



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

Planning Committee (North)

Tuesday, 9th April, 2024 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:

Peter van der Borgh (Chairman)	Liz Kitchen
Tony Bevis (Vice-Chairman)	Richard Landeryou
Colette Blackburn	Dennis Livingstone
Martin Boffey	Jay Mercer
James Brookes	John Milne
Len Ellis-Brown	Colin Minto
Nigel Emery	Jon Olson
Ruth Fletcher	Sam Raby
Chris Franke	David Skipp
Anthony Frankland	Jonathan Taylor
Nick Grant	Clive Trott
Kasia Greenwood	Tricia Youtan
Warwick Hellowell	Claire Vickers
Tony Hogben	
Alex Jeffery	

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	9 - 12
<i>To approve as correct the minutes of the meeting held on 6 February 2024 (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** 13 - 14

Applications for determination by Committee:

6. **DC/23/2278 Former Arun Feedmills, Sincox Lane, Shipley** 15 - 36

Ward: Southwater South and Shipley
Applicant: Forays Homes

7. **DC/23/2142 Boreham House, Church Street, Rudgwick** 37 - 52

Ward: Rudgwick
Applicant: Mr & Mrs Holcombe

8. **DC/22/2045 Holme Farm Orchard, Winterpit Lane, Mannings Heath, Horsham** 53 - 74

Ward: Nuthurst and Lower Beeding
Applicant: Mr & Mrs Bayley

9. **DC/23/2074 High Wood Hills Sports Ground, Wickhurst Lane, Broadbridge Heath** 75 - 86

Ward: Broadbridge Heath
Applicant: Mr Peter Thirkettle

10. **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

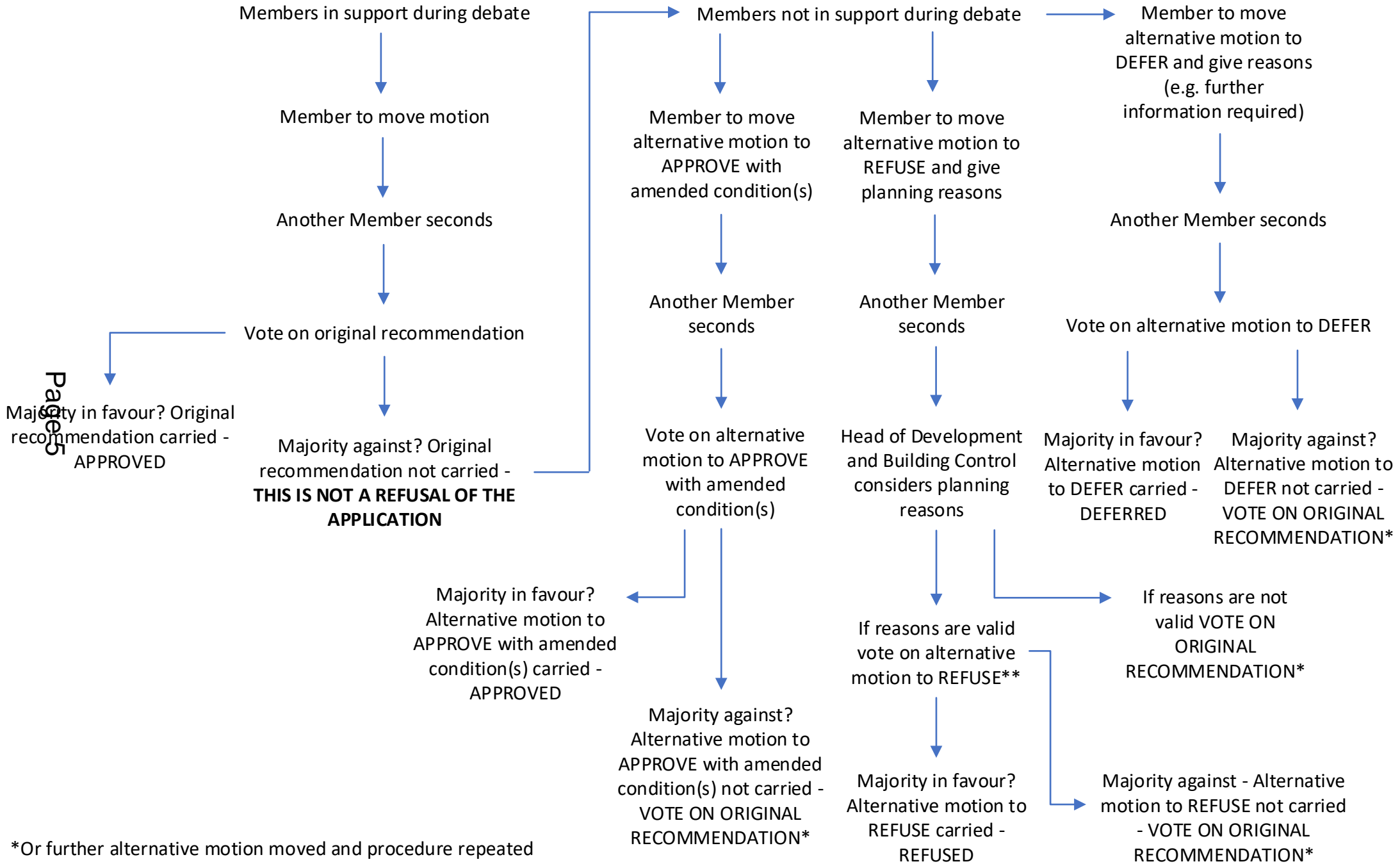
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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 - Seconder 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)

	<ul style="list-style-type: none"> ○ In exercise of a right of reply. Mover of original motion 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. ○ 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 Head of Development and Building Control 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

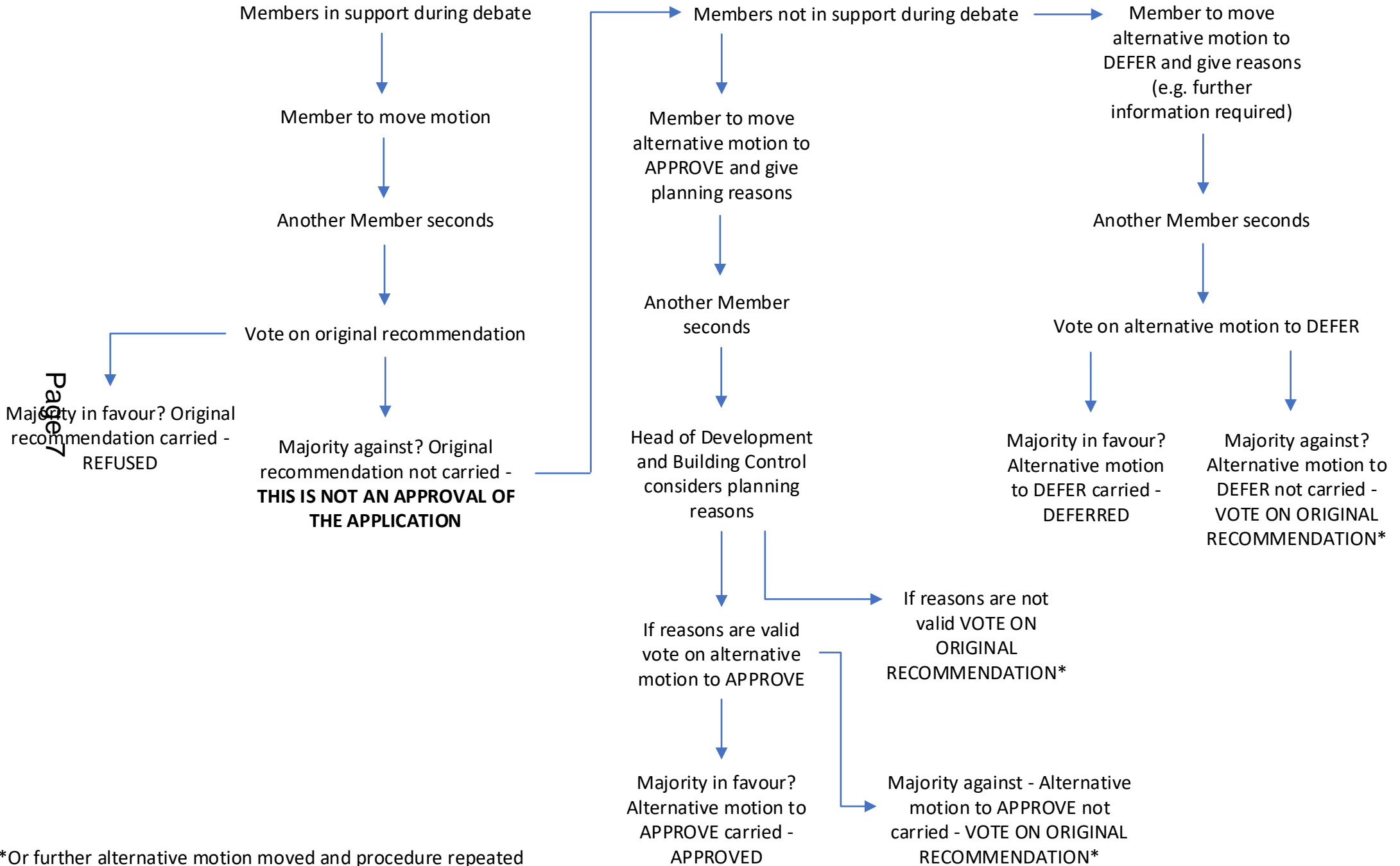


*Or further alternative motion moved and procedure repeated

**Subject to Director's power to refer application to Full Council if significant cost implications are likely

This page is intentionally left blank

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

This page is intentionally left blank

Planning Committee (North)
6 FEBRUARY 2024

Present: Councillors: Peter van der Borgh (Chairman), Tony Bevis (Vice-Chairman), Len Ellis-Brown, Nigel Emery, Ruth Fletcher, Anthony Frankland, Kasia Greenwood, Warwick Hellawell, Tony Hogben, Alex Jeffery, Liz Kitchen, Richard Landeryou, Dennis Livingstone, Jay Mercer, John Milne, Colin Minto, Sam Raby, David Skipp, Jonathan Taylor, Clive Trott and Tricia Youtan

Apologies: Councillors: Colette Blackburn, Martin Boffey, James Brookes, Chris Franke, Nick Grant and Jon Olson

PCN/59 **MINUTES**

The minutes of the meeting held on 5th December 2023 were approved as a correct record and signed by the Chairman.

PCN/60 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/0980 Councillor Liz Kitchen declared a non-pecuniary interest as she knew the applicant.

DC/23/1566 Councillor Anthony Frankland declared an interest in the item as he lives on the same street as the application site.

DC/23/1566 Councillor Jay Mercer declared an interest in the item as he is the Chair of an Academy trust that has a special educational needs school in the area and the applicant could be considered a potential competitor.

PCN/61 **ANNOUNCEMENTS**

There were no announcements.

PCN/62 **APPEALS**

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

PCN/63 **DC/23/0980 HOLMBUSH FARM, CRAWLEY ROAD, FAYGATE**

The Head of Development and Building Control reported that this application sought planning consent for a change of use from a Class E tearoom to a Class E restaurant / cafe with ancillary hot food takeaway. In addition, the proposal sought to increase operating hours to 09:00-23:00 Monday to Sunday, including bank holidays.

The application site comprised of a single storey building within the wider Holmbush Farm holding, which lied on the southern side of the A264, and included a cluster of agricultural farm buildings and barns, surrounded by pastureland.

367 letters of representation supporting the application were received. One letter of representation was received that neither objected nor supported the proposal and 92 letters of representation were received objection to the proposal.

The Parish council objected to the application.

The applicant spoke in support of the proposal, one member of the public spoke in objection to the proposal and read out a statement on behalf of another registered speaker.

Members raised concerns regarding the traffic management plan, opening hours and noise.

RESOLVED

That planning application DC/23/0980 be refused contrary to the officer recommendation, for the following reason: -

The development, by reason of the proposed opening hours, would have an unacceptable impact on amenity by reason of an increased level of activity and would not represent sustainable development, contrary to Policies 26, 33 and 40 of the Horsham District Planning Framework (2015).

PCN/64 **DC/23/1566 VINCENT HOUSE, 31 NORTH PARADE, HORSHAM**

The Head of Development and Building Control reported that this application sought planning permission for the change of use of the building and associated land to a Special Education Needs (SEN) school, along with a two-storey link extension, multi-use games area, and associated parking, access and landscaping.

The application site is located to the west of North Parade, within the designated built-up area boundary of Horsham.

30 representations were received objecting to the application. One representation was received in support and 18 representations were received, neither objecting nor supporting the proposal.

The Parish Council and three members of the public spoke in objection to the proposal. The agent spoke in support of the application.

Members raised concerns regarding the acoustic boundary fence, lighting, school related traffic and noise outside of school hours.

RESOLVED

That DC/23/1566 be delegated to the Head of Development and Building Control to approve planning permission subject to the agreement with Local Members of an additional condition to control hours of use for the MUGA.

Additional Informatives to be added as follows: -

- The applicant is encouraged to discuss the possibility of a new pedestrian crossing to be provided on North Parade with West Sussex County Council Highways.
- The applicant is advised that the Travel Plan required by condition 7 should include measures to monitor the impact of the use on surrounding parking provision, and appropriate recommendations to address any identified adverse impact(s).
- The applicant is advised that the details of external lighting, as required by conditions 8 and 17, should be low-level and limited to school opening hours.

PCN/65 **DC/23/1895 SPINNINGWOOD FARM, BURNTHOUSE LANE, LOWER BEEDING**

The Head of Development and Building Control reported that this application sought planning permission to extend the building upwards, with the provision of a pitched roof extending to a height of 6.2m. The proposal would increase the eaves height of the main building by 1.8m, with an alteration to the mono-pitch of the smaller projection that would increase its height to 4.2m. The application would include the provision of roof lights, 14 parking spaces and an electric vehicle charging station

13 representations were received objecting to the proposal and the Parish Council objected to the proposal.

The applicant spoke in support of the application. Two members of the public spoke in objection to the application and a statement was read on behalf of a registered speaker also objecting to the application.

Members raised concerns regarding subdivision of the building on site leading to increased traffic movements. It was however advised that additional conditions could be put in place to ensure this would not happen should the application be approved.

RESOLVED

That DC/23/1895 be approved, in accordance with officer recommendation, subject to the following additional condition: -

Regulatory Condition: The premises hereby permitted shall not be subdivided or otherwise increased in floorspace without the prior consent of the Local Planning Authority by way of a formal application.

Reason: To ensure the development is water neutral and avoid an adverse impact on the Arun Valley SAC / SPA and Ramsar sites, and in the interests of amenity, in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

The meeting closed at 7.52 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 9th April 2024



**Horsham
District
Council**

Report on Appeals: 25/01/2024 – 20/03/2024

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/23/1004	Land Adjacent To Saykers Faygate Lane Faygate Horsham RH12 4RF	01-Feb-24	Application Refused	N/A
DC/21/2873	Nowhurst Business Park Guildford Road Broadbridge Heath West Sussex	28-Feb-24	Application Permitted	Application Permitted

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/23/0109	Hen and Chicken Worthing Road Southwater Horsham West Sussex RH13 9BH	Written Representation	07-Mar-24	Notice served	N/A
DC/22/1715	Hen and Chicken Worthing Road Southwater Horsham West Sussex RH13 9BH	Written Representation	07-Mar-24	Application Refused	N/A
DC/23/1861	11 Guildford Road Horsham West Sussex RH12 1LU	Fast Track	12-Mar-24	Application Refused	N/A
DC/23/0010	Land North of High Winds Reeds Lane Southwater West Sussex RH13 9DQ	Written Representation	19-Mar-24	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/2107	Holmbush Manor Farm Hayes Lane Slinfold West Sussex RH13 0SL	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/22/1960	Flagstones North Heath Lane Horsham West Sussex RH12 5PQ	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/22/2125	Tanglewood Forest Grange Horsham West Sussex RH13 6HX	Written Representation	Appeal Allowed	Application Refused	N/A
DC/20/1809	Bluebell Park Sumners Pond Fishery and Campsite Chapel Road Barns Green Horsham West Sussex RH13 0PR	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/23/0324	13 Nelson Road Horsham West Sussex RH12 2JE	Fast Track	Appeal Allowed	Application Permitted	Application Refused
DC/22/1052	Lower Broadbridge Farm Billingshurst Road Broadbridge Heath Horsham West Sussex RH12 3LR	Public Inquiry	Appeal Allowed	Application Refused	N/A
DC/22/2093	Lake Cottage Nuthurst Street Nuthurst Horsham West Sussex RH13 6RG	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/22/1354	Emmanuel Cottage Rusper Road Ifield Crawley West Sussex RH11 0LN	Written Representation	Appeal Allowed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 11 April 2024

DEVELOPMENT: Erection of 8no. dwellings, with associated parking, drainage, and hard and soft landscaping

SITE: Former Arun Feedmills Sincox Lane Shipley West Sussex

WARD: Southwater South and Shipley

APPLICATION: DC/23/2278

APPLICANT: **Name:** Forays Homes **Address:** c/o Bell Cornwell LLP Unit 2, Meridian Office Park Osborn Way Hook RG27 9HY

REASON FOR INCLUSION ON THE AGENDA: The proposal would represent a departure from the local plan if approved.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning permission for the erection of 8no. dwellings, along with associated parking, drainage, and hard and soft landscaping.

1.2 The proposed development would be arranged in two linear terraces of 4no. dwellings, facing north and south respectively. The dwellings would be separated by a central access road extending from north-west to south-east, with a turning head located to the south-east. The dwellings would extend over two storeys, with a mixed palette of materials including render and timber cladding. Gable features would be provided to the frontage of the site, with landscaping to the front of each dwellings alongside dedicated parking.

DESCRIPTION OF THE SITE

1.3 The application site is positioned to the south-east of Sincox Lane, outside of any defined built-up area boundary. The site comprises a former commercial site, with the area currently unused and comprising hardstanding.

1.4 The site is located approximately 4.5km north-east of West Chiltington and approximately 5.8km north-west of Ashington. The wider area primarily consists of open countryside, with

a scattering of farm enterprises and sporadic residential development within the wider locality.

- 1.5 The site is bound by mature hedging to the north-western boundary, with the perimeter of the site separated from the wider surroundings by informal hedging.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

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

RELEVANT NEIGHBOURHOOD PLAN

2.5 Shipley Neighbourhood Plan

Policy Ship HD1 – New Housing Development
Policy Ship HD2 – Housing Mix
Policy Ship HD3 – High Quality Design
Policy Ship CO3 – Broadband and Mobile Reception

2.6 Shipley Parish Design Statement

2.7 Planning Advice Notes

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

SP/15/90	Redevelopment of feed mill into 6 small industrial units (b.1 use) and alterations to existing accesses Site: Arun Feed Mills Sincox Lane Shipley	Application Permitted 09.07.1993	on
SP/22/96	Erection of 4 dwellings (outline) Site: Arun Feeds Sincox Lane Shipley	Application Refused 19.06.1996	on
SP/48/98	Redevelopment by erection of two-storey b1 units Site: Arun Feeds (Southern) Ltd Sincox Lane Shipley	Application Permitted 26.03.1999	on
DC/05/1865	Erection of building comprising 8 x 4 bed dwellings, 2 x 3 bed dwellings and 2 x 2 bed dwellings, access and parking (Outline)	Application Refused 30.09.2005	on
DC/18/1412	Erection of 4x detached dwellings with associated garaging, hardstanding and landscaping	Application Refused 21.09.2018	on

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No response received

- 3.3 **HDC Environmental Health:** Objection

Given the historic use of the site as an agricultural feed mill, a land use which Environmental Health considers potentially contaminating, and the likely presence of made ground associated with the previous development, are of the view that the ground on the site is highly likely to be contaminated. To ensure that the site is suitable for residential development the application should therefore be supported by a comprehensive and robust Phase 1 Preliminary Risk Assessment (PRA), undertaken by a suitably competent and experienced environmental consultant.

During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management plan (CEMP) will be recommended as a condition.

It is not clear if water neutrality requirements will be met with a private water supply such as a rainwater harvesting scheme or an onsite borehole.

- 3.4 **HDC Environment Waste Management:** No response received

OUTSIDE AGENCIES

- 3.5 **WSSC Highways:** No Objection

The site is situated within a rural area approximately 800m to the west of the hamlet of Broomers Corner and 17km to the south of Horsham.

The Transport Statement states that the site has an extant consent for a replacement commercial building / courtyard of offices (1,234sqm B1 use) which was granted in March 1999 (Planning Reference: SP/48/98). A review of the documents submitted in relation to this application indicate that 8no. B1 units were proposed (720sqm industrial floor space at

ground floor level and 541sqm office floor space at first floor) along with 55 car and 4 lorry parking bays with access and egress retained via the existing access point.

An automatic speeds survey was undertaken to establish the 85th %ile speeds and these were found to be 37.1mph northbound and 39.3mph southbound. Using this data the Annual Average Daily traffic flow has been calculated at 222 vehicles per day in the vicinity of the junction.

The access to the site has been designed to allow for 2 vehicles to pass clear of the highway. It has been demonstrated that visibility distances from the access meets both Manual for Streets and DMRB standards. Given the recorded speeds are on the boundary between the 2 standards it is recommended that maximum achievable distances are implemented. 19 Car parking spaces have been proposed which is acceptable to WSCC. 14 cycle parking spaces will be accommodated in the rear gardens. This parking will need to be secure and covered.

A turning head has been provided for delivery and service vehicles to turn within the site and enter in a forward gear.

Using the TRICS database it is estimated that the development will generate 44 two-way vehicle movements per day resulting in an overall reduction of 127 trips when compared to the extant use.

There are no footpaths or cycle routes from the site, it is therefore likely that residents will choose to use a private vehicle for primary journeys. Public transport links are not within walking distance of the site.

3.6 **WSCC Fire and Rescue:** Comment

Currently the nearest hydrant to these proposed properties is 210 metres away. The supply of water for firefighting for a domestic premises should be within 175 metres.

3.7 **Ecology Consultant:** Comment

Note that there are no buildings on site, the trees on the north-western boundary are outside the red line boundary and there are no trees on site. Therefore agree that no further surveys for bats are required. However, highlight that if the plans change in the future and the mature trees outside the site boundary, in particular the Oak trees close to the site entrance, will be impacted then further assessment for bat roost potential will be required to avoid impacts on these European Protected Species.

The site lies approximately 9.7km to the northeast of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and 14.6km from the Ebernoe Common SAC. The site therefore falls within the 12 km Wider Conservation Area for The Mens SAC and outside that of the Ebernoe Common SAC. The qualifying feature for The Mens SAC is Barbastelle bats, but there are no records for this species within 2km of the site (Sussex Biodiversity Records Centre – accessed under licence). Noctule bat, Brown Long-eared bat, Soprano Pipistrelle bat and Whiskered bat have been recorded within 2km of the site (Sussex Biodiversity Records Centre – accessed under licence).

The site is 0.49ha and mainly comprises a central area of hard standing, with bramble scrub on the north-eastern and southwestern boundaries, ruderal vegetation and grassland, with a tree belt outside the north-western boundary (Biodiversity Net Gain Assessment (AEWC, August 2023). We understand there will be no loss of hedgerow or woodland and therefore no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained. We note that of 0.03ha of rural trees and 0.1km of native hedgerows will be planted on site (Biodiversity Metric 4.0.).

Support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be

submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.

The mitigation measures identified in the Protected Species Walkover Survey (AEWC, August 2023), Biodiversity Net Gain Assessment (AEWC, August 2023) and Biodiversity Metric 4.0 should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

Welcome the indicated biodiversity net gain of 78.97% for habitat units and the 100% gain for linear hedgerow units (Biodiversity Net Gain Assessment (AEWC, August 2023)). The proposed habitats, including introduced shrub, modified grassland, bramble scrub, native hedgerows and small rural trees, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent for a period of 30 years to deliver the required condition of habitats created.

Also support the proposed reasonable biodiversity enhancements in Section 7 of the Biodiversity Net Gain Assessment (AEWC, August 2023) which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

3.8 **Southern Water:** Comment

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

3.9 **NatureSpace:** Comment

It is considered that the proposed development would present a low risk to Great Crested Newts and/or their habitats. However, as the development is within the red Impact Risk Zone, recommend an informative be attached to the planning consent.

3.10 **Natural England (Standing Advice):** Objection

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to

proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.11 **Natural England:** No Objection

We concur with the conclusion of your authority's HRA appropriate assessment, insofar that we have no objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement, and subject to relevant pre-commencement conditions identified in the appropriate assessment being put in place, to achieve water neutrality.

PUBLIC CONSULTATIONS

3.12 **Shingley Parish Council:** Objection

- Conflicts with the made Shingley Neighbourhood Plan and HDC Local Plan
- Small scale development
- Overtly domestic in nature
- Not infill development on previously developed land
- Outward extension of the village outside Coolham settlement boundary
- Doesn't deliver affordable housing
- Contravenes the Shingley Parish Design Statement
- Water Neutrality Statement and reliance on projected future use

3.13 7 letters of objection were received from 2 separate households, and these can be summarised as follows:

- Inappropriate for a small local community
- No support from local services
- Excess traffic and noise
- Loss of general amenity
- Overdevelopment of a sensitive site
- Impact on wildlife
- Light pollution
- Out of character with rural area
- Impact on road safety
- Impact on tranquillity of the countryside

3.14 6 letters of support were received from 5 separate households, and these can be summarised as follows:

- Should support affordable housing
- Extant permission for commercial units
- Smaller footprint than the extant permission
- Less hardstanding
- Excellent design of the residential houses

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote

equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the erection of 8no. dwellings along with associated parking, drainage, and hard and soft landscaping.
- 6.2 The application site has been subject of a number of previous refused planning applications for residential development under references SP/22/96, DC/05/1865, and DC/18/1412. These sought outline and full planning permission for development ranging between 4no. dwellings and 12no. dwellings.
- 6.3 The most recent planning application under reference DC/18/1412 considered against the policies within the HDPF. This application was refused on the grounds that the Council could demonstrate a 5-year housing land supply, where the development would be located in the countryside, outside of a defined built-up area boundary, and on a site not allocated for development. Consequently the development would be contrary to the overarching spatial strategy and would not be essential to its countryside location. The application was also refused on the grounds of the use, scale, form, massing and layout of the development formalising and urbanising the character of the rural locality, where the height and mass would detract from the modest and sporadic build pattern and character of the wider surroundings. Insufficient information had also been provided to demonstrate that the development would not result in adverse harm to the ecological interests of the site.

Principle of Development

- 6.4 The application seeks full planning permission for the erection of 8no. dwellings, along with parking, drainage, and landscaping. The application site is located outside of any built-up area, and the site is therefore located within the countryside location in policy terms.
- 6.5 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.
- 6.6 Paragraph 83 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

- 6.7 Paragraph 84 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.8 The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be "isolated" in its truest sense, and does not therefore engage the considerations of paragraph 84.
- 6.9 Policy Ship HD1 states that applications for housing developments within Shipley and Coolham villages, and Dragons Green and Brooks Green hamlets, will be considered favourably where the proposals meet all of the following criteria: the proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings; the proposed development will not result in the outward extension of the villages or hamlets onto greenfield land; the proposed development delivers new affordable housing; the proposed development reflects the scale and density of existing development in the village or hamlet where it is located; and the proposed development responds positively to Shipley Parish Design Guidance. This policy does not allocate sites, nor establish a housing target for the Parish, but does provide general guidance as to the location, mix, and quality of any proposed new development.
- 6.10 Policy Ship HD2 continues that applications for new housing in Shipley Parish should respond to the most up-to-date local housing need wherever possible, including 2- and 3-bedroom homes as well as new affordable housing, contributing to a balanced mix of housing in the Plan area.
- 6.11 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criterion includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criterion, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

- 6.12 The application site lies outside of the built-up area, and is therefore considered to be within the countryside in policy terms. The site is located approximately 4.5km north-east of West Chiltington and approximately 5.8km north-west of Ashington. As such, the application site does not adjoin an identified settlement, and is not considered to be close to any identified settlements. Occupiers of the development would therefore be wholly reliant on the car to access all services. On this basis the location of the site is not considered to be sustainable for housing development.
- 6.13 It is recognised that the Applicant has made reference to an extant planning permission under reference SP/48/98 for the erection of a two storey building to be used for B1 use. Following the demolition of the buildings on the site, a letter dated 28 November 2006 confirmed that works pursuant of the permission had been commenced by the laying of foundations. This letter confirmed that the planning permission had been implemented, and as such this extant permission is of weight when considering the current application.
- 6.14 Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services and facilities in place, or in places where these can be realistically provided.
- 6.15 Paragraph 124 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 6.16 While it is acknowledged that the application site comprises previously developed land, the spatial strategy and directive from the NPPF guides development to previously developed land within settlements, where it is considered to be more sustainable. The application site is located in a countryside location, at a distance from the nearest settlements. Future occupiers would be reliant on private vehicles, and it is therefore considered that the application site is located in an unsustainable location.
- 6.17 Although the extant permission is acknowledged, the proposed residential development on the site is comparatively different to the B1 commercial development approved under this previous planning permission reference SP/48/98. Such commercial uses can be considered appropriate within a countryside location in order to support rural economic development, whereas the allocation of residential development is more strictly controlled through the spatial strategy. Given the material difference between the nature of the development approved and that proposed, limited weight is given to the extant permission.
- 6.18 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework. The proposed development would therefore be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan.
- 6.19 Whether this policy conflict is outweighed by other material considerations is considered in the 'Planning Balance' section of this report.

Design and Appearance

- 6.20 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.21 Policy Ship HD3 of the Shipley Neighbourhood Plan states that all proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance. New development should be of a size and scale which respects, and where possible, enhances the character of the area or locality, using materials typical of the area.
- 6.22 Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.23 The proposed development would be arranged in two linear terraces of 4no. dwellings, facing north and south respectively. The dwellings would be separated by a central access road extending from north-west to south-east, with a turning head located to the south-east. The dwellings would extend over two storeys, with a mixed palette of materials including render and timber cladding. Gable features would be provided to the frontage of the site, with landscaping to the front of each dwellings alongside dedicated parking.
- 6.24 It is recognised that the site benefits from an extant planning permission for a commercial building under reference SP/48/98. The approved building extended over two storeys, with the area surrounding the building utilised for parking.
- 6.25 It is acknowledged that a previous planning permission under reference DC/18/1412 related to the redevelopment of the site for 4no. dwellings. It was considered that the layout, scale, form, and design of the proposal, when considered individually and cumulatively, evoked an artificial evolution of the site that failed to reflect the locally distinctive vernacular of the locality and the scale, proportionality, and traditional features of nearby development. It was considered that the proposal would represent an urbanised form of development, where the proposal was not considered to relate sympathetically to the built surroundings or landscape of the wider locality.
- 6.26 While the quantum of development has increased from that previously proposed, the design and layout of the proposal has been altered to reflect a more traditional rural arrangement. The development would be rationalised within the site, set immediately adjacent to the access road, with open spaces maintained serving as private amenity space. The design and vernacular of the development is considered to reflect a more traditional style, with the variance of architectural features and material palette considered to provide visual interest that breaks up the massing so that the development appears more proportionate within the context of the site.
- 6.27 The proposed development would be located over the footprint of the approved building under reference SP/48/98, where the visual massing would be reduced due to the design and arrangement of the development. It is acknowledged that the development would sit

prominently within the unaltered network of fields to the south of Sincox Lane, however the proposal would result in no greater visual impact than the previously approved commercial scheme. The development would be read in the context of other built form to the south-west and north-east of the application site, and although recognised that this built form predominantly comprises agricultural buildings, it is not considered that the proposal would result in significant adverse harm to the landscape character of the area.

- 6.28 On the balance of these considerations, the proposed development is considered to have been designed to better reflect the built character of the rural area, with the visual massing and interest provided by the design considered to reduce the dominance of the development when viewed from the wider surroundings. For these reasons, the proposal is considered to accord with the relevant policies.

Amenity Impacts

- 6.29 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.30 The application site is positioned to the north-east and south-west of a cluster of agricultural and commercial buildings, including converted residential buildings. These surrounding properties are located between approximately 75m and 200m from the site, and separated by boundary hedging, paddocks, and the public highway. Given the distance between the development site and the nearby residential and commercial properties, it is not considered that the proposal would result in harm to the amenities or sensitivities of neighbouring properties.
- 6.31 The proposed 8no. dwellings would be built around a central access road, with the dwellings oriented to face the shared access and set at a distance of between approximately 7.1m and 19.8m from one another. Given this layout, it is considered that the proposal has addressed potential amenity impacts from within the development.
- 6.32 It is therefore considered that the proposed development would not result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.33 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.34 The proposed development would utilise the existing access from Sincox Lane, where the access road would extend centrally to the south-east. A turning head would be provided to the south-east of the access road, with a total of 19no. parking spaces provided located to the frontage of each dwelling and to the north-west and south-east of the built form.
- 6.35 Following consultation with WSCC Highways, it is noted that access to the site has been designed to allow for 2no. vehicles to pass clear of the highway. It has been demonstrated that visibility distances from the access meets the required standards, where the Transport Statement identifies that there would be a reduction in vehicle movements when compared to the extant commercial permission under reference SP/48/98. No objections have therefore been raised by the Local Highways Authority.

- 6.36 The proposed development would benefit from safe and adequate access, with a suitable level of parking to meet the anticipated needs of the future occupiers. The proposal is therefore considered to accord with the above policies.

Ecology

- 6.37 Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites.
- 6.38 The Applicant has submitted a Protected Species Walkover Survey by Animal Ecology & Wildlife Consultants Ltd reference 23-110 dated August 2023 and a Biodiversity Net Gain Assessment by Animal Ecology & Wildlife Consultants Ltd reference 23-110 dated August 2023. The Report identified that the site contains degraded hardstanding, tall ruderal vegetation, grassland, and scrub. The Reports identify opportunities for biodiversity enhancements through tree and hedgerow planting, the creation of areas of amenity grassland and ornamental planting, and retention and enhancement to existing areas of scrub and grassland.
- 6.39 The site lies approximately 9.7km to the northeast of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and 14.6km from the Ebernoe Common SAC. The site therefore falls within the 12 km Wider Conservation Area for The Mens SAC and outside that of the Ebernoe Common SAC. The qualifying feature for The Mens SAC is Barbastelle bats, but there are no records for this species within 2km of the site. Noctule bat, Brown Long-eared bat, Soprano Pipistrelle bat and Whiskered bat have been recorded within 2km of the site.
- 6.40 Following consultation with the Council's Ecologist, it is agreed that no further biodiversity surveys are required. The mitigation and enhancement measures as proposed within the Reports are considered satisfactory, and no objections on ecology grounds have been raised. An Appropriate Assessment has been undertaken in reference to The Mens SAC, where it is concluded that subject to appropriate mitigation, and namely a biodiversity sensitive lighting scheme, the proposal will avoid an adverse effect on the integrity of the habitats sites.
- 6.41 The application site is located within the Amber Great Crested Newt Impact Risk Zone, which is considered to represent suitable habitat where Great Crested Newts are likely to be present. Following consultation with NatureSpace, it is considered that the proposed development would present a low risk to Great Crested Newts and/or their habitats.
- 6.42 For the above reasons, the proposed development is considered to accord with the above policy.

Climate Change

- 6.43 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.44 Should the proposed development, the following measures to build resilience to climate change and reduce carbon emissions:
- Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity

- Opportunities for biodiversity gain
- Cycle parking facilities
- Electric vehicle charging points

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

Water Neutrality

6.46 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.47 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.48 The Applicant has submitted a Technical Note 1: Water Neutrality Statement dated 22.06.2023. The water strategy proposes to utilise water efficient fixtures and fittings to reduce the water demand. The proposal would utilise the following efficiencies: dual flush toilets; low flow taps; low volume bath; low flow showers; water efficient washing machine and dishwasher. The Part G Water Calculator shown at Appendix G indicates that the water efficiencies would reduce the overall demand to 93.99 litres per day. Based upon the occupancy levels above, the resulting water demand would be 1,819.6 litres per day.

6.49 The proposal relies upon an extant planning permission under reference SP/48/98, which has been evidenced to have been implemented. This was confirmed by a letter from the Council dated 28 November 2006. This extant permission relates to the development of commercial units with a total floor area of 1,235.52m². Based upon the OffPAT Employment Densities Guide, 1no. full time employee requires 13m², with a total of 95 employees for the approved floor space. A BREEAM Water Calculator has been provided based upon the commercial use and total number of employees, where the overall water demand is calculated to be 2,062.42 litres per day.

6.50 The mitigation measures proposed would reduce the water consumption of the proposed residential accommodation to below the existing baseline. Subject to the water strategy as proposed within the Water Neutrality Statement, the development would be water neutral. Subject to appropriately worded conditions to secure the water strategy, the grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Planning Balance and Conclusions

6.51 The application seeks full planning permission for the erection of 8no. dwellings on a site located outside of any built-up area and not allocated for development. The site is located within a countryside location in policy terms, where the principle of residential development is more greatly restricted. The proposed development would be contrary to the overarching spatial strategy.

6.52 The application site benefits from an extant planning permission under reference SP/48/98 for the erection of a two storey building to be used for B1 use. The Applicant has confirmed

the intention to complete the development should the current application be refused, and the extant permission is therefore considered to represent a reasonable fallback. The supporting information has demonstrated that the proposed development would generate 44 two-way vehicle movements per day resulting in an overall reduction of 127 trips when compared to the extant use. It is recognised that future occupiers would be reliant upon private vehicles to access local services and amenities, however it has been demonstrated that the proposal would not result in any greater level of activity than the extant permission. This is considered of weight in the planning balance.

- 6.53 The Council is currently unable to demonstrate a five year housing land supply, with the latest Authority Monitoring Report (December 2023) detailing a supply of 2.9 years. In such instances the Paragraph 11(d)(ii) of the NPPF states that where there are no relevant development plan policies in place, or the policies that are considered most important for the determination of applications are out of date (such as when a five year housing land supply cannot be demonstrated), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.54 In this case the most important policies contained within the HDPF, including Policies 2, 4 and 26 must be afforded reduced weight given the engagement of the 'tilted balance' within Paragraph 11d.
- 6.55 Paragraph 14 of the NPPF states that in situations where the presumption 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 the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made, and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. While Shipley Neighbourhood Plan was made on 23.06.2021, it has not established a housing target for the Parish nor allocated sites for housing development. As such, the provisions of paragraph 14 of the NPPF do not therefore apply. On this basis, Policies Ship HD1, Ship HD2 and Ship HD3 are of reduced weight.
- 6.56 The proposal would provide 8no. residential dwellings, where given that the Council cannot currently demonstrate a five-year housing land supply, the contribution to the housing supply would be moderate and would be of significant weight in the planning balance. The proposed development would also provide associated socio-economic benefits in the form of short-term construction employment and increased local spend. These benefits are also considered to be of some weight in the overall assessment.
- 6.57 The proposed development would not result in visual harm or harm to the landscape character of the countryside location, with the proposal not considered to result in harm to the amenities of nearby residential properties or users of land. The proposal would benefit from safe and adequate access and suitable parking arrangements, where with mitigation, the proposed development would not result in a likely significant effect on the protected Arun Valley sites.
- 6.58 Considering the application as a whole in the context of the Paragraph 11d 'tilted balance', and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with Policies 2, 4, 26 of the HDPF and Policy Ship HD1 and HD2 (which must be afforded reduced weight applying Paragraph 11d of the NPPF) significantly and demonstrably outweighs the benefit of a new dwellings in this location. It is therefore recommended that planning permission be granted, subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

6.59 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	1220.86		1220.86
	Total Gain		
	Total Demolition		

6.70 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

6.61 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

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

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

Conditions:

1 **Approved Plans**

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

4 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 6 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

- 7 **Pre-Commencement Condition:** No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

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

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

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures required by the approved water neutrality strategy (Technical Note 1: Water Neutrality Statement by Motion dated 22.06.2023) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 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).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details

- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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

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

- 11 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 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).

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan r 19.004.L(PA)011 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 98 metres to the right and 2.4m x 89m to the left have been provided at the proposed site vehicular access onto Sincox Lane. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To ensure safe and adequate access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 14 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with

type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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

- 15 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 16 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling (or use). The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 17 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Protected Species Walkover Survey by Animal Ecology & Wildlife Consultants Ltd dated August 2023.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

NOTE TO APPLICANT

The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill Great Crested Newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should Great Crested Newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced Ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Background Papers: DC/23/2278

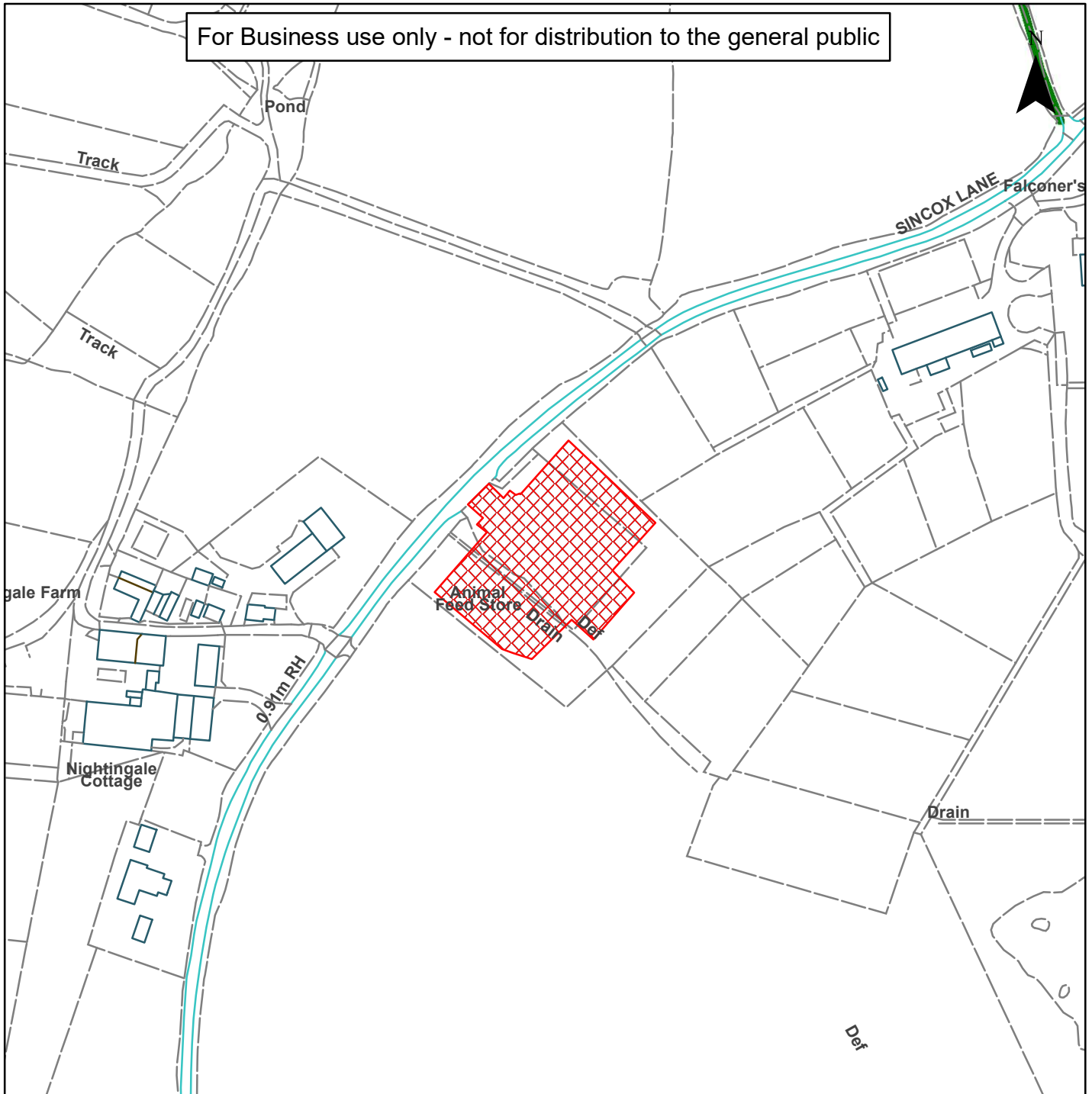
06) DC/23/2278



Horsham District Council

Former Arun Feedmills, Sincox Lane, Shipley, West Sussex

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/03/2024
MSA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Head of Development and Building Control
DATE: 05 March 2024

DEVELOPMENT: Variation of Conditions 1,8,9,10, and 13 of previously approved application DC/22/2048 (Variation of condition 1 of previously approved application reference DC/22/1571 (Variation of condition 1 of previously approved application DC/22/0085 (Variation of Condition 1 (plans) and Removal of Condition 4 (finished floor levels), 5 (materials), 6 (water use), and 7 (landscaping) of previously approved application DC/19/1229 (Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing) to allow for design alterations to Unit 2) to allow for the phasing of the overall scheme) to allow for minor design changes to Unit 1.)

Variation sought in respect of air source heat pump, drainage details, finished floor levels, engineering layout, and arboricultural details including tree protection plan.

SITE: Boreham House, Church Street Rudgwick West Sussex RH12 3EF

WARD: Rudgwick

APPLICATION: DC/23/2142

APPLICANT: **Name:** Mr and Mrs Phil and Catherine Holcombe **Address:** No.5 61 Wilbury Road Hove East Sussex BN3 3PB

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

By request of Rudgwick Parish Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application entails a Section 73 submission to vary conditions attached to an existing planning permission on the site, ref: DC/22/2048. The conditions which are proposed to be varied are, condition 1 (plans), 8 (details of the air source heat pump), 9 (foul/surface water drainage), 10 (finished floor levels) and 13 (arboricultural details). The nature of the variations sought are detailed in Section 6.

DESCRIPTION OF THE SITE

- 1.2 The application site comprises a large, detached dwelling known as Boreham House that is located within the built-up area boundary of Rudgwick. The site is located adjacent to the Rudgwick Conservation Area and lies close to a new residential/commercial development site at Windacres. There are a number of Grade II Listed Buildings close to the site, with 'Kings' being the closest set opposite the application site, with Southdown and Eames House being further north, and The Cottage further south along Church Street. There is a drop across the site of around 4m with the eastern boundary being higher. A large protected Oak Tree is located to the northern boundary with the neighbouring property of Everley.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 30 - Protected Landscapes
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 41 - Community Facilities, Leisure and Recreation

2.4 Rudgwick Neighbourhood Development Plan (NPD 2021)

RNP1 – Spatial Strategy
RNP6 – Materials
RNP7 – Architectural Style
RNP8 – Development Height

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/22/2048	Variation of condition 1 of previously approved application reference DC/22/1571 (Variation of condition 1 of previously approved application DC/22/0085 (Variation of Condition 1 (plans) and Removal of Condition 4 (finished floor levels), 5 (materials), 6 (water use), and 7 (landscaping) of previously approved application DC/19/1229 (Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing) to allow for design alterations to Unit 2) to allow for the phasing of the overall scheme) to allow for minor design changes to Unit 1.	Application Permitted on 14.02.2023
DC/22/1571	Variation of condition 1 of previously approved application DC/22/0085 (Variation of Condition 1 (plans) and Removal of Condition 4 (finished floor levels), 5 (materials), 6 (water use), and 7 (landscaping) of previously approved application DC/19/1229 (Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing) to allow for design alterations to Unit 2) to allow for the phasing of the overall scheme.	Application Permitted on 12.10.2022
DC/22/0085	Variation of Condition 1 (plans) and Removal of Condition 4 (finished floor levels), 5 (materials), 6 (water use), and 7 (landscaping) of previously approved application DC/19/1229 (Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing) to allow for design alterations to Unit 2.	Application Permitted on 15.07.2022
DC/19/1229	Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing	Application Permitted on 08.11.2019

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection
- 3.3 Initial concerns raised with regards to the limited spacing between the site boundary and the footprint of Unit 2 in relation to the mature tree line on the northern site boundary. To safeguard the retention and longevity of the existing trees, the repositioning of the footprint, garage and air source heat pump (ASHP) for Unit 02 is recommended. Revisions received UPDATE- the submitted changes address our main concerns regarding the retention of the mature treeline on the northern boundary and is sufficient to withdraw our holding objection,

recognising the extant permission. Notwithstanding, please note reservation still remains with regards to the securing the longevity of the corridor, as the relationship between T13 and Unit 02 may still cause issues in the future.

- 3.4 **HDC Environmental Health:** No Objection
- 3.5 **HDC Arboricultural Officer:** Holding objection to the way the service runs within the RPA T11 are proposed to be instated; modification required.
- 3.6 Further to my previous comments on this proposal dated 15/01/2024. Some changes have been made to development proposals at the site.
- 3.7 One fundamental change is the proposed retention of T13. To achieve this the footprint for unit 2 has been altered, and the dwelling is now shown to be located further to the south. This has resulted in a slight improvement in terms of the tree to build relationship in this area, but this is far from perfect, and concerns are still raised with the longer-term sustainability of the tree to build relationship; despite this, it is acknowledged that the current position of unit two is an improvement on that of the existing location of the permitted unit in this area.
- 3.8 Retaining T13 does result in the footprint of unit 2 being partly located within the RPA of T13; under the BS, development within the RPA of a retained tree is undesirable. Where this is unavoidable, the total amount of incursion should not exceed 20% of the tree's total RPA for the case of T13. The extent of the incursion is 4.6%, and an additional 1.3% for the proposed services located between the garage and the section of the foundations for unit 2; this amount of incursion is acceptable under the guidance set out in the BS.
- 3.9 As highlighted in my previous comments, the garage for unit 2 falls with the RPA of trees T29 and T13. The extent of the incursion is 9.1% and 9.6%, respectively. The garage is proposed to be founded to the ground using small diameter piles with a slightly raised foot slab raised up to the north, allowing an air gap beneath the floor slab; This aspect of the proposal is acceptable under the BS.
- 3.10 It is positive to see that where the access to the site passes through the RPA of T11, the extent of the existing hard surfacing has been amended, and the new driveway is shown to be a more favourable location with the distance between the base of T11 and the edge of the drive has been increased.
- 3.11 However, I still have concerns about how the work to install the service runs within the RPA of T11. This aspect of the development is currently proposed to be undertaken using an open trench technique. Considering the constraint posed by the adjacent highway on root development, it would suggest that the bulk of T11's roots would be sited within the site and where the open trench excavations are proposed. Regardless of how much care is taken, the action of digging an open trench through the RPA of T11 will result in some degree of root severance that, over time, will likely be detrimental to the overall condition of the tree. I am still struggling to see the justification for installing the services within the RPA of T11 in this way due to the undeveloped nature of the site. If the services must be sited in this area a trenchless method of installing them should be considered, or an alternative location for the service runs should be sort.
- 3.12 Additionally, as mentioned previously, the justification for placing the driveway for unit two within the RPA of T12 appears to be very low. This is, for the most part, due to the underdeveloped nature of the site and because the existing driveway for the main dwelling at the site is not currently located with the RPA. The existing driveway could likely be modified in a way that it can service Unit 2, and the existing dwelling at the site. At the same time, it is acknowledged that how the new drive is proposed to be built in this area is an acceptable method of construction with the RPA, the total extent of the driveway incursion in the RPA is 11%; this amount of incursion is acceptable under the guidance set out the BS.

3.13 Conditions recommended if the Officer is minded to approve.

PUBLIC CONSULTATIONS

3.14 22 letters of representation received from 13 separate addresses objecting to the proposal on the following grounds:

- Loss of trees detrimental to character of the village
- Adverse ecological impact
- Unclear who SUDs will be maintained by
- Permission should revert back to 2019 approval
- Increased flooding in area

3.15 **Rudgwick Parish Council** objects to the proposal:

- Whilst accepting that [retaining T13 and re-locating unit 2 2m south] reduces the impact on the RPA the Council shares the remaining concerns of the HDC Tree Officer and HDC Landscape Officer regarding the long-term viability of the trees
- The Council considers that the core problem with the width of unit 2, having been increased by over 40% when re-designed in 2022 from the originally approved 2019 design
- Since the 2022 permission is not declared feasible by the applicant (the foundations unit 2) it is considered that the best course of action is to revert to the only extant, deliverable planning permission DC/19/1229.
- Therefore RPC maintains its objection and still wishes to call into committee if the officer is minded to recommend the application for approval.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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 Section 73 consent is sought to vary condition 1 (plans), 8 (details of the air source heat pump), 9 (foul/surface water drainage), 10 (finished floor levels) and 13 (arboricultural details) attached to planning consent DC/22/2048.

Variation of Condition 1 (plans)

- 6.2 The proposal seeks to vary the substantive plans list associated with the development to incorporate the proceeding amendments to conditions 8, 9, 10 and 13 as detailed below.

Variation of Condition 8 (air source heat pump)

- 6.3 Condition 8 attached to the consent DC/22/2048 reads:

Pre-Occupation Condition: *Prior to the first occupation of either dwelling, an enclosure to the air source heat pump serving each dwelling shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The enclosure shall thereafter be properly maintained for as long as the use hereby permitted continues.*

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

- 6.4 The submission includes details of the proposed air source heat pump enclosure to each dwelling. Following consultation with the Council's Environmental Health Officers, the submitted detail relating to the enclosure was considered satisfactory pursuant to condition 8, which would mitigate any potential acoustic impact to the neighbouring dwelling. Accordingly, Officers propose that the wording of the condition is amended to read:

Regulatory Condition: *The enclosure to the air source heat pump serving each dwelling shall be installed in accordance with the approved details shown on plan D1885.15B (received 13.02.2024). The enclosure shall thereafter be properly maintained for as long as the use hereby permitted continues.*

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

Variation of Condition 9 (foul and surface water drainage)

- 6.5 Condition 9 attached to the consent DC/22/2048 reads:

Regulatory Condition: *The means of foul and surface water drainage shall be undertaken in strict accordance with the approved detail under application DISC/21/0304, unless otherwise agreed to and approved in writing by the Local Planning Authority.*

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

- 6.6 The proposed amendment to the drainage system remains largely as approved under DISC/21/0304, save for alterations towards the entrance / west of the site pertaining to the relocation of the attenuation tank beneath tree T9 and T10 (Horse Chestnut and Field Maple) towards plot 1 and additional channelling to the rear of plot 2. The foul and surface water drainage would discharge into the existing network located outside of the site via the same connection as previously approved. Officers therefore recommend that the condition is varied to reflect the updated detail:

Regulatory Condition: *The means of foul and surface water drainage shall be undertaken in strict accordance with the approved plan D2022-003 Rev L (received 13.02.2024), unless otherwise agreed to and approved in writing by the Local Planning Authority.*

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

Variation of Condition 10 (finished floor levels)

6.7 Condition 10 attached to the consent DC/22/2048 reads:

Regulatory Condition: *The finished floor levels of the dwellings hereby permitted shall be undertaken strictly in accordance with plan D2022-00 REV D (received by the Council on 01.11.2022).*

Reason: *As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

6.8 Plan D2022-002 (rev I) includes revised land levels, relating to:

- Garden shed to the rear of plot 1 dropping from 10.15m to 9.7m
- Garage serving plot 2 increasing from 9.65m to 10.1m
- Plot 2 increasing from 9.92m to 10.2m
- The gradient of the access would vary from the approved 1:11-1:23 to 1:10:21 with a slight increase to the finished level of the surfacing owing to the use of the permeable surfacing (ranging between 0.01m to 0.1m on the crest of the slope).

6.9 The proposed finished land levels are considered no more harmful than approved under DC/22/2048 in terms of its impact on character and appearance and on neighbouring amenities, especially when considering the mature and established tree planting to the northern boundary which would be retained. Officers therefore recommend that the condition is varied to reflect the updated detail:

Regulatory Condition: *The finished floor levels of the dwellings hereby permitted shall be undertaken strictly in accordance with plan D2022-002 REV I (received by the Council on 13.02.2024).*

Reason: *As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

Variation of Condition 13 (arboricultural details)

6.10 Condition 13 attached to consent DC/22/2048 reads:

Regulatory Condition: *All works shall be executed in full accordance with the submitted Arboricultural Report Impact Assessment and Method Statement dated 12.06.2019 (received by the Council on 14.06.2019 under application DC/19/1229), in addition to plans 2.01 B (received 20.01.2022), 21495 002 (received 08.04.2022), and SK-01 (received 01.06.2022).*

Reason: *To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).*

- 6.11 The approved scheme incorporated specialist foundations to the northern side of plot 2 and its associated garage owing to the location of the development within the Root Protection Area (RPA) of T13. Initially the proposal sought the removal of T13 as specialist foundations approved under DC/22/0085 are not economically viable for the development. Following consultation with the Council's Arboricultural Officer and Landscape Architect, it was considered desirable to retain the tree given its local value – parish and neighbouring comments are reflective of this.
- 6.12 The tree is now proposed to be retained- plot 2 has been relocated 2m south of its approved position, now located some 6.3m from the trunk of the tree (previously approved 4.3m) and the garage would be sited on screw pile foundations. The revised arboricultural report details that this would result in a 4.6% incursion within the RPA of T13 (including an additional 1.3% for the services). The Council's Arboricultural Officer has advised that '*under the [British Standard], development within the RPA of a retained tree is undesirable. Where this is unavoidable, the total amount of incursion should not exceed 20% of the tree's total RPA*'. This is considered to be within tolerance of the BS, and therefore acceptable in arboricultural terms. The neighbouring and Parish concerns regarding the loss of the tree have been observed- the proposed revision to the scheme, as detailed above, ensures that the tree is retained given its local amenity value, and that appropriate measures have been included to ensure the health of the tree is maintained.
- 6.13 Concerns have been maintained relating to potential impact to T11 (oak) owing to the location of the services, and the driveway serving T12. Whilst the concerns are noted, the proposal offers no more of a harmful layout than that previously approved by the Council. Though Officers accept that the development may result in some harm to the rooting system serving the trees, the proposed layout would offer an improvement to the ground conditions by comparison to the approved extant permission that could be carried out in the alternate to this proposal.
- 6.14 It is further noted that the Arboricultural Impact Assessment (AIA) submitted with DC/19/1229 is no longer relevant to the proposal, as the report relates to the development as initially proposed for three dwellings. Therefore, enforcing against the AIA would not be possible given its irrelevance to the scheme. Furthermore, the trees on the site were incorrectly plotted by the previous Arboricultural Consultant. The submitted plans correcting the location of these trees, combined with the correct description of the development within the AIA, would thus result in a more accurate presentation of the proposal.
- 6.15 Given the specialist foundations serving the dwelling (as approved under DC/22/0085) are no longer required, and the previous inaccuracies with the arboricultural details as recorded by condition 13, Officers therefore recommend that the condition is amended to read:

Regulatory Condition: All relevant works shall be executed in full accordance with the submitted Arboricultural Report Impact Assessment and Method Statement (received 13.02.2024).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

Other Matters

- 6.16 As a consequence of the alterations to the engineering works on the site, minor landscape and layout alterations have occurred, including:
- Relocation of the garden shed / store to the rear of plot 1 some 7.8m south-east of its approved location

- Re-arrangement of the access into / out of the site, changing the curve downwards away from T11
- Relocation of plot 2 2m south of approved location

6.17 As above, the proposed arrangement would be no more harmful to the character and appearance of the site and wider surrounding area or the existing trees / planting on the site over and above the approved arrangement. Planning permission ref: DC/22/2048 is extant and works commenced on the site in October 2022. As the scheme has been phased, as approved under DC/22/1571, most of the approved works could be undertaken without any further consent, save for the development of plot 2 (which would be in breach of condition 13 if a specialist foundation cannot be used). It is considered that while the amended layout would represent a clear betterment to the approved scheme, owing to the movement of hard surfacing and the attenuation tank away from nearby planting / trees.

Water Neutrality

6.18 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

6.19 An advice note from Natural England (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.20 The proposal represents a Section 73 planning application to an extant planning permission (DC/22/2048). The proposed variations to the plans would not result in an increased level of occupancy per dwelling over and above the approved arrangement. The extant permission represents a viable fallback, with all pre-commencement conditions attached to the permission have been discharged (condition 3, drainage, and condition 4, finished floor levels) under DISC/21/0304 with the development commenced on 28.10.2022. As such, it can be concluded that approving this application would not result in an increase water demand from abstraction from the Pulborough borehole compared to the extant scheme that would be built out in the event this application is refused.

6.21 The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

6.22 The proposal is considered to accord with relevant local and national planning policies and is recommended for approval.

7. RECOMMENDATIONS

7.1 That planning permission be granted subject to the following conditions:-

1 **A List of the Approved Plans**

2 **Regulatory Condition:** The materials to be used in the development of Unit/Plot 2 hereby permitted shall strictly accord with those indicated on the Schedule of Materials Unit/Plot 2 document, received 20.01.2022.

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

- 3 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan D1885.1s (received by the Council on 01.11.2022) and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or garden curtilage for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** The enclosure to the air source heat pump serving each dwelling shall be installed in accordance with the approved details shown on plan D1885.15B (received 13.02.2024). The enclosure shall thereafter be properly maintained for as long as the use hereby permitted continues.

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

- 8 **Regulatory Condition:** The means of foul and surface water drainage shall be undertaken in strict accordance with the approved plan D2022-003 Rev L (received 13.02.2024), unless otherwise agreed to and approved in writing by the Local Planning Authority.

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

- 9 **Regulatory Condition:** The finished floor levels of the dwellings hereby permitted shall be undertaken strictly in accordance with plan D2022-002 REV I (received by the Council on 13.02.2024).

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

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

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

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

- 12 **Regulatory Condition:** All relevant works shall be executed in full accordance with the submitted Arboricultural Report Impact Assessment and Method Statement (received 13.02.2024).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal reference 19021 dated 28 May 2019 and the Great Crested Newt and Bat Survey Report by CT Ecology dated 02 July 2019 as approved under DC/19/1229.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** The materials to be used in the development of Unit/Plot 1 hereby permitted shall strictly accord with those indicated on the Schedule of Materials Unit/Plot 1 document, received 01.11.2022.

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

- 15 **Regulatory Condition:** The development hereby approved shall be undertaken in accordance with Phasing Site Plan (2.02, received by the Council on 17.08.2022).

Reason: To reflect the relevant phasing of the development hereby permitted and in the interests of proper planning.

Approved Plans:

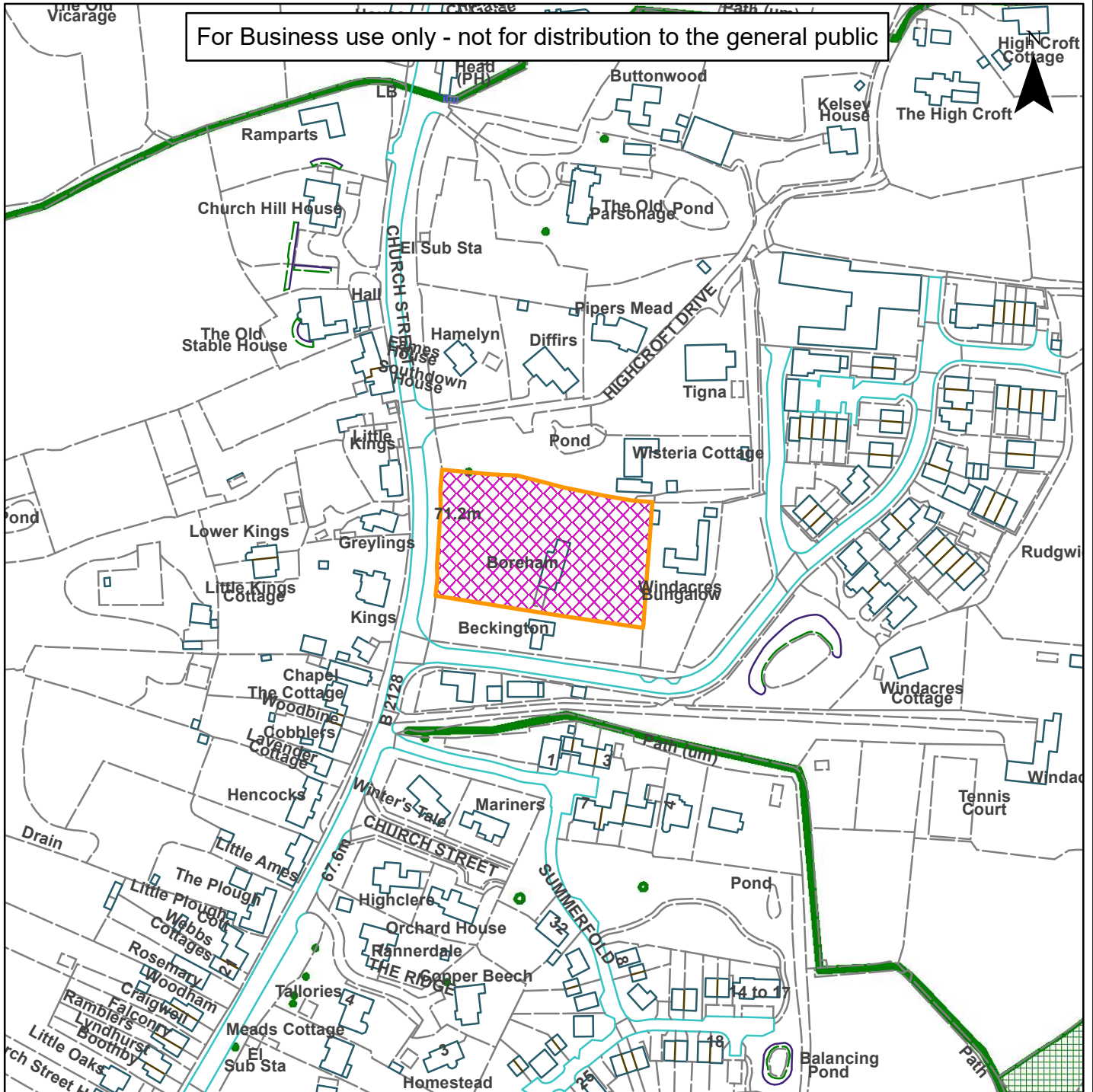
Plan Type	Description	Drawing Number	Received Date
Layout plan	Engineering plan, as proposed	D2022-003 REV J	21.12.2023
Plans	Surface finishes, as proposed	D2022-004 REV F	24.11.2023
Details plan	Construction, as proposed	D2022-005	24.11.2023
Details plan	Construction, as proposed	D2022-006	24.11.2023
Plans	Impermeable Areas, as existing and proposed	D2022-007 REV C	24.11.2023
Supporting Statement	Suds Drainage Maintenance Schedule	NONE	24.11.2023
Supporting Docs	Drainage Network Design Settings	D2022 SW REV C	24.11.2023
Supporting Docs	Surface Water Drainage Design Settings	D2022 SW REV C	24.11.2023
Supporting Statement	Arboricultural Impact Assessment and Method Statement	3156 REV 1	24.11.2023
Supporting Statement	Arboricultural Survey Report (Tree Survey Schedule and Tree Constraints Plan)	STA3156 REV 1	24.11.2023
Tree plan	Tree Constraints plan	STA3156TCP	24.11.2023
Tree plan	Tree Protection Plan	STA3156TPP	21.12.2023
Tree plan	Tree Removals Plan	STA3156TRP	24.11.2023
Elevation & Floor plan	Plot 1, Heat Pump Enclosure, as proposed	D1885.14	24.11.2023
Site plan		D1885.1V	24.11.2023
Floor plan	Ground and First, Plot 2, as proposed	D1885.5N	24.11.2023
Elevation plan	Front and North, Plot 2, as proposed	D1885.6M	24.11.2023
Elevation plan	South and Rear, Plot 2, as proposed	D1885.11D	24.11.2023
Elevation & Floor plan	Heat Pump Enclosure, as proposed	D1885.15A	24.11.2023
Plans	Levels and Contours, as proposed	D2022-002 REV G	24.11.2023
Details plan	HARD AND SOFT GENERAL ARRANGEMENT DRAWING	RC0398/01 REV 13	23.01.2024
Details plan	DETAILED PLANTING DRAWING 1/2	RCo398/02 REV 04	23.01.2024
Details plan	DETAILED PLANTING DRAWING 2/2	RCo398/03 REV 03	23.01.2024
Details plan	Tree Planting Detail	RCo398/04	26.01.2024
Elevation plan	Plot 1 Elevations [DC/22/2048]	D1885.13C	01.11.2022
Floor plan	Plot 1 Floor Plans [DC/22/2048]	D1885.12C	01.11.2022
Supporting Statement	Water calculations [DC/22/2048]	NONE	01.11.2022

Materials	Plot 1 Materials [DC/22/2048]	NONE	01.11.2022
Elevation & Floor plan	Garden Store [DC/22/2048]	T.439	01.11.2022
Site plan	Phasing Plan [DC/22/1571]	2.02	17.08.2022
Details plan	Ownership and Area of Soft Landscape Responsibility [DC/22/0085]	RCo298/05	27.04.2022
Supporting Docs	Schedule of Materials [UNIT/PLOT 2] [DC/22/0085]		20.01.2022
Supporting Docs	Water Costs [DC/22/0085]		20.01.2022
Supporting Docs	Air Source Heat Pump Details [DC/22/0085]		18.03.2022
Supporting Docs	Great Crested Newt and Bat Survey Report by CT Ecology dated 02 July 2019 [DC/19/1229]	19021	17.09.2019
Supporting Docs	Garage - Proposed Plans and Elevations [DC/19/1229]	09 C	22.08.2019
Supporting Docs	Preliminary Ecology Report by CT Ecology dated 28 May 2019 [DC/19/1229]	19021	14.06.2019
Supporting Docs	Great Crested Newt and Bat Survey Report [DC/19/1229]		17.09.2019



Boreham House, Church Street, Rudgwick, West Sussex, RH12 3EF

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/03/2024
ISA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 11 April 2024

DEVELOPMENT: Demolition of existing amenity building, removal of two yurts and associated infrastructure. Change of use of land to residential and erection of 1no single storey dwellinghouse incorporated into the landscape.

SITE: Holme Farm Orchard, Winterpit Lane, Mannings Heath, Horsham, West Sussex, RH13 6LZ

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/2045

APPLICANT: **Name:** Mr and Mrs Wayne Bayley **Address:** Holme Farm Orchard, Winterpit Lane, Mannings Heath, Horsham, West Sussex, RH13 6LZ

REASON FOR INCLUSION ON THE AGENDA: More than eight representations received contrary to recommendation.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks to apply for the demolition of existing amenity building, removal of two yurts and associated infrastructure. Change of use of land to residential and erection of 1no single storey dwellinghouse incorporated into the landscape. The proposal would incorporate 2 vertical wind turbines and a ground source heat pump to the outside garden store. The roof would be a unique undulating form with floor to ceiling glazing on the southern elevation and would have 8 much smaller windows on the north elevation. The approximate dimensions would be a height of approximately 5 metres, an eaves of 3.20 metres and a width of 41 metres. The footprint of the building would be 385sqm. A schedule of materials has been submitted as part of the application which details that the external walls of the dwelling would be Horsham stone with the external doors being oak. The infrastructure would be an access drive in loose gravel.
- 1.2 The application would incorporate as part of this a change of use of the land from recreational camping use to residential. The dwellinghouse would be 3 bedrooms and allow parking for up to four vehicles. The dwellinghouse would be set approximately 110metres from Winterpit Lane.

DESCRIPTION OF THE SITE

- 1.3 Holme Farm Orchard lies within a rural area on the southern side of Winterpit Lane, approximately 500m south east of the built-up area boundary of Mannings Heath. The land to the north of Winterpit Lane lies within the High Weald Area of Outstanding Natural Beauty. The built form within the surrounding area is largely detached dwellings set within spacious plots but are spatially sporadic. The nearest residential neighbour is approximately 100 metres to the north and Mannings Heath Hotel is approximately 80 metres to the north east. In close proximity to the siting of the proposed dwelling is a lake 53 metres to the east and a sluice pond to the south of the application site. The topography of the site is higher at the north western side towards the private access road than the south eastern side towards the yurts.
- 1.4 The site itself relates to an area of land, some 0.45 hectares, to the east of the access track off Winterpit Lane that provides access to the applicant's property (Holme Farm Orchard) along with a number of other residential properties to the south west. The access track is a bridleway and is within a Red zone for the Great Crested Newt.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

2.5 **Lower Beeding Neighbourhood Plan** (Regulation 16)
Lower Beeding Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/2492	Change of use for recreational camping to include 2 yurts and the erection of an amenity building and car parking with associated landscaping.	Permitted on 17/03/2017
DC/18/0349	Repositioning of approved yurts and alterations to location and size of amenity cabin. Application includes the details discharged under pre-commencement conditions attached to DC/16/2492.	Permitted on 08/06/2018

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

HDC Economic Development: Objection

Although this is only a loss of tourist accommodation on a small scale, Economic Development have concerns.

The Horsham District Hotel & Visitor Accommodation Study found there was a need for the District to develop additional tourist and visitor accommodation both in the rural and urban areas of the district. This is why Economic Development was in favour of the previous application (DC/18/0349). The current proposal would not be supportive to providing the variety of accommodation that the district is in current need of.

The Visitor Economy Strategy seeks to attract more staying visitors within the District. The success of this objective is reliant on additional accommodation being provided to support the continued growth in the visitor economy.

HDC Landscape Consultant: Further Information Required

Whilst the proposal is acceptable in principle within the context of the High Weald AONB, additional information is required with consideration for the proposed recommendations that ensure alignment with the requirements of the AONB Management Plan and the LCA.

At a district level, the application site is located within the Mannings Heath Farmland (N1) Landscape Character Area (LCA) of the Horsham District Council Character Areas (2003). Key characteristics of this LCA include open character, fragmented hedgerows, hammer ponds and field ponds, scattered farmsteads and small linear villages. The landscape condition is considered to be declining due to the loss of hedgerows and visual intrusion of urban development. Land management guidelines for this LCA include use of local materials, conserve and enhance tree cover, restore lost and fragmented hedgerows and conserve single oaks within them and conserve and manage ponds.

Although the site is not located within the High Weald AONB, it does lie adjacent to it and any development could result in indirect effects. Proposals should therefore seek to contribute positively to the landscape character and key landscape components associated with the AONB.

The submitted application is largely screened from mid to long distance public viewpoints, owed to the vegetated boundaries of the field in which the proposed dwelling is located,

however, the submitted application does not include sufficient detail pertaining the potential viewpoints of the proposal from the PRoW. Additional information demonstrating potential viewpoints is required to ensure that the proposal complies the requirements of Policy 30 of the HDPF.

The application proposal utilises land that is already occupied for camping purposes, and therefore does not contribute to the significant increase in overall activity of the countryside and conserves the key features and characteristics of the landscape character area in which it is located (Policy 26: Countryside Protection of the HDPF, 2015). However, there are opportunities to enhance key features of the Mannings Heath Farmland (N1) LCA and the High Weald AONB.

Whilst the submitted Model Visuals indicate that the proposal would have a low landscape impact, have concerns that the submitted Visuals are inconsistent with the submitted design and layout indicated on the submitted Site Plan.

Public Bridleway (PRoW no.1707) runs adjacent to the western edge of the application site boundary, acting as a north-south approach to the High Weald AONB. The site's enclosed character, owed to the vegetated boundaries and tree cover, limits the overall visual impact of the proposal from public viewpoints within the context of High Weald AONB. However, whilst the site is largely enclosed, the proximity of the PRoW to the site offers potential opportunities for views of the proposed development – in particular the proposed wind turbines. We would therefore expect additional information to be submitted to demonstrate the potential public viewpoints from the north and east. The application has not been supported by a Landscape and Visual Appraisal (LVA), though we have made the professional judgement that given the potential impact of the turbines on surrounding public viewpoints, that the proposal could have an adverse impact on the landscape character, qualities and visual resource of the area.

Question whether any other additional residential paraphernalia would be required in association with the proposal, for example, lighting. Given the rural character and high sensitivity of the site and its locality, additional information regarding the external lighting surrounding the development should be submitted.

The nature of the proposed building forms an incongruous landform that is unsympathetic to the existing topography of the site, and therefore options should be explored to ensure the roofscape is more sympathetic to the natural field slope.

The submission has been supported by Cross Section Plans to demonstrate the relationship between the proposed building, the retaining wall and surrounding landscape. However, would appreciate the submission of a Topographical Plan with cut and fill information.

The submitted Site Plans indicate the presence of the tree canopy along the southern boundary of the site, although no Tree Survey and Arboricultural Impact Assessment (AIA) has been submitted to outline the likely impact of the landscape proposals on the existing trees. To accord with Policy 25 'The Natural Environment and Landscape Character' of the HDPF (2015), we would expect to see these details relating to existing trees and vegetation to be provided prior to determination. This should be submitted and approved by the LPA to ensure the proposed site access and construction area does not have an adverse impact on the boundary hedgerow and trees. This assessment should be undertaken in accordance with BS 5837:2012 Trees in relation to design and construction recommendations and should provide details on trees and shrubs, their value, whether they are proposed to be retained and/or removed, and any necessary protection methods.

Overall, insufficient information has been provided and there are opportunities to enhance the proposal in alignment with Policy 25, 30 and 31 of the HDPF, and the guidelines of the LCA and AONB Management Plan.

HDC Environmental Health: Comment

Rainwater harvesting schemes can be highly contaminated, given this and the fact the water will be harvested from run-off from a field is a concern to Environmental Health. Of the view

that a detailed private water supply management and maintenance plan will need to be submitted support of the application.

Note that the proposals include the installation of two vertical axis wind turbines. Wind turbines can be a significant source of noise, further information is therefore required to ensure that the turbines do not have an impact on residential amenity.

Given the absence of the above-mentioned information are of the view that the application is currently insufficiently detailed to be determined.

Natural England: Objection

The Local Planning Authority's Appropriate Assessment concludes that the authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

WSCC Highways: Comment

The site is located on Winterpit Lane, an unclassified road subject to national speed limit in this location. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The applicant proposes to utilise the existing vehicular access on Winterpit Lane, with no alterations to this arrangement proposed. From inspection of WSCC mapping, visibility appears suitable for the anticipated road speeds in this location. In addition, the proposed development is not anticipated to give rise to a material intensification of use of the existing access point.

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. The plans demonstrate a double-bay garage with driveway, which appear of suitable size to accommodate the anticipated parking demand. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

Regarding cycles, the proposed garage is of sufficient size to be considered for the secure storage cycles, in accordance with WSCC Parking Standards.

The site is situated in a relatively rural location approximately 1km east of Mannings Heath Village. The site lacks access to nearby services and amenities – although bus services from Mannings Heath village provide regular services to larger urban areas. However, the nearby road network is unlit and lacks footways, so some residents may have a reliance on the private car. Cycling is a viable option for confident cyclists.

The Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Ecology Consultant: Further Information Required

Not satisfied that there is sufficient ecological information available for determination of this application as the Preliminary Ecological Appraisal (EAS Ltd., May 2022) recommends that further surveys are undertaken for Great Crested Newt (GCN). This is because the ponds adjacent to the site may be suitable for GCN, there are at least 20 ponds within 1 km of the site, there are recent records of GCN within 1 km of the site and there is suitable terrestrial habitat for GCN on site (Preliminary Ecological Appraisal (EAS Ltd., May 2022)).

Therefore support the recommendation for further presence / likely absence surveys for GGN in order to inform a mitigation strategy and a European Protected Species Mitigation Licence application, if appropriate. The results of the surveys, including any mitigation and

enhancement measures required to make this proposal acceptable, should be provided to the LPA according to Government Standing Advice.

Also support the recommendation in the Preliminary Ecological Appraisal (EAS Ltd., May 2022) for further reptile surveys as the site has potential to support reptiles and there are records for Slow Worm, Grass Snake, Common Lizard and Adder within 1 km of the site. The results of the surveys, including any mitigation and enhancement measures required to make this proposal acceptable, should be provided to the LPA according to Government Standing Advice.

The results of the above surveys for Great crested Newt and reptiles are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Accept that no further surveys are required for bats as we understand that no trees will be removed from the site and the existing yurts and hut are unlikely to be used as bat roosts (Preliminary Ecological Appraisal (EAS Ltd., May 2022)).

NatureSpace: No Objection

The applicant has joined the District Licence scheme and has received their NatureSpace certificate to evidence this. The applicant must submit this as part of their planning application to ensure that their certificate is attached to their planning application and the development can be authorised under Horsham District Councils Licence.

WSSC Fire and Rescue: Comment

The nearest fire hydrant to this site is 325 metres away, 150 metres further than the 175 metres distance required for a domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 1 - 2019 edition: B5 section 14. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

Southern Water: Comment

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance

Public Representations:

3.2 **Nuthurst Parish Council:** Neither Objected nor Supported

The Parish were supportive of the design and layout of the proposed new building however there were the following comments regarding their concerns about the project:

- The site is currently a tourist attraction with Yurts on the site. The proposal would take away the attraction and thereby any local employment.
- The proposed building will be in the proximity of a wedding venue (Brookfield Barn) which frequently hold many functions outside if weather permits.
- The site is outside the Built Up Area Boundary (BUAB) and was not proposed in the LB Neighbourhood Plan.
- The PC disputed the applicants claim that this is classed as a brownfield site.

3.3 32 letters of representation received from 28 separate addresses within the District (including 2 from outside of the District) *objecting* to the proposal on the following grounds:

- Highway access, traffic and parking
- Loss of tourism
- Increase in pollution
- Negative impact on local environment and natural habitats
- Overdevelopment
- Misleading description
- Trees and landscaping
- Loss of privacy, light and creation of noise
- Loss of general amenity
- Impact from windmills
- Request for condition
- WN statement unclear
- The location is not sustainable because it is away from built up settlements
- Poor design and harm to character
- Improper fallback
- Outside of built up area boundary, nor in the Neighbourhood plan
- Ecology
- Would lead to further development
- Future occupiers impacted on by noise
- License for pond and stream works
- Harm to nearby businesses
- There are unauthorised works of tree felling in the applicant's other fields
- Does not meet housing need in the area
- Does not safeguard greenspaces
- Design not exceptional or outstanding
- Inappropriate development
- Impact on bridleway
- Not affordable housing
- Impact on tranquillity
- Impact on wildlife
- Not allocated in the Neighbourhood Plan
- Loss of rural character

3.14 13 letters of representation received from 11 separate addresses within the District (including 1 from outside of the District) *supporting* the proposal on the following grounds:

- Sustainable design
- Reduces traffic
- Design and character
- Supports a local need for smaller homes in the area
- Sensitive to local area

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

- 6.1 Planning permission is sought for the demolition of existing amenity building, removal of two yurts and associated infrastructure and a change of use of land to residential and erection of 1no single storey dwellinghouse incorporated into the landscape.
- 6.2 Planning permission was previously approved on the site for 2no. yurts, providing recreational camping accommodation within the District. It was considered at the time that the tourist accommodation met an identified need within the rural party of the District and would contribute to the supply of tourist accommodation within the District and support and contribute to the wider rural economy. This was considered to result in social and economic benefits. No evidence has been provided to suggest that the recreational camping accommodation is no longer viable and/or needed, with no evidence to suggest that the business venture has failed on the site. It is considered that there were material considerations that supported the change of use of the site to tourist accommodation, with policy support arising through Policies 10 and 11 of the HDPF. Specifically, Policy 10 of the HDPF states that conversions of rural buildings to commercial would be favoured over residential in the first instance. As outlined, no evidence has been provided to demonstrate that the commercial use of the site for recreational camping is no longer viable, and it has not been demonstrated that an identified need for such accommodation no longer exists. It is therefore considered that the proposal is in some conflict with Policy 10 of the HDPF.
- 6.3 The application site is located outside of any defined built-up area boundary as identified by Policy 3 of the Horsham District Planning Framework (HDPF), as such from a policy perspective the site is considered to be within a countryside location. In addition, Policy 26 of the HDPF requires development to be essential to its countryside location, and that development must not individually or cumulatively increase activity within a rural location. New dwellings in the countryside are not generally permitted unless there are exceptional circumstances.
- 6.4 Paragraph 84 of the National Planning Policy Framework (NPPF) (2023) states that *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6.5 The applicant exclaims that 84(e) (formerly paragraph 80 in the 2021 revision of the NPPF) applies in the case of this application. This requires the proposed dwelling to be '*is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;*' and '*would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*'

6.6 Whether or not the proposal is a truly outstanding or innovative design is invariably a subjective matter. The matter is typically resolved through pre-application discussions, with the detailed design being submitted to an independent design panel for review. Comments are then taken on board and the scheme 'evolves' over a period of time. Though not essential to the process, it reflects advice contained within the NPPF and Planning Practice Guidance which states that Local Planning Authorities should have design review arrangements in place to provide assessment and support to ensure high standards of design.

6.7 No such pre-application discussions have been engaged in, and a design panel have not been instructed to review the proposal by the applicant. Therefore, it is the judgement of the Council to determine whether or not the proposal would meet the criteria of paragraph 84 of the NPPF in order to override the conflict with core local planning policies as identified above.

Is the design truly outstanding or innovative and represent the highest standards in architecture?

6.8 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

6.9 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

6.10 As above, the applicant's Design and Access statement advises that a case for exceptional design has been made. Officers acknowledge that the proposal incorporate a design that would not be considered ordinary in the context of residential development: the design

attempts to sit within the landscape, with a 'living roof' to integrate the dwelling into the adjoining fields, and an extensive glazed frontage to the southern elevation facing the adjacent boundary. Paragraph 80 places a high bar in setting out that development in isolated locations may only be permitted in exceptional circumstances. The submission predominantly focusses on landscape impact (further detailed below) rather than design, and aside from incorporating a living roof with an undulated form, no attempt has been made to explain why this design would be unique in this location. Though the dwelling may not adhere to what may ordinarily be associated with residential development, this alone does not demonstrate exceptional quality of design.

- 6.11 In addition, the case put forward outlines that the sustainable technologies and method of water collection would be sufficient to represent an exceptional design. However, contrary to the applicant's assessment, the inclusion of sustainable technologies within the design, some of which would only be regarded par for the course in the context of new development such that the technologies included are regarded as compliant in regards to the Horsham District local plan policies 35, 36 and 37.

Would the design significantly enhance its immediate setting?

- 6.12 Paragraph 84(e) of the NPPF requires designs to significantly enhance their immediate setting. In this case, the immediate setting consists of the open agricultural field, under the ownership of the applicant.
- 6.13 At a district level, the application site is located within the Mannings Heath Farmland (N1) Landscape Character Area (LCA) of the Horsham District Council Character Areas (2003). Land management guidelines for this LCA include use of local materials, conserve and enhance tree cover, restore lost and fragmented hedgerows and conserve single oaks within them and conserve and manage ponds. Lower Beeding Neighbourhood Plan contains elements that set out to protect the landscape of the area. The application site is located outside of the Built-Up Area Boundary (BUAB) and must therefore have regard for the countryside context under Policy 2: 'Landscape Character'.
- 6.14 Although the site is not located within the High Weald AONB, it does lie adjacent to it and any development could result in indirect effects. Policy 30 of the HDPF (Protected Landscapes) states that (1) the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. (2) Proposals should have regard to any management plans for these areas and must demonstrate:
- a. How the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures.
 - b. How the public enjoyment of these landscapes will be retained.
 - c. How the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.
- 6.15 The landscaping consultant has outlined their concerns, summarised as:
- Additional information demonstrating potential viewpoints are required and submitted Model Visuals indicated are inconsistent with the plans.
 - The site does not enhance the landscape through enhancement of tree cover and restoration of lost and fragmented hedgerows
 - There is potential for harm to the landscape character, qualities and visual resource of the area resulting from the turbines.
 - Additional information regarding external lighting should be submitted.

- Site Plans indicate the presence of the tree canopy along the southern boundary of the site, but no Arboricultural Impact Assessment (AIA) has been submitted to outline the likely impact of the landscape proposals on the existing trees.
- 6.16 In response to this consultation advice, a Landscape assessment has been received from the applicant received on 08/03/2023. It states that the Landscaping team have not considered the preliminary ecological appraisal which includes the status of the existing trees and outlines future planting. The statement disputes that their plans are incorrect due to the nature of the electronic documents. The supporting statement contests that the turbines would have a visual impact from outside the site, and that the dwelling would not be an incongruous landform that is unsympathetic to the existing topography of the site and they think the removal of the yurts would be an improvement.
- 6.17 It is acknowledged that the landscaping consultant does not state that they include the preliminary ecological appraisal in their considerations, although this document was available at the time of consultation. The other concerns outlined within the Landscaping consultant response with regards to potential harm to the Landscape character of the area are still relevant considerations. Furthermore, it is considered that further documents as requested within the full statement would still be required. Nevertheless, this information would have been sought by way of condition if the other concerns of the application could have been overcome.
- 6.18 The applicant relies on the fact that the development would be no more visible than the existing yurts, which were not previously considered to result in landscape harm following the granting of DC/16/2492. They further express and that there was / is potential for tents to be erected on the site, which would further cause landscape harm. Any such potential; impact that would be temporary in any case, and not considered out of the ordinary in a rural location, especially considering recent updates to permitted development.
- 6.19 Given the above, the proposal would not be considered to enhance the visual appearance of the site. Insufficient information has been submitted to justify the position that the design of the proposal would signify exceptional development. Overall, the proposal would not *significantly* enhance its immediate setting, as per the requirement of Paragraph 84(e) of the NPPF.

Summary

- 6.20 With the above considerations in mind, it is of the Officer's view that the proposed development does not represent an exceptional circumstance as a '*truly outstanding*' design. In particular, it has not been demonstrated that the development '*would significantly enhance its immediate setting*'. Therefore, paragraph 84(e) of the NPPF does not apply. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan (in this case, the HDPF) unless material considerations indicate otherwise. As no such circumstance has been demonstrated by the applicant, the HDPF take primacy. The weighting of the relevant policies considered in the determination of this application are detailed in the proceeding sections of this report.

Amenity Impacts:

- 6.21 Policy 33(2) of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.
- 6.22 There is a sufficient distance from the proposed built form and that of surrounding properties that it is unlikely that the proposal would result in harm through loss of privacy, overlooking or through an obtrusive appearance. Furthermore, habitable rooms of the dwelling house would benefit from access to light and would have sufficient garden and amenity space.

- 6.23 Environmental Health have raised concerns that the two vertical axis wind turbines can be a significant source of noise, and no information has been submitted in this regard. A full assessment of neighbouring amenity cannot currently be made with a sufficient degree of certainty to indicate that the proposal would not have a harmful impact on the sensitivities of the neighbouring properties. However, it is considered that a suitable worded condition could be applied to a consent in the event that planning permission were to be granted.

Highways Impacts:

- 6.24 Policy 41 of the HDPF states that development should provide safe and adequate parking, suitable for all anticipated users. The proposal would utilise the existing access to the west of the site located on a public right of way footpath and would accommodate 4x parking spaces within the site. No alterations are proposed to the access or track, and as such the proposal is not considered to result in harm to the function or safety of the public highway network, in accordance with Policy 41 of the HDPF.

Ecology:

- 6.25 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.26 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.28 There is insufficient ecological information available for determination as the Preliminary Ecological Appraisal (EAS Ltd., May 2022) recommends further reptile surveys as the site has potential to support reptiles and there are records for Slow Worm, Grass Snake, Common Lizard and Adder within 1 km of the site. The results of the surveys, including any mitigation and enhancement measures required to make this proposal acceptable.
- 6.29 Given that there is insufficient information submitted to ensure that the development would not, the proposal would conflict with HDPF policy 31, and would be inconsistent with the expectations set out under para 174 of the NPPF.

Climate Change

- 6.30 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:
- Renewable energy not limited to photovoltaic cells, hydroelectric water turbines and wind turbines
 - Electric vehicle charging
 - Hydroelectric water turbines

- Air source heating
- French drain running to a culvert where it will lead to a storage tank

6.31 It is acknowledged that the proposal would be compliant with policy 35, 36 and 37 of HDPF and chapter 14 of the NPPF. The above measures could be adequately controlled by way of condition in the event permission were to be granted.

Water Neutrality:

6.32 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.33 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.34 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

6.35 The application was accompanied with a Water Neutrality Statement which stated that the proposal would be able to have unrestricted use of water on the site as part of previous application DC/16/2492 as it did not include restrictions on water usage. As such, the statement mentions that it has not yet had unrestricted numbers of tents at the site, indicating that it could do and that this would result in additional water usage. Given that condition 8 of DC/16/2492 states that 'No more than two yurts and one amenity shed shall be sited on the site at any one time' this argument is not accepted as a reasonable fallback position from which to overcome concern that the proposal would not result in a greater level of water abstraction than what is currently on site. Furthermore, Environmental Health have concerns over the method of water collection.

6.35 In any case, the Council's FAQs on this matter are published on its website, and is clear:

*'The use of a fallback consent as part of the evidence base for the existing water consumption on a site is capable of being considered. However, as the test of certainty to meet the Habitat Regulations sets a very high bar, it is not sufficient to simply rely on the possibility that a fallback scheme may be implemented in the event permission is refused. Instead, we must consider whether the fallback scheme **would** be implemented in the event permission is refused. To help demonstrate this, we will require evidence that all relevant planning conditions on the fallback scheme have been discharged, and written evidence that the applicant intends to then build the fallback scheme if permission is not granted.'*

6.36 Moreover, the applicant provides details and a number of deficiencies have been identified within the statement. Firstly, it includes an unevidenced baseline, suggesting what the application site *could in theory* use, and not what the application site actually uses. As the baseline has not been calculated or evidenced in accordance with the council's guidance, the calculation for the figure is not accepted. With this in mind, the existing baseline is considered to be nil. This is reasoned given that it is a theoretical fallback as opposed to reflecting what exists on site.

- 6.37 Though it is accepted that the Water Neutrality statement seeks to have a strong sustainability, including various methods of energy production and to create sufficient water on site, the environmental health team have stated that the water collected through the mitigation methods would not definitely be potable water where needed. As such, the assumption that the proposal can generate sufficient potable water without being connected to mains water is not sufficiently founded. Overall, therefore whilst the Local planning Authority does not doubt that rainwater can be harvested at the site, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion and Planning Balance:

- 6.38 As the site is not allocated for development with the HDPF or a made neighbourhood plan, owing to the site's location outside of the built-up area boundary, the principle of the development is contrary to Policies 1, 2, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2 and 47 of the NPPF.

6.39 *Five-year Housing Land Supply*

The Council most recent Authority Monitoring Report (AMR, 2022/23) confirmed that the Council currently benefits from a deliverable supply of housing sites of 2.9 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

- 6.40 NPPF paragraph 11(d)(ii) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Development Plan Policies

- 6.41 In circumstances where Paragraph 11(d) is engaged, NPPF Paragraph 219 (Annex 1) sets out that due weight can be given to the most important policies for determining an application according to their degree of consistency with policies in the Framework. However, the Framework does not prescribe the weight to be given to conflict with development plan policies. This is affected by the purpose of the policy and the circumstances of the case.
- 6.42 In this case the most important policies include those relating to the spatial development strategy as set out at HDPF Policies 1, 2, 3 and 4. Policy 1 reflects the Framework presumption in favour of sustainable development and is thus fully consistent with the NPPF. Policies 2, 3 and 4 set out how sustainable growth will be achieved, though as they seek to focus development within settlements and only allow expansion on allocated sites, they have a restrictive element. Nonetheless, they generally reflect the Framework preference for development to be well located in relation to services and facilities. Therefore, *moderate* weight is applied to these policies.
- 6.43 HDPF Policy 26 refers specifically to countryside protection outside built up area boundaries, requiring development to be essential to this location. Whilst again this reflects the Frameworks preference for development to be well located in relation to services and facilities, as the definition of built-up areas is based on out-of-date housing numbers, this policy is afforded *moderate* weight.

- 6.44 As per the preceding sections of this this report, the granting of this permission would conflict with Policies 1, 2, 4, and 26 of the HDPF. Whilst the proposed development would not support the spatial strategy for the District, these policies are not fully framework compliant. Furthermore, the issues associated with the Council's current five-year housing land supply situation result in *moderate* weight being applied to these policies in the overall planning balance.
- 6.45 Subsequent to the receipt of the Natural England position statement, and in the absence of the applicant demonstrating water neutrality (as above), the proposal would result in an increase in water abstraction from the Pulborough borehole, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. Therefore, the Local Planning Authority are of the view that in instances where Water Neutrality cannot be demonstrated, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i), footnote 7). As such, this adverse impact on protected sites disengages the presumption in favour of sustainable development in the 'titled balance' to its default position.
- 6.46 Further, in the absence of demonstrating water neutrality, the proposal would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. This adverse impact on these protected sites is afforded significant weight, as approving such a scheme without demonstrating water neutrality would (cumulatively) result in irreversible harm to and loss of habitats and protect species. Therefore, *significant* weight is applied to these policies.

Planning Balance:

- 6.47 The proposal would provide for one market dwelling. As above, as the Council cannot currently demonstrate a five-year housing land supply, the provision of an additional dwelling towards this supply is afforded *significant* weight. However, the Council considers that this benefit would be fairly *limited* given the negligible overall contribution to the supply.
- 6.48 In addition, the dwelling would bestow associated socio-economic benefits in the form short term construction employment to long term occupation. The material benefits of the proposal in these regards, however, are not unique to this proposal and are thus afforded *moderate* weight.
- 6.49 Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the proceeding circumstances within the policy apply. For the purpose of this application, that Council does consider that the dwelling would be located within an isolated location, owing to the site's location in relation to the built-up are boundary and nearest settlement, however given that the proposal would not represent exceptional design, would not be acceptable. As such, the Council does not consider that the site is located within a sustainable location, and therefore attributes *significant* weight to this harm.
- 6.50 In addition, insufficient information has been submitted to demonstrate that the proposed development would not result in harm to the ecological interest of the site, contrary to Policies 25 and 31 of the Horsham District Planning Framework (2015). This has been attributed *modest* weight.
- 6.51 The proposal's ability to demonstrate an acceptable design, safe access and suitable parking, and the use of sustainable technologies and energy efficiency are not considered benefits to the scheme, but would rather be necessary to demonstrate compliance with local planning policies. No other discernible benefits have been identified that would weigh in favour of granting permission.

6.52 The cumulative benefits (the provision of one market dwelling (limited weight) and the socio-economic benefits (moderate weight) would be outweighed from the identified adverse impacts of the development. Namely, the conflict with the development plan (moderate weight), the site's unsustainable location (significant weight), the lack of Ecological information (moderate weight), and the lack of demonstrable water neutrality (significant weight). On balance, this would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal is recommended for refusal.

7. RECOMMENDATIONS

7.1 To refuse the planning permission on the following grounds:

1. The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the development is not considered an exceptional circumstances when considering the requirements of Paragraph 80 of the National Planning Policy Framework (2023). The proposal therefore represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).
2. Notwithstanding information submitted, 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 180 of the National Planning Policy Framework (2021), thus the Council is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
3. Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 11 April 2024

DEVELOPMENT: Demolition of existing amenity building, removal of two yurts and associated infrastructure. Change of use of land to residential and erection of 1no single storey dwellinghouse incorporated into the landscape

SITE: Holme Farm Orchard, Winterpit Lane, Mannings Heath, Horsham, West Sussex, RH13 6LZ

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/2045

APPLICANT: **Name:** Mr and Mrs Wayne Bayley **Address:** Holme Farm Orchard, Winterpit Lane, Mannings Heath, Horsham, West Sussex, RH13 6LZ

- 1.1 Members are advised that the previous committee report made available to the public on 21/03/2024 has omitted accurate Parish council comments.
- 1.2 Officers draw attention to paragraph 3.2 in reference to Nuthurst Parish Council comments. These comments are removed for consideration and are replaced with the following. The Parish would like to object to the proposal for the following reasons:
 - Outside of BUAB
 - Site not in Lower Beeding's Neighbourhood plan
 - Development in the countryside
 - Believe the site to be a Greenfield site
 - Out of character with surrounding properties
 - Noise implications from neighbouring hotel
 - Parish council not in a position to comment on water neutrality or sustainability
- 1.3 In addition to the above Parish council objection, Lower Beeding Parish council have also commented neither objecting to or supporting the Planning Application. The reasons for comment were for the following:
 - Design
 - Loss of general amenity
 - Other

The Parish council made the additional comments of '*The Lower Beeding Parish Council (PC) were divided on this application. They were supportive of the design and layout of the proposed new building however there were the following comments regarding their concerns about the project:*

- 1/ *The site is currently a tourist attraction with Yurts on the site. The proposal would take away the attraction and thereby any local employment.*
- 2/ *The proposed building will be in the proximity of a wedding venue (Brookfield Barn) which frequently hold many functions outside if weather permits.*
- 3/ *The site is outside the Built Up Area Boundary (BUAB) and was not proposed in the*

4/ The PC disputed the applicants claim that this is classed as a brownfield site.'

- 1.4 Whilst paragraph 6.5 of the committee report highlighted that paragraph 84 of the NPPF was formerly known as paragraph 80, paragraph 7.1 of the report has omitted mention of the new paragraph numbering. For the avoidance of doubt, the first reason for the recommendation of refusal is:
- The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the development is not considered an exceptional circumstance when considering the requirements of Paragraph 84 of the National Planning Policy Framework (2023). The proposal therefore represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).*
- 1.5 A further amendment is made to the committee report in regards to 6.35 where it is noted that the applicant had sent in an environmental agency licence to impound water. Whilst this is noted, it would not be considered to overcome concern with regards to water neutrality. It is further noted that the numbering for paragraph 6.35 has been repeated twice.
- 1.6 It is noted that since the committee report has been made publicly available, an additional letter of representation has been received due to concern over design, highway access and parking, loss of general amenity, privacy, light and noise, concern over river running dry.
- 2 A letter received from the applicant raises concerns with the committee report in regards to several points. These include:
- 1) That the report raises concerns with insufficient information when insufficient information was not requested.
 - 2) The applicant believes that the dwellinghouse would be self sufficient which would make it 'unique' and that councillors should have an opportunity to decide if they believe the application is 'exceptional'.
 - 3) Believe that the proposal would be water neutral such that this should not be a reason for refusal.
 - 4) The Environmental Agency licence is not included in the report.
- 2.1 In response to the first point raised within the applicant's letter, an application should be determined based on the information provided, and any meaningful engagement should take place at pre-application stage. Furthermore, in such instances where there are multiple concerns, additional information will not be requested where it is not considered that it will overcome reason for refusal.
- 2.2 In response to the second point raised within the applicant's letter, it is considered that the application will be determined at committee such that councillors will have an opportunity to assess the application on its merits. The NPPF does though set out the policy test and there are various appeal decisions which discuss what is exceptional.
- 2.3 In response to the third and fourth points raised within the applicants letter, the Licence sent on by the applicant in regards to the Environmental Agency does not form part of the

submitted proposed water neutrality strategy, which instead relies on the existing water use of the site. Further technical information would be needed if this is to be proposed as a strategy with further consultation necessary with Natural England.

- 3 Officers remain of the view that the application should be refused for the reasons set out within section 7 of the Officers' report.

END

This page is intentionally left blank

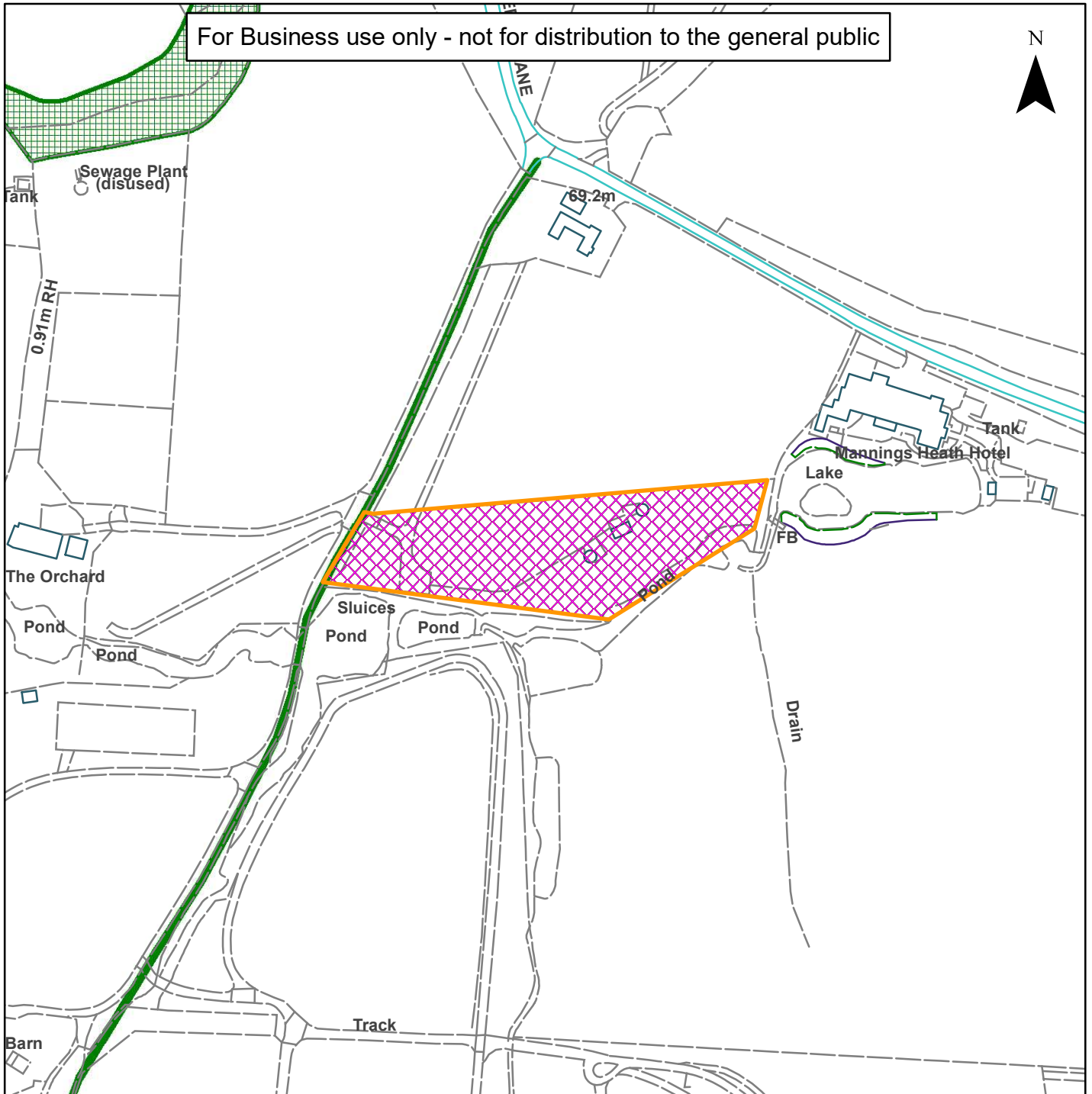
08) DC/22/2045



Horsham District Council

Holme Farm Orchard, Winterpit Lane, Mannings Heath, Horsham, West Sussex, RH13 6LZ

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/03/2024
MSA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 11th April 2024

DEVELOPMENT: Stadium upgrades including additional capacity for 50 seated spectators, 50 standing spectators and spectator toilets. Construction of additional changing room. Installation of perimeter pitch fencing and alterations to existing stadium perimeter fencing. Additional turnstile adjacent to existing.

SITE: High Wood Hill Sports Ground, Wickhurst Lane, Broadbridge Heath, West Sussex, RH12 3YS

WARD: Broadbridge Heath

APPLICATION: DC/23/2074

APPLICANT: **Name:** Mr Peter Thirkettle **Address:** High Wood Hill Sports Ground
Wickhurst Lane Broadbridge Heath West Sussex RH12 3YS

REASON FOR INCLUSION ON THE AGENDA: The land is owned by the Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for upgrade improvement works to the Broadbridge Heath Football Club ground, shown on the proposed site layout plan as follows:
- An additional stand added to the existing south stand to hold 50 seated spectators. This necessitates the repositioning of two existing stands and the two existing dugouts to allow sufficient walkway space for spectators. Fencing would be adjusted in order to accommodate the new stand.
 - A 11m x 4m canopy for 50 standing spectators attached to the south elevation of the clubhouse.
 - A new East Stands for 50 standing spectators.
 - Reconfiguration of the existing turnstiles in order to accommodate a second turnstile.
 - The location for the new toilet block (Option 2) which measures 6m x 3m and is shown to the west of the clubhouse adjacent to an existing storage unit.
 - Additional hardstanding surrounding the existing two flood light columns along the south side of the pitch.
 - Alteration of the existing 1100mm high pitch perimeter fencing to a solid panel rather than mesh as existing.

- 1.2 The upgrade improvements are presented as the following options (dependent on build costs):

Element of Works	Option 1 (Preferred)	Option 2
Spectator Toilets	Modify existing clubhouse. changing room 4	Purchase a container style. toilet block from 'Portable Spaces'
50 Spaces for seated. spectators	New Stand adjacent to existing South Stand	New Stand adjacent to existing South Stand
50 Spaces for standing. spectators	Construct a 4m x 11m canopy to the south elevation of existing clubhouse	Construct a new East Stand behind the goal to the, in the same style as the existing south and west stands.
Additional Turnstile		

- 1.3 Implementing Option 1 as set out above would create a total new floor area 23.5m² and implementing Option 2 as set out above would create a total new floor area of 41.5m². If both options are implemented together the total floor area created would be 65m².

DESCRIPTION OF THE SITE

- 1.4 High Wood Hill Sports Ground is situated to the south of the Bridge Heath Leisure Centre and Indoor Bowls Club, within the Built-up Area boundary of Broadbridge Heath. It is bounded to the east by the slip road from the A24, to the south by the A281 link road, and to the west by residential development. There is a line of trees subject to a Tree Preservation Order along the northern site boundary. Beyond the leisure centre and bowls club to the north lies the Broadbridge Heath Tesco and car park.
- 1.5 The site sits considerably below the raised level of the junction of the A24 and A281 at the southeast corner, with the embankment running along the southern and part eastern boundary populated by young trees. The western boundary includes a small fall in land at the southwest corner to the boundary walls of the adjacent housing. Wire fencing and a shallow ditch runs along the northern boundary of the site, demarcating the site from the Bowls Club and Leisure Centre facilities. The site is identified as being within a bat sustenance zone.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 11 - Tourism and Cultural Facilities

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
 Policy 31 - Green Infrastructure and Biodiversity
 Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 37 - Sustainable Construction
 Policy 38 - Strategic Policy: Flooding
 Policy 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 43 - Community Facilities, Leisure, and Recreation

Neighbourhood Plan:

Broadbridge Heath has not been designated a Neighbourhood Plan Area.

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)

Planning Advice Notes:

Facilitating Appropriate Development
 Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/2700	Development of Broadbridge Heath Sports Facilities including pavilion building, sports pitches and a skate park	Application Permitted on 10.02.2017
DC/16/2272	Erection of covered stand for spectator seating and 8no 15m high floodlight columns for use ancillary to football pitches	Application Permitted on 23.02.2017
DISC/17/0277	Approval of details reserved by conditions 4, 5 and 7 to approved application DC/16/2700	Application Permitted on 26.01.2018
DC/17/2435	Reduction of overall size of approved skate park, alterations to layout and associated hard/soft landscaping (Proposed Non Material amendment to planning permission DC/16/2700- Development of Broadbridge Heath Sports Facilities including pavilion building, sports pitches and a skate park)	Application Permitted on 05.12.2017
DISC/18/0004	Approval of details reserved by condition 3 to approved application DC/16/2700	Application Permitted on 18.01.2018
DC/21/0472	Surgery 1 x Oak	Application Permitted on 30.06.2021

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection

OUTSIDE AGENCIES

- 3.3 **Ecology Consultant:** No Objection

- 3.4 **Natural England (Bats):** No Objection

- 3.5 **WSCC Fire and Rescue Services:** Comment:

The nearest fire hydrant for the supply of water for firefighting is 200m away, 100m further than the 90m distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document - B (AD-B) Volume 2 2019 edition: B5 section 16.

- 3.6 **Southern Water:** No Objection

- 3.7 **Natural England (Water Neutrality):** (standing advice)

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.8 **Broadbridge Heath Parish Council:** No Objection

- 3.9 **Representations:**

Two neighbour letters of Objection have been received, on the following grounds:

- Noise increase arising from balls hitting stands.
- Additional seating (similar to existing) would add to unnecessary noise situation.
- Concerns regarding poor visual screening from existing landscaping and maintenance
- Concerns regarding footballs encroaching on private land / gardens and striking cars that are correctly parked and the potential for situation to get worse as result of the stadium proposals.

- 3.10 **Member Comments:** None received.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

Background

- 6.1 Planning permission for the playing fields at the application site were granted in 2017 under application reference DC/16/2700, with the infrastructure to enable Broadbridge Heath Football Club to play on the northernmost playing pitch granted under application DC/16/2272. This permission granted infrastructure including two stands, fencing, floodlights and a turnstile. Neither permission placed a limit on the spectator capacity of the site.
- 6.2 It is advised that this is a Council owned site, however the application is being made through Broadbridge Heath Football Club. Broadbridge Heath Football Club are seeking to improve their stadium facilities as they have been promoted to the next league and it is advised that the Football Foundation Ground Grading document (as submitted with the application) states that the stadium needs to comply with certain criteria in order to allow the club to play at the higher level in the football pyramid.
- 6.3 The planning use of the stadium would remain as an area or place for outdoor sport or recreation (Use Class F2 (c) (not involving motorised vehicles or firearms)).
- 6.4 It is advised that the Football Association have raised the issue of ground improvements along with mandatory requirements which Broadbridge Heath Football Club need to comply with. Broadbridge Heath FC Committee have held various meetings to discuss options and to move the preferred improvement options forward (Option 1) in consultation with the following stakeholders:
- Football Association
 - Football Foundation
 - Broadbridge Heath Football Club
 - Broadbridge Heath Parish Council
 - Horsham District Council
 - The Bridge Leisure Centre
 - Tesco Superstore
 - Horsham District Indoor Bowls Club

- 6.5 The applicants state in their supporting information that the relatively minor nature of the works required would in their opinion result in a negligible visual impact on the surrounding area, and that they consider scheme for the stadium improvements to be feasible.
- 6.6 Alternative locations were considered as part of the considerations with respect to existing access arrangements to and from these locations which included Wickhurst Green Housing Development (to the west); Bridge Leisure Centre; Horsham District Indoor Bowls Club; Tesco Supermarket.
- 6.7 It is advised in the submitted Design and Access Statement that the 'increased seating capacity is a mandatory requirement instructed by the Football Association and Football Foundation, however based on the current fan base of Broadbridge Heath FC, it is not anticipated that extra fans will be visiting the football club on match days. It is also advised that customers of Tesco have use of the dedicated Tesco car parking spaces, and the Horsham District Indoor Bowls Club have their own parking spaces in front of their building too, and so will be unaffected.
- 6.8 Usually, people visiting either Broadbridge Heath FC or The Bridge leisure centre use the Tesco car park as an 'overflow' car park in the event that there are no spaces available in the parking zones directly next to these buildings.
- 6.9 The application proposals have been considered as follows:

Principle of Development:

- 6.10 Paragraph 96 of the National Planning Policy Framework 2023 (NPPF) advises that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:
- a) promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other
 - b) are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion...for example high quality public spaces
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs ... for example through the provision of sports facilities
- 6.11 The Horsham District Planning Framework (HDPF), set out the local policy framework against which applications must be considered. Policy 43 of the HDPF seeks to protect existing sites used for community facilities and services as well as encouraging the provision of new or improved facilities. Policy 42 (4) Inclusive Communities is also considered broadly relevant in that the proposals would address the requirement to coordinate services to fulfil the needs of young people.
- 6.12 It is accepted in principle that the proposed improvement works as identified above complies with the overall aims and objectives of NPPF 96 and Policy 43 of the HDPF, subject to a thorough examination against all other relevant policies and consideration of all material considerations arising.

Design and Appearance:

- 6.13 Policies 32 & 33 of the HDPF promote development that is of a high-quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the district. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

- 6.14 The proposals would assimilate into the existing appearance of the site, which clearly operates as a football ground with associated infrastructure including two existing small spectator stands. The introduction of the proposed additional infrastructure, taken cumulatively as though all the facilities were to be constructed rather than only those set out in the two options, would not harm the appearance of the site. There are no changes proposed to the pitch itself of the floodlights which are all as existing. No trees are impacted by the proposals. The Council's Landscape Officer has confirmed that there are no landscape concerns. In this respect, the development proposals are considered to accord with Policies 31, 32 and 33 of the HDPF.

Amenity Impacts:

- 6.15 The HDPF at Policy 33 seek to protect the amenities of existing and future residents from adverse impacts resulting from new development.
- 6.16 The supporting details within the applicants Design and Access Statement advise that *'increased seating capacity is a mandatory requirement instructed by the Football Association and Football Foundation, however based on the current fan base of Broadbridge Heath FC, it is not anticipated that extra fans will be visiting the football club on match days.'*
- 6.17 Objections raised within two neighbour letters regarding potential noise impacts arising from the increase in use of the site and ball sounds hitting the ball stop fencing have been taken into consideration as part of the application assessment.
- 6.18 Officers consider that given the existing use of the site as a football ground, and the nature of the application to provide additional seating provision and covered standing areas for existing supporters visiting the football club, does not in itself result in an increase in the overall capacity in terms of the numbers of supporters capable of visiting the site. The improvements would however improve the football supporters overall experience when visiting the football club, as the provision of covered seating areas and covered standing areas would add to the enjoyment of the games, making spectators more comfortable generally and in adverse weather conditions. It is therefore considered that the type and level of activity generated following the proposed improvements would not in themselves result in an increase in stadium capacity or otherwise over-intensify of the use of the existing ground.
- 6.19 There is no indication that these facilities would increase the sounds of balls hitting the ball stop netting compared to existing, however it is noted that the existing 1.1m perimeter mesh fencing is to be replaced with solid fencing. This would create the potential for a different noise when hit by balls which may be more disturbing to nearby residents. To ensure this impact is acceptable a condition is recommended to secure details of noise mitigation to the solid fencing prior to its installation.
- 6.20 Accordingly, and subject to the recommended condition, officers consider that the proposals, when considered cumulatively as a whole, would not result in any significant or appreciable harm to private amenities of nearby residential occupiers in accordance with Policy 33 of the HDPF.

Highways Impacts:

- 6.21 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.22 The vehicular and pedestrian access to the site and into the football club ground will remain as existing with no changes proposed.
- 6.23 Concern was raised by the County Highways Authority in regard to the potential increase in team supporters given the proposed additional seating areas. Although WSCC recognise

that a potential increase was not likely to be significant, there were concerns that other football events might be held which could result in further demand for additional seating.

- 6.24 The existing football club has an associated car park and any overflow spills to the adjacent Tesco car park. WSCC Highways recognise that the use of the grounds for football purposes is likely to attract groups of people who would car share and as such it is assumed that the increase in demand on car parking spaces could easily be accommodated with the existing car park and overspill provision. WSCC have nevertheless requested that the *'applicants update their travel plan to encourage visitors to the club to travel sustainably where possible.'*
- 6.25 The applicants have submitted their updated Travel Plan which has been accepted in principle as a first draft by WSCC Highways. Advice has been given to the applicants to update their travel plan in accordance with the advice given. No objections have been made and no conditions have been requested. A condition has been imposed which requires submission of an updated Travel Plan to address the comments made by WSCC Highways.
- 6.26 Whilst the Highways Authority make reference to increased numbers of supporters, Officers consider that any such increase must be considered against the existing capacity of the ground, which is unconstrained by a planning condition limiting its capacity. The proposals have therefore been considered both cumulatively as a whole (rather than as options) and on the basis that they improve spectator experience rather than ground capacity. Taking this into account the proposals are considered to be acceptable and in accordance with Policy 40 and 41 of the HDPF.

Ecology:

- 6.27 Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.28 The applicants have not submitted any supporting Ecology information. Notwithstanding this the Council's Ecology Consultants have carried out a desk top study in order to confirm the likely impacts upon designated sites, protected and priority species and habitats and identify proportionate mitigation measures.
- 6.29 The Council's Ecologist advise that *'the site lies approximately 11.9km to the northeast of The Mens Special Area of Conservation (SAC) for which the qualifying feature is Barbastelle bats and approximately 16.6 km to the east of Ebernoe Common SAC for which the qualifying features are Barbastelle and Bechstein's bat. Therefore, the site lies within the 12km Wider Conservation Area for The Mens SAC and outside the 12km Wider Conservation Area for the Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The LPA will need to prepare a project level HRA to assess the likely effects from this development on the bats of the Sussex bat SAC.'*
- 6.30 They have also advised that *'a number of European Protected Species Mitigation Licence (EPSML) have been granted for bats within the local area. However, no Barbastelle or Bechstein's bats have been recorded within 2km of the site ((MAGIC maps <https://magic.defra.gov.uk/MagicMap.aspx> and Sussex Biodiversity Record Centre – accessed under licence). The proposal as it stands will not result in any increases of external lighting or the removal of any features which would cause severance to the flight lines of foraging or commuting bats from the SACs.'*
- 6.31 It is advised that any new lighting within the football stadium could result in adverse effects on the qualifying features of The Mens Special Area of Conservation (SAC). An appropriate

assessment has been undertaken in consultation with Natural England which concludes that a condition to control any further external lighting will avoid potential direct impacts upon Barbastelle bats and functionally linked land and avoid adverse effects occurring.

- 6.32 The Council's Ecology Consultants have advised that there are no additional impacts upon designated sites, protected and priority species / habitats have been identified as part of this proposed application. The proposals are considered to comply with Policies 25 and 31(2) of the HDPF.

Water Neutrality

- 6.33 On 14 September 2021, the Council received a Position Statement from Natural England. Information collected by Natural England shows that water abstraction for drinking water supplies is having a negative impact on the wildlife sites in the Arun Valley. They have advised that any new development that takes place must not add to this negative impact. One way of preventing any further negative impact is to ensure that all new development which takes place is water neutral.
- 6.34 The applicants have submitted a Water Neutrality Statement with their application which sets out a number of calculations and means of improving the performance of fixtures and fittings within the site. Whilst this is welcome, given this application is being considered on the basis that the overall ground capacity is not increasing, there is no indication that the proposed new infrastructure will increase water use compared to existing.
- 6.35 The development proposals will not therefore result in an increase in the overall number of football supporters and capacity of the football ground as there is to be no increase in the size of the football grounds or increase any community use of the site compared to existing. Officers therefore conclude that, the proposals will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects and therefore the proposals have been 'screened out' from requiring an HRA Appropriate Assessment. Nevertheless, the applicants Water Neutrality Statement calculates that there is no increase in water consumption as a result of the proposed works as the baseline figure of 1.58 litres per day per person remain the same for both existing and proposed usage, that no offsetting or mitigation strategies are required to achieve Water Neutrality in this case.

Conclusions:

- 6.36 The principle of the Broadbridge Heath Football Club stadium at High Wood Hill has already been established through the existing use of the site for community and leisure purposes. The proposals relate purely to provision of improved facilities including the increase in covered seating provision and covered standing areas for the existing spectators visiting the football ground. The development is acceptable in respect of its principle, general design, and highways impact, and is considered to be acceptable in respect of its impact on neighbouring amenity. It has also demonstrated water neutrality. The proposals are therefore considered to comply with HDPF Policies 25, 31, 32, 33, 40, 41, 42 and 43 of the HDPF.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission subject to the following conditions:

Conditions:

1. **Plans list**
2. **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

3. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

4. **Pre-Occupation Condition:** Prior to the first use of any of the facilities hereby permitted, details (including location and specification) of the new ball stop fencing with details of noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority. No use hereby permitted shall commence until the new approved ball stop fencing associated with the use of the football club have been fully implemented and made available for use. The provision for ball stop fencing shall thereafter be maintained and retained for use at all times.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 43 of the Horsham District Planning Framework (2015) and as this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

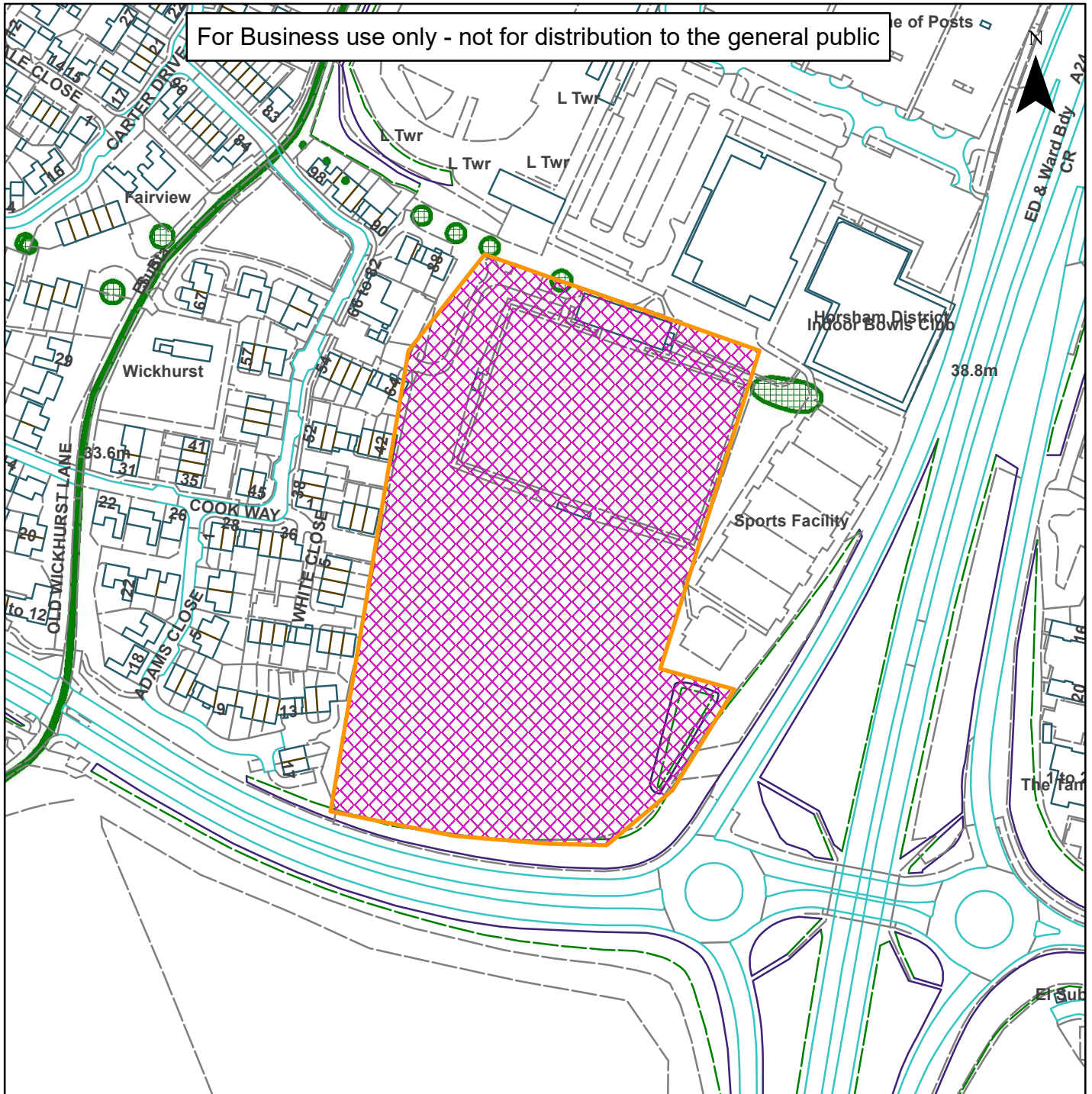
6. **Regulatory Condition:** No additional external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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



High Wood Hill Sports Ground, Wickhurst Lane, Broadbridge Heath,
West Sussex, RH12 3YS

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/03/2024
MSA Number	100023865

This page is intentionally left blank