



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

Planning Committee (South)

Tuesday, 26th April, 2022 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 10
To approve as correct the minutes of the meeting held on 15 March. <i>(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.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. 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:

5. **Appeals** 11 - 12

Applications for determination by Committee:

6. **DC/20/2607 Land at Duckmoor, East of Billingshurst, Billingshurst.** 13 - 54

Ward: Billingshurst

Applicant: Reside Developments Ltd.

7. **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

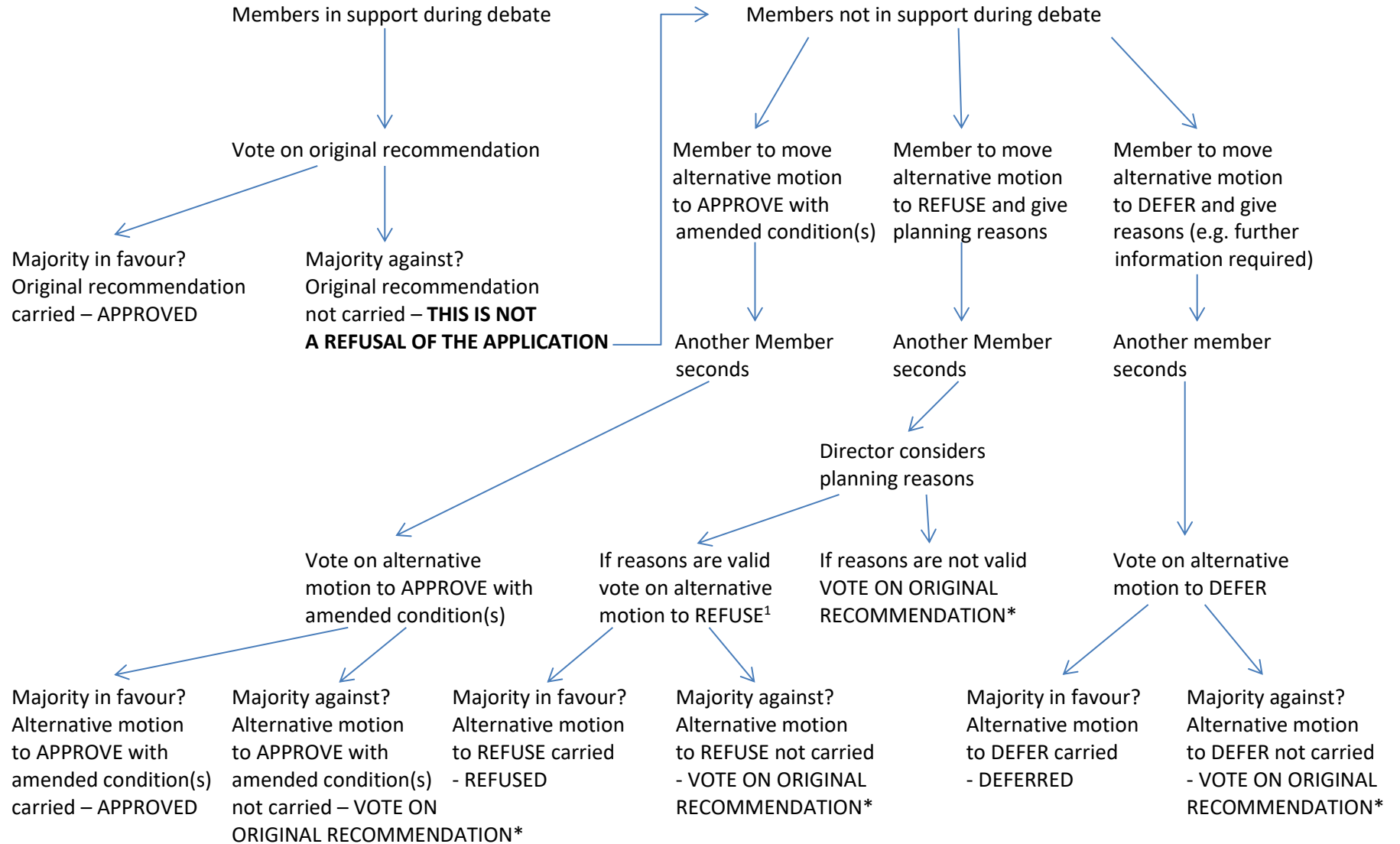
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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	<p>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.</p>
Alternative Motion to Refuse	<p>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.</p>
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	<p>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.</p>

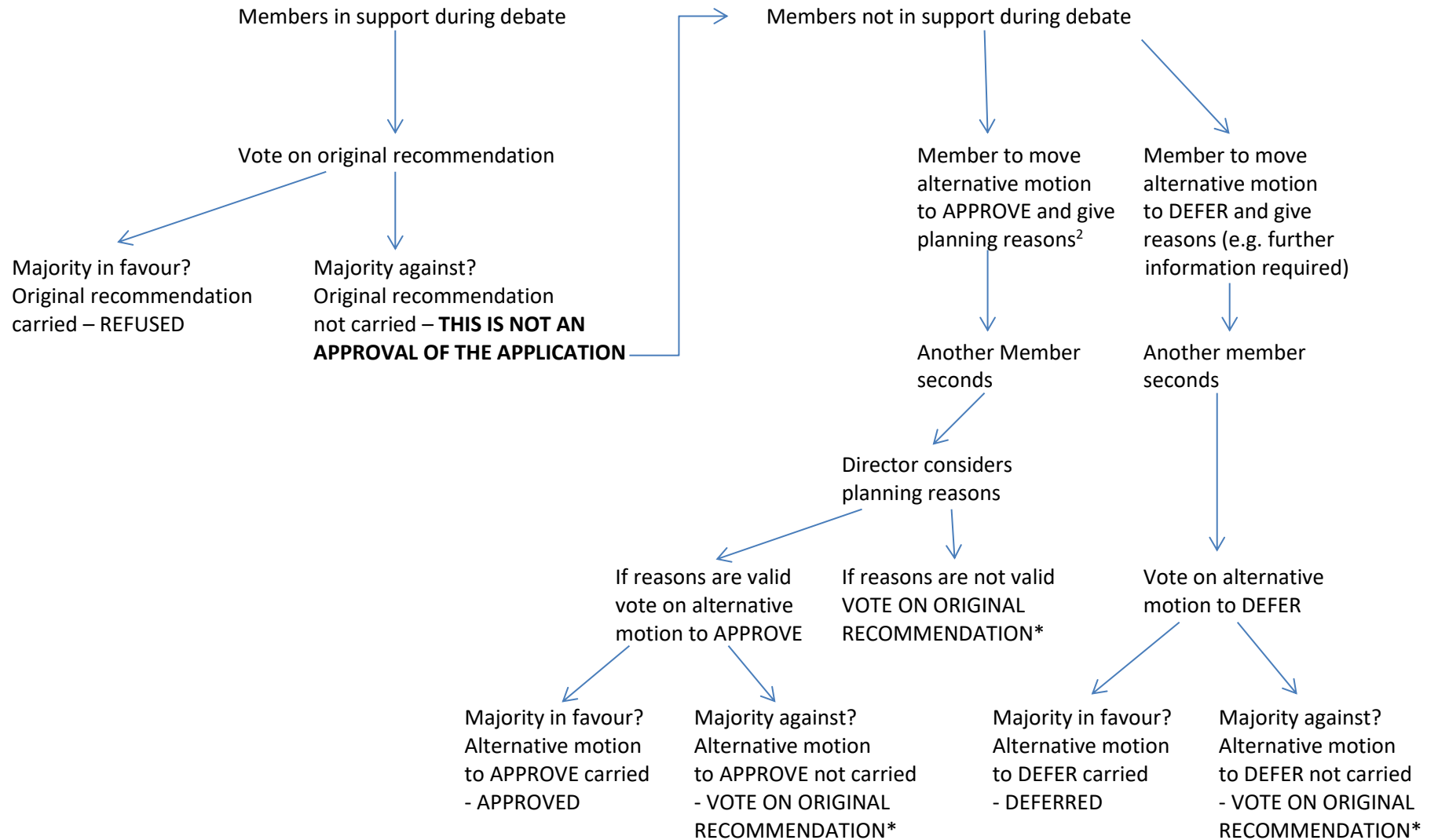
Original recommendation to APPROVE application



*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)
15 MARCH 2022

Present: Councillors: Tim Lloyd (Chairman), John Blackall, Karen Burgess, Jonathan Chowen, Philip Circus, Michael Croker, Ray Dawe, Lynn Lambert, Bob Platt, Kate Rowbottom and Diana van der Klugt

Apologies: Councillors: Paul Clarke, Chris Brown, Nigel Jupp, Mike Morgan, Roger Noel, Josh Potts, Jack Saheid and James Wright

PCS/60 **MINUTES**

The minutes of the meeting held on 15 February 2022 were approved as a correct record and signed by the Chairman.

PCS/61 **DECLARATIONS OF MEMBERS' INTERESTS**

Councillor Lynn Lambert declared a personal interest in planning application DC/21/0938 and did not take part in the debate or decision for the relevant item.

PCS/62 **ANNOUNCEMENTS**

There were no announcements.

PCS/63 **APPEALS**

The list of a appeals lodged, appeals in progress and appeal decisions, as circulated were noted.

PCS/64 **DC/21/0938 HASCOMBE FARM, HORN LANE, HENFIELD.**

The Head of Development & Building Control reported that this application sought planning permission for various equestrian works, including: an extension to an indoor riding arena, the erection of a hay barn, two all-weather pens, a PA system and an additional parking area.

The application site was located to the south of Horn Lane, Henfield within the commercial equestrian centre known as Hascombe Farm.

The Parish Council, and neighbouring Parish Council of Woodmancote objected to the proposal. 13 letters of objection had been received and 3 of support.

The Applicant's Agent addressed the Committee in support of the application. A representative from Henfield Parish Council and a representative from Woodmancote Parish Council spoke in objection to the application.

Members considered the consultees' responses and the officer's planning assessment which included the following key issues: principle of development; character, design and appearance; local amenity; parking, highway safety and operation; ecology; and drainage.

Members raised concerns regarding potential noise impacts of the new PA system. After careful consideration, Members concluded that a further assessment needed to be made regarding noise before a decision could be made.

RESOLVED

That planning application DC/21/0938 be deferred to allow for additional consideration of noise related impacts.

PCS/65 **DC/21/1092 UPWAYS, CHANTRY LANE, STORRINGTON, PULBOROUGH.**

The Head of Development & Building Control reported that this application sought planning permission for the erection of a two-storey side extension with associated parking and garage. The garage would sit beneath the side extension and be accessed via a new gated access to the property.

The application site was located on the eastern side of Chantry Lane within the built-up area of Storrington and Sullington.

Natural England objected to the application with a statement based upon Natural England's Position Statement for all applications which fall in the Sussex North Water Supply Zone that was not specific to this application.

Members noted the addendum to this report that stated paragraph 6.12 of the officer's report set out the relevant considerations in respect of water neutrality that were specific to this application and Planning Officers consider there not to be a conflict with relevant planning policies of legislation in respect of water neutrality.

The Parish Council raised an objection to the application. 11 letters of objection had been received. Officers reported that there had been an additional letter of representation received since the publication of the report, totalling 12 letters of representation.

The Applicant addressed the committee in support of the application. A member of the public spoke in objection to the application.

Members considered the consultees' responses and the officer's planning assessment which included the following key issues: design and appearance; impact on amenity; highways impacts; and water neutrality.

RESOLVED

That planning application DC/21/1092 be granted subject to the conditions set out in the officer's report and that an additional condition be added in relation to the minimum height of the proposed rooflights.

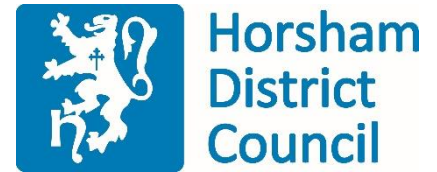
The meeting closed at 4.16 pm having commenced at 2.30 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 26th April 2022



Report on Appeals: 03/03/2022 - 11/04/2022

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/21/1240	Land East of Pemberley Mill Lane Partridge Green West Sussex	07-Mar-22	Application Refused	Application Refused
DC/21/1234	Ashley House Roundabout Copse West Chiltington Pulborough West Sussex RH20 2RN	14-Mar-22	Application Permitted	Application Refused
DC/21/2635	Blanches Farm Bungalow Littleworth Lane Partridge Green Horsham West Sussex RH13 8JF	24-Mar-22	Application Refused	N/A
DC/21/2490	Land Stonepit Lane Henfield West Sussex	25-Mar-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
EN/20/0501	The Copper Cabin and Geodesic Dome Land To The East of Fryern Road Storrington Pulborough West Sussex RH20 4BJ	Written Representation	15-Mar-22	Notice served	N/A
DC/20/2607	Land at Duckmoor East of Billingshurst Billingshurst RH14 9DZ	Informal Hearing	22-Mar-22	Application Refused	N/A
DC/21/1571	Land North of Tisserand Farm Stane Street Billingshurst West Sussex	Written Representation	22-Mar-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/21/1470	Budgens High Street Henfield West Sussex BN5 9DB	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/20/2216	Longlands West Chiltington Road Pulborough West Sussex RH20 2EE	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/0420	The Granary Hurston Lane Storrington Pulborough West Sussex RH20 2EW	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: 26th April 2022

DEVELOPMENT: Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.

SITE: Land at Duckmoor East of Billingshurst Billingshurst RH14 9DZ

WARD: Billingshurst

APPLICATION: DC/20/2607

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 reasons for refusal on the principle of development and landscape harm 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/20/2607, which is subject to an appeal to the Planning Inspectorate. The recommendation is as follows:
- (a) To withdraw the current reasons for refusal relating to the principle of development and landscape harm, 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 land at Duckmoor, East Billingshurst with 83 dwellings was submitted to the Council in December 2020 (ref: DC/20/2607). Following consideration of the proposals planning permission was refused under delegated powers on 06 April 2021 for the following reasons:
- 1. *The development, due to its location outside of the Built up Area Boundary and on a site not allocated for development within the Horsham District Planning Framework (2015), or an adopted Neighbourhood Plan, is unacceptable. The provision of up to 83 residential units in this location, would conflict with the overarching strategy and hierarchical approach of concentrating development to the main settlements and managing development on edges of existing settlements in order to protect the*

settlement pattern, the rural character and landscape, as set out in Policies 1, 2, 3, 4 and 15 of the Horsham District Planning Framework (2015) and Policy Bill 1 of the referendum version of the Billingshurst Neighbourhood Plan. The proposed development is not essential to its countryside location and does not support the needs of agriculture or forestry. As such, the proposed development would be contrary to Policy 26 of the Horsham District Planning Framework (2015).

2. *The proposed development, by reason of the size and scale of its outward extension of the settlement edge of Billingshurst beyond the confines of the existing development parcels, would have an urbanising influence in the countryside beyond Billingshurst and views into the undeveloped countryside, resulting in harm to the sense of place and countryside character and linkage between the countryside and the open space network created by the new development landscape strategy of the strategic allocation DC/15/0059 and woods to the west, as well as inappropriate and harmful to the hamlet scale and settlement characteristics of parcels H6 and H7, contrary to policies 25, 26, 31, 32, and 33 of the Horsham District Planning Framework (2015) and Policy Bill 2 of the referendum version of the Billingshurst Neighbourhood Plan.*
3. *Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure and off-site improvements including sustainable transport commitments, PRow upgrades and link connection to the new development, and air quality mitigation measures must be secured by way of a Legal Agreement. No completed legal agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015).*

- 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 an assessment of all material considerations undertaken at the time of the application was determined.
- 1.4 An appeal against the refusal of permission has now been submitted and is to be heard by way of informal hearing.
- 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 Billingshurst Neighbourhood Plan (BNP) 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. The appeal scheme is now accompanied by a Water Neutrality Statement submitted in response to the issues raised by Natural England in their Position Statement. In addition, the scheme has been amended at the appeal stage to now include 4 self/custom build plots.
- 1.6 Since the submission of the appeal, a new application for approximately 83 dwellings (ref: DC/21/2178) has also been submitted. This application is currently under consideration. This application scheme is now accompanied by the same Water Neutrality Statement as the appeal scheme, in response to 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/20/2607	Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.	Application Refused on 06 April 2021. Subject of an appeal.
DC/21/2178	Outline application for the development of the site to provide approximately 83 dwellings, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst, with all matters reserved except for access.	Under consideration.

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 objections from 20 individual property addresses, CPRE Sussex and Devine Homes PLC and an objection from Billingshurst Parish Council. 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 sites;
2. The Billingshurst Neighbourhood Plan 2019-2031;
3. The introduction of 4 custom/self-build dwellings in the proposal; 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 appeal site at land at Duckmoor 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 now contain a Water Neutrality Statement (Technical Note 3 by motion 07 Feb 2022 REV C). As this application is now at appeal, the Planning Inspectorate now form the Competent Authority for the purposes of undertaking the Appropriate Assessment required by the Habitat Regulations Assessment. Nevertheless, it is appropriate that the Council undertakes its own assessment of the appellant's water neutrality proposals so as to properly advise the appointed inspector of its position as to whether it can be demonstrated with sufficient certainty that no adverse effect on the integrity of the Arun Valley sites would result from the proposals.
- 6.8 The submitted Water Neutrality Statement (Technical Note 3 by motion 07 Feb 2022 REV C) sets out the following:
- Existing baseline water consumption at the site;
 - Water demand from the proposed development; and
 - Mitigation strategy.

Existing baseline water consumption at the site

- 6.9 The existing site comprises of open fields. Water bills provided by the existing landowner confirm that water is supplied to troughs on the site and during the period from 11th

September 2020 to 8th September 2021 some 468m³ of water was used on site. This equates to an average of 107.73 litres per day.

Water demand from the proposed development

- 6.10 A water calculation in accordance with Building Regulations Part G has been carried out and confirms that the proposed residential development will achieve a water consumption of 92 litres per person per day, which includes an allowance of 5 litres per person per day for external water usage. Applying average occupation rates derived from census data, the proposed development will therefore consume some 16,908.68 litres per day, and increase of 16,800.95 litres per day on the existing consumption. Your officers do not dispute these calculations.

Mitigation strategy

- 6.11 The mitigation strategy includes the following measures to achieve water neutrality, to be secured as part of any planning consent:

- Efficient fixtures and fittings within each home to achieve 92 litres per person per day consumption.
- A rainwater harvesting tank will be included on each house and a shared tank will be used for the maisonettes, to be used for flushing toilets and in washing machines. This would supply 35 litres per person per day, which equates to 6,432.65 litres per day, leaving a residual saving of 10,368.30 litres per day to be found.

- 6.12 To achieve this residual saving, the applicants are proposing the following offsetting measures:

- Installation of a rainwater harvesting system at Dedisham Farm, a dairy farm located in the north of Horsham district near Rudgwick and located within the Hardham water supply zone. The water collected in the rainwater harvesting system will then be used to supply drinking water for the cows.
- According to the appellant, Dedisham Farm has 430 dairy cows, 80 heifers and 130 calves, which equates to a daily water consumption of 39,612.12 litres per day.
- Due to suitable available roof catchment area being available on the farm (4,086m²), it is proposed that rainwater harvesting will be primarily from the existing roof areas and a new barn which will be constructed over the existing silage clamps, totalling 6,807.99m², to meet the demand to offset the proposed development and provide a daily yield of 12,962.79 litres.
- The proposed rainwater harvesting system for the farm will incorporate a 240,000 litre tank which will provide the necessary storage to provide at least 18 days drought protection.
- According to the appellant, this demonstrates that the offsetting scheme can fully offset the remaining water demand for the development with an excess of 2,594.49 litres per day and therefore they claim it can demonstrate water neutrality.

Officer's consideration of the mitigation scheme

- 6.13 Your Officers have raised a number of concerns as to how 78 separate rainwater harvesting systems across the development will be maintained in the long term to ensure the necessary savings are made, and whether the drought storage capacity is sufficiently sized. Aside from these matters, the in-house efficiencies and rainwater system to serve toilets and washing machines can be supported in principle.

- 6.14 In respect of the offsetting proposals, the proposed scheme does not yet provide the necessary certainty to form a robust mitigation scheme. In particular:

- a. There is missing evidence to confirm with certainty that the water to be offset at Dedisham Farm comes from the mains supply
 - b. The rainwater system seemingly relies in part on buildings that are not constructed or that even have any form of consent or approval.
 - d. 18 days drought storage is not considered sufficient.
- 6.15 Of most importance however, is the fact that the appellants are unable to demonstrate that the farm is fully committed to this offsetting proposal. The draft S106 heads of terms submitted with this appeal binds the developer only to provide a Water Offsetting Agreement with a third party 'if necessary' as part of a Water Neutrality Scheme to be submitted and agreed prior to submission of first Reserved Matters application. It does not tie in any specific landowner, with no mention made of Dedisham Farm.
- 6.16 With the absence of Dedisham Farm being a party to the s106, there is significant uncertainty as to whether the mitigation proposed can be delivered. It therefore does not provide the necessary certainty to allow for planning permission to be granted in compliance with the Habitat Regulations. Absent of this direct connection, in essence the appellants strategy could be considered to amount being only to a theoretical solution agreed in theory by Dedisham Farm, with the final strategy to come forward after the grant of outline permission, potentially in a wholly different form.
- 6.17 Accordingly, it has not been demonstrated with the necessary degree of certainty that the proposed development would not result in adverse effects on the integrity of the Arun Valley SPA, SAC & Ramsar sites either alone or in combination with other plans and projects. The proposals are therefore do not comply with s.70 of the Conservation of Habitats and Species Act 2017 and are also contrary to Policy 31 of the HDPF and paragraph 180 of the NPPF.
- 6.18 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 Billingshurst Neighbourhood Plan 2019 - 2031

- 6.19 Since the refusal of planning permission, the Billingshurst Neighbourhood Plan (BNP) has passed referendum and now forms part of the adopted development plan for Horsham District (it was formally 'made' on 23 June 2021). At the time the application was refused the BNP had passed through examination and was given significant weight in the decision made.
- 6.20 The Neighbourhood Plan controls windfall development outside the Built up Area Boundary (BuAB) under the provisions of Policy BILL 1: *Billingshurst Built Up Area Boundary*. This policy defines the extent of the Built up Area Boundary for Billingshurst, which, via the Neighbourhood Plan process, has been subject to recent review, and encompasses those sites that have been completed or are with planning permission. Policy BILL 1 A requires development in Billingshurst parish to be focused within the built up area boundary of Billingshurst village. Policy Bill 1 B states that development proposals outside the BuAB will only be supported where they are in accordance with the development plan policies on appropriate countryside uses, or relate to necessary utilities, or satisfies the requirement of Policy BILL 11 in relation to tourism, or are on sites allocated for development in the HDPF

or its successor. Consequently, the principle of housing on this unallocated site would run contrary to Policy Bill 1 B of the BNP.

- 6.21 As well as defining a Built up Area Boundary, the Billingshurst Neighbourhood Plan also sets out a suite of policies that are now part of the development plan. These include topics relevant to the consideration of the outline development proposal at appeal, including provision of leisure and recreation facilities (BILL 4) and integrated infrastructure (BILL 6); and Multi-value Sustainable Drainage Systems (BILL 16). The application of these policies does not alter the balance of considerations for this appeal.

The introduction of 4 custom/self-build lots to the development proposals

- 6.22 The scheme, as submitted under the appeal, has been amended to include 4 self / custom build units. This equates to just over 5% 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. 3 would have included a requirement for a legal agreement for the proposal to also make reference to those units to secure their provision. As such, a minor amendment is recommended to the wording of reason for refusal no. 3 to include reference to the custom / self build units and Billingshurst Neighbourhood Plan policy BILL 6 as the reason for refusal concerns securing integrated infrastructure requirements arising from the new development:

3. *Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure and off-site improvements including sustainable transport commitments, Public Right of Way resurfacing and link connection to the new development, and air quality mitigation measures must be secured by way of a Legal Agreement. No completed legal agreement is in place and therefore there is no means by which to secure these Policy requirements or a requirement for the provision of 4 custom / self build units. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015) and Policy BILL 6 of the Billingshurst Neighbourhood Plan (2021).*

- 6.23 The appellants have submitted a draft legal agreement to include the provision of these 4 custom / self build plots.

Landscape Harm

- 6.24 At application stage, the development proposal was assessed by your Officers, informed by the expert advice of the Council's qualified Landscape Architect. Detailed assessment was undertaken of the submitted Barton Willmore Landscape Capacity Assessment and submitted plan and Dec 2020 LVIA. It was considered that the development proposal is likely to have both adverse landscape and visual impacts and taken with the current extension to Billingshurst (Land East of Billingshurst) it will present an intrusion of the built environment into the rural setting of the town.
- 6.25 This assessment remains unchanged. The Rummey Design Framework Plan for land east of Billingshurst indicates the retention of the tree and hedge belt (landscape buffer) forming the eastern boundary of that extension area (alongside parcels H7 and H9) and creating a strong visual and landscape edge/buffer/screen to the development area. This extension to

Billingshurst was considered as a plan led approach with the layout intending to provide comfort in respect of the landscape setting and visual containment which could be achieved.

Landscape Impacts

- 6.26 Your Officer's have given very careful consideration to the reasons given for the objection of the Council's Landscape Architect to the development proposal, as set out in the delegated report appended to this item.
- 6.27 The proposed development would introduce residential development within a countryside location which forms part of the settlement edge of Billingshurst. Views of the development proposal are experienced in the context of the recently completed development adjacent and there will be some adverse effects, but these would be limited by the current localised context. The overall extent of the development would though be significant and it would erode the semi-rural character of the immediate area. This loss of countryside would be particularly apparent to users of the local PRoW network.
- 6.28 However, the appeal site is reasonably visually well contained due to its topography and the extent of existing landscape features, including the mature trees and extensive soft landscaping to the boundaries of the site. The site itself sits lower in the landscape. Accordingly, views of the proposed development would be localised. Direct landscape impacts on existing trees and landscape features will be limited, and there is scope to reinforce some of the landscape buffer with some new planting. The overall density of the proposed development would appear well related to the existing settlement pattern.
- 6.29 Layout is a reserved matter at this stage. Nevertheless, an indicative layout has been submitted which shows a significant proportion of the existing landscape perimeter buffer and landscape features within the site would be retained. The long-term maintenance of this can be secured by appropriate measures in place within a landscape management and maintenance plan via condition. This assists with delivering a layout which could successfully transition from the urban context of Billingshurst into the surrounding open countryside. Such a successful transition is necessary for the development to respond sympathetically to its surroundings.
- 6.30 Overall, officers retain the view that the proposals would result in landscape harm contrary to Policy 25 by virtue of its urbanising influence in the countryside beyond Billingshurst and constraining views into the undeveloped countryside. This would result in harm to the sense of place and countryside character and linkage between the countryside and the open space network created by the new development to the west. In making this judgement it is acknowledged that the impact is very much localised, with there being no harm in longer more strategic views. The localised character harm though remains.

The Council's five year housing land supply position:

- 6.31 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.
- 6.32 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 now be 4.0 years.

6.33 The absence of a five year housing land supply is a significant new material consideration that in itself engages paragraph 11d of the NPPF; the presumption in favour of granting planning permission, unless the application of policies in the NPPF provide a clear reason for refusing development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Revised Planning Balance

6.34 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 harms identified.

6.35 The proposals would provide for a collective of benefits including 83 dwellings, a policy compliant 35% affordable housing and increased local spend. 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. No harm is identified in respect of highways impacts, neighbouring amenity, air quality, trees, flood risk, and heritage. The resurfacing of the Public Right of Way 1941 is a material benefit. The current offer is for 160 metres with discussions between Officers and the appellant for circa 270 metres (100m additional) to make the footpath usable up to Wooddale Lane, as it is currently poached and water logged and would gradually decline given increased usage. The cost comparison quoted by WSCC is £15k for 270m and £9k for 160m.

6.36 The proposals however remain contrary to the Council's spatial strategy for new housing development as set out in Strategic Policies 2, 4 and 26 of the HDPF and BNP Policy BILL 1, in that the site is located outside a defined settlement boundary, remains unallocated for housing development, and does not meet any of the exceptions for new development in the countryside. Additionally, harmful landscape impact is identified contrary to HDPF Policy 25.

6.37 Given the Council can no longer demonstrate a five year housing land supply, Paragraph 11d of the NPPF is triggered in decision making. Paragraph 11d requires of decision makers that *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 8), granting permission 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.*

6.38 In applying Paragraph 11d, it is important to first understand the policies which are most important for determining the application and whether they are to be considered out of date. In making this assessment, footnote 8 to Paragraph 11d advises that for applications involving the provision of housing, this includes situations where the Local Planning Authority is unable to demonstrate a five year housing land supply.

6.39 In this case, the most important policies for determining the application are HDPF Policies 2, 4, 25 and 26 and BNP Policy BILL 1. Applying Paragraph 11d in the context of the Councils lack of five year housing land supply and footnote 8, HDPF Policies 4 and 26 and BNP Policy Bill 1, which are spatial policies that constrain the location of housing, must be considered out of date. This does not mean that conflict with these policies does not attract weight, rather the weight to be given to their conflict is to be reduced in the overall planning balance. HDPF Policy 25 seeks to protect the natural environment and landscape character and is considered fully consistent with the NPPF, and therefore continues to attract full weight.

6.40 In finding that HDPF Policies 4 and 26 and BNP Policy Bill 1 are out of date, it follows that the policies most important in the determination of this appeal overall are out of date. In this situation the NPPF requires that permission be granted (the 'tilted balance'), 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.*

6.41 In assessing whether this ‘tilted balance’ takes effect, regard must be had to NPPF Paragraph 14 given the recent adoption of the Billingshurst Neighbourhood Plan (BNP). Paragraph 14 sets out that:

14 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) the local planning authority’s housing delivery was at least 45% of that required¹⁰ over the previous three years.*

6.42 In this case, the provision of housing would conflict with BNP Policy Bill 1 as set out above, therefore the four subsequent tests must all be considered and met for the ‘tilted balance’ to be disengaged. In respect of test a), c), and d), these are met. In respect of test b), the BNP identifies a housing need from 2017 to 2031 of some 360-380 homes which it considers to have been met by existing commitments including the development of some 492 homes at Land East of Billingshurst. On this basis the BNP does not include additional site allocations.

6.43 The HDPF sets out a district-wide housing need of a minimum 16,000 homes through to 2031, of which a minimum 1,500 are to be allocated via neighbourhood plans to enable local communities to control where development in their areas takes place. The strategy for meeting the 16,000 minimum target comprises sites with existing consent as of 2015 as well as the proposed HDPF allocations, allocations via neighbourhood plans, and an element of windfall development. The existing commitments and HDPF allocations in effect reach some 14,500 homes only given the remaining 1,500 homes are to come forward via neighbourhood plans. As a consequence of this, the identified housing needs of each neighbourhood plan area can only be met from developments granted within their area after 2015 to avoid double counting.

6.44 At the time the HDPF was adopted in 2015, the Land East of Billingshurst development of some 492 homes and HDPF allocated site at Land South of Billingshurst (Policy SD11- 150 homes) were existing commitments to meet the district-wide housing need (in effect the 16,000 homes minus the additional 1,500 homes from neighbourhood plans). Accordingly, it is not correct that the identified need for 360-380 homes in Billingshurst between 2017 and 2031 has already been catered for by existing development, as the existing development is already committed in the HDPF strategy to meet the wider district need. The inclusion of these 360-380 is therefore double counting local need with wider district need.

6.45 Accordingly, the identified need for 360-380 homes in Billingshurst has not been fully met by developments granted after 2015, therefore the identified housing needs of Billingshurst are not met by policies and allocations within the Billingshurst Neighbourhood Plan. Test b) of

Paragraph 14 is therefore not met. That the cumulative number of allocations within neighbourhood plans is currently 1,448 (rising to 1,880 when including the remaining post-examination plans) is immaterial, as the 1,500 figure to be delivered by neighbourhood plans within the Policy 16 is not a cap. On this basis, the view of Officers is that the protections afforded by Paragraph 14 do not apply in the determination of this appeal.

- 6.46 Returning to Paragraph 11d, Footnote 7 identifies that conflict with policies relating to habitat sites are those capable of forming a clear reason to refuse permission under part i).
- 6.47 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.
- 6.48 Whilst the harm to the Arun Valley habitat sites provides a clear reason to refuse permission, it is nevertheless no longer considered reasonable to otherwise resist the principle of development on this site. The provision of 83 dwellings carries significant weight in decision making, and, in the view of your Officers, exceeds the reduced weighting to be applied to the conflict with the out-of-date HDPF Policies 4 and 26 and BNP Policy Bill 1. In particular, it should be noted that the proposal otherwise accords with parts 2) -5) of Policy 4, in that the level of expansion is appropriate to the scale of Billingshurst; will help meet identified local housing needs and support local services; would not prejudice longer term development; and sits within an existing defensible boundary. Further, the location of the site immediately adjoining the defined settlement boundary of Billingshurst ensures it is sustainably located in transport terms, supporting easy walking and cycling to local services and facilities. The conflict with Policy 4 is therefore simply one of the site not being allocated for development in the development plan.
- 6.49 The benefit of the delivery of the quantum of market housing and policy compliant provision of affordable housing proposed in this particular appeal case would make a sizeable contribution to the Council's current shortfall. Given the extent of the Council's housing shortfall and identified need for affordable housing within the District, these benefits are judged by your Officers to attract significant weight, weight that outweighs the conflict with these out-of-date spatial policies. As such, officer's advice is that the first refusal reason can no longer be supported.
- 6.50 In considering the second refusal reason, landscape harm, it remains that the proposal would cause localised harm to the landscape character of the area contrary to HDPF Policy 25. Given the absence of a five year housing land supply, in this instance the benefit of the housing on an otherwise sustainably located site on the edge of the built up area of Billingshurst and within easy walking distance of local services and amenities is also considered to outweigh the harm afforded by the conflict with Policy 25.
- 6.51 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.

- 6.52 Accordingly, officers recommend that the Council should no longer defend either the first reason for refusal relating to the principle of development or the second reason for refusal relating to landscape harm. 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.
- 6.53 In respect of the third reason for refusal, which related to the absence of a s106 legal agreement to secure the affordable housing and contributions to infrastructure and off-site improvements, including sustainable transport commitments, Public Right of Way resurfacing and a link connection to the new development, and air quality mitigation measures, 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 third reason for refusal will remain as updated.

Conclusion

- 6.54 Whilst the proposals would conflict with the spatial strategy for the District as set out in HDPF Policies 4, 26 and BNP Policy BILL 1, these policies are to be considered out of date given the Council can no longer demonstrate a five year housing land supply, and are now capable of only attracting reduced weighting in the planning balance. In this context, and applying Paragraph 11d of the NPPF, the benefit of the proposed market and policy compliant level of affordable housing outweighs the conflict with these policies, as well as the localised landscape character harm. This conclusion is reached notwithstanding the clear reason to refuse permission that remains by virtue of the impact of the proposals on the integrity of the Arun Valley SAC/SPA and Ramsar sites.
- 6.55 Your Officers therefore conclude that the benefits of the appeal proposal along with consideration all other material considerations outweigh the conflict with the spatial strategy of the development plan and the landscape harm identified. The advice of officers is therefore that this appeal be defended solely on the matter of water neutrality and the absence of a completed s106 agreement.

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 nos. 1 and 2 regarding the principle of development and landscape harm 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 and 182 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. Policy 16 of the Horsham District Planning Framework requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure and off-site improvements including sustainable transport commitments, Public Right of Way resurfacing and link connection to the new development, and air quality mitigation

measures must be secured by way of a Legal Agreement. No completed legal agreement is in place and therefore there is no means by which to secure these Policy requirements or a requirement for the provision of 4 custom / self build units. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015) and Policy BILL 6 of the Billingshurst Neighbourhood Plan (2021).

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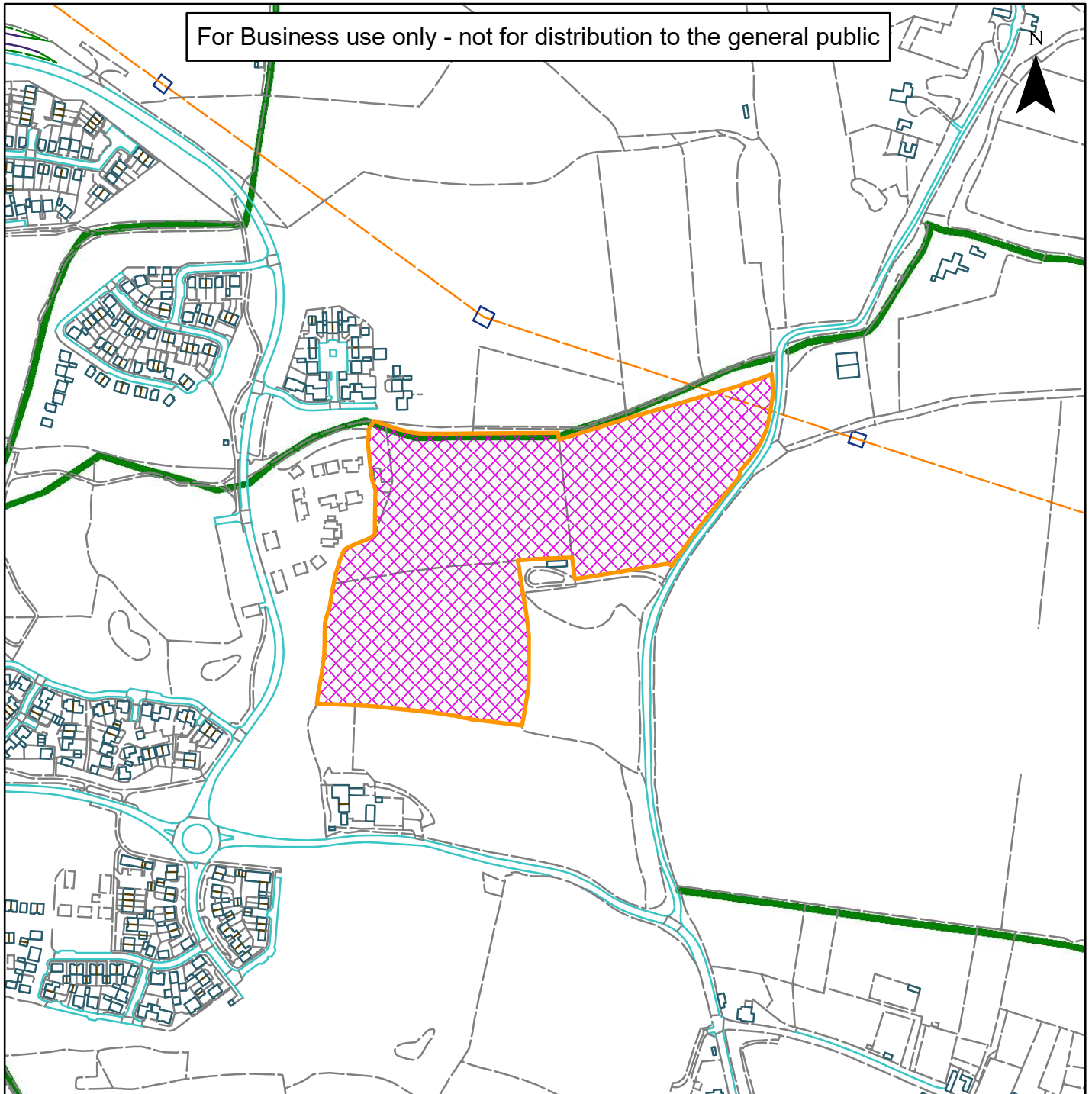
06) DC/20/2607



Horsham District Council

Land at Duckmoor, East of Billingshurst, Billingshurst, RH14 9DZ

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Organisation	Horsham District Council
Department	
Comments	
Date	12/04/2022
SA Number	100023865

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DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/20/2607

Land at Duckmoor, East of Billingshurst, Billingshurst, RH14 9DZ

DESCRIPTION:

Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.

RELEVANT PLANNING HISTORY:

DC/13/0735	Development comprising the demolition of existing buildings and structures and redevelopment to provide up to 475 residential dwellings, land to accommodate a new primary school and land to accommodate an extension to existing doctors' surgery, land for new dentist's surgery and creche (falling within Class D1), with associated access and play space. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations (Outline)	Permitted 07/03/2014
DC/15/0059	Application for the Variation of Condition 38 of planning permission DC/13/0735 (Outline application for development comprising the demolition of existing buildings and structures and redevelopment to provide up to 475 residential dwellings, land to accommodate a new primary school and land to accommodate an extension to existing doctors' surgery, land for new dentist's surgery and creche (falling within Class D1), with associated access and play space. Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations	Permitted 16-03-2016
DC/18/1568	Reserved Matters for Housing Parcel H6 for 24 residential dwellings including 8 affordable units and associated landscaping, parking, open space and serving details	Permitted 25-09-2019
DC/19/2375	Non Material Amendment to previously approved application DC/18/1568 (Reserved Matters for Housing Parcel H6 for 24 residential dwellings including 8 affordable units and associated landscaping, parking, open space and servicing details) Amendments to the placement of the garages belonging to plots 12 and 13, to be relocated to the side of plot 12; and slight repositioning of these plots within the site.	Permitted 02-12-2019
DC/18/2509	Reserved Matters application for housing parcel H7 for 27 residential dwellings including 13 affordable units following approval of outline application DC/13/0735,	Permitted 01-03-2019

relating to layout, landscaping, parking, open space and servicing details

DC/19/0832	Non material amendment to previously approved DC/18/2509 (Reserved matters application for housing parcel H7 for 27 residential dwellings including 13 affordable units following approval of outline application DC/13/0735, relating to layout, landscaping, parking, open space and servicing details). Reconfiguration of site layout in relation to plots 24 - 27.	Permitted 03-05-2019
DC/19/0839	Erection of 16 residential dwellings with associated access, landscaping, parking and other related works	Permitted 14-11-2019

SITE AND SURROUNDS

The site lies some 800 metres east of the settlement of Billingshurst, to the west of Wooddale Lane and comprises some 6.07 hectares of agricultural land. The developable site area consists of three fields bounded by hedging and trees, which reflects the historic field pattern to the east of the village of Billingshurst.

The topography slopes gently down east to west, falling toward the south-east corner of the application site. Trees and hedgerows within the site are predominately restricted to the field boundaries. There are no Tree Preservation Orders. The fields are accessed via an existing vehicular farm gate off Wooddale Lane. Public Right of Way 1941 runs west-east adjacent to the north site boundary, linking Wooddale Lane to the eastern edge of Billingshurst. It also links eastward to the wider countryside.

The site is outside of the defined Built up Area Boundary, so is countryside in terms of local plan policy. The site is bounded by Wooddale Lane and to the west, by land currently under development for up to 475 dwellings and associated infrastructure, including new primary school (DC/15/0059 refers). Agricultural land and woodland is to the north, east, and south of the site. Of these 475 dwellings, 162 have been built out (reserved matters consents ref: DC/16/1422, ref: DC/16/2610 and ref: DC/17/0079), with the remaining 313 dwellings currently under construction. The village of Billingshurst is located immediately west of this land parcel and includes existing residential properties and community facilities.

The site is within an Archaeological Notification Area with historic fieldscape monuments recorded on WSCC Historic Environment Record. An archaeological site is located some 350 metres east of the site. The nearest Listed Building, 'Hammonds' is Grade II Listed and located some 290 metres southwest of the site. The nearest Conservation Area is Billingshurst Conservation Area, some 350 metres west of the site.

The underlying geology of the site is brick clay. The site is within a Brick Clay Mineral Safeguarding Area. Immediately southeast of the site lies an intermediate pressure gas pipeline. An area of Ancient Woodland is some 230 metres northeast of the site and Wilden's Meadow, a Local Wildlife Site, lies 380 metres south of site. The site falls within the Bat Sustenance Zone (HDPF Policy 31).

DETAILED DESCRIPTION

The outline application is parameter based, with all matters reserved save for the principal site access. Parameter plans on Land Use, Density, Buildings Heights, Movement and Landscape Strategy are provided.

The proposal is for 83 residential units, including 35% affordable, to be accommodated on the two fields on the western side of the site. The third field, to the east, will provide for open space to serve the development and landscaping provision (woodlands, meadow and wetland).

The indicative layout presents medium housing density in the west of the site (25 – 35 dwellings per hectare), with lower housing density to the east (20-30 dwellings per hectare). The proposed development would be provided at predominantly 2 residential storeys, with a maximum height of up to

2.5 residential storeys on key buildings. Overall the housing will be a mix of predominately 1 – 4 bed houses with 1 and 2 bed flats and bungalows, the greater proportion being 2 bed and 3 bed. 29 units would be affordable (comprising 20 social/affordable rent and 9 intermediate/shared ownership), across the dwelling types. The remaining 54 units will be private.

The areas in the south-east and corner of the northern field and north-east and west edge of the southern field are proposed for on-site Sustainable Drainage System features – attenuation basins with attenuation pipe and pump station infrastructure, with controlled discharge to control surface water flows. These features will store water volume in a 1 in 100 year rainfall event, plus allowance for climate change. Surface water runoff rates are restricted to Greenfield rates.

The vehicular access into the proposed development will be from a proposed road within Parcel H7 (reserved matters planning permission ref: DC/18/2509) of the development to the west of the site. This will also allow for pedestrian and cycle access from Parcel H7. The key features of the proposed site access arrangements are:-

- 5.5 metre carriageway within the site with minor widening at the bend;
- Carriageway narrowing/priority working (3.7 metre carriageway with priority to eastbound traffic) tying back to the parcel H7 carriageway; and
- 1.8 metre footways on both sides of the access road tying back to the footways along both sides of the parcel H7 access road

A footpath link is indicated to connect to the existing public right of way (ref 1941) to the north. Up to 200 private vehicle parking spaces are proposed (including visitor spaces). Existing overhead 11kV cables and poles will be relocated underground. One LEAP will be included within the 3.65 ha of new open space.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 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 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
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

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)
SPG (2003 as amended Dec 2019) - revised county parking standards and transport contributions methodology

Neighbourhood Plan:

Examiner produced his report into the examination of the Billingshurst Neighbourhood Plan. A decision statement was published on the 14 December 2020. A referendum will be held for this Parish's Neighbourhood Plan (Billingshurst Neighbourhood Plan (Referendum Version) (Feb 2021) on Thursday 6 May 2021.

- Policy Bill 1: Billingshurst Built-Up Area Boundary
- Policy Bill 2: Housing Design and Character
- Policy Bill 3: Energy Efficiency and Design
- Policy Bill 4: Provision of Leisure and Recreation Facilities
- Policy Bill 5: Integrated Infrastructure
- Policy Bill 12: Protection and Enhancement of Key Movement Routes
- Policy Bill 14: Residential Parking Provision
- Policy Bill 16: Multi-value Sustainable Drainage Systems

Parish Design Statement:

Billingshurst Parish Design Statement SPD

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: Not supported (2nd Consultation)

Considering the degree the current baseline character area is influenced by the new development, consider the additional intrusion resulting from the built development and associated lighting and overall activity to have a negative effect on the countryside character.

Cumulatively with the adjacent eastern extension of the settlement, the proposals would result in a significant effect on the character of the area.

The proposed landscaping effects would be unlikely to reduce much below moderate adverse, which is a significant residual effect particularly when these are cumulative effects of development experienced within the receiving character area.

The development of the site would be contrary to HDPF policy 25 as it cannot be demonstrated that the landscape character would be protected, conserved and enhanced, that the existing green infrastructure network and the rural character would be maintained and enhanced. The proposals are also contrary to Policy 26, as the development is located outside the build-up area boundary and the rural character and undeveloped nature of the countryside could not be protected. The proposals are not essential to the countryside location and do not meet any of the 4 criteria of the policy.

Furthermore, the proposals are considered to lead individually and cumulatively to a significant increase in the overall level of activity in the countryside. Therefore development on this site cannot be supported on landscape grounds.

HDC Environmental Health: No Objection (2nd Consultation)

Air quality mitigation proposed by letter 25/03/2021 is acceptable. Recommend following conditions: Construction Environmental Management Plan; Noise Impact Assessment (to consider impacts of the spine road on future residents); Phase I preliminary risk assessment (to help determine any potential hazards).

HDC Housing: Support

HDC Drainage Engineer: No Objection (2nd Consultation)

No overall objection. Recommend following Conditions; Drainage Strategy (Foul and Surface Water) & SUDS Verification

OUTSIDE AGENCIES

Archaeology Consultant: Recommended Approval subject to WSI condition

Ecology Consultant: Recommend Approval, subject to following conditions:

- Concurrent with Reserved Matters: action in accordance with ecological appraisal recommendations
- Concurrent with Reserved Matters prior to commencement: Submission of a copy of EPS licence for Hazel dormice
- Concurrent with Reserved Matters prior to commencement: Submission of a copy of the EPS licence for hazel dormice; Construction Environmental Management Plan for Biodiversity; Reptile mitigation Strategy
- Concurrent with Reserved Matters prior to slab layout: Biodiversity Enhancement Strategy
- Concurrent with Reserved Matters prior to occupation: wildlife sensitive lighting design scheme and Landscape and Ecological Management Plan (LEMP)

Southern Water: Comment

Increased risk of flooding if the proposed surface water run off rates discharged at proposed connection points. Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system.

WSCC Flood Risk Management: No Objection (2nd Consultation)

As outline, a suitable drainage strategy can be agreed. Majority of site at low risk from surface water flooding. Area near southwest boundary shown at higher risk. The Flood Risk Assessment and Outline Drainage Strategy included with this application proposes that attenuation basins, oversized pipes with a restricted discharge to the watercourse, would be used to control the surface water runoff from the site.

WSCC Rights of Way: No Objection

Natural England: No Objection

Concur with Appropriate Assessment conclusion: No Adverse Effect

WSCC Highways: No Objection (2nd Consultation)

Having regard for the information put together within the Transport Assessment, the Local Highway Authority would not consider the proposals to result in unacceptable increase in traffic movements on the local highway network. The LHA is satisfied the cycle parking along the High Street can be secure via the S106 agreement.

WSCC Minerals and Waste comment

Applicant should submit Mineral Resource Assessment. Decision maker should be satisfied proposals minimise waste generation, maximise opportunities for re-using and recycling waste.

Parish Comments:

Billingshurst Parish Council strongly objects to this application for the following reasons:-

- Wooddale Lane and the new spine road have been designated as “secondary” which must be incorrect. Wooddale Lane could not cope at all with the volume of traffic that the spine road has designed to take;
- There is a lack of foot and cycle paths within the site in order to link with both the new development and the village itself;

- The proposed removal of 2 well-established English Oak trees must be resisted;
- The site is, in effect, three plots – 2 of which are for development and will be accessed via the Devine Homes affordable housing plot. The road is far too narrow to cope with the proposed increase in vehicle movements;
- The site is outside the Built Up Area Boundary and has not been designated for development in either a Local Plan or in the emerging Neighbourhood Plan;
- This is further loss of agricultural land;
- Reside reference a new school, a creche and a dental surgery but none of these have come to fruition and, in fact, the land for the dental surgery and the creche have been developed;
- The site is sufficiently remote from the centre of the village that it is unsustainable in terms of car usage. Residents are likely to rely on vehicles and, if that is so, they will probably opt to drive into Horsham as opposed to using the village centre thus bringing no benefits to the village itself;
- The site is sufficiently far from Billingshurst Station that it is unlikely that residents will opt to walk, despite the assertion that the walking time is 15 minutes;
- Billingshurst is very poorly served by buses – members could not understand why bus services to Plaistow and Coolham had been included at all.

Representations:

Objections received from 20 individual property addresses and Council Protection Rural England Sussex and Devine Homes PLC, content of which is summarised below:

Contrary to Development Plan and Neighbourhood Plan

Development outside built-up area boundary where principle is not supported. Contrary to HDPF Policies 2, 4, 25, 26. Loss of rural land. Sets precedent for development further east of village and future infill. Piecemeal scheme that is not plan-led contrary to NPPF Para 15 and circumvents local plan-making process and neighbourhood planning. Does not accord with the exceptions in the emerging Neighbourhood Plan Policy BILL1, which states “Development in Billingshurst Parish shall be focused within the proposed built up area boundary”. Strategic allocation not yet completed so don’t need further housing.

Housing Need and Supply

Council's recent AMR can demonstrate 108% 5 year housing land supply against new 5 year requirement for the district, determined by standard method. Council has passed the government's 2020 housing delivery test (19 Jan 2021)

Overdevelopment of area and inadequate infrastructure to support development

Billingshurst has had its fair share of development over the past 10 years. Billingshurst risks losing its village life, character and community atmosphere. Already inadequate amenities and infrastructure to serve existing residents let alone new residents (doctor's surgery, dentists, school places, leisure facilities). Litter.

Unsustainable distance from village centre and inadequate non motor-car transport provision

Located away from village centre with no proper connection by foot. 25 – 40 minute walk to train station. Poor bus service to Horsham. No proper footpath and cycle paths. Future occupiers therefore reliant on the private car.

The applicant's Transport Statement asserts the development is 800m from a Primary School, however the East Billingshurst Primary School is not built yet, nor has funding been agreed, planning permission submitted, or any indication when the first intake would be. It is, therefore, more realistic that the nearest Primary School would be “Billingshurst Primary School” on Station Road, which is located 1.2 miles from the site. In the Applicant's Transport Statement, they confirm that the National Travel Survey (2019) states that trips under 1 mile are “walking trips”. The School is, therefore, outside of the recommended walking distance, indicating that the site is in an unsustainable location and would promote trips via the private car.

The Applicant states that the shopping core of Billingshurst is 1km away due to the upgraded footpath 1941. However, as this footpath is inaccessible from the development site and instead is accessed by walking through H7, up the spine road, to the top of H6, it adds approximately 200m onto the route. This

makes the route less desirable, and less likely to be used. Question whether applicant can legally connect a footpath FP1941 to the north of the development site.

Harm to Landscape/townscape Character

Loss of green space. Large scale residential development in a landscape setting categorised as having low potential for accommodating residential development. Too dense scheme, no real landscaping and lacks trees and hedging crucial to local landscape. Fields, public footpath, quiet and bird sounds would be lost.

Inadequate drainage and ecology survey

Is water management in place? Surface water drainage strategy is not functional. Council should look to Europe to see what is happening there. Drains inadequate. Reviewed the development against the topographical survey and find the solution offered for storm water isn't characteristic with the existing Greenfield runoff behaviour. This is against the EA's Rainfall Runoff management Document item 4, which is referenced in the HDC Surface Water Drainage Statement Form. This would contain the runoff to its current behaviour and preserve the ecology of the local ditch network.

West Sussex County Council Lead Local Flood Authority wrote feedback on the proposed development's surface water drainage strategy, inter alia: "Surface water pumping stations are not considered sustainable and should only be used where there is no other practicable method of surface water drainage. All other alternative solutions to pumping should be ruled out before this is considered."

The applicant, however, is proposed an unsustainable surface water pumping station within their development. Within paragraph 7.4.1.3 the applicants FRA (ref: 882179-R1(01)-FRA, December 2020) it states: "The attenuation basin is designed to be located in the south-western area of the site and will be pumped to the north to be discharged into the indicative on-site surface water sewer network" Reference to the surface water and foul pump is also clear in bullet point 6 of paragraph 7.4.2 which states: "A separate surface water and foul pump will be located within the south-western site corner. The surface water pump will pump the water from the south-western attenuation basin to the indicative on-site surface water system in the north-west"

Inadequate ecology survey

Question validity of ecological surveys as no systematic wild bird survey undertaken, contrary to Natural England's standing advice. Habitats that enables nightingale to breed and nest at this location should be retained, conserved and protected. Due to time of surveys, nightingales would not have been heard or seen by ecologists during their site visits.

Transport and Highways and Climate change

High volume of unsuitable HGVs currently routed through village. Woodale lane is narrow single track road. Contrary to policy 36 and 37. Should include installation of solar panels and electric vehicles, heat pumps.

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

Main Issues

These are the whether the principle is acceptable having regard to the Council's strategy for housing development in the district, and the effect of the proposal on the character and appearance of the locality, and highway matters. Other issues include amenities; drainage; and ecology.

Principle of Development:

- *Departure from Development Plan and 5 Year Housing Land Supply*

The Statutory basis for decision taking in planning is Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this instance, the HDPF comprises the Development Plan, which was adopted in November 2015. 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- 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).

The site is located outside a defined Built up Area Boundary (BuAB) and not allocated for development within the HDPF or a 'Made' Neighbourhood Development Plan. Development in this location at this time therefore conflicts with the sustainable development principles set out in Policies 1 and 2 of the HDPF as well as with Settlement Expansion Policy 4; and as a result, is a departure from the approach for development as set out in the current adopted plan. In addition, by virtue of its location outside a BUAB, the proposal would conflict with the HDPF's countryside protection policy (Policy 26) as the development is not strictly considered to be 'essential' to this countryside location.

According to the latest information available, Horsham is able to demonstrate a 5 year supply of housing land, and that the provisions of the development plan are inadequate to meet the area's needs. The latest Authority Monitoring Report (AMR) 2019/2020 puts the Council's position at 108%.

The AMR monitors the delivery of housing and the performance against the District's target housing requirement, which for the 2019/20 monitoring year was 800 dwellings per annum (dpa). It contains the latest housing trajectory, and five year housing land supply calculation. For the 2019/20 monitoring year, a total of 955 net dwellings were completed.

The Horsham District Planning Framework (HDPF) was five years old in November 2020. The new housing target for the District set by national government from December 2020 is 920dpa. Using a combined target figure of 840dpa for the 2020/21 period and 920 dpa thereafter, the Council can demonstrate a 108% (5.38 years) Five Year Housing Land Supply (5YHLS) against the new requirement.

Because the Council can demonstrate a 5 year housing supply and the site is in a countryside location outside the Built up Area Boundary of Billingshurst, the proposal would be contrary to its strategy of a hierarchical approach of concentrating development within the main settlements of the district. In this context the development would conflict with Policies 1, 2, 3 & 4 of the HDPF.

Horsham District Council is now well-advanced in terms of its preparation of a new Local Plan. A draft Regulation 18 Local Plan was published for consultation between February and March 2020. It is anticipated that the Plan will be submitted for examination in the latter part of 2021. In process terms this Plan is not at a stage at which it can have substantial weight.

NPPF Paragraph 11 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'. Whilst a HDPF review is currently underway exploring the need for additional housing sites; the Council considers that relevant policies for the supply of housing land remain up-to-date for the purpose of NPPF paragraph 11, until such time as new evidence supporting the Local Plan Review indicates otherwise. NPPF Paragraph 12 also states that: 'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

In terms of material considerations, this proposal would contribute towards the district's identified housing needs. The location of the proposed development (abutting the permitted 475 home scheme currently being brought forward as an urban extension to a larger village and utilising an existing access) has weight in the consideration of the appropriateness of the broad location for housing development. It is also recognised the Inspector in the HDPF determined that the early review of the Plan (i.e. to commence

3 years from its 2015 adoption) would be required to ensure that additional allocations could be considered to ensure housing growth is not constrained.

However, at the time of writing, it is considered that the district housing needs are not such as to outweigh the conflict with adopted planning policies, which are key in the delivery of a genuinely plan led approach. Future housing needs will inform the future allocations in the emerging Local Plan Review. It is therefore considered any potential uplift in need will be appropriately addressed through the Plan Review process.

To understand what sites may be available for future housing development, the Council held a 'call for sites' in 2018, with an update to the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) published in January 2019. The SHELAA that was published in early 2019 gave an indication of the sites that were considered to have potential for development when assessed under the policy requirements of the current Horsham District Planning Framework. Following completion of the site assessment process, a number of larger scale strategic sites (800 homes or more) have been identified which may have potential for housing development either as urban extensions or as new settlements.

In the preferred approach set out in the Local Plan Review, Billingshurst is being considered for larger scale strategic growth; a strategic allocation of up to 1,200 units as an urban extension of Billingshurst, known as Land East of Billingshurst (Little Daux), and a further strategic allocation, known as Land West of Billingshurst (Newbridge Park) for around 850 to 1000 dwellings to the north and 500- 750 homes to the south of Billingshurst. It is clear that such strategic scale development has the potential to deliver a large proportion of the Council's housing requirements. If such land is allocated, it is not considered additional smaller scale development would be appropriate.

To that end the proposal would be contrary to policies 1, 2, 3 & 4 of the HDPF in that it does not meet the tests of sustainable development in regard to directing development to the built-up area boundary (policy 1 in particular) so managing development on edges of existing settlements in order to protect the rural character and landscape. It would also not be accordance with Policy Bill 1 of the referendum version of the Billingshurst Neighbourhood Plan, which is aligned with the HDPF plan-led strategy in these regards.

The scheme would put additional strain on services, facilities and Infrastructure at Billingshurst. Whilst the scheme would be CIL liable this would not efficiently negate this impact. Hence the need for large scale developments to come forward through the plan led system whereby all infrastructure needs are assessed and taken account off in allocations.

In brief summary, Policy 1 is a strategic policy to secure sustainable development to reflect Government policy in the National Planning Policy Framework ('the NPPF'); Policy 2 indicates the spatial basis for development in the period to 2031; Policy 3 identifies Billingshurst as a 'small town' in its settlement hierarchy, having some reliance on larger settlements to meet some of their requirements, and Policy 4 explains that the expansion of settlements will be supported where a proposal meets a number of provisos.

- *Local Housing need*

The Billingshurst Neighbourhood Plan Regulation Referendum Status means substantial weight can currently be given to the Neighbourhood Planning process in Billingshurst. Although the Neighbourhood Plan is not proposing any housing policies, it has been informed by up to date evidence. This evidence found there was a comparatively low proportion of flats and predominance toward 3 bed properties.

This site proposes a development of 83 homes, with 29 affordable dwellings proposed. This equates to a 35% affordable housing provision, making this scheme compliant with the HDPF.

The Council's Housing Officers note that this proposed mix has been based on the North West Sussex Strategic Housing Market Assessment (SHMA) from November 2019, and the current level of demand for different unit sizes and tenure for active applicants on the Council's Housing Register is different from the SHMA. For example, there is much higher demand for 2 bedroom properties that are shared

ownership rather than affordable rented, and much higher need for 4 bedroom properties that are rented than those available for shared ownership.

Through negotiations, additional 1 bed affordable rented units are sought instead of 2 -3 bed units. The applicant confirmed by letter 2915/A3/POF that they are agreeable to increasing the number of 1 bed affordable rented units and are open to further discussions on this point. The final Mix can be agreed at the reserved matters stage.

Landscape and Townscape Character

HDPF Policy 25 is a strategic policy to safeguard the natural environment and landscape character; Policy 26 protects the countryside, and Policy 33 sets out development principles in order to conserve and enhance the natural and built environment. Policy 31 sets out to maintain and enhance the network of green infrastructure in the district.

- Landscape Character

Relevant policies stipulate within the District's rural areas, special attention must be given to the siting, layout, and design of new development to ensure that it is appropriate to its context by taking into account local guidance on character and context set out in the Council's adopted Landscape Character Appraisal.

A Landscape Capacity study was undertaken in 2014 to support the HDPF 2015 and revised in February 2020 to help support the emerging Horsham District Council Local Plan. This was done with the aim of identifying areas around towns and villages with the capacity in the local landscape to accommodate development. In both studies, the area east of Billingshurst was identified as having Low – Moderate capacity for residential development.

The Council's Landscape Architect believes the proposals would result in unacceptable harm to the landscape character of the area, notwithstanding some of the urban influence from the adjacent site. The proposals take up three fields reminiscent of the irregular medieval pattern bounded by strong hedgerows and trees. The area's more sensitive landscape character will be harmed by the proposals.

Landscape sensitivity is the combined value of the landscape and susceptibility to the specific type of change resulting from the proposals.

The level of harm to visual amenity, is assessed separately but follow the same principles as above. First visual receptors are identified, the visual sensitivity is established and then the magnitude of change is assessed.

Visual sensitivity is the combined value attached to a particular view and susceptibility to the specific type of change resulting from the proposals.

The submitted LVIA carried out by Barton Wilmore (BW) assesses landscape sensitivity in each area as follows:

1. At county level the site falls within the LW6: Central Low Weald. The sensitivity here is ranked by BW as Medium to the type of development proposed as this is agreed with.

2. At District level, the site falls within LCA G3. Is assessed of medium sensitivity to the type of development proposed. The medium value of the landscape is agreed with but the susceptibility of the landscape to change is considered high and therefore the sensitivity of the character area is Medium-High to the type of development proposed. Although many of the landscape feature can be retained with the proposals, its composition, land cover, relationship with the existing settlement would significantly change. The proposals may be of a relatively smaller scale when compared with the adjacent extension under construction and have some potential for mitigation, but this small increment would result in the loss of the understanding of the immediate landscape character area and landscape setting to Billingshurst.

3. At local level, the site falls within the Landscape character Area 49: Land North East of Billingshurst.

The assessor concludes that the sensitivity of the LLCA 49 is Medium-Low owing to the limited inter-visibility and the influences of the new residential development which has changed the character of the edge of the settlement and this LCA. This conclusion is disagreed with as the susceptibility of the character area to this incremental change is considered High.

The site lies in an area where the overall sensitivity of the landscape setting to urban extensions is moderate-high as indicated on the recent review of the capacity study. This assessment despite being inclusive of a much wider area, is still in the Council's view an accurate reflection of the situation on the ground and of this smaller part of the LCA.

Although many of the landscape features can be retained with the proposals, its composition, land cover, relationship with the existing settlement would significantly change. The proposals may be of a relatively smaller scale when compared with the adjacent extension under construction and have some potential for mitigation, but this small increment would result in the loss of the understanding of what's remaining of this local landscape character area and landscape setting of Billingshurst. These group of fields area are particularly representative of the remaining character of the area and the proposed change would result in undue consequences to the overall integrity of the receiving landscape. The sensitivity to change (based on the LVIA methodology) is therefore assessed as High.

4. Boundary vegetation: It is agreed that the boundary vegetation makes a strong positive contribution to the landscape character and is of high value, however its susceptibility is considered to be medium to high to the type of development proposed (by virtue of the removal of some of the hedges to facilitated access and also it's perceptual qualities / how these will be experienced) results in Medium-High sensitivity to the type of development proposed as opposed to the medium sensitivity assessed in the report.

5. Grassland field: Medium-High sensitivity – agreed

6. Landform: considered of medium value (as its undulating nature is reflective of landscape character area), medium susceptibility, which as can be experienced from the next door development parcels requires some cut and fill and the stepping of the development into platforms and therefore it is considered to be of Medium sensitivity as opposed to low sensitivity as shown on the report or neutral as described on the table.

7. Character of the site and vicinity: the site is considered in the report to be of very limited relationship (experientially) with the wider landscape. The Council's Landscape Architect disagrees with this statement as the site notwithstanding its robust boundary vegetation is still experienced:

- by users of the new access road from the new development, where the southern parcel provides a sense of place, connection with the wider countryside and setting to the new development
- from sections of the adjacent public right of way that runs along the northern boundary
- and from Wooddale Lane, a rural lane used by walkers and that links to the wider public rights of way network.

The site is not seen as a coherent extent of urban edge as suggested but rather a positive outlook and setting to the new residential development which is closely associated and representative of the wider landscape and character area it sits in. Notwithstanding some urban influences experienced along the western boundary as result of the new development, and the small section of overhead cables that crosses along the far end of the eastern field, the character of the site remains predominantly rural. The urban influence of the new development if anything represents the urban influence that developing the application fields would have in the rural landscape. The previous assessment, just like this one considered that the harm arising from the proposals could be effectively mitigated by the existing robust framework of boundary vegetation structure.

The landscape quality of the site is assessed as good despite some urban influence of the adjacent site and pylons.

The site is substantially an intact landscape as can be seen by reference to OS map extract below. The mature vegetation and irregularity of the fields add a time depth and reflect a coherent landscape, not

eroded or diminished to this part of the character area despite the changes experienced as result of the adjacent development.

In summary, the landscape is generally in good condition, of medium landscape value as the site is representative of the landscape character area characteristics notwithstanding some of the detractors mentioned above. The character of the area is considered to be of medium-high susceptibility as the introduction of further residential development in the valley would affect the integrity of the character area and its understanding given the immediately adjacent fields to the east which although very rural, it has lost the characteristic medieval field pattern and sense of containment. The character of the site vicinity is therefore assessed as of Medium-High sensitivity to the type of development proposed.

With regards the site's visual amenity, it is agreed that overall it enjoys some level of enclosure predominantly influenced by landform, vegetation cover and built form but there are still many viewpoints where views of the site are available and the proposals would result in a localised visual harm. The appraisal selects a number of viewpoints and these are considered representative of the different types of visual receptors including residents, pedestrians and motorists. However, since the appraisal was carried out, the new spine road has open and therefore an additional viewpoint from the development is considered of relevance as it illustrates the setting role particularly the western southern field plays to the new settlement boundary and how this outlook helps to connect future residents to the wider landscape and contributes to the sense of place.

The opens space strategy for the Land of East Billingshurst development deliberately delivers a large strategic central open space through the development which not only allows visual connectivity to the wider countryside but is also identified as a strategic ecology corridor both of which the development of the parcel would sever.

Overall the site is visible from various short distance viewpoints and appreciated by high sensitivity receptors such as walkers and residents. Although the views are through intervening vegetation, the undeveloped nature of these fields, its rural qualities and inter-visibility from the new settlement towards the wider landscape positively contribute to the visual amenity of the area and value to the sense of place.

The proposal for new 83 dwellings will increase the activity in the countryside extending further the urbanising features into the countryside and cause harm to the remaining natural and tranquil qualities of the area.

The proposed landscape strategy of positioning the existing field boundaries within the public realm would give comfort that the retention of this green corridor could be largely retained in the future and therefore contributes to reduce the assessed harm however it is considered that these undeveloped, fields and strong uninterrupted green corridors are key to containing development and the sprawl into the countryside. The fields that form the application site are now seen as the new settlement edge and landscape setting to this new extension to east of Billingshurst.

The character of the site and wider area to the east remains very much rural and there is a clear distinct perception of entering the countryside as one travels along the footpath adjacent to H7 to the south and along the reptile recovery area and Duckmoor Copse to the north. As with parcel H7 of the adjacent development currently under construction, the existing hedgerow was considered a strong landscape feature that would soften and very much screen the development from the wider landscape but as experienced in situ, whilst the development is mostly screened by intervening vegetation, the perception of development and activity can still be experienced from Woodale Lane. Developing these fields parcels would result in an incremental change which combined with the negative effects of the adjacent development are considered significant and unacceptable notwithstanding the eastern field being proposed as open space. Views towards the development from Woodlane lane would be available and although the eastern field is the closest in view, its recreation nature associated with the closer proximity of the development parcels would harm the lane strong rural character.

Although the field pattern would be reasonably retained, breaks through the hedgerow would be necessary to facilitate development and access the various parcels which would weaken the otherwise strong existing green corridors and existing links with woodland and wider green infrastructure. The

assessment suggests that the proposals would be beneficial to this landscape feature by virtue of positive management of the GI however the corridor as existing is in good condition and the additional planting would be implemented as a means to mitigate the harm and compensate for the necessary breaks within the corridor rather than enhance. Furthermore, the rural quality of the medieval field pattern, which is in good quality, would be negatively affected as although the landscape mosaic will be largely retained, the context in which it will be appreciated is very different.

Development in isolation could be considered a relatively small addition to the wider landscape character area, however cumulatively, the proposals will be seen in the context of the larger site still under construction in parts and extend the suburbanization and encroaching of development further into countryside. The assessment considers the residual change to the landscape character areas of minor significance, but when considering the whole extent of the eastern extension of Billingshurst and the change to the receiving landscape and key features such as field pattern, landform and vegetation, the magnitude of change is large adverse which combined with a medium-high sensitivity is considered of moderate-major adverse significance.

The planning agent's own Landscape Architect provided a response to this assessment (agent's letter memorandum 31259/A5). In reply, the Council's view are unchanged and detailed out below.

The L+V response document suggests that in time, with the reinforcement of the belt of vegetation on this boundary, the view of the development parcel would be soften but nevertheless seen in the context of existing development. This is not disputed, it will be seen in the context of the development and seen as an extension to the development, and there lays the issue.

The Council's Landscape Architect's assessment is that remaining views into the undeveloped countryside, are important to protect and retain as they contribute to the sense of place and create the link between the countryside and the open space network created by the new development landscape strategy and woods to the west. The positioning of the open spaces in this location was informed by the landscape character assessment as result of the sensitivity of the valley with its complex landform of small scale historic field pattern and a strong network of hedgerows, which these remaining fields are also part of. The open space network provides the link between urban and to the countryside and these application fields and their undeveloped character, are key to retain and appreciate this relationship which would otherwise be interrupted by development. The loss of this relationship and adverse harm cannot be reduced or mitigated.

It is acknowledged and agreed that the new development forms the new baseline context of the site. This is not disputed and the application fields are described as forming part of the new settlement edge and landscape setting to the new extension to East Billingshurst. The urban influence, of the new development to the application fields, is acknowledged within the Council's comments.

However, the Council's assessment takes into account the small increments of change as result of the proposals and does not look at the site in isolation. This is not looking at the effects cumulatively as typically in the context of an EIA and in a sense of as yet unconstructed development, but the result of unacceptable harm that would occur by bringing the further change to a landscape that became predominately rural as opposed to strongly rural as result of the new development and the urban influence/ increased levels of activity that are experienced as result. The encroachment into the countryside and the effects on the remaining character area characteristics that are experienced from the new settlement boundary and landscape setting. Policy 26 of the HDPF asks the Council to consider this.

The use of strategic ecology link terminology is used as reference to the landscape parameter plan/open space strategy (DC/15/0059) and to point out that the strategic open space and strategic ecology corridor are shown side by side to create this very strong green corridor through the development to connect the settlement to the countryside. It is not considering the merits of the ecological corridor but to point out that developing the site would create a break to this strategic green corridor of undeveloped open space. The Council's Landscape Architect is still of that view that this is the case as notwithstanding the enhancements proposed to structural landscape corridors within the site, these will be nonetheless cut through 'access routes, gardens and other infrastructure' (landscape plan key) and implemented as means to mitigate the harm and compensate for the necessary breaks within the corridor but also the

loss of the field undeveloped nature would wash this robust link to much narrower corridors and change the context in which these would be experienced.

- *Townscape Character*

The access to the proposed development site is through Parcel H7 of the East of Billingshurst strategic development. Parcel H7 is designed as an intimate hamlet, mirroring H6 which lies to the west of H7. As an unplanned speculative application, the 83 dwellings proposed would unbalance the East of Billingshurst scheme and unbalance the landscape led approach and open space strategy for the strategic development. The addition of such a field being developed would run against the strategic design code for East of Billingshurst and would mean that the Hamlet style scheme shaped by principles of the strategic allocation would be lost.

The proposals would result in the partial loss and subject to future development pressure of the existing landscape corridor between parcel H7 and this new development, but also partial loss of hedgerow to unlock the field to the south. Whilst it is appreciated that the field to the east would mitigate some of this loss but could not compensate for the gaps and damage caused to the existing green corridors. Such features are an important component of defining the development parcels.

Parcels H5, H6, and H7 of the adjacent 475 dwelling scheme were all subject to design code masterplanning at Outline and subsequent Reserved Matters. Consequently, the new development is required to be physically integrated with these phases.

At Reserved Matters, parcels H6 and H7 were conceived as a hamlet; plots H6 and H7 are sited opposite each other on the spine road and together form an urban edge to the road similar in scale to small hamlets dotted through the area. This was an important concept that allowed for a limited amount of development on the opposite eastern of the spine road, despite it being an incursion into the rural countryside beyond. As previously mentioned, the new development requires the access road serving it be routed through parcel H7. The indicative layout drawings show the new development arranged along the route of the access road, with seamless integration with parcel H7. As consequence, the new development would unbalance the careful scaling and mirrored similarities of the two equal halves of the same hamlet (parcels H6 and H7), to the detriment of achieving the concept set out in the design code and Masterplan at Outline and Reserved Matters. The enlargement of parcel H7 would be a significant harmful intrusion into the built form in the countryside of a scale no longer comparable to other nearby hamlets. This harm would be compounded by all the new development not adhering to the appropriate rural density range of 10-25 dph of parcels H6 and H7, set out in design code and Masterplan concept of the hamlet, nor the much lower housing density of the adjacent parcel H5 which was conceived as a farmstead style cluster, to reflect a rural and traditional character.

Whilst reference is made to this building typology within the submitted Design and Access Statement in relation to the proposed development of 83 units, it has not been successfully translated onto the indicative layout. The development is still presented very much as a suburban estate in its terms of its character and appearance. Indeed in places, the layout is more akin to urban environs than suburban; most notably with relatively large parking courts and properties with shallow rear gardens. There is certainly a strong and continued domestic character to all the development, as perceived from the new estate roads and on entry into the development from parcel H7. In some instances courtyard parking at the very front edge is shown and principal entrances to the buildings are indicated trying to be convincing as a converted barns. However, to be convincing and avoid the perception of domesticity the barn-like buildings should be set closer to the road with a grass verge or planting between and very few openings facing that direction. Overall the estate layout is too formal and ordered and remains too sophisticated to be convincing as a converted farm complex. There remains a hard edge to the development either defined by rear garden boundary or estate road, where there should be more subtlety and a reinforcement of the sense of transition from the extremity of the strategic allocation and the countryside. A more intimate series of courtyards, with the enclosure of the space between defined by supplementary green infrastructure, would better fit the pattern of traditional farmstead than the more standardised estate layout and building spacing currently proposed.

It is suggested the eastern field be offered for transfer to Billingshurst Parish Council to adopt as community space. However, this is potentially problematic as the land would be tied by obligation to

maintenance and management as biodiversity net gain for the development. There are also issues with making this a more formalised community space as it would potentially generate demand for a more manicured appearance to the space and possible future play equipment and parking from Wooddale Lane, neither of which are being offered.

For these reasons, the proposal would not meet the requirements of HDPF policies 31 and 33 as a high quality proposal would not be achieved that reflects the scale and context of the surrounding buildings in the landscape and results in loss of existing green infrastructure. In these regards, it would also be contrary to Policy Bill 2 of the Billingshurst Neighbourhood Plan.

Heritage and Archaeology

The nearest designated heritage assets are the eastern edge of the Billingshurst Conservation Area and Hammonds and Little Daux farmhouses, East Street, both Grade II Listed. All these are located some 300 metres distant from the application site, with intervening fields and boundary screening between. As such, the proposal is not considered to result in harm to the setting of these Listed Buildings.

There is an archaeological site located to the eastern edge of Billingshurst Conservation Area. The West Sussex Historic Environment Record shows that the proposed development is located within an Archaeological Notification Area. A walk over survey of the neighbouring development revealed a range of artefacts. It is possible that further evidence relating to this site extends into the application area. A Written Scheme of Investigation condition is therefore recommended in accordance with the National Planning Policy Framework.

Highway Matters

As the application outline, the Local Highway Authority (West Sussex County Council) has been consulted on the above application to consider Access, Capacity and Sustainability only.

An earlier outline planning consent for East Billingshurst, to the west of the application site, provided for up to 475 dwellings. This development is delivering a spine road between the A272 (to the east of Billingshurst) and the A29 (to the north of Billingshurst) with residential development on either side of it. The spine road opened in December 2020.

- Access

Access to the application site is via an extension of the access road from parcel H7 of the East Billingshurst development into the site. This will include a 5.5m wide carriageway within the site with minor widening at the bend. There will also be 1.8m footways on both sides of the access road tying back to the footways along both sides of the parcel H7 access road. Having assessed the supporting information the Local Highway Authority is satisfied that it has been demonstrated that the spine road / parcel H7 access road junction can accommodate the additional traffic from the development (in terms of capacity and safety).

- Accessibility

The Transport Assessment provides a thorough review of the sites accessibility credentials. The Local Highway Authority has reviewed the submitted Transport Assessment and considered the accessibility of the site. Their conclusion on this issue is set out below:

Billingshurst and surrounding area has a good range of local facilities and services that would meet the majority of everyday needs for future residents of the site. It is considered that residents would be able to walk or cycle to the bus services in Billingshurst. It is also considered the site is within a reasonable walking and / or cycling distance (via the East Billingshurst pedestrian / cycle facilities) of a number of local facilities and services including local schools, recreation areas and retail services. Cyclists have a good opportunity to cycle on the carriageway through the site and parcel H7. In addition it is acknowledged that there are newly constructed off roads cycle routes available outside of the site. Bus services are present running along High Street provide an hourly bus service to a number of

destinations including Horsham, Storrington and Pulborough. Billingshurst rail station provides good connections to destinations including Horsham, Crawley, Bognor Regis, Gatwick Airport and London.

- *Parking and Layout*

The parking elements of the proposals will be addressed at the Reserved Matters stage of the planning process, although within the Transport Assessment some parking allocations have been provided. At Reserved Matters, the parking allocation would be expected to meet the most up to date WSCC Parking Standards, including charging electric plug-in and other ultra-low emission vehicles.

The internal layout should be designed in accordance with Manual for Streets principles and consideration should be given to forward visibility and turning for larger vehicles such as a fire tender or a refuse collection vehicle.

- *Capacity*

The applicant has used the recognised Trip Rate Information Computer System (TRICS) database to ascertain the likely number of vehicular movements the site would generate.

The proposed development is predicted to result in circa 52 to 54 two-way vehicle movements in each peak period. This equates to only around one additional vehicle movement per minute during the highway network peak periods.

The Transport Assessment demonstrates that the spine road / parcel H7 junction, A272 / spine road junction and A29 / spine road junction operate with sufficient capacity and limited queuing and delay when allowing for the development generated traffic. The Local Highway Authority therefore considers the application would meet the tests of paragraph 108 and 109 of the NPPF and the proposals would not have an 'unacceptable' effect.

- *Sustainable Transport Contribution*

The Transport Statement states that the applicant is satisfied that a highway / sustainable Transport contribution could be secured through any Section 106 agreement to be used to encourage sustainable transport links to the development and to carry out associated improvements such as additional cycle parking in the village centre and at Billingshurst Station. In the village centre, the development could provide / deliver cycle stands in the highway.

The applicant has now had correspondence with the Parish Council (PC). The PC have responded on the proposed cycle parking scheme. They are happy with the cycle parking as it is in line with their audit undertaken in 2020. The applicant has produced drawing ITB15339-GA-004 which illustrates where 8 cycle parking stands could be located within the highway along High Street (just to the south of Jengers Mead). The Local Highway Authority are satisfied with this and that it can be secured via the S106 Agreement.

- *Public Right of Way*

The PRoW team at West Sussex County Council confirm the definitive line of Public Right of Way (PROW Footpath 1941) runs within the northern boundary of land ownership. The walked route on the ground can differ from the legal line of PRoW and the definitive map and statement is the point of reference for such matters.

The legal line should be made available as part of this proposal and any alterations including links to the Public Footpath from the development discussed formally with the PRoW team.

This confirmation follows Devine Homes query to whether the proposed development can legally connect a footpath 1941 to the north of the development site. The matter has been discussed with WSCC, who have reviewed the definitive public right of way map. As per the comments from the PRoW Officer, investigations have ascertained that the definitive line of Footpath 1941 runs within the Northern boundary of the land Reside Developments controls.

Therefore, by the fact that the definitive line of footpath 1941 falls within the northern part of Reside Developments' land / the application site (and not the Devine owned land), the applicant can legally connect onto it. This will be a positive benefit for this proposed scheme, which can be weighed in the overall balance.

In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of Public Footpath 1941 will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path should be improved. The applicant should be required, at their expense, to accept to implement works with a suitable Section 106. Given the development of surrounding countryside and amenity value the PRoW bring to both developments and the local community this could also include areas outside the ownership of the developer.

Conclusion of Highway Matters

Appropriate opportunities to promote sustainable transport modes have been taken up, including a Travel Plan, and safe and suitable access to the site can be achieved, in accordance with HDPF policy 40 and NPPF. The Local Highway Authority does not consider traffic generated by the proposed development will have a significant impact on the operation of the local highway network.

On these matters, the proposal would also be in compliance with Policy Bill 8 and Bill 12 of the referendum version of the Billingshurst Neighbourhood Plan, in part by enhancing public realm and movement in the village centre with the inclusion of additional cycling facilities. The proposed residential parking provision would also be in accordance with the Neighbourhood Plan Policy Bill 14.

Environmental Protection and Amenities

Contamination

Given the historic use of the site as agriculture, the ground on the site has the potential to be contaminated. The submitted Phase 1 Preliminary Assessment recommends further assessment in the form of a Phase 2 Investigation. This can be secured by condition in event of approval.

Air Quality

Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The application site is not located within either of the District's two Air Quality Management Areas (AQMA's), but due to the most common source of air pollution coming from vehicle emission, developments which have the potential for traffic increases are required to make reasonable endeavours to minimise emissions. The current guidance on how this can be achieved is set out in the Air quality and emissions mitigation guidance for Sussex (2020).

In accordance with the Air Quality Assessment report by Air Quality Consultants (December 2020), the air quality damage cost is £9,652. Following negotiations, the applicant now endorses provision of air quality mitigation, with the total estimated value of all the measures being equal to the total damage costs (agent's letter 29152/A3/POF).

Noise and Neighbour Amenities

The proposed dwellinghouses would be sited an appreciable distance from existing neighbouring properties, and as such no harmful adverse impact upon their amenities would result from the scheme, with the introduction of additional residential properties not expected to generate harmful levels of noise or disturbance.

Consideration should be given to the future relationship of occupiers of the new development with the spine road to avoid future adverse impact upon their amenities. As the application is outline, the layout is indicative and offers opportunity to mitigate such future harm.

The layout and intention to provide a LEAP and open space provision would offer future residents satisfactory leisure and amenity recreation, in accordance with the District's standards and be in compliance with Policy Bill 4 of the referendum version of the Billingshurst Neighbourhood Plan.

Other Environmental Matters

Flooding and Drainage

Horsham Council has no historical flooding information for this site. The Environment Agency Flood Map shows that the application site is located within Flood Zone 1, indicating that it is at a very low risk from river flooding. The main risk of flooding on this site is therefore from surface water.

- Surface Water drainage

For the Council's drainage Engineer (LPA) and West Sussex County Council as Local Lead Flood Authority (LLFA), the submitted Flood Risk Assessment & Indicative Surface Water Drainage Strategy has provided an enough information to demonstrate a workable solution for managing the surface water drainage. The conditions recommended in their consultation response are sufficient at this 'outline' stage to allow the LPA & LLFA to encourage the developer to consider all the recommend guidance & policies with respect to the site drainage design. The 'outline' drainage strategy can be subject to refinement and finalised before the detailed design stage, in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Such conditions could also address the concerns raised by Southern Water on the matters of the proposed connection points. West Sussex County Council (WSSCC), as the Lead Local Flood Authority (LLFA) have advised that a surface water pumping station should only be used where there is no other practicable method of surface water drainage. On this point, it should be noted that this application seeks outline permission only. As such, the utilisation of a pumping station has been proposed as a worst-case scenario. The detailed drainage scheme will be determined at reserved matters stage. The technical assessments in support of the application demonstrate that the site can be serviced and drained.

- Foul drainage

With regards to foul drainage, Southern Water have advised that there is an increased risk of flooding unless additional network reinforcement is provided. This can be secured by condition and finalised before the detailed design stage.

The indicative layout shows the proposed sustainable drainage system has the potential to be multi-functional as part of the open space serving the development. This ambition can be finalised at Reserved Matters stage and, as such, it is in compliance with Policy Bill 16 of the referendum version of the Billingshurst Neighbourhood Plan as multi-value.

Ecology

The Council's Ecologist has reviewed the Ecological Impact Assessment (Ecology Solutions, December 2020) supplied by the applicant, relating to the likely impact of development on designated sites, protected & Priority habitats and species, particularly bats, hazel dormice and reptiles and identification of proportionate mitigation. The Council's Ecologist is satisfied that there is sufficient ecological 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.

The Council's Ecologist notes that a total of seven species of bat were recorded throughout the survey period including the Annex II species, Barbastelle, which is a designated feature of The Mens SAC. Barbastelle were recorded commuting along the treelines and hedgerows onsite and the site lies within

the bat sustenance zone of The Mens SAC, designated for this species. The LPA has therefore prepared a Habitats Regulations Assessment for likely impacts on habitat connectivity for commuting and foraging Barbastelle bats, as qualifying feature of both The Mens SAC.

- *Habitats Regulations Appropriate Assessment*

The development will result in small sections of two treelines within the Impact Risk Zone of the SACs and will therefore require mitigation in terms of lighting and hedgerow replacement to maintain connectivity for Barbastelle bats. The LPA therefore anticipates that, without mitigation, it is not possible to conclude no 'likely significant effect' (LSE) to The Men's SAC in terms of Habitat connectivity and availability for foraging and commuting Barbastelle bats, when considered from the development alone.

Although the majority of the boundary vegetation will be retained, protected and enhanced, there is potential for habitat fragmentation or loss of functionally linked land for Barbastelle bats as part of the proposal. No bat roosts were identified onsite but small areas of vegetation will be removed along the treelines identified as T4 and T8 in the Ecological Impact Assessment (Ecology Solutions, December 2020). Static detectors were placed for 5 consecutive nights along treelines T4 and T8. Barbastelle bats were recorded commuting along these feature but, a total of only 2 passes were recorded on T4 and 1 pass on T8. Barbastelle activity was higher in other locations on the site.

Therefore, in accordance with the Sussex Bat SAC planning and landscape scale enhancement protocol, this assessment proceeded to HRA Stage 2: Appropriate Assessment. This considered, with mitigation, the impacts of removal or fragmentation of commuting routes for Barbastelle bats on the above designated sites, either alone or in combination with other plans and projects.

The Ecological Impact Assessment (Ecology Solutions, December 2020) identifies that substantial compensatory and enhancement planting will be undertaken, particularly in the greenspace area to the east of the site. A sensitive lighting scheme designed in accordance with ILP Guidance Note 08/18 will be utilised across the site, with all lighting angled down and away from adjacent woodland, hedge and treelines. Lighting will be timed to ensure periods of complete darkness, ensuring the continued ecological functionality of the boundary vegetation. The sections of the treelines T4 and T8 proposed to be removed have been considered as minor by the Ecological Impact Assessment (Ecology Solutions, December 2020) and are not considered likely, with the installation of appropriate lighting and compensatory planting, to affect commuting Barbastelle. Dark flightlines will be retained across the northern, southern and eastern boundaries.

The Council considers that these measures are appropriate to avoid significant adverse effects on the integrity of the interest features (Barbastelle bats) of the SACs at The Men's and Ebernoe Common. These will be secured by a condition of any consent.

Following consultation, Natural England is satisfied with these conclusions as assessed in the Council's HRA AA regarding adverse effects on integrity of The Mens Sac and Ebernoe Common SAC.

- *Bats*

The site does lie within the Bat Sustenance Zone requiring the retention and maintenance of feeding habitats for bats. This is reflected in the criteria of emerging Neighbourhood Plan Policy 6. As previously stated, the formation of a new access would require the removal of significant amount of boundary vegetation. If progressed as a development site appropriate ecological assessments including possibly under HRA Appropriate Assessment, will be needed and suitable protection and mitigation and biodiversity enhancement will be required.

Consideration of impacts on the Mens SAC in relation to Barbastelle Bats would be a consideration as the site falls within the Bat Sustenance Zone. The loss of hedgerow and trees may have an impact on foraging and commuting flight lines for bats using the wider countryside, as well as roosting and feeding on site. Dependent on the species survey results, a planning application may be subject to a Habitats Regulations Appropriate Assessment.

The proposal should be informed by relevant updated ecological assessments and surveys. As identified in the preliminary ecological appraisal report (June 2019) the Ancient and deciduous woodland priority habitats in the survey area should provide the focus for ecological enhancement measures; the proposed habitat creation and enhancement opportunities, including pond creation, is supported.

A full tree survey would be required with a plan showing those trees to be removed and those to be retained and the method for protection during construction. A landscape management plan will be required for this site as part of the landscape conditions to ensure that the wildlife areas are maintained effectively to protect and enhance the created habitats.

- *Hazel Dormice*

The Ecological Impact Assessment (Ecology Solutions, December 2020) states that Hazel Dormice have been identified onsite and a European Protected Species (EPS) Mitigation Licence will be required for the removal of the scrub onsite and the sections of hedgerow in T4 and T78. A copy of this EPS mitigation licence should be provided to the LPA and secured as a condition of any consent.

The mitigation measures identified in the Ecological Impact Assessment (Ecology Solutions, December 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. We recommend that these are collated in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity to be secured as a condition of any consent).

- *Reptiles*

The Ecological Impact Assessment (Ecology Solutions, December 2020) also reports that the "Application Site supports low populations of Common Lizard and Slow Worm." A Reptile Mitigation Strategy should be secured as a condition of any consent. This should detail appropriate measures for the proposed vegetation clearance and enhancement measures for reptiles that will be provided. We note that the eastern field is to be retained as Green Space within the current proposals and suitable enhancement of this area is suggested.

- *Birds*

It is noted that CPRE have provided comments on the application and have queried why a systematic wild bird survey has not been provided. During the course of survey work undertaken, notes were made on faunal use (and potential faunal use) of the site. The Phase 1 survey and mapping of habitats has informed the scoping exercise undertaken in terms of likely presence of protected species at site, and recognised the potential for nesting birds. A desk study exercise specifically flagged the potential presence of Nightingale on site, with individual records returned from the western and northern boundaries of the site. This, in tandem with Ecology Solutions own observations from the site, both in terms of habitat suitability (limited in extent to northern and north-western boundary) and observations, led to the specific recommendation that scrub habitat should be retained and enhanced for this species where possible.

As such, it is considered that the presence of Nightingale has been suitably and adequately considered as part of the planning process. Furthermore, it is noted that the Council's Consultant Ecologist has not raised the same concerns and is content that sufficient survey work has been undertaken to inform the impact assessment.

- *Biodiversity Enhancements*

The Council's Ecologist supports the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured of any consent.

Finally, it is recommended a Landscape and Ecological Management Plan, which should detail the finalised plans for the ecological features to be created onsite, as well as the long-term measures proposed to ensure that species that are currently using the site will be able to once the development is

completed. This will need to be secured by a condition of any consent. Impacts will be minimised such that the proposal is acceptable subject to the conditions based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim. Submission for approval and implementation of the details below should be a condition of any planning Consent.

Minerals and Waste

- Minerals

Following request from the Minerals Authority (WSCC), a Mineral Resource Assessment has now been submitted to demonstrate potential quality and quantity of the resource at the site, alongside the potential for use of the resource within the proposed development or by other 'users' of the resource where practicable (agent's letter 29152/A3/POF).

Paragraph 204 of the National Planning Policy Framework (February 2019) encourages the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. Similarly, Policy M9 of the West Sussex Joint Minerals Local Plan (July 2018) states that proposals for non-mineral development within Mineral Safeguarded Areas will not be permitted unless:

- i. Mineral sterilisation will not occur; or
- ii. It is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or
- iii. the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The explanatory text at paragraph 2.10 – 2.12 of the Minerals and Waste Safeguarding Guidance (March 2020) further states that "Proposals for prior extraction must not cause unacceptable adverse impacts to the environment or communities and will be considered in the same way as a mineral application, taking into account matters such as flood risk, noise and dust, highways impacts, the historic environment, and biodiversity."

It is clear from the location of the site that the amenity impacts, including noise, dust and visual impacts, would be unacceptable due to the proximity of residential areas. This impact would be further exacerbated by the mineral related traffic. As such, the site is unsuitably located to meet the criteria for mineral extraction.

The site is of a small scale and would be impractical to work in isolation. Furthermore, the removal of minerals would result in a lower land level, which often renders the delivery of non-mineral development as being impractical. This also opens up the possibility of infilling the site, and again this option is generally not practical due to land stability issues, as well as regulatory permits. Additionally, the site has not been put forward for mineral extraction by the land owners and is therefore unavailable for extraction.

- Waste

The Council is satisfied the proposals minimise waste generation, maximise opportunities for re-using and recycling waste.

Climate change

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. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions, which would also satisfy Policy Bill 3 of the referendum version of the Billingshurst Neighbourhood Plan:

Building fabric energy efficiencies; integration of SUDS and green infrastructure to manage flood risk; dedicated refuse and recycling storage capacity; opportunities for biodiversity gain; cycle parking facilities; improved pedestrian and cycle links; and air quality mitigation strategy.

EIA

The application has been subject to a screening opinion for this Schedule 2 project that exceeds the relevant exclusion threshold, to the Local Planning Authority. This confirmed no EIA is required.

Legal Agreement

HDPF Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure and off-site improvements including sustainable transport commitments, PRoW upgrades, and air quality mitigation measures must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015)

Overall Conclusions:

The Council's position is that it can demonstrate a 5 Year Housing Land Supply. In determining whether the proposed development is acceptable in planning terms, the NPPF clearly states that for decision-making, the starting point in the determination of any application is the statutory status of the development plan. In this regard, the application is considered to be contrary to the development strategy of the HDPF as detailed in Policies 1, 2 and 4 owing to its location on an unallocated site outside of a defined settlement boundary. This conflict weighs significantly against the grant of planning permission.

In terms of material considerations, this proposal would provide a significant contribution to the housing need of the District. However there remains a considerable quantum of housing in potential strategic allocations that are sufficient to meet the local needs of Billingshurst. Set against this background of planned provision, the Council is not convinced it has been compellingly demonstrated that the merits of this particular planning proposal afford sufficient reason as a material consideration to justify a departure from the development plan.

Additionally, the Landscape Architect has identified significant landscape harm resulting from the new development with cannot be overcome, and has objected to the proposal in principle. The development of the site would be contrary to HDPF policy 25 as it cannot be demonstrated that the landscape character would be protected, conserved and enhanced, that the existing green infrastructure network and the rural character would be maintained and enhanced. The proposals are also contrary to Policy 26, as the development is located outside the build-up area boundary and the rural character and undeveloped nature of the countryside could not be protected. The proposals are not essential to the countryside location and do not meet any of the 4 criteria of the policy.

Furthermore, the proposals are considered to lead individually and cumulatively to a significant increase in the overall level of activity in the countryside. Therefore development on this site cannot be supported on landscape grounds.

The proposed development is located in a countryside location, outside the defined Built up Area Boundary of Billingshurst, on a site which is not allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Development Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching development plan strategy. The proposal is therefore contrary to policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015).

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

Reason(s) for Refusal:

- 1) The development, due to its location outside of the Built up Area Boundary and on a site not allocated for development within the Horsham District Planning Framework (2015), or an adopted Neighbourhood Plan, is unacceptable. The provision of up to 83 residential units in this location, would conflict with the overarching strategy and hierarchical approach of concentrating development to the main settlements and managing development on edges of existing settlements in order to protect the rural character and landscape, as set out in Policies 1, 2, 3, 4 and 15 of the Horsham District Planning Framework (2015) and Policy Bill 1 of the referendum version of the Billingshurst Neighbourhood Plan. The proposed development is not essential to its countryside location and does not support the needs of agriculture or forestry. As such, the proposed development would be contrary to Policy 26 of the Horsham District Planning Framework (2015).
- 2) The proposed development, by reason of the size and scale of its outward extension of the settlement edge of Billingshurst beyond the confines of the existing development parcels, would have an urbanising influence in the countryside beyond Billingshurst and views into the undeveloped countryside, resulting in harm to the sense of place and countryside character and linkage between the countryside and the open space network created by the new development landscape strategy of the strategic allocation DC/15/0059 and woods to the west, as well as inappropriate and harmful to the hamlet scale and settlement characteristics of parcels H6 and H7, contrary to policies 25 and 26, 31, 32, and 33 of the Horsham District Planning Framework (2015) and Policy Bill 2 of the referendum version of the Billingshurst Neighbourhood Plan.
- 3) Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure and off-site improvements including sustainable transport commitments, PRoW upgrades and link connection to the new development, and air quality mitigation measures must be secured by way of a Legal Agreement. No completed legal agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

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/20/2607

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Plans	Redline Plan	1000 PR REV A	23.12.2020
Plans	Proposed Site Access - Extension of Parcel H7 Access	ITB15339-GA-001	23.12.2020
Plans	Movement Plan	1013-PR REV C	23.12.2020
Plans	Landscape Plan	1014-PR REV C	23.12.2020

Plans	Phasing Plan	1015-PR REV A	23.12.2020
Plans	Sketch Scheme	1005-SK REV 3.2	23.12.2020
Plans	Land Use Plan	1010-PR REV E	23.12.2020
Plans	Density Plan	1011 PR REV D	23.12.2020
Plans	Building Heights Plan	1012-PR REV B	23.12.2020
Plans	Potential Cycle Stands along High Street, Billingshurst	ITB15339-GA-004	25.03.2021
Supporting Docs	Agent's letter File Ref 31259/A5 Date: 25 March 2021		25.03.2021
Supporting Docs	Agent's letter Ref 2915/A3/POF 25 March 2021		25.03.2021
Supporting Docs	AIR QUALITY ASSESSMENT Report No. J4361A/1/F1 Date 17 Dec Final by Air Quality Consultants		23.12.2020
Supporting Docs	Arboricultural Implications Report Dec 2020 Ref: SJA air 20518-01 by SJA trees Arboricultural Planning Consultants		23.12.2020
Supporting Docs	Arboricultural Implications Report SJA AIA Part 2 2051801 Duckmoor Billingshurst		23.12.2020
Supporting Docs	Archaeological Desk Based Assessment Version 1 Final Nov 2020 by rpsgroup		23.12.2020
Supporting Docs	Ecological Assessment Dec 2020 by Ecology Solutions 8745.EcoAss.vf		23.12.2020
Supporting Docs	Energy and Sustainability Statement Issue Date: Dec 2020 by Reside Developments		23.12.2020
Supporting Docs	Final Scope of Application 31259/A5/Scope Final 21 Dec by Barton Willmore LLP		23.12.2020
Supporting Docs	Flood Risk Assessment and Outline Drainage Strategy 882179- R1(01)-FRA by RSK Dec 2020 Final		23.12.2020
Supporting Docs	Framework Travel Plan ITB15339- 102 Date 17/12/2020 by i-Transport		23.12.2020
Supporting Docs	Landscape and Visual Impact Assessment 31259 Draft Issue 2 Dec 2020 by Barton Willmore LLP		23.12.2020
Supporting Docs	Phase 1 Desk Study & Site Reconnaissance Report LP2373 16 Dec 2020 by LEAP Environmental Ltd and Appendix A,B,C		23.12.2020
Supporting Docs	Planning Statement Final Issue/Rev: 06 31259/A3/EH/POF/IP Date: 21		23.12.2020

	December 2020 by Barton Willmore LLP		
Supporting Docs	Reside Developments Framework Travel Plan Date		23.12.2020
Supporting Docs	Schedule of Accommodation by Omega Architects Date 17 Dec 2020		23.12.2020
Supporting Docs	Statement of Community Involvement Dec 2020		23.12.2020
Supporting Docs	Transport Assessment Date 17 Dec 2020 Ref: MG/GT/ITB15339-101 by i-Transport		23.12.2020
Supporting Docs	Utilities Planning Statement Issue 03 Date 21-12-2020 Doc Ref PS-01 by Technical and Development Services (Southern) Limited		23.12.2020
Supporting Docs	Design and Access Statement March 2021 by Barton Willmore LLP		31.03.2021

DELEGATED

Case Officer sign/initial Matthew Porter Date: 06-04-2021

Authorising Officer sign/initial J Hawkes Date: 06.04.2021

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