within the site from nearby roads. The northern parcel is more closely associated with the rural countryside, and positively contributes to the settlement setting of Partridge Green and Jolesfield.

Landscape Character and Capacity Assessment

The site falls within the 'J3 Cowfold and Shermanbury Farmlands Area' of the Horsham District Landscape Character Assessment (2003). This wider character area largely reflects the characteristics of the application site, and is described as: gently undulating with low ridges and valleys, small scale pasture fields, larger scale arable fields, scattered woodlands, hedgerows/shaws creating enclosure and restrict views, some open areas where hedgerows have been lost. Despite localised visual intrusion from pylons and some urban development on the A283, the wider area generally has an undeveloped rural character. A key issue that has been identified in this character area is the visual intrusion from development at Partridge Green, with the overall landscape condition described as 'declining'. Sensitivity to change for this character area is assessed as 'moderate'.

The Council's Landscape Capacity Assessment was updated recently (2020), and shows the application site as included within the 'Partridge Green PG4 Local Character Area'. PG4 covers a wider study area within the western surrounding fields of Partridge Green, and concludes overall that this area has Low-Moderate capacity for small-scale housing development (i.e. no more than 60 dwellings), and No-Low capacity for medium-scale housing development (i.e. 60-250 dwellings). The assessment of area PG4 specifically notes that development on the fields to the west of the Downs Link would be more visually sensitive and would create an incursion into the countryside; however the application site (between Church Road and the Downs Link) is specifically referred to as having some capacity for development, provided that care is taken to retain the separate identity of Jolesfield.

Assessment of Impact

The Council's Senior Landscape Architect has reviewed the proposal in detail and has provided their specialist view on the level of impact it is likely to have on the landscape. As already noted in the 'Settlement Coalescence' section of this report, the Landscape Architect has acknowledged that the proposal would have an urbanising influence on the green approach to Partridge Green; and although it would reduce the spatial openness between the site and Jolesfield to the north, it would not result in unacceptable coalescence between these two settlements. Whilst the submitted site plan and land use parameter plan are only shown indicatively at this Outline stage, the proposal shows that the development parcels would be set back to some degree from the eastern (Church Road) boundary, with the retention of most existing trees and hedgerows. The urbanising influence of the development when viewed from Church Road would still be notable, but the setting-back and retention/enhancement of tree screening along this boundary will help to minimise this impact.

The Landscape Architect also notes that the site can be seen from certain points along the Downs Link to the west, particularly as it sits at a higher level than the application site in some parts. The users (receptors) of this route are considered to be of high sensitivity, and development of the site without considered design is likely to result in adverse harm to these receptors. The Landscape Architect is of the view that given the development parcels are shown to be well set-back from the western boundary, this provides opportunity for appropriate planting to be included which would enable the softening (albeit not full screening) of the scheme from the sensitive western (Downs Link) viewpoint. The Landscape Architect acknowledges that the development of this site would extend urbanising features into the countryside; but notes that given the users of the Downs Link are inherently aware of the proximity of Partridge Green, this transient experience will not be completely uncharacteristic or unexpected.

The enhanced central belt of trees running east-west within the site helps to restore the historic field boundary, and therefore helps to maintain the special landscape character of the site, which is welcomed. If the application were to be considered acceptable at Outline stage, the Landscape Architect has noted several key aspects that should be considered further at detailed design stage. These include the pedestrian/cycle link at the south of the site linking Church Road to the Downs Link, more robust planting along the southern and western boundaries, and retention of key views towards St Michael's Church from the Downs Link.

Summary

The Council's Senior Landscape Architect concludes that by virtue of its urbanising influence, the proposal as presented is likely to result in some harm to the landscape character and visual amenity of the area when compared to the existing undeveloped character. Despite this, the relatively enclosed

and well screened nature of the site, coupled with existing residential development to its immediate south and east, is also acknowledged, and has led to the conclusion within the Council's recent Landscape Capacity Assessment (2020) that the site has some capacity for development. The Landscape Architect is of the view therefore, that the development as shown on the illustrative layout would not result in an uncharacteristic change to the receiving landscape, and the harm would not be considered significant. Notwithstanding this, the harm to the landscape character that has been identified remains a factor in the overall decision making process, and this must be considered as part of the overall planning balance.

Highways Impact:

The application is supported by a Transport Assessment (with detailed drawings contained within) and a Travel Plan. The subsequent submission of a Stage One Road Safety Audit (RSA) addressed the issue raised in WSCC's initial objection. Pre-application discussions took place between the applicant and WSCC prior to the submission of the application.

A detailed assessment of the highways considerations is set out below; but in summary, subject to conditions (including the re-submission of a Travel Plan), the Highway Authority is satisfied that the proposal would not result in any severe highway impact in terms of capacity, and would not result in highway safety concerns. The Highways Authority do not identified any issues with the proposed access to the site or visibility splays, and do not therefore object to the application. As such, it is considered that the access arrangements and impact on the surrounding highway network are in accordance with Policy 40 of the HDPF and paragraph 109 of the NPPF, and are acceptable.

Access

Vehicular access to the site is proposed to be via a new priority junction onto the B2135 (Church Road). It is acknowledged that many of the objections received in connection to the proposal cited highway safety concerns with the proposed access and its positioning close to the brow of the road. Having assessed the proposal in detail, and in light of the scale of the development proposed, WSCC are of the view that this form of access is appropriate and raise no objection to it. Since the submission of the 2014 and 2016 applications, the speed limit along the site frontage has been reduced from 40mph to 30mph. The recorded stopping sight distances (85th percentiles) and visibility splays on the approach to the new junction have been used to inform the access design. The speeds were recorded prior to the COVID-19 pandemic, therefore are considered to represent average speeds in the locale. The recorded speeds averaged at less than 40mph in both northbound and southbound directions, therefore this in combination with the residential context of this part of the B2135, led to the use of guidance contained within Manual for Streets (MfS) to be applied to the access design, an approach which is accepted by WSCC. Whilst the site of the access is constrained by the horizontal and vertical alignments of the B2135 in this location (i.e. the brow of the hill), WSCC has confirmed that the access has been designed to achieve the required stopping sight distances as set out in MfS Guidance.

Separate pedestrian access points are proposed towards the north and south of the site, and WSCC have confirmed that adequate visibility can also be achieved for pedestrians crossing the B2135 based on the recorded traffic speeds. Overall, the proposed vehicular and pedestrian access points satisfy the guidance within Manual for Streets, and in light of no problems raised in the submitted Stage One RSA, WSCC raises no objection to the proposed site access.

Trip Generation and Highway Capacity

Trip generation has been estimated using TRICS database (which WSCC accepts as a standard approach in forecasting traffic increases). The development of up to 81 units on this site is anticipated to generate 65 two-way vehicle trips in the AM peak hour (8-9am), and 52 two-way vehicle trips in the PM peak hour (5-6pm). WSCC has confirmed that this projected increase would not significantly increase traffic flows across the local highway network, and would not result in traffic impacts that could be considered severe (paragraph 109 of the NPPF).

Access by Sustainable Modes

The TA identifies a number of local services within Partridge Green that could be used by residents on a daily basis (including shops, doctors, post office, village hall, school/nursery, church, pub, bus stops etc). These services are considered to be within a reasonable walking or cycling distance from the application site, and there is acceptable existing infrastructure to accommodate an increase in

walking/cycling trips generated by the development. Whilst there is a reasonable range of services available in the village, it is acknowledged that these would not satisfy all needs of future residents – especially employment needs. For trips beyond the village there are three existing bus routes that run between the village and Horsham, Burgess Hill and Brighton. The site is therefore considered to be in a reasonably sustainable location, which would enable a reduced reliance on the private car to some degree. It is accepted however, that the majority of trips outside the village would probably rely on the private car (as is the case for existing residents), but the TA shows that reasonable alternative travel options are available.

A Travel Plan has been submitted in support of the application. The measures contained within it are largely based on informing new residents of alternative (non-car) travel options, but WSCC are of the view that achieving the identified travel targets based on this approach alone may not be possible. Given that there are other elements of the submitted Travel Plan that do not accord with the WSCC Travel Plan guidance (including monitoring), it is recommended that if the application were to be considered for approval, a revised Travel Plan should be submitted.

Road Layout, Parking and Pedestrian Linkages

Given the application is proposed in Outline, it is acknowledged that the internal road layout is only shown indicatively, with the intention that the formal layout would be reserved for future approval. WSCC have made no specific comment on the proposed internal layout, but note that it would need to take account of appropriate design guidance available at the time. Officers are of the initial view that based on the indicative site plan, the internal road layout does not pose any major concerns. Section 4.3 of the Transport Assessment discusses parking provision, and references the 2019 WSCC Parking Guidance. The parking demand generated by the WSCC Calculator suggests that 181 spaces are required for this 81-unit development (taking into account the proposed mix, and an allocation for visitor parking). The TA suggests that the site proposes 180 car parking spaces which largely meets the demand generated by the calculator.

In addition to the main vehicular access into the site at the new priority junction, two additional pedestrian access points are proposed from Church Road into the site. Within the site, a network of paths are shown, including a link directly to the Downs Link bridleway (ROW 3566) which marks the western boundary of the site. This network of pedestrian links within the site are welcomed, and are considered to benefit both new and existing residents nearby. If the application were considered to be acceptable, it would be expected at Reserved Matters stage for these links to be shown in detail, and for the main link between Church Road to the Downs Link at the south of the site to be designed and surfaced appropriately in order to accommodate a likely increase in cyclists and pedestrians.

It has been noted by the Public Rights of Way officer at WSCC that as a result of the development, the use of PROW 1840 (located outside the site boundary, to the north-east) is likely to increase, largely because it provides a direct access to the local Primary School which would be used by residents of the development. The PROW Officer has therefore requested for a contribution to be made by the developer for improvement works to a 160m section of this route. In the event of an approval, this would need to be secured within a legal agreement, and given no such agreement has yet been drafted there is no guarantee at present that the developer will agree to these works, or that the works can be secured.

Affordable Housing and Housing Mix:

Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

The application proposes 29 of the 81 units to be made available for affordable housing which (at 35%) is policy compliant, and therefore acceptable. Chapter 8 of the submitted Planning Statement shows an indicative breakdown of the mix of dwelling tenure proposed (market / affordable). With the exception of an absence of any 1-bed market homes, the proposed indicative mix and tenure split appears to be largely in line with the Council's latest Strategic Housing Market Assessment (SHMA, 2019). The precise tenure split of affordable units (rent / shared ownership) is unknown at this stage, and no

details have been provided with regard to an agreement with a local Registered Provider. In the event that the application was acceptable, given it is proposed in Outline form, these details could reasonably be secured at Reserved Matters stage.

Despite this, whilst the applicant has proposed an appropriate level of affordable housing; no legal agreement has yet been entered into to secure the required 35% affordable units, therefore at present it cannot be demonstrated that this obligation can be fulfilled. As such, and until such time as an appropriate agreement is in place, the proposal is contrary to Policy 16 of the Horsham District Planning Framework (2015).

Layout:

The detailed layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage, therefore it is not for consideration now. However, Officers are of the view that the proposal for up to 81 units on this site (as shown on the indicative site plan and parameter plans) including appropriate densities, orientations, amenity space, parking, landscape buffers, open space, internal linkages, and water attenuation - can be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity. In addition, the illustrative layout maintains a sufficient separation to the north and a set-back position from the eastern boundary, which works to preserve the individual character of the settlements of Jolesfield and Partridge Green, thereby preventing any perceived or actual settlement coalescence. Overall, for these reasons, the indicative layout of the site is considered to be acceptable for the purpose of this Outline proposal.

Heritage and Archaeology:

The Council recognises that the historic environment is an irreplaceable resource which should be conserved for its own sake for the benefit of future generations. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate.

Heritage Assets

There are three Grade 2 listed buildings located within 250m of the application site ('Little Hatch' located around 220m to the south; 'Eastcot' located around 250m to the north; and 'Joles Farmhouse' located around 240m to the north-east). In support of the application, a Heritage Impact Assessment has been submitted. This has been reviewed by the Council's Senior Conservation Officer, who notes that whilst these three listed buildings are located within reasonable proximity to the application site, none are readily visible from the site, and as such, is of the view that any impact on the three closest listed buildings would be neutral.

A residential dwelling known as 'Jolesfield House' (located to the direct north of the application site) is not listed as a heritage asset, but having studied the historic maps of the application site and its surrounds, it is the view of the Conservation Officer that this dwelling could be considered a non-designated heritage asset if it retains much of its early nineteenth century fabric and appearance. Notwithstanding the absence of a formal designation of this building as a non-designated heritage asset, the Conservation Officer is satisfied the impact of the proposed development to the south as shown on the indicative site plan, will not result in harm to the building or its setting. If the Outline application was to be considered acceptable, upon submission of a detailed site layout at Reserved Matters stage the site layout must continue to respect the setting of Jolesfield House as a small country house, in order for the Conservation Officer to maintain support the proposal.

Archaeology

As the development site lies within a sensitive area of archaeological potential, a Geophysical and Walkover Survey and Desk-Based Assessment have been submitted to support the application. The Walkover Survey identified a number a features not recorded in the Geophysical Survey, including

possible field boundaries, and positive/negative earthworks. As such, the Council's consultant Archaeologist has recommended that if the application is approved, a condition is imposed to secure a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI).

Amenity Impact:

It is acknowledged that some objections received in relation to this proposal cited concerns about the impact of the development on the privacy and general amenity of existing residents. The proposed development is located to the north of existing properties in The Rosary, opposite properties to the east of Church Road, to the south of Jolesfield House, and to the west of the Downs Link long distance walking and cycling route. Given the application is made in Outline, and does not seek approval for the precise layout, design and scale of the development; it is not possible at this stage to make a sound judgement on the acceptability of the specific amenity impact on existing neighbouring residents or users of the Downs Link. Notwithstanding this, the submitted (albeit indicative) site plan shows that the development parcels are set back from the eastern boundary of the site (Church Road) with the retention of all existing mature trees. This will help to obscure the development when viewed from Church Road, and will help to protect the amenity and privacy of neighbours in houses opposite. The set back of the development from the southern boundary is less pronounced, and the boundary screening here (as well as along the western boundary) appears to be less dense. Despite this, the illustrative layout allows sufficient space for additional planting to be included in these locations, and it is considered that detailed design at Reserved Matters stage is the appropriate place for this to be addressed to ensure that neighbouring amenity is protected. As such, it is not considered that a reason for refusal on the basis of unknown amenity impact can be justified at Outline application stage.

Due to ground levels, it is acknowledged that a foul water pumping station is proposed to be located within the site, fairly close to proposed dwellings in the northern half. It is understood that the pumping station would be set underground, with perimeter fencing surrounding it. A 15m separation distance has been shown between the pump station and the nearest residential dwelling, which is welcomed. Detailed layout and design at Reserved Matters stage will determine whether the proximity of the pumping station to residential dwellings is acceptable in terms of visual appearance, noise and odour. In addition, as recommended by the Council's Environmental Health Officer, if the application was to be approved, an assessment of the acoustic impact arising from the operation of both the pumping station and the proposed air source heat pumps, should be secured by condition. The Locally Equipped Play Area is shown to be located over 60m from the nearest dwelling which will help to reduce noise and disturbances within the site, and is considered to be acceptable.

As with all major developments, it is acknowledged that the construction phase of the development has the potential to impact existing neighbours (and users of the Downs Link) through noise, lighting and air quality effects. It is considered that, should the application be approved, potential impacts to the amenity of neighbours that might arise during the construction phase could be controlled by suitable conditions including requiring the submission and approval of a construction mitigation plan; restrictions on site floodlighting and working times on site.

Drainage and Flooding:

The application site falls within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a '*less than 1 in 1,000 annual probability of river or sea flooding*'. However, due to naturally falling land levels and the presence of a culverted stream in the north-west corner of the site, it is recognised that this area may be prone to flooding. Consequently, a Flood Risk Assessment has been submitted in support of the application. The FRA notes that the proposed development will increase the impermeable area on site, resulting in an increase in surface water if left unmanaged. It is proposed that surface water within the development will be attenuated and discharged into the existing watercourse at a restricted rate. Attenuation is proposed to include an attenuation basin, swales and areas of permeable paving; and will be designed to store the volume of water associated with a 1 in 100 year rainfall event (plus an increase to account for climate change). The SuDS features have been located within the site to take account of the natural topography (i.e. the location of the attenuation basin in the northwest corner), and has been designed to provide for associated recreational, amenity and biodiversity benefits.

The Council's Drainage Engineer has reviewed the submitted FRA and (subject to conditions) has not raised an objection to the drainage strategy proposed. Similarly, the details have been reviewed by the

Local Lead Flood Authority at WSCC, and no objection has been raised. As such, if the application were to be considered acceptable at Outline stage, it is considered reasonable that the submission of a detailed drainage strategy and SuDS verification report could be secured by condition.

Ecology:

In support of the application a Preliminary Ecology Appraisal (PEA), Protected Species Report, Landscape and Biodiversity Management Strategy Report, and an Updated Ecological Walkover Report have been submitted. The submitted ecology information has been reviewed by the Council's consultant Ecologist, who has confirmed that enough information is available for the application to be determined.

The mitigation measures specified in the ecology reports include: replacement hedgerow planting, protection of retained trees and hedgerow, creation of hedgerow 'hop-overs', sensitive lighting strategy, no external night-time working between April-October, any site clearance to be overseen by a licenced Great Crested Newt Ecologist, clearance timings to avoid impact on breeding birds, and provision of gaps under any new fencing (for hedgehog movement).

Other ecological enhancements within the site are proposed in order to provide a net-gain in biodiversity, these include: 10x bee bricks in building fabric, 4x insect hotels, a number of bat boxes within buildings or on trees, 10x bird boxes of varying sizes, hedgehog friendly fencing, and native species planting within wetlands and landscaped areas.

The Ecologist recommends that the above mentioned mitigation measures and ecological enhancements should be secured and implemented in full (to be secured by condition of an approval). A construction plan for biodiversity should also be secured, including details of any lighting needed during construction. The proposed measures to secure net gains for biodiversity (as listed above) are supported by the Council's Ecologist, and these should be outlined in a Biodiversity Enhancement Strategy to be secured prior to slab level construction. A Wildlife Sensitive Lighting Design Strategy should also be secured. In summary, no objection is raised, subject to these conditions being secured; which in the view of Officers, would be reasonable.

Other Matters:

Trees:

The application site is bounded on all sides by existing mature trees. Several Oak trees along the eastern boundary (Church Road) are protected by Tree Preservation Orders (TPOs), some confirmed in 1987 and some in 2014. A number of mature Oak trees are also present within the centre of the site, which is likely to have been a former field boundary. Several of these are also protected under TPO. The development proposal largely respects the presence of these individual trees, and does not propose that any tree of significant amenity, historic or ecological value (including any protected trees) are to be removed. The partial removal of two groups of trees (30m stretch of G1, and 32m stretch of G5) is however proposed in order to facilitate the access to the development from Church Road (to accommodate the bell-mouth and required visibility splays).

It is noted that a previously protected Oak tree (T10) (TPO/0582) fell in a storm in October 2019 and is not required by the Order or within statute to be re-planted. The location of this fallen tree is where the site access is proposed. The Council's Senior Arboricultural Officer has reviewed the proposed plans (including the Arboricultural Implications Report, Tree Survey, and Tree Protection Plan) and has raised no objection to the proposals on the grounds of tree impact.

Contaminated Land:

In support of the application, a Phase 1 Desk Study and Site Reconnaissance Report (by LEAP Environmental) has been submitted. The report identifies some potential sources of contamination associated with the site's historic use including contamination from agricultural activities, rubbish/bonfires at the southern end of the site, and potential contamination from the historic railway embankment along the western boundary. The report notes that the site is not affected by radon gas. The main contaminants of concern include PAH and asbestos derived from the rubbish at the south of the site, and potentially pesticides and heavy metals from fertiliser. The report concludes that it is

unlikely that significant or widespread contamination will be present, but that some localised areas of contamination may be possible.

The Council's Environmental Health Officer has reviewed the LEAP report and is of the view that a ground investigation, including chemical testing of soils, will need to be undertaken to confirm ground conditions on the site and fully quantify the risks from contamination to future site users. Accordingly, conditions have been recommended by the EHO, which (if the application was to be recommended for approval) Officers agree would be reasonable and necessary.

Minerals Safeguarding:

The proposal is within the Weald Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). The applicant has not provided an assessment of how the residential development of the site would impact access to this identified safeguarded resource. Despite this, given the limited extractable size of the site, its locality on the edge of the built-up-area, and the relative abundance of the safeguarded brick clay resource throughout the county; the safeguarding of the resource in this particular instance is considered a low priority. Notwithstanding this, Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision-maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible.

Whilst the Council can demonstrate a 5-year supply of housing land, and therefore do not consider that there is an overriding need for the proposed residential development in this location; given the 'low priority' that is attributed to the necessity to safeguard brick clay resources on this site, it is considered on balance that it would be unreasonable to prevent development in this location for the purpose of safeguarding an abundant resource with a low priority to safeguard. As such, it is not considered that the sterilisation of minerals can be justified as a reason for refusal in this instance.

Air Quality:

The application site is not located within or close to any of the District's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment has been submitted. The assessment notes that the development will generate additional traffic on the local road network, but concludes that that future residents of the proposed development will experience acceptable air quality, with the effects judged to be 'not significant'. As is required for all major developments, the air quality damage costs resulting from the development have been calculated, and requires a damage cost of £11,194. Appropriate mitigation will be required to offset these costs in accordance with Sussex Air Quality Partnership's '*Air quality and emissions mitigation guidance for Sussex*' (2020). The Council's Air Quality Officer has reviewed the Air Quality Assessment and has confirmed that the conclusions (including the damage cost calculation of £11,194) are agreed with.

If the development on this site was to be considered acceptable in principle, appropriate (and costed) air quality mitigation measures would be required to be included within the development - the details of which would be secured by condition. Provided these measures are implemented, it is considered that the development would accord with the requirements of Policy 24 of the HDPF, and Paragraphs 170, 180 and 181 of the NPPF.

Climate change:

Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Submitted in support of the application is an Energy and Water Statement (by Daedalus Environmental Ltd). Whilst the application is only submitted in Outline, several measures are proposed within the Energy Statement for this development, which seek to build resilience to climate change and reduce carbon emissions, including:

- Orientate dwellings to maximise solar gain;
- Energy efficient building envelopes (including thermal glazing, air tight building fabric);
- Use of energy efficient fixtures and fittings (including A+/A++ rated appliances, LED lighting);
- External street lighting/bollards to be LED lighting;
- Installation of Air Source Heat Pumps (Mitsubishi Ecodan) to all properties for heating and hot water;
- Installation of Waste Water Heat Recovery units where feasible;
- Water saving - low/dual flush WCs, low capacity baths, taps with low/aerated flows;
- Provision of rain water butts;
- Integration of SUDS and green infrastructure to manage flood risk;
- EV charging points on at least 50% of units (and ducting on remaining for future connection);
- Cycle storage for every property;
- Implementation of Travel Plan recommendations;
- Minimising construction waste (use local suppliers where possible, re-use of materials);
- Homes to be M4(2) compliant (to facilitate future adaptation); and
- Enhancements to biodiversity.

Officers welcome the proposed measures, and if the application were to be recommended for approval, the inclusion of these measures within the final details of the scheme would be secured by condition in order to suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusion and Planning Balance:

Despite a reduction in the number of proposed dwellings compared to the previously refused proposal on this site (the 2014 scheme), a development of up to 81 residential units on this unallocated countryside site is contrary to the spatial strategy for growth set out in the HDPF (particularly Policies 1, 2, 3, 4 and 26) and therefore objectionable in principle. Whilst a policy compliant level of affordable housing of 35% is proposed, the absence of a legal agreement to secure this renders the proposal contrary to HDPF Policy 16. Furthermore, the absence of a s106 legal agreement means the require improvement works to PROW 1840 also cannot be secured.

The planning statement submitted in support of this application accepts that the principle of development is not in accordance with the Development Plan strategy, but sets out the applicant's view that material considerations exist (including the inability of the Council to demonstrate a sufficient 5-year housing land supply going forward) to justify a departure from the plan and to allow the development. However, as set out in this report, the Council are able to demonstrate a 5-year housing land supply of 108% (as reported in the 2020 AMR), and as such, the applicant's argument that the policies contained within the HDPF are out-of-date hold no weight. In accordance with paragraph's 2, 11, 12 and 47 of the NPPF, the proposal is in conflict with the strategy and policies contained within an up-to-date development plan, and at this time, there are no material considerations of such significant weight that would overcome this conflict.

In addition to the conflict with the Council's overarching development strategy (and notwithstanding the already established conflict with Policy 26 – Countryside Protection), some site-specific landscape harm has also been identified. This harm has however been assessed by the Council as 'not significant', and given the illustrative site plan shows an acceptable development layout which helps to mitigate against the harm, it is not considered on balance that landscape harm in its own right warrants a reason to refuse the application.

Overall, given the Council's sufficient 5-year housing land supply position, it is considered that the harm identified (namely the conflict with the adopted spatial strategy) outweighs the benefit of housing provision in this location. Whilst it is considered that other elements of the proposal are acceptable (including the overall quantum of development, the indicative site layout and the impact on highways, ecology and landscape); the proposal cannot be accepted as a departure from the development plan. The proposal therefore is considered to be contrary to Policies 1, 2, 3, 4, 16, and 26 of the Horsham District Planning Framework (November 2015) and is recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

Recommendation: Application Refused

Reasons for Refusal:

- 1 The proposed development would be located in the countryside, outside of a defined built-up area boundary, and on a site that is not allocated for development within the Horsham District Planning Framework, or a made Neighbourhood Plan. The Council is currently able to demonstrate a 5-year housing land supply, and consequently the proposed development would be contrary to the Council's overarching strategy for development. Furthermore, the proposed development is not essential to its countryside location. The proposed development is therefore contrary to Policies 1, 2, 4, 15 and 26 of the Horsham District Planning Framework (2015), and paragraphs 2, 11, 12, and 47 of the National Planning Policy Framework (2019).
- 2 The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units, nor an agreement for improvement works to PROW 1840. The proposal is therefore contrary to Policy 16 and Policy 40 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met, nor how the development can be appropriately integrated with the wider network of routes.

NOTE TO APPLICANT

The reason for refusal (no.2) in respect of affordable housing provision and PROW improvement works could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, they are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable agreement.

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/20/1697

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		10 REV D	07.09.2020
Site plan	Site Layout Plan	29644A_100ZA	09.02.2021
Site plan	Red Line Boundary	29644A_101B	07.09.2020

Supporting Docs	Flood Risk Assessment Drainage Strategy - Appendices	NONE	07.09.2020
Supporting Docs	Landscape and Biodiversity Management Strategy Report	NONE	07.09.2020
Supporting Docs	Landscape Visual Assessment	NONE	07.09.2020
Supporting Docs	Land Condition - Phase 1 Desk Study	NONE	07.09.2020
Supporting Statement	Planning Statement	NONE	07.09.2020
Supporting Docs	Protected Species Report - V2	NONE	07.09.2020
Supporting Statement	Energy and Water Statement (Dec 2020)	NONE	04.02.2021
Supporting Docs	Transport Assessment	NONE	07.09.2020
Supporting Docs	Travel Plan	NONE	07.09.2020
Supporting Docs	WSCT Advertisement	NONE	07.09.2020
Site plan	Layout plan	29644A_100U	07.09.2020
Plans	Proposed Access - Horizontal Visibility	J32-3028-003	07.09.2020
Plans	Land Use Parameter Plan	29644A/130 REV E	09.02.2021
Plans	Landscape Management Zone	30995 LN-LP-06 REV A	07.09.2020
Plans	Annotated Landscape Strategy	30995 LN-LP-07 REV A	07.09.2020
Supporting Docs	Arboricultural Implications Report	NONE	07.09.2020
Supporting Docs	Heritage Assessment	NONE	07.09.2020
Supporting Docs	Ecological Appraisal (Sept 2018)	NONE	07.09.2020
Supporting Docs	Flood Risk Assessment and Drainage Strategy	NONE	07.09.2020
Plans	Landscape Character Plan	30995 LN-LP-04	09.02.2021
Plans	Site Appraisal Plan	30995 LN-LP-03 REV A	09.02.2021
Plans	Site Context Plan	30995 LN-LP-01 REV A	09.02.2021
Plans	Topography Features Plan	30995 LN-LP-02 REV A	09.02.2021
Plans	Visual Appraisal Plan	30995 LN-LP-05 REV A	09.02.2021
Supporting Docs	Air Quality Assessment	J4373A/1/F1	04.02.2021
Supporting Docs	Ecology Walkover Survey - Updated (Oct 2020)	NONE	03.11.2020
Supporting Docs	Stage 1 Road Safety Audit	NONE	14.10.2020

DELEGATED

Case Officer sign/initial Angela Moore Date: 19 February 2021

Authorising Officer sign/initial Adrian Smith Date: 19/02/2021

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 15 February 2022

DEVELOPMENT: Erection of a rural workers dwelling and attached agricultural building.

SITE: Moralee Farm Haglands Lane West Chiltington Pulborough West Sussex RH20 2QS

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/21/1375

APPLICANT: **Name:** Ms Claire Holloway **Address:** Moralee Farm Haglands Lane West Chiltington West Sussex RH20 2QS

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the erection of a building comprising a 3-bed residential dwelling and a commercial store/sales room.
- 1.3 The building would be located to the west of the site, in close proximity to the shared boundary, and immediately to the north of the existing access. The proposal would comprise an 'H' shaped building including a number of pitched roof features adjoined by a flat green roof. The proposal would be finished in brick and off-white render, with grey plain tiles to the roof.
- 1.4 The building would provide a 3-bed dwelling within living room, kitchen/dining room, pantry, w.c. and integral garage to the east, with the a wine store, yarn store, utility room, w.c. and sales room to the west.

DESCRIPTION OF THE SITE

- 1.5 The application site and wider land is utilised as an alpaca farm and small vineyard, with the Applicant currently benefitting from a temporary planning permission for a residential cabin (sought to be removed as part of the current proposal).
- 1.6 An agricultural building serving the established agricultural enterprise is located to the east of the cabin (outside of the defined development site subject of the current application). Land to the north has been planted as a vineyard, and it is understood that the Applicant has a relationship with a neighbouring wine producer who processes the grapes under an informal agreement.
- 1.7 The wider area is characterised by sporadic residential and agricultural development, with woodland and enclosed fields. The site is located immediately adjacent to the built-up area of West Chiltington Common, with a Grade II Listed Building, known as Old Haglands, located directly to the west.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 10 - Rural Economic Development
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 20 - Rural Workers Accommodation
- Policy 24 - Strategic Policy: Environmental Protection
- 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 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 **West Chiltington Parish Neighbourhood Plan**
 Policy H2 – Quality of Design
 Policy H4 – Housing Density
 Policy H8 – Attention to Detail
 Policy EH1 – Built-Up Area Boundary
 Policy EH3 – Green Infrastructure and Ecosystem Services
 Policy GA3 – Parking and New Development
 Policy EE2 – Employment Land

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1452	Proposed siting of temporary rural workers dwelling and erection of 270sqm agricultural building (Revised scheme to previously approved application DC/16/1866)	Application Permitted on 04.01.2018
DC/16/1866	Siting of temporary rural workers dwelling; erection of agricultural building; alterations to access.	Application Permitted on 26.04.2017
DISC/17/0321	Approval of details reserved by conditions 5, 6, 7 and 8 on DC/16/1866	Split Decision on 10.10.2017

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** Haglands Lane is named after Old Haglands, named Hagland Farm on the 1870s 1st ed. O.S. Country series map. At this time Hagland Farm and Little Hagland Farm were two of a number of dispersed farmsteads on West Chiltington Common. The proposal site lies on what had been an open field and presumably one worked as part of Hagland Farm. The setting of Old Haglands is currently little affected by the small dwelling associated with the agricultural holding. However, there are concerns that the substantial increase in size of the dwelling and its closer proximity to Old Haglands will be detrimental to its setting and an opportunity to experience it in a rural setting. Currently, it is on the edge of this developed area and retains some visual connection to a rural setting and the land that was historically worked by the farm. The proposed dwelling will result in Old Haglands being enclosed on both sides by suburban dwellings and it will be drawn into the suburban expansion of West Chiltington.
- 3.3 The design of the proposed dwelling is incoherent and has an uncomfortable roof line. While acknowledged that attempts have been made to present it as a collection of buildings rather than a single form, it is considered that this is unsuccessful. It is reminiscent of suburban chalet bungalows and will not preserve the setting of the adjacent listed building. The harm will be less than substantial and between the moderate to lower end of that scale of harm.
- 3.4 **HDC Environmental Health:** No response received

OUTSIDE AGENCIES

- 3.5 **WSSC Highways:** This application is for the erection of rural workers dwelling and attached agricultural building. The site is located on Haglands Lane, an un-classified road subject to a speed limit of 30mph.
- 3.6 From an inspection of the planning history at this site, it appears that a temporary dwelling was granted permission under ref: DC/17/1452. This application seeks permission for a permanent dwelling. The LHA would not raise any highway safety concerns to a proposed permanent dwelling in this location.
- 3.7 The existing access approved under DC/17/1452 will be retained and no alterations to the access are proposed. Visibility was assessed previously and considered sufficient.
- 3.8 The dwelling will be provided with a garage and private driveway, with turning space to enable vehicles to turn on site. Cycle storage and Electric Vehicle charging as proposed within the garage.
- 3.9 The proposed agricultural building will provide a sales office and store area for the existing vineyard and alpaca yarn business. No details of expected trip rate have been provided, however, given the proposed two visitor parking spaces, it is not anticipated that the proposed agricultural building would generate a significant number of trips to or from the site. As such, no highways safety or capacity concerns would be raised to the proposal.
- 3.10 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 111), and that there are no transport grounds to resist the proposal.
- 3.11 **Ecology Consultant:** Have reviewed the Ecological Mitigation and Enhancement Plan (Anon, undated) supplied by the Applicant, relating to the likely impacts of development on Dormice and the identification of proportionate mitigation. We have also reviewed the Design and Access Statement (Eco Design Consultants, May 2021).
- 3.12 This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Satisfied that there is sufficient ecological information available for determination.
- 3.13 **Southern Water:** No response received
- 3.14 **Natural England:** Objection
- 3.15 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 3.16 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.17 **West Chiltington Parish Council:** Objection.
- 3.18 No objection to the principle of an agricultural dwelling. However, the size and siting of the accommodation would be incongruous with the size of the enterprise and is not supported. The size of the residential dwelling and shop needs to be significantly reduced, and re-sited within the plot. The proposed shop is in a particularly inappropriate position, right on the boundary with Old Haglands, a Grade II Listed Building. The size of the proposed shop should also raise some concerns about the level of customer traffic that could be expected to use the very narrow Haglands Lane. Business accounts unavailable and not therefore able to analyse the enterprise.
- 3.19 35 letters of support were received from 33 separate households. 12 of these letters were from households within Horsham District, with 21 of these letters from households outside of the District. These raised the following comments:
- Beneficial countryside enterprise
 - High standard and quality
 - Benefits to wildlife
 - Employment benefits
 - No visual impact due to enclosed nature of site
 - Benefits to local community
 - Supports welfare needs of livestock
- 3.20 16 letters of objection were received from 13 separate households, all of which were located within Horsham District. These raised the following concerns:
- Impact on the Grade II Listed Building
 - Overbearing impact
 - Impact on ecology
 - Increased traffic
 - Unacceptable retail element
 - Out of keeping with locality
 - Impact on skyline
 - Light pollution
 - Poor design
- 3.21 6 letters of representation neither supporting or objecting to the proposal were received, and these were from 5 separate households within Horsham District. These made the following comments:
- Potential light intrusion
 - Should be restricted with an agricultural tie
 - Removal of temporary dwelling
 - Impact of fences
 - Potential traffic impacts

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the erection of a building comprising a 3-bed residential dwelling and a commercial store/sales room.

Principle of Development:

- 6.2 Policy 20 of the Horsham District Planning Framework (HDPF) states that outside the defined built-up area, new housing for rural workers will be supported provided that there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use; and evidence is submitted to demonstrate the viability of the rural business for which the housing is required.
- 6.3 Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area.
- 6.4 Planning Practice Guidance entitled "Housing Needs of Different Groups" outlines how the need for isolated homes in the countryside for essential rural workers can be assessed. Considerations that may be relevant include: evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry, or similar land-based rural enterprise; the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process; whether the need can be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance, and local context; and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- 6.5 The primary test set out in the NPPF and Policy 20 of the HDPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. The application site benefits from a temporary planning permission for the residential cabin located on the site under planning reference DC/17/1452.
- 6.6 Moralee Farm extends to a total of 9.6 hectares (23.75 acres) which includes improved grassland and an established vineyard covering 1.6 hectares (4 acres). The land holding is owned by the Applicant. The Applicant has established an alpaca breeding enterprise on site known as Moralee Alpacas. Currently the alpaca enterprise comprises a total herd size of 43 alpacas including 26 breeding females, youngstock and breeding males. The Applicant provides the full-time labour input with part-time input from her son plus other casual labour at peak-times.

- 6.7 The supporting documents note that 17 cria are expected to be born this year and notes that the main source of income from the alpaca business is from selling breeding stock, selling halter trained stock, providing livery and stud services. In addition, the first harvest of grapes took place in 2019 with produce sold under a 'swap' contract to a winery, where an agreed proportion of grapes are retained by the winery as payment for the production of wine and an agreed proportion of bottled wine returned to Moralee Farm for retail sale.
- 6.8 As part of the approved application for the temporary dwelling at Moralee Farm, the Applicant produced a comprehensive seven year business plan which on analysis of the supporting documentation and financial evidence provided confirms that the alpaca enterprise and vineyard are well-established and the number of breeding females is in line with the business plan. To date the Applicant has input a significant level of investment in the business.
- 6.9 The current application seeks to provide a permanent residential dwelling for a rural worker following the establishment of the business. An assessment of the essential need for a rural worker to live at or near their place of work requires: an evaluation of the risks involved; the frequency and type of out-of-hours emergency that might arise; the scale and loss that could be incurred should that emergency situation occur; the potential for an on-site worker to identify any problem; and the ability of that resident worker to rectify the problem effectively and expeditiously. Legislation requires that all animals are managed in a manner that accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; freedom from fear; freedom to display the most normal patterns of behaviour, and it is accepted that without good stockmanship, animal welfare can never be adequately protected.
- 6.10 The accepted and confirmed essential needs for the Applicant's alpaca enterprise are detailed in the supporting documents. In summary these are: care, close supervision and welfare of all livestock on site; care and welfare and close supervision of female alpacas at birthing, assistance may be required; care and welfare and close supervision of new born cria and ensuring they suckle properly and receive adequate colostrum, assistance may be required or supplementation may be required through individual bottle feeding; management and close supervision of breeding females and males at mating; and provision of security. Unforeseen incidents can occur on livestock farms at any time, such as livestock straying, thefts (rustling) or unauthorised access by intruders which can compromise biosecurity and the health status of livestock which can lead to serious economic loss. In addition, adverse weather conditions (thunder and lightning) can cause grazing livestock to stampede which could result in injury. Fire within a livestock building would necessitate immediate action. The permitted temporary rural workers dwelling, occupied by the applicant, has minimised those risks and has ensured that the management and welfare of the alpaca enterprise at Moralee Farm is not compromised. The supporting documents also note that there will be some essential need associated with the vineyard.
- 6.11 The Council's Agricultural Consultant has reviewed the documentation submitted and considers that there is a sufficient essential and functional need for a rural worker to live on-site. The essential need is currently being met by the temporary dwelling and would continue to be met by the proposed permanent dwelling. The principle of a permanent residential dwelling on the site is therefore considered acceptable.
- 6.12 It is however also noted that the proposed development is designed to provide additional space for wine storage, yarn storage, and as a sales room. Limited information and justification has been provided in respect of this proposed operation, albeit that the Planning Statement outlines that this will not act as a Farm Shop, but rather would be undertaken by appointment only. No information has been provided regarding current sales, with the limited information presented in respect of wine sales seemingly indicating that the Applicant contracts this work out. Further clarification on these matters was requested, however no additional information was received.

- 6.13 While there is support for farm diversification within Policy 10 of the HDPF, given the limited information and evidence provided, particularly regarding the processing and sales of products derived from the site, it is not considered that the scale of the proposed development is reflective of the needs of the business. Furthermore, limited information has been provided in respect of the likely number of trips and vehicle movements, albeit that it is stated that this would be by appointment only, with the proposed development likely to result in an increased level of activity within the countryside.
- 6.14 Given the likely informal nature of the sales, particularly as this would be a new branch of the established enterprise, it is not considered that such activity would require the level of accommodation as proposed. In particular, given the suggested appointment based visits to the site, it is not considered that a sales room would be necessary. Furthermore, it has not been demonstrated that additional and wholly separate accommodation would be required for this, and it is queried why such sales could not be undertaken from the dwelling and/or from part of the existing agricultural barn. As such, while some form of additional storage accommodation may be considered appropriate, the amount of accommodation proposed, particularly given the limited evidence/information of the processing of product from the enterprise, is not considered to be reflective of the needs of the established business.
- 6.15 While there is policy support for farm diversification, with the intended activities likely to result in some economic benefits, there is considered to be limited justification for the scale of the commercial development as proposed. The proposed development due to its scale and nature has the potential to result in an intensification of activity within the countryside, with the proposal representing new-build development where it has not been demonstrated that existing buildings are not suitable for conversion. It has not been demonstrated that the development would result in substantial environmental improvement, nor that the development would reduce the impact on the countryside. The proposed development is therefore considered to be in conflict with Policies 10 and 26 of the HDPF in this regard.

Design and Appearance:

- 6.16 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.17 Policy 34 of the HDPF states that development should reinforce the special character of the District's historic environment through appropriate siting, scale, form and design, and should make a positive contribution to the character and distinctiveness of the area; ensuring that development in Conservation Areas is consistent with the special character of those areas.
- 6.18 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.19 The proposed development would be set away from the existing built form, in an undeveloped area immediately adjacent to the site entrance. The proposed development would extend across the breadth of the site and would result in a large expanse of development that would enclose the spacious and informal character of the countryside

location. The development would be unrelated to the existing built form on the wider site and would sit as a prominent addition within the immediate context. As such, the scale and extent of the proposed building, which would spread across the breadth of the site, is considered to result in a prominent and dominant built form that would detract from the informal landscape character and would result in adverse harm to the landscape character and visual amenity of the rural setting.

- 6.20 Furthermore, the proposed design would result in a number of juxtaposing elements, which given the pitch of the roof and eaves height, would result in a dominant building that would be unrelated to the locally distinctive vernacular. The design rationale seems unclear, with a number of competing styles that create an awkward juxtaposition between traditional and contemporary. There are also concerns regarding the quality of the build, with the awkward roof junctions likely to be difficult to build and finish to a high standard.
- 6.21 The proposed development would be of a scale, extent and siting that would appear as a dominant and prominent feature within the immediate context, and would be of a design and form that would appear as an awkward and intrusive addition that would fail to reflect the locally distinctive character of the wider area, which includes the setting of a Grade II Listed Building. As such, the proposal would fail to protect, conserve, and enhance the key features and characteristics of the landscape character and countryside setting, contrary to Policies 25, 26, 32, 33, and 34 of the Horsham District Planning Framework (2015).

Heritage Impacts:

- 6.22 Paragraph 199 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.23 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.24 Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.25 Haglands Lane is named after Old Haglands, which is named Hagland Farm on the 1870s 1st ed. O.S. Country series map. At this time Hagland Farm and Little Hagland Farm were two of a number of dispersed farmsteads on West Chiltington Common. The proposal site lies on what had been an open field and presumably one worked as part of Hagland Farm.
- 6.26 Following consultation with the Design and Conservation Officer, there are concerns regarding the proximity of the development to the nearby Listed Building, and the potential impact this would have on the setting of the designated heritage asset. Specifically, the proposed development would result in Old Haglands being enclosed on both sides by suburban dwellings, which will draw the designated heritage asset into the suburban expansion of West Chiltington. This would alter the perception, understanding and

appreciation of the Grade II Listed Building, and would result in harm to the setting of this designated heritage asset. The proposed development would not preserve the setting of the Grade II Listed Building, and would result in harm in this regard. This harm would be less than substantial, between the moderate to lower end of the scale.

- 6.27 The proposed development would fail to reinforce the special character and setting of the nearby Grade II Listed Building, and would fail to make a positive contribution to the character and distinctiveness of the area. As such, the proposed development is considered to detract from and dilute the special character and distinctiveness of the designated heritage asset, contrary to Policy 34 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 6.28 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.29 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. Paragraph 187 continues that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 6.30 It is recognised that a number of objections have raised concerns with regard to the impact of the proposed development with regard to noise pollution, light pollution, and activity/disturbance.
- 6.31 The application site is currently utilised for agricultural activities in connection with an alpaca farm. This is considered to be reflective of the rural countryside location. The site is separated from the nearby residential properties by a mature tree line, with limited visibility between the site and the adjacent residential dwellings. As such, it is not considered that the proposed development would result in harm to the amenities and sensitivities of neighbouring properties through overlooking, loss of light, and loss of privacy.
- 6.32 It is however recognised that the proposal has the potential to result in an intensification of vehicle movements and activity at this site, particularly given the commercial sales proposed. While this would be the case, it is not considered that the proposal would result in such a significant increase in activity to significantly impact the adjacent residential properties, particularly given the separation distance between the site and the nearby residential properties.
- 6.33 On the balance of these considerations, it is not considered that the proposed development would result in significant adverse harm to the amenities of neighbouring properties to justify a reason for refusal.

Highways Impacts:

- 6.34 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.35 The site is located on Haglands Lane, an un-classified road subject to a speed limit of 30mph. Following consultation with WSCC Highways, it is noted that no alterations are proposed to

the access arrangement, with the suitability of this access considered under planning reference DC/17/1452 where it was considered acceptable. The proposal would provide a garage and private driveway, with turning space to enable vehicles to turn on site. Cycle storage and Electric Vehicle charging as proposed within the garage. The Local Highways Authority raise no highway safety concerns to a proposed permanent dwelling in this location.

- 6.36 It is noted that the proposal would also provide a sales office and store area for the existing vineyard and alpaca yarn business. No details of expected trip rate have been provided, however, given the proposed two visitor parking spaces, it is not anticipated that the proposed agricultural building would generate a significant number of trips to or from the site. As such, the Local Highways Authority has raised no highways safety or capacity concerns in this regard.
- 6.37 The Local Highways Authority does not therefore consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

- 6.38 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.39 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.40 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.
- 6.41 While recognised that the application site benefits from planning permission for the temporary siting of a dwelling, the proposed development would result in a substantial increase in the level of accommodation provided. In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change:

- 6.42 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

6.43 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

6.44 While recognised that the proposed development would support the essential needs of the established farming enterprise and would contribute to the sustained and diverse rural economy in this regard, the proposal would be of a scale, extent and siting that would appear as a dominant and prominent feature within the immediate context, and would be of a design and form that would appear as an awkward and intrusive addition. The development would thereby fail to reflect the locally distinctive character of the wider area, which includes the setting of a Grade II Listed Building, and would result in harm in this regard. Furthermore, insufficient information has been provided to demonstrate with certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. The harm as identified is considered to outweigh the benefits arising from the proposed development, and the proposal is therefore recommended for refusal for the reasons outlined below.

7. RECOMMENDATIONS

7.1 To refuse planning permission for the following reasons:

- 1 The proposed development due to its scale and nature has the potential to result in an intensification of activity within the countryside, with the proposal representing new-build development where it has not been demonstrated that existing buildings are not suitable for conversion. Furthermore, it has not been demonstrated that the development would result in substantial environmental improvement, nor that the development would reduce the impact on the countryside. The proposed development would therefore be contrary to Policies 10 and 26 of the Horsham District Planning Framework (2015).
- 2 The proposed development would be of a scale, extent and siting that would result in a dominant and prominent feature within the immediate context, and would be of a design and form that would appear as an awkward and intrusive addition. The proposal would fail to reflect the locally distinctive character of the wider area, and would dilute the understanding and appreciation of the setting of the nearby Grade II Listed Building. As such, the proposal would fail to protect, conserve, and enhance the key features and characteristics of the landscape character and countryside setting, contrary to Policies 25, 26, 32, 33, and 34 of the Horsham District Planning Framework (2015).
- 3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

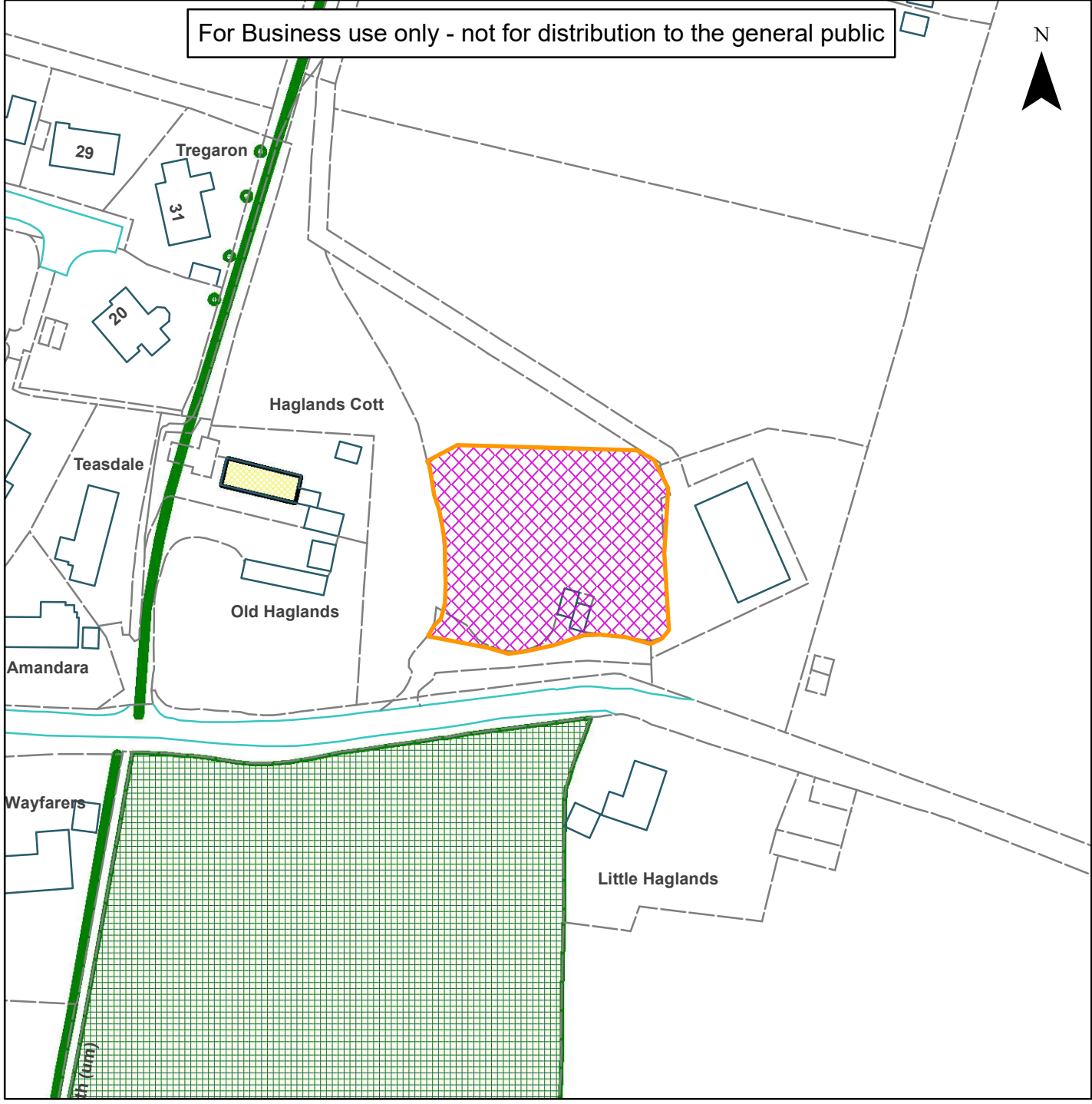
Background Papers: DC/21/1375

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Moralee Farm, Haglands Lane, West Chiltington, Pulborough, West Sussex, RH20 2QS

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 15 February 2022

DEVELOPMENT: Construction of an irrigation storage reservoir using existing soil through "cut and fill".

SITE: Land at Grid Reference 506411 119161, Broomers Hill Lane, Pulborough, West Sussex

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/21/1631

APPLICANT: **Name:** Ms Frances Jacob **Address:** Land Parcel South of Broomers Hill House, Broomers Hill Lane, Pulborough, West Sussex, United Kingdom

REASON FOR INCLUSION ON THE AGENDA: Pulborough Parish Council has made a written representation which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the construction of an irrigation storage reservoir to support animal drinking troughs for this agricultural holding. The proposed reservoir would also supply water to newly planted trees and hedges within this agricultural holding. This planning application follows a recently withdrawn Prior Approval application reference DC/21/0163, where it was considered that the extent of the works required planning permission.
- 1.2 The current troughs are mains fed and the proposal aims to switch to a new pumped supply which would be much more cost efficient, more reliable and a greater ecological resource.
- 1.3 The proposed development would involve the parcel of land, south of Broomershill Farm and north of Brooks Rew Farm, to be re-contoured to allow a reservoir of 3,577 m³ in volume to be constructed, with 2,573 m³ of this total volume above natural ground level. The intended

resulting volume would be below the current and proposed threshold of the Reservoir Act. The land re-profiling would include a bund to the south of the reservoir to protect any properties lower down the hill from reservoir bank failure and will direct the water to the fields to the east.

- 1.4 The reservoir filling would be from a bore hole on the site abstracting within the Water Act 2003 *de-minimus* volumes and would be controlled by reservoir level. This would ensure that a 500 mm free board can be maintained that would accommodate any heavy rainfall onto the reservoir surface. The design would include a piped drain to the south-eastern area from the reservoir top lip which would avoid overflow, bank erosion and protect any properties further down the hill. The reservoir would be lined with a water impermeable membrane Bentonite, a self-sealing clay based material, if punctured would close in and prevent seepage.

DESCRIPTION OF THE SITE

- 1.5 The application site is located on the eastern side of Broomers Hill Lane. The parcel of land in question is situated south of Broomers Hill Farm and north of Brooks Rew Farm. Broomers Hill House is a small organic registered farm that comprises a series of grassland fields used for animal grazing. In the past years, replanted hedgerows and trees for climate and biodiversity enhancement reasons have been lost due to hot dry weather conditions. The proposed reservoir would provide a supply of water to newly planted trees and hedges during the summer months. This would assist their establishment during the first two years of growth, by which time the root system would have developed adequately to ensure self-sufficiency.
- 1.6 The application site currently comprises of an open field pasture that is part of the overall farm holding of 20.81 hectares. The land is grazed and during peak lambing times the flock comprises up to 350 sheep and lambs. The water is supplied to the livestock via a series of troughs in the fields that are currently mains fed. The Environment Agency data states 6 litres/day is required per animal, equating to a daily total demand of 2,100 litres. The land is grazed over a period of four months which results in a requirement of 250 m³ of water from the supply.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.
- 2.2 **National Planning Policy Framework**
- 2.3 **Horsham District Planning Framework (HDPF 2015)**
 - Policy 1 - Strategic Policy: Sustainable 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

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Pulborough Neighbourhood Plan has not been made as yet.
- 2.5 Pulborough Design Statement May 2013

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/0163

Prior notification for the construction of an irrigation storage reservoir.

Decision Date – 18.03.2021

Prior Approval Required and Application Withdrawn

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation and Design: No Objection.** It is not considered that the proposal would result in harm to the setting of the listed building Broomers Hill House. This is based on the understanding that the reservoir would be only used for the storage of water/ nature conservation and would not be used for water sports etc. which could create noise which may detract from the wider rural character of the area.
- 3.3 **HDC Drainage: No Objection.** The proposed construction will not increase the risk of flooding on the site nor are there any flood risk implications associated with this proposal.

OUTSIDE AGENCIES

- 3.4 **WSCC Lead Local Flood Authority: No Objections.** The site is shown to be at low risk from surface water flooding and the proposal will not increase the flood risk to this or other sites, therefore no objection to this application
- 3.5 **Natural England: No Objection.** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes therefore have no objection to the proposed development. A likely significant effect can be ruled out.

Furthermore, the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

- 3.6 **Reading Agricultural Consultants: No Objection.** The proposal is considered appropriate for its intended use of supplying water to the troughs for the grazing sheep and in line with national and local planning policy.
- 3.7 **Historic England: No Objection.** The site has been evaluated by trial trenching, which located no archaeological remains. The alteration to the landscape as result of the proposed development would not alter the setting of the scheduled monument in such a way as to affect its significance.

Historic England supports the application on heritage grounds. It is considered that the application meets the requirements of the NPPF, with respect to the scheduled monument.

- 3.8 **Archaeology: No Objection.** The site has undergone a programme of archaeological trial-trenching which has confirmed that no significant archaeological deposits will be impacted by the development. Therefore, there is no historic environment objection.
- 3.9 **Environment Agency: No Objection.** The Applicant should note that *de minimis* borehole abstraction equates to 7,300m³/year at a rate of 20m³/day. However, the limit is 20m³/day

and no more – for example, this does not allow for there to be an abstraction of 40m³/day one day and none the next to balance out to 20m³/day. If the *de minimis* allowance is likely to be exceeded, then an abstraction licence will need to be obtained from the Environment Agency.

- 3.10 If the Applicant does drill an abstraction borehole then it is strongly advised that the Applicant informs the Environment Agency of this and the location.
- 3.11 The site is located on Hythe Beds, an aquifer therefore it is possible that the Applicant/contractors may intercept groundwater or springs during construction which could feed the reservoir. But utilising this source this would require an abstraction licence from the Environment Agency.
- 3.12 **Ecology: No Objection**. The site appears to be of low ecological value with hedgerows and trees to east and west. It is assumed that these features will be retained and protected during the construction of the reservoir, in which case no adverse ecological impacts are likely. It is recommended that a scheme of ecological protection during construction in the form of a Construction Environmental Management Plan For Biodiversity be secured by condition of any consent, to include the protection of retained vegetation.
- 3.13 There is sufficient information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 3.14 Although there are no specific enhancement measures proposed to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021, it is clear that the resulting water body will provide semi-natural wetland habitat, not least in the reed fringe illustrated in the email from Dove Associates dated 7th October. Impacts will be minimised such that the proposal is acceptable subject to the recommended conditions for Construction Environment Management Plan. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

PUBLIC CONSULTATIONS

- 3.15 **Parish Council Consultation: Objection**
Pulborough Parish Council raised objection to the proposed development and requested in writing within the consultation period that this application to be heard at Horsham District Council Planning Committee meeting. The Parish Council recommends that:
- The site should be subject to an archaeological site investigation, noting that the applicant has already commenced work on site;
 - An ecological survey should be carried out;
 - If planning application is approved by HDC, should the applicant wish to abstract a higher level than 20 cubic metres/day a licence should be obtained.
 - The bund is inadequate due to flooding issues, of which HDC are aware.
 - The water neutrality calculations appear incorrect.
- 3.15 There were 7 no. support letters received during the neighbour consultation process. The following comments were made:
- Support this application as it will add biodiversity to the area
 - Wholeheartedly support the installation and creation of a lake/reservoir at this location. Proposal would enhance biodiversity with wildlife corridors being created and a new reservoir attracting and supporting new wildlife.

- Proposal would offer a greater diversity of habitat for wildlife. Also, welcome the creation of a second wildflower meadow.
- Project will support local flora & fauna, as well as supporting the hedgerow/deciduous tree with its associated wildlife, therefore in favour of project.
- Exactly what is needed, more water storage and more wildlife.
- Proposal would provide a more abundance food supply for wildlife especially in the drier months.
- Proposal would be a place of great beauty and would enhance the area.

3.16 There were 2 no. objection letters received during the neighbour consultation process raising the following concerns:

- Strongly object to the proposed Ornamental Lake, had past problems with overflow from the fields through site and do not agree to the building of this project.
- Concerned about having such a large volume of water positioned, approximately 85 metres, directly north of neighbour's property.
- Plans do not show the severity of the gradient directly north to south relevant to the position of neighbour's property, which would be the direction of any overspill or leakage from the proposed construction.
- No indication of the final positioning of the overflow pipe.
- There are two positions where the proposal can clearly be seen over 5 bar gates.
- There would be no continuing safety bund to the eastern boundary enabling any overflow to avoid neighbour property and flow into adjoining fields. The current work already carried out appears to position the bund in a straight line close to the boundary.
- Unclear how high the bund would be and if it would be reinforced
- Concerned about the validity of our current insurance and cost/ability to insure neighbour's property in the future
- Unaware of any trees and hedgerows dying in the past. Trees and hedgerows planted by previous owners are visible and appear to have survived.
- Current owners expressed to build an ornamental lake however proposal outlines a irrigation reservoir.
- Unclear if the bund already built has a keyed foundation to stop seepage under the mound of soil at ground level. Without this there is a safety risk that the bund water will seep through and potentially still cause safety issues.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development

6.1 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 84 of the NPPF and policy 26 of the Horsham District Planning Framework (HDPF).

- 6.2 Paragraph 84 of the NPPF states that 'Planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses'.
- 6.3 HDPF Policy 26 advises that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and the proposal would be for the provision of an irrigation reservoir to support animal drinking troughs and provide enhancement to replanted hedgerows and trees. On this basis, the proposal therefore accords with the HDPF strategy for development and the grant of this planning permission would represent compliance with the development plan.
- 6.4 The construction of the proposed reservoir will provide an improved and more reliable water source for the 350 sheep grazing the land alongside a greater ecological benefit. The development is considered appropriate for its intended use of supplying water to the troughs for the grazing sheep. Furthermore, due to the intended use of the reservoir for the storage of water and nature conservation, the proposal would not result in harm to the setting of the listed building Broomers Hill House.
- 6.5 The proposal would support the need of an established agricultural holding, with the design and capacity of the reservoir appropriate for the nature and scale of the intended use. It is therefore considered that the principle of development, for the construction of an irrigation storage reservoir, is acceptable, subject to all other materials considerations.

Character and appearance and Impact on Heritage Assets

- 6.6 Policies 25, 32, and 33 of the Horsham District Planning Framework (HDPF) promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard of design and layout which relates sympathetically to the landscape and built surroundings. In addition, Policy 26 of the HDPF states that development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
- 6.7 The proposal would involve the creation of an irrigation storage reservoir using existing soil through "cut and fill". The development would be situated south of Broomershill Farm and north of Brooks Rew Farm. The size, shape and depth of the reservoir has been designed to blend in with the surrounding landscape features. The submitted site plan drawing no. FJ1.6b details the existing and proposed landscape. The reservoir would be designed to blend with the surrounding land and would have a curved outline which would help to assimilate the feature into the surrounding landscape. The outer boundary of the reservoir design would provide a wetland security feature which would provide a further transition with the immediately surrounding land.
- 6.8 It is considered that the design of the proposed reservoir would represent an enhancement to the site. The rural character of the countryside would be preserved, with the development essential to the countryside location, supporting the needs of this agricultural holding.
- 6.9 Given the siting and nature of the proposals, which would be expected within a countryside setting such as this, it is considered that the proposal would not have a detrimental impact on the wider countryside character, in accordance with Policies 26, 32 and 33 of the HDPF.

- 6.10 Policy 34 of the Horsham District Planning Framework states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area.
- 6.11 It is noted that there is a Grade II listed building located to the north of the site. Following consultation with Historic England and the Council's Conservation and Design Officer, who both raised no objections, it is considered that the proposals would not have any adverse impacts on the setting of this heritage asset.
- 6.12 As a consequence of the circumstances described above, it is considered that the proposals would accord with relevant local and national planning policies.

Impact on neighbouring amenity

- 6.13 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.14 The proposed reservoir would be positioned approximately 75 metres away from the closest residential property, Brocks Rew. The nature and scale of the actual reservoir would not lead to any unacceptable harm to neighbouring amenity.
- 6.15 The proposed reservoir would ensure that a 500 mm free board can be maintained to cope with any heavy rainfall onto the reservoir surface. The design would include a piped drain to the south-eastern area from the reservoir top lip which would avoid overspill, bank erosion and to protect properties to the south of the application site. The Council's Drainage Engineer has not raised any objection to the proposal, which would not result in any increased flood risk for surrounding properties and land.
- 6.16 It is acknowledged that a neighbour has raised concerns about some ground clearance works that have commenced on site, the topsoil piled on site is not the proposed bund. The applicant has provided further clarity that this soil will be removed when the reservoir is constructed and replaced by a bund which will have a key trench to control any seepage. The reservoir will be lined with a water impermeable membrane Bentonite, the chosen material, which is a self-sealing clay-based material, if punctured it will close in and prevent seepage.
- 6.17 A condition is recommended to require the submission of a Construction Environmental Management Plan with a further condition recommended in respect of working hours during construction. It is considered that these measures would be sufficient to prevent any unacceptable harm during the construction phase of the development.
- 6.18 Overall, it is considered that the proposal would not result in unacceptable harm to neighbouring amenity, in accordance with the above policy.

Ecology Considerations

- 6.19 Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The policy confirms that the Council will support new development which retains and/or enhances significant features of nature conservation on development sites.
- 6.20 The application site is of low ecological value and there is no evidence to suggest the proposal would adversely impact on protected species or habitat. A condition is recommended to require the submission of a biodiversity management plan and this

approach would be sufficient to protect any features of ecological value. It is therefore considered that the proposals would not have a detrimental impact on ecology, and overall the proposals are considered to be acceptable in this regard, in accordance with Policy 31 of the HDPF.

Water Neutrality

- 6.21 The proposed reservoir would reduce the reliance on a mains water supply for livestock, with the reservoir filled from rainfall and surface water run-off. As such, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would necessitate an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Drainage

- 6.22 The volume of the reservoir is below the minimum volume for the reservoir to be registered under the UK Reservoirs Act. It measures a maximum 100m x 25m and has a maximum depth of 1.5m. The banks will have a 1.2m wide reed bed which will be 0.4m deep and provide a barrier for people and livestock or other animals.
- 6.23 The proposed irrigation reservoir would be filled by rainwater and de minimis borehole abstraction which equates to 7,300m³/year at a rate of 20m³/day. Exceeding the *de minimis* allowance would require an abstraction licence from Environment Agency. It is noted that the site is located on Hythe Beds, an aquifer consequently there may be the possibility of interception with groundwater or springs during construction which could feed the reservoir but utilising this source would require an abstraction licence from Environment Agency.
- 6.24 Notwithstanding the above, the application site has been identified as falling within low risk from surface water flooding, therefore the proposal would not increase the flood risk to this or other sites. Similarly, the proposed construction of a reservoir would not increase the risk of flooding on site nor would there be any flood risk implication with the proposal. Given that The Local Flood Authority at County and the Council's Drainage Engineer raised no objection to the proposal, the development is considered to be acceptable in this regard

Archaeology

- 6.25 The site is located within an archaeological notification area, due to evidence for earlier settlement activity to the north and west. The site has undergone a programme of archaeological trial-trenching which confirmed that no significant archaeological deposits will be impacted by the development. It is not therefore necessary to require further details prior to works taking place, and the proposal would have no adverse impacts in this regard.

Conclusion

- 6.26 It is considered that the proposal accords with relevant local and national planning policies, with the application recommended for approval, subject to conditions.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is permitted subject to the following conditions-

- 1 A list of the approved plans

- 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 **Pre-commencement Condition:** No development shall commence until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the Local Planning Authority. The BCEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and Policy 31 of the Horsham District Planning Framework (2015).

- 4 **Pre-commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **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).

- 6 **Regulatory Condition:** Other than agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or via soakaways.

Reason: To prevent pollution in accordance with Policy

- 8 **Regulatory Condition:** The development hereby permitted shall be used solely for agricultural purposes only, as an irrigation reservoir, and for no other purposes, as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development unrelated to an essential rural activity would not normally be permitted.

- 9 **Regulatory Condition:** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/21/1631

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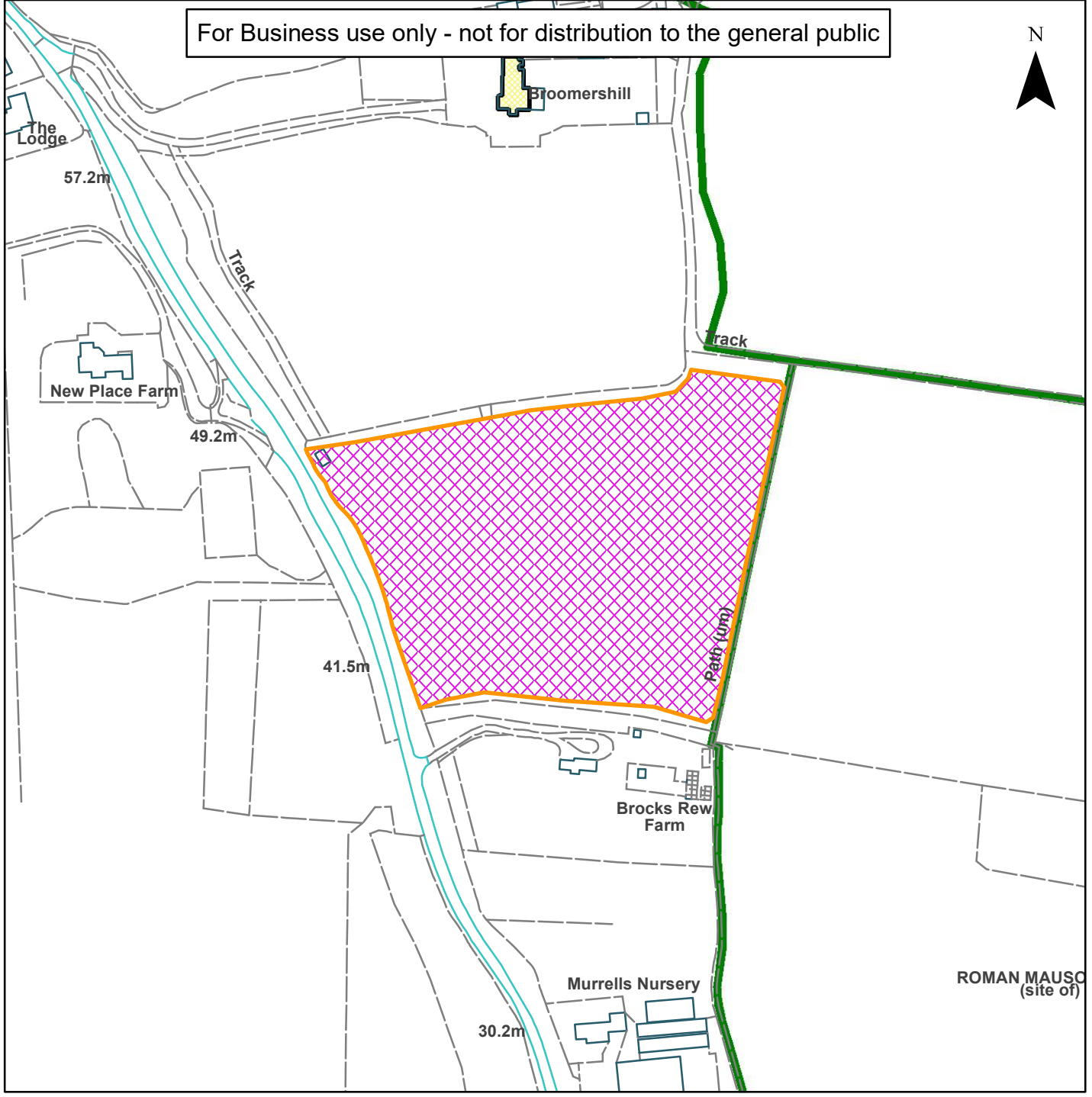
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**Horsham
District
Council**

Land at Grid Reference 506411 119161, Broomers Hill Lane,
Pulborough, West Sussex

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 15 February 2022

DEVELOPMENT: Erection of a detached bungalow.

SITE: Ashley House Roundabout Copse West Chiltington Pulborough West Sussex RH20 2RN

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/21/1234

APPLICANT: **Name:** Mr and Mrs Hirsch **Address:** Ashley House Roundabout Copse West Chiltington Pulborough West Sussex RH20 2RN

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

Planning Committee South 17 August decision was to delegate to Head of Development to further consider the proposed access in consultation with local members and WSCC Highways

In order to consider matters in relation to Water Neutrality

RECOMMENDATION: To approve planning permission subject to the planning conditions

1. INTRODUCTION

- 1.1 This application was considered at Planning Committee South on 17 August 2021 (see Addendum 1) where members resolved that the application be delegated to Head of Development to further consider the proposed access in consultation with local members and WSCC Highways.
- 1.2 Following this resolution further details have been provided in respect of the access and comments received from WSCC Highways. In addition, a Position Statement from Natural England was received relating to the impacts of water abstraction on the protected habitat sites in the Arun Valley and the requirement for all developments to now demonstrate water neutrality. The Position Statement is a new material planning consideration relevant to the determination of this application

2. OUTCOME OF CONSULTATIONS

- 2.1 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
- 2.2 **WSCC Highways: No Objection**. Following a review of the Transport Technical Note, 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 111), and that there are no transport grounds to resist the proposal.
- 2.3 **Ecology: No Objection**, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. This development would therefore not be in conflict with the conservation objectives for the Arun Valley SPA, SAC and Ramsar site which include 'maintaining or restoring the population of Qualifying Features.
- 2.4 **Natural England: No Comments Received**

3. ASSESSMENT

Highways

- 3.1 Following the first committee meeting, the site has been revisited to further assess highways impact and the Applicant has submitted a Transport Technical Note. The Transport Technical Note has been consulted with WSCC Highways.
- 3.2 Following consultation with Local Members, the Head of Development has confirmed that the access matters have been considered and are deemed to be acceptable. An additional condition is recommended in relation to visibility spays for the access which is set out in the schedule of conditions below. Subject to this condition it is considered that the proposal would not result in any adverse effects on the highway network, in accordance with relevant local and national policies.

Water Neutrality

- 3.3 Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.
- 3.4 On 14 September 2021, the council received the Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone must not add to this impact.
- 3.5 Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

- 3.6 The Position Statement is a new material consideration, and if an application cannot demonstrate water neutrality is reasonably achievable, this will mean the development will not meet the requirements of section 63 of the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations).
- 3.7 The application is now accompanied by a Water Neutrality Statement (Therm Energy, Nov 2021) in response to the above. This statement sets out that the water usage for the existing house (4 bed) on this site is 189.4L/pp/day, with evidence of this level of usage provided in the form of a recent water bill for the property. The Statement sets out a series of efficiency measures for the existing dwelling which would reduce this level of water use to 104.4L/pp/day. This reduction in the level of water use for the existing dwelling would provide 85L/pp/day in order to achieve water neutrality for the new dwelling proposed by this application.
- 3.8 The submitted statement confirms that this level of water usage can be achieved within the new dwelling, through a combination of efficient fixings and appliances. It is considered that subject to the proposed measures, in both the existing and proposed dwellings, being secured through condition the proposal would achieve water neutrality.
- 3.6 As such, there is no evidence to suggest the nature and scale of the proposed development would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission is not therefore considered to adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017, subject to appropriate condition(s).
- 3.7 As all other material considerations have been considered and determined, Officers therefore recommend that the application is approved subject to the conditions as set out below.

4. RECOMMENDATIONS

- 4.1 To approve planning permission, subject to the following revised schedule of conditions:

1 **Approved Plans**

- 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 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors.
- ii. loading and unloading of plant and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding, where appropriate.
- v. the provision of wheel washing facilities if necessary.
- vi. measures to control the emission of dust and dirt during construction.
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of adjacent properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers
- Details of all boundary fences/walls

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (received 17 November 2021). The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling and the existing dwelling at Ashely House has been implemented in full. The evidence shall include the specification of

fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** Visibility splays for the access serving the development shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Background Papers: DC/21/1234



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 17 August 2021

DEVELOPMENT: Erection of a detached bungalow.

SITE: Ashley House Roundabout Copse West Chiltington Pulborough West Sussex RH20 2RN

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/21/1234

APPLICANT: **Name:** Mr and Mrs Hirsch **Address:** Ashley House Roundabout Copse West Chiltington Pulborough West Sussex RH20 2RN

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Full Planning Permission is sought for the construction of a single detached 3-bedroom bungalow with an attached double garage and two car parking spaces. This follows the previous grant of outline planning permission in March 2020 (DC/20/0157 reefers) for the erection of a detached bungalow and new access with all matters reserved on the site.
- 1.2 The GIA of the new dwelling is to be 147 sq.m. The proposed 3m wide vehicular access point is north of the dwelling providing a direct route to the parking spaces and garage with an electrically operated 5-bar gate entrance to provide security.
- 1.3 The proposed bungalow is to have a traditional form with a plain-tiled pitched roof, multi-stock facing brick to the elevations and architectural detailing including a brick chimney, stooped brick window sills, a brick detail band at low level and a feature oak porch. The bungalow would have grey UPVC framed glazing and matching coloured UPVC gutters & downpipes.

- 1.4 The proposal includes refuse & recycling bins stored within the proposed double garage alongside cycle parking also within the garage.
- 1.5 The proposed bungalow is in a similar location to the proposed dwelling granted previously under the outline planning permission. The dwelling would be 1m further to the east to provide a greater separation to Ashley House and the vehicular access driveway is now proposed directly onto Roundabout Copse. Under the previous outline permission, the proposed driveway shared the Ashley House entrance, and required the loss of a section of existing garden hedgerow.
- 1.6 The application proposes the retention of the existing trees on the site, the only landscaping proposed to be removed is the garden hedgerow at the vehicular access point and a rhododendron bush within the site which is to be replanted within the Ashley House garden. The proposed direct access from the north will result in the retention of more of the landscaping to the north of Ashley House itself. All hedgerow to the eastern and southern boundaries is to be retained and enhanced with additional shrubs where necessary. A new 1.8 metre high close-boarded fence is to be constructed on the newly formed western boundary with Ashley House.
- 1.7 Hard landscaping is proposed to the front (north) of the bungalow in accordance with the proposed SUDS strategy; the surfacing is to be permeable bonded gravel with an appropriate sub-base. A crate soakaway of the appropriate size will be provided in the south-east corner of the site 5 metres away from the bungalow to provide surface water attenuation.

DESCRIPTION OF THE SITE

- 1.8 The application site occupies an area approximately 0.1ha to the south and west of the Roundabout Copse cul-de-sac, comprising of the easternmost element of the garden of Ashley House. The site falls within the defined built-up area of West Chiltington, in an area of residential character typified by detached dwellings of both single storey and two storey composition. Surrounding dwellings incorporate pitched roofs with plain concrete tiling, with external faces mainly composed of facing brick or white painted render. The surrounding plots vary in size and layout, with no overall consistent grain of development or building line. Boundary treatments in the immediate vicinity are mainly natural (hedging) or comprises of post-rail fencing. The application site itself features a prominent Leylandii hedge (in excess of 3m) to its northern boundary.
- 1.9 Roundabout Copse is a lightly trafficked and privately maintained cul-de-sac, possessing a prevailing suburban character. The site, and its immediate surroundings, are not affected by any heritage, archaeological, biodiversity or environmental designations.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion

Policy 7 - Strategic Policy: Economic Growth
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

The West Chiltington Neighbourhood Plan is in progress. West Chiltington Parish submitted their Submission draft plan to Horsham District Council on 19 November 2018

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/0157 Outline application for the erection of a detached bungalow with all matters reserved. Application Permitted 24.03.2020

WC/44/89 Erection of 1 house & garage (outline) Application Permitted 05.04.1990

3. OUTCOME OF CONSULTATIONS

3.1 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

3.2 **WSCC Highways:** No Objection
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 109 [now paragraph 111]), and that there are no transport grounds to resist the proposal.

3.3 **Archaeology Consultant:** No Objection
No historic environment objections

3.4 **Southern Water:** No Objection with advisories provided

3.5 **Parish Comments:** Objection
The Parish Council objects on the following grounds:

- The development would constitute infill which is out of character with the surrounding properties
- It is too close to a neighbouring property
- It would be an overdevelopment of the site due to its sizing, massing and scale
- The application makes no reference to the biodiversity at the site
- It conflicts with HDPF Policies 31 (Lack of Biodiversity information), 32 and 33
- It also conflicts with West Chiltington's emerging Neighbourhood Plan

3.6 PUBLIC CONSULTATIONS:

Nine representations received Objecting to the application, on the basis of:

- Overdevelopment / Infill development
- Highways access – the new additional proposed access is dangerous at a narrow part of the road on a blind spot
- Concern at the how construction vehicles and materials are to be accommodated during the build and potential impact on access for emergency vehicles
- Archaeological concern

One neighbouring property representation received in Support of the application, on the basis of:

- Design
- Highway Access and Parking. The proposed development will complement the other properties in the road. Off-road parking is sufficient to prevent any obstruction of access to other properties.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

The main considerations material to this application relate to:

- The principle of development;
- The impact of development on local character;
- The impact of development on the amenities of neighbouring occupiers;

Principle of Development:

- 6.1 Policy 1 of the Horsham District Planning Framework (HDPF) (2015) provides that the Council will work proactively with applicants to achieve development that secures socio-economic and environmental benefits. Reflecting the presumption in favour of sustainable development contained within the NPPF the Council will grant permission for development that accords with the relevant policies of the development plan, unless material considerations indicate otherwise.
- 6.2 Policies 3 and 4 of the HDPF outline the spatial strategy and hierarchy approach of the development plan. This strategy seeks to concentrate development within defined built-up areas and around the key settlements of the District. The application site in this regard falls within the defined built up area boundary of West Chiltington Common. Policy 3 of the HDPF provides that development, that maintains the defined settlement characteristics of its respective setting, will be supported in principle.

- 6.3 West Chilton, under policy 3 of the HDPF, is defined as a 'medium village' possessing a moderate level of services, facilities and community networks, together with some access to public transport. Such settlements are capable of providing some day to day services to meet the needs of residents, but rely upon larger settlement to meet a number of their requirements.
- 6.4 The principle of a dwelling on the site has been established for the erection of a detached bungalow following the approval of Planning Application DC/20/0157. Whilst this approval assumed that the Ashley House driveway was to be re-used, this full Planning Application proposes a new driveway and crossover onto Roundabout Copse.
- 6.5 The provision of a single dwelling is considered to represent a scale and nature of development that would not materially influence the strategic settlement characteristics of West Chilton as defined under HDPF policy 3. The proposal, therefore, is in accordance with the strategic spatial strategy and hierarchy approach of the Development Plan, with the principle of development accepted in this instance, subject to assessment on all other material grounds. While it is considered that limited weight could be assigned to the Pre-Submission Draft policies of the West Chilton Neighbourhood Plan, it is noted that Policy EH1, mirrors the strategic approach of the Local Plan in respect to development located within the built-up area boundary.

Character, Design and Appearance:

- 6.6 Policies 25 of the HDPF seeks to preserve the landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.7 Policies 32 and 33 of the HDPF stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.8 Outline approval was given in March 2020 and this application considered whether the plot can, in principle, accommodate a detached bungalow. The existing Ashley House benefits from a significant plot, measuring approximately 750m² in area. The surrounding plots vary in size and layout, with no overall consistent grain of development or building line.
- 6.9 The proposed single storey dwelling is designed in a sympathetic vernacular style, using traditional materials to respond to its context of the established character of Roundabout Copse in material and scale. The pitch of the roof on the bungalow has been designed to limit ridge height whilst enabling a natural plain clay tile to be used.
- 6.10 The proposed location of the new dwelling is to be set behind significant existing planting on Roundabout Copse, limiting views from Roundabout Copse. Given the proposed bungalow is concordant in scale to the majority of the properties on Roundabout Copse, the dwelling is considered in-keeping. The single storey scale has been considered in relation to the adjacent properties, particularly those to the south, east and west, and the separation and orientation of the proposal makes the proposed scale acceptable.
- 6.11 While a sense of separation does exist between buildings, further reinforced by natural boundary treatments, it is considered that the dwelling proposed is appropriately sited, scaled and designed with appropriate consideration to landscaping to maintain local character and appearance.

- 6.12 It is acknowledged that the proposed plot would occupy a lesser area than surrounding dwellings, though, is not of a significantly reduced area comparative to the dwellings of Reynards and Deerwood opposite the application site or to dwellings east of the application site.
- 6.13 The plans provide a layout which would largely allow for retention of planting along site boundaries and retain sufficient separation from site boundaries to prevent the development appearing unduly cramped or prominent. While it is noted that the dwelling would occupy a notable proportion of the proposed plot in terms of footprint, it is further noted that the dwelling is of a single-storey composition and would largely maintain existing planting to the boundaries of the site, except for the new access.
- 6.14 As highlighted within the response of the Parish Council, and neighbouring representations, the proposed development does represent 'infill', though, it is not considered that this would in and of itself prove determinative as to the impact of the development in respect of character, design and visual amenity, and against policies 25, 32 and 33 of the HDPF.
- 6.15 It is considered that the proposed detached bungalow on the site is acceptable with reference to the requirements of policies 25, 32 and 33 of the HDPF.

Impact on neighbouring amenity:

- 6.16 Paragraph 130(f) of the NPPF provides that planning policies and decisions should ensure that developments inter alia create places that are safe, inclusive and accessible, promoting health and well-being with a high standard of amenity for existing and future users.
- 6.17 Policy 33 of the HDPF inter alia requires development to be designed so as to avoid unacceptable harm to the amenities of nearby occupiers/users of land.
- 6.18 The application site is located ~4.5m east of the easternmost extent of Ashley House, and extends to the rear of the southern elevation of this dwelling. It is considered the layout and scale of the proposed dwelling and boundary treatment ensure a relationship of inter-visibility that would afford an adequate standard of privacy to both occupiers and natural light to the occupiers of Ashley House. A reduction in the private amenity space available to Ashley House would not be considered to compromise the availability of a reasonable remaining extent of private amenity space available to neighbouring occupiers.
- 6.19 The site is some distance from the neighbouring dwellings of Oak Ridge, Reynards and Deerswood and no harmful change in relationship would be anticipated to the detriment of the amenities of neighbouring occupiers.
- 6.20 As reasoned above it is not considered that the site is disproportionately small to accommodate the dwelling with adequate floorspace standards and with necessary private amenity spaces. It is not considered that the proposal would fail to afford an adequate standard of amenity to future occupants.
- 6.21 It is noted that representations were received that raise concern as to how construction vehicles and materials are to be accommodated during the build and potential impact on access along Roundabout Copse. It is recommended that a pre-commencement condition should be applied to any approval to provide a Construction Method Statement to be approved by the local planning authority detailing a proposed management plan for construction vehicles, materials and waste.

Parking, Highway Safety and Operation:

- 6.22 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.23 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.24 The applicant proposes a new 3m wide vehicular access on Roundabout Copse. The Local Highway Authority considers that there are no apparent visibility concerns with the proposed point of access onto the privately maintained road. The LHA advises the applicant to contact the proprietor of the privately maintained road, to obtain formal approval for the proposed access works.
- 6.25 Access to the maintained highway is at Roundabout Lane. The LHA does not anticipate that the addition of one dwelling would give rise to a material intensification of movements to or from the site. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the proposal would exacerbate an existing safety concern. Further, it Roundabout Copse is a low speed lightly trafficked road where there are a number of other accesses on bends in a similar manner to this proposal. In the absence of accident data elsewhere on this road there is no evidence that the location of the access would make for an unsafe arrangement.
- 6.26 The applicant proposes four car parking spaces for this development, comprising of a double-car garage and two parking bays. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require three parking spaces. The LHA notes that the proposed garage falls slightly short of the minimum internal specifications for double car garages of 6m x 6m as set out in Manual for Streets (MfS). The garage as proposed has approximate internal dimensions of 5.6m x 5.5m.
- 6.27 Notwithstanding the above, the LHA is satisfied that sufficient parking provision will be available on-site. From inspection of the plans, there is space for on-site turning to be achievable, allowing cars to exit the site in a forward gear. There is therefore unlikely to be issues of overspill parking onto the street.
- 6.28 In order to promote sustainable modes of travel, though, it is deemed necessary to recommend a condition requiring the submission of details pertaining to the provision of covered/secure cycle parking in accordance with HDPF policy 41.

Ecology:

- 6.29 Policy 25 and 31 of the HDPF seek to protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged
- 6.30 The application site concerns an area of domestic garden, with the majority of the application site consisting of maintained lawn. There are no ecological designations contained within the application site, or within the near to medium vicinity of the application site. The application site, therefore, is not regarded as ecologically sensitive, and there is no evidence before the Authority that this serves as a commuting or foraging habitat for protected species. The

absence of pre-existing structures renders the site unlikely to host bats, with the majority of substantial planting (Leylandii) not native to this location. In such circumstances it is not deemed necessary, reasonable or proportionate to insist upon full ecological recording to preclude the possibility of adverse impacts upon protected species. Subject to compliance with separate regulatory mechanisms under the Wildlife and Countryside Act 1981 in respect of breeding birds, it is not considered that the proposal would adversely impact upon protected species and habitats or prove contrary to the requirements of HDPF policies 25 and 31.

Climate change:

- 6.31 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.32 Should the application be approved, the following measures to build resilience to climate change and reduce carbon emissions will be secured by condition:
- Water consumption limited to 110litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points
- 6.33 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other considerations:

- 6.34 It is noted that a representation draws the attention of the Planning Authority to possible Archaeological considerations, however the site is not within a defined Archaeological Notification Area and the Council's Archaeological advisors have no historic environment objections.
- 6.35 In respect of any covenants restricting activities within Roundabout Copse, it is noted that ownership of land, including covenants attached to land, are not material to the determination of a planning application. The presence of a planning permission would not override any existing covenant on the site.

Conclusions and Planning Balance:

- 6.36 The application site benefits from outline planning permission under reference DC/20/0157 which has established the principle of the erection of a detached bungalow on the site. The design of the proposed dwelling on the site is considered acceptable with reference to the requirements of policies 25, 32 and 33 of the HDPF. With appropriate recommended conditions as listed below it is considered that the development would avoid unacceptable harm to the amenities of neighbouring property compliant with Policy 33 of the HDPF and the proposal would provide adequate parking provision, and is not considered to result in a material impact to road safety in accordance with HDPF policy 41. For these reasons, the proposal is considered to accord with all relevant local and national planning policies.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.37 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.38 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	147.39		147.39
		Total Gain	
		Total Demolition	147.39

6.39 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

6.40 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 To approve the development subject to the following conditions:

Conditions:

1 **Approved Plans**

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 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition:** No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors.
- ii. loading and unloading of plant and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding, where appropriate.
- v. the provision of wheel washing facilities if necessary.
- vi. measures to control the emission of dust and dirt during construction.
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of adjacent properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers
- Details of all boundary fences/walls

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 8 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and

08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Southern Water:

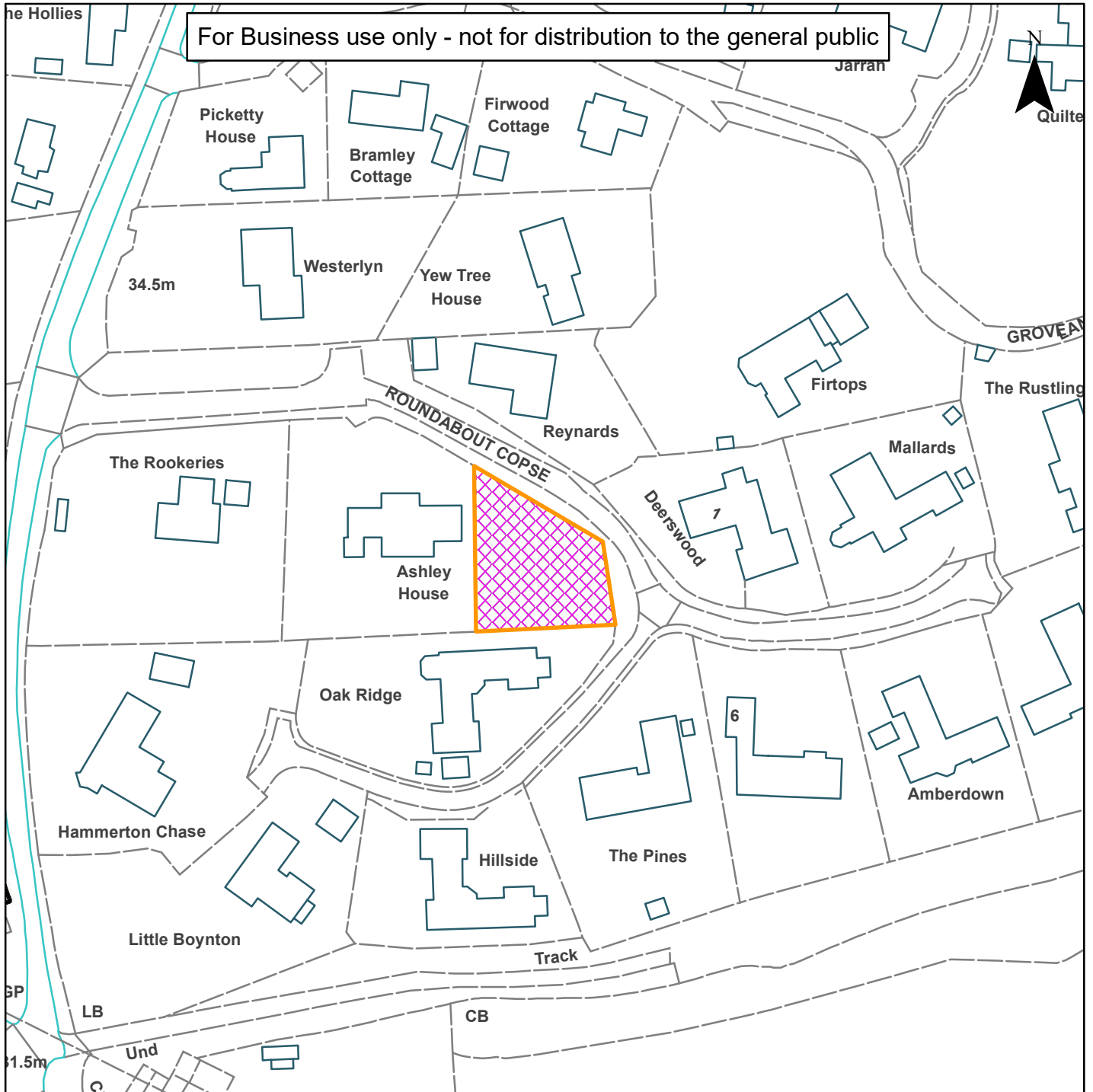
Please note that Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

10) DC/21/1234



**Horsham
District
Council**

Ashley House, Roundabout Copse, West Chilmington, Pulborough,
West Sussex, RH20 2RN



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	04/02/2022
SA Number	100023865

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