



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 November 2019

**DEVELOPMENT:** Demolition of an agricultural building and erection of a detached dwelling with associated access and landscaping

**SITE:** Land at Wiltshire Farm Pickhurst Lane Codmore Hill Pulborough

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/19/0591

**APPLICANT:** **Name:** Sir John Ritblat **Address:** c/o Batcheller Monkhouse

**REASON FOR INCLUSION ON THE AGENDA:** The recommendation of the Head of Development would represent a departure to the development plan;

At the request of the 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 seeks full planning permission for the demolition of the existing agricultural building on site and erection of 1no detached single storey dwelling, incorporating associated curtilage land, new access and driveway. The existing building is a large single storey agricultural building and is constructed with timber clad and concrete walls, steel pillars, a concrete floor and corrugated roof sheeting. The building has open sides to the east and west and appears to have been in use for the sheltering of livestock.
- 1.2 Conversion of the agricultural building was granted under Prior Approval application ref: DC/17/0963, under Class Q of the General Permitted Development Order 2015 (GPDO). This prior approval established that the existing agricultural building can be converted into 1no five-bed detached dwelling. This current planning application seeks the demolition of the existing agricultural building and the erection of a replacement single storey five-bed detached dwelling as an alternative to the permitted development conversion of the existing agricultural building in a re-positioned location. The proposed dwelling would be located to the north of the existing agricultural building, approximately 25m away, and would be located approximately 25m away from the wooded area to the north of the site.

- 1.3 The proposed dwelling would utilise a part 'L' shaped configuration and given its location with regards to the existing building to be removed, would be located within the north-eastern corner area of the existing field making up the wider site. The proposed dwelling would measure 4.9m in height which would be similar to the existing height of the agricultural building to be removed. The proposed bungalow type dwelling would utilise a pitched gabled roof design with multiple double pitches. The principle elevation and main entrance would be to the northern elevation of the building which would also incorporate a basement area for parking, storage and plant.
- 1.4 The proposed dwelling would utilise a contemporary design, however one which would introduce more natural materials such as brick, Horsham stone and timber cladding to the external walls, natural slate and metal sheeting to the roofs and aluminium to the windows and doors. The proposed gabled elements to the building would take its cues from the existing building in terms of the roof design and pitch angle. The overall GIA to be created would measure 588sqm, including the basement (457sqm at ground floor level). The existing agricultural building measures 343sqm in terms of its GIA.
- 1.5 The proposed dwellinghouse would be served by the creation of a new access point from Pickhurst Lane to the east. A dedicated residential curtilage as well as landscaping proposals have also been submitted as part of the proposals for the site.

## DESCRIPTION OF THE SITE

- 1.5 The application site relates to an agricultural building and an area of land located at Wiltshire Farm, Pickhurst Lane, Pulborough. The site is located to the west of Stane Street (A29) and is not located within any defined built up areas. The site is therefore considered to be situated within the countryside. The site is considered to be very rural in nature with sporadic development within the surrounding area with dwellings located a considerable distance away to the north, east and west. The existing agricultural building on site has benefitted from Prior Approval for a conversion to a residential dwelling under Class Q of the GPDO, granted under planning reference DC/17/0963. The principle of the creation of a dwelling on this site has therefore been established.
- 1.6 Looking at the wider site, the proposed dwelling which is the subject of this application, would be located to the north of the existing agricultural building within an area of grassland. The northern boundary of the site is screened by mature soft landscaping and it is noted that the boundary of the South Downs National Park Authority (SDNPA) is located amongst this area of trees to the north. It is also noted that there is an area of Ancient Woodland located to the east of the application on the eastern side of Pickhurst Lane. A Public Right of Way (PROW) runs along the east of the site which provides existing access to the site.

## 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 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- Policy 30 - Protected Landscapes
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

Supplementary Planning Guidance:

2.4 Rudgwick Parish Design Statement

RELEVANT NEIGHBOURHOOD PLAN

2.5 Status – Pulborough Parish has been designated as a Neighbourhood Development Area as of February 2014.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0963	Prior Approval for a proposed change of use of agricultural building to a dwellinghouse	Prior Approval Required and PERMITTED on 23.06.2017
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**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](http://www.horsham.gov.uk)

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection  
Supported on landscape grounds with landscape conditions imposed.

The barn, in its current location has consent for conversion into a dwelling. This is the fall-back position. The proposed replacement development is to be located to the North of the site with new access bringing it to approximately 25 metres of the SDNP boundary. However, this boundary lies within woodland and I do not believe that this would be perceived as having a negative effect on the setting of the National Park – given the screening afforded by the existing and proposed planting.

This new planting also assists in lessening the effect of the dwelling on the amenity of walkers using the footpath ROW1983 which runs north south behind the hedgerow which forms the eastern boundary of the site.

The amended and simplified design submitted with this proposal has addressed the majority of the concerns raised at pre-application. The design is much reduced and the appearance much more agricultural, the materials are also considered appropriate.

However, I still have concerns about the extent of glazing which in Para 5.9 of the Planning statement dated March 2019 states is minimal and sympathetic. The southern western

elevation of the building has extensive glazing – care would have to be taken to ensure that any glazing does not reflect sunlight and create glare towards ROW 1989 – as well as ensuring that the night time light spill is controlled – especially in the winter months when the hedgerow leaf cover is reduced. The effect on the SDNP Dark Skies should also be considered.

The issue of light pollution would still be relevant if DC/17/0963 was implemented. The field boundary (within applicant ownership but outside the curtilage) to the south should be bolstered with additional tree planting in order to assist in reducing any potential glare and increase the biodiversity net gain of the development. This can be reviewed as part of the discharge of landscape conditions.

Recommendation:

The location and appearance of the dwelling are acceptable in landscape terms and will be further enhanced by the additional planting suggested above, providing steps are taken to ensure no negative effects on the landscape are created by the glazing and lightspill.

3.3 **HDC Tree Officer:** No Objection (Verbal comments)

OUTSIDE AGENCIES

3.4 **WSCC Highways:** Comment

It is considered that the movements associated with the residential use would lessen over that generated by an agricultural use. There are no highways safety concerns with the proposal, for more detailed comments relating to the access within the PROW, please refer to the comments of the PROW Officer sent 27 March 2019.

3.5 **Southern Water:** No Objection

3.6 **WSCC Public Rights of Way:** Comment

Additional information should be provided if planning consent is granted to ensure that use and access to the Public Right of Way is not affected.

3.7 **South Downs National Park Authority (SDNPA):** The SDNPA maintains and reiterates its comments and concerns about the as outlined in the response dated 22nd March 2019, as follows:

'It is noted that 'Prior Approval for a proposed change of use of agricultural building to a dwellinghouse at Codmore Hill Farm Barn, adjacent to Wiltshire Farm Pickhurst Lane Pulborough, was permitted on 23rd June 2017 and is extant until 23rd June 2020. The dwelling approved under Class Q is stated as 347sqm and is on a smaller red site area than that proposed under the above full application. The submitted Design and Access statement further states that this new "...application seeks to increase this area by 104sqm to 451sqm."

Notwithstanding the weight of the 'fallback' position (as a material consideration) of the 5 bedroomed house permitted by Class Q of the GPDO, the SDNPA has concerns about the proposed new dwelling as applied for under the above application on a separate larger footprint and site area, much closer to the boundary of the National Park. The introduction of the new larger dwellinghouse closer to the boundary of the National Park is considered to have significant adverse impacts on the special qualities and rural setting of the close South Downs National Park. It is likely to have an enhanced residential presence, use, living facilities and domestic paraphernalia, together with the general noise and activity normally associated with new dwellings; this would not be conducive to the special qualities, tranquility and dark skies of the designated National Park.'

In the event Horsham District Council are minded to approve the scheme, given that the South Downs National Park is an International Dark Sky Reserve (IDSR), careful regard should be had to the advice and recommendations of the submitted Lighting Strategy, including the advice and suggested mitigation relating to "...interior light emitted from windows..." that could "...affect the night time environment." and how such mitigation can be controlled by Horsham DC.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park; this document can be found at: <http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Horsham District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at: <http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)

The SDNPA trust that the above comments are helpful to Horsham District Council in the appraisal and determination of this planning application, in consideration of the setting and special qualities of the South Downs National Park.

**3.8 Natural England:** No Objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**3.9 Ecologist:** No Objection

We have reviewed the submitted Preliminary Ecology Appraisal (PEA) document (Ecosa Ltd, Feb 2019) as well as the newly submitted Ecological Impact Assessment (EclA) also by Ecosa Ltd dated July 2019.

We understand that evidence of roosting Brown long-eared bats was recorded within the barn during the PEA and that pipistrelle species were recorded during the follow-up emergence surveys in 2019. The information provided regarding roosting bats is considered sufficient for determination, and the mitigation / compensation measures of an EPS licence, installation of two bat boxes on trees on site and installation of two bat boxes incorporated into the buildings as well as post-development monitoring of the boxes is supported and will form a condition of any granted consent.

The following avoidance, mitigation and enhancement measures have been embedded within the development and will be secured as part of any planning consent:

- Protective fencing will be installed around the development site to prevent accidental damage to retained trees and hedgerows;
- Reduce the impacts of lighting on site lighting will comprise hooded luminaires directed away from vegetation, particularly the boundary habitats and the off-site woodland to the north-west;
- New native tree and shrub planting will be planted to along the eastern boundary of the site to reinforce the retained hedgerow.

- Enhancement of habitats to include new native tree and shrub planting will be greater than the amount of hedgerow habitat lost and,
- The installation of two bat boxes installed on suitable trees on site and two integral bat boxes incorporated into the building for loss of bat roost in the barn.

The likely impacts from this development have been considered within the HRA Appropriate Assessment prepared by the LPA which concludes that, with mitigation, adverse effects on site integrity of The Mens SAC or Ebernoe Common SAC, either alone or in combination with other plans and projects can be avoided and the project should be able to proceed. As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment is in line with the People over Wind CJEU Court ruling.

Survey information provided for Badger is considered sufficient for determination, and with no badger activity found on site, the precautionary mitigation measures identified will need to be implemented in full. A badger survey should be undertaken at least six months prior to works commencing, to check the status of badger activity at the site and to allow sufficient time for mitigation measures to be put in place if necessary.

The PEA and EclA recommends further survey for Barn Owl immediately prior to works commencing to check the status of Barn Owl activity within the barn. This will form a condition of any granted consent and appropriate mitigation should be provided in the event the roost is active again.

The EclA found a small population of Grass Snake to be present in the wider area around the site. The mitigation measures proposed will need to be implemented in full as part of any granted consent.

We are therefore satisfied that there is currently sufficient ecological information available for determination. In line with para 170d of the Planning Policy Framework 2019, a Biodiversity Enhancement Strategy will be secured as a condition of any consent to provide details of measures to deliver measurable net gain for biodiversity.

This is needed to provide certainty of likely impacts on protected species (particularly bats) and Priority habitats and species, and appropriate mitigation measures which can be secured. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

## PUBLIC CONSULTATIONS

- 3.10 **Parish Council Consultation:** Objection  
Due to over-development of this area and this could set a precedent for further development within adjoining fields. Members would like to request that this application goes before the Planning Committee.
- 3.11 2 letters of objection have been received for this application. The nature of the objection can be summarised as follows –
- Highways concerns and use of public right of way during development by heavy vehicles
  - Loss of agricultural land and building current used for livestock
- 3.12 1 letter of support has been received for this application. The nature of the support letter can be summarised as follows –

- The proposal would aid in improving the surrounding area

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

- 6.1 The main issues are the principle of the development in the location and the effect of the development on;

- The principal of development in this location
- The character of the dwelling and the visual amenities of the countryside
- The amenities of the occupiers of adjoining properties
- The quality of the resulting residential environment for future occupiers
- The highways impacts of the proposal

##### **Principle**

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 79 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 HDPF Policy 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either a Local Plan and there is currently no Neighbourhood Plan for the Parish of Pulborough and thus the application proposals directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.
- 6.5 Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 79 which would allow such developments is as follows –

'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
- development which 'would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area' will be supported

- 6.6 The application is not being justified against the above criteria, and while the design (which is considered in detail later in this report) would represent an enhancement when compared to the existing utilitarian barn building it would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.
- 6.7 Notwithstanding the above, it is noted that the conversion of the existing agricultural building on the site to form 1no residential dwelling has Prior Approval under Class Q of the GPDO (DC/17/0963, dated 23 June 2017) and is permitted development. This Prior Approval consent also permits building operations reasonably necessary to convert the building to a C3 residential use, including new walls, roofs and windows. This is a material consideration in the determination of this current planning application.
- 6.8 The presence of a prior approval for 1no residential dwelling, which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of a residential unit on the site.
- 6.9 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 4 and 26 of the HDPF would not be warranted and would not prevent a dwellinghouse from being created on the site. On this basis the principle of development is considered acceptable, subject to any permission requiring the demolition of the existing agricultural building (to avoid both developments being carried out) and other relevant detailed considerations.

### **Character and appearance**

- 6.10 With regards to design, Paragraph 131 of the National Planning Policy Framework (NPPF) states that - "great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area".
- 6.11 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.12 The proposal would involve the creation of 1no dwelling located in close proximity to an existing agricultural barn to be demolished and removed from site. The proposed dwellinghouse would have a single storey design and would have a similar built form to the agricultural building to be removed in terms of gabled roof design and pitch angle. The proposed replacement bungalow would utilise a predominantly 'L' shaped configuration with design features which would break up the uniform profile, including a number of pitched roofs and a mixture of materials. The proposed dwelling would be made up of predominantly natural materials including brick, Horsham Stone and timber cladding making up the external walls, natural slate tiles and metal sheeting to the roof, including large areas of glazing and rooflights.
- 6.13 The design and appearance of the existing agricultural building to be removed is not considered to be of any architectural merit or value and from a case officer site visit it was evident that some elements had fallen into a bad state of repair. Following its demolition, the area of land which the existing building currently occupies would be restored to grassland

and field to match the surrounding field area with the provision of additional planting also proposed.

- 6.11 The proposed design, consisting of a single storey with basement and elements taken from the form of agricultural buildings seen with the countryside, as well as the proposed materials pallet to be used for the dwelling are considered to be appropriate for this setting following consultation with HDC's Landscape Architect, subject to additional planting which is proposed and would be controlled via a suitable condition. It is considered that the design of the proposed dwelling would represent an enhancement to the site when compared to the existing building. The existing building, whilst it has permission under current permitted development rights to be converted to a dwelling, would be limited in terms of the design considerations that can be given. Whilst it is acknowledged that the proposed dwellinghouse would occupy a larger footprint, it is considered that its design would relate more sympathetically with the landscape, given its location and materials to be used and would serve to enhance the countryside location, introducing a building of architectural merit and interest.
- 6.12 The proposed dwellinghouse would be located approximately 20-30m away from the wooded area to the north of the site which contains the boundary line to the SDNP. It is noted that concerns have been raised by the SDNPA authority in their consultation response to the Council regarding the location of the proposed dwellinghouse and the proposed impact on the SDNP. Notwithstanding the points raised by the SDNPA, it is considered that although the proposed dwellinghouse would be located in closer proximity to the SDNPA boundary, (approximately 25m when compared to the existing agricultural building), given that this area consists of woodland, it would not have a detrimental impact on the wider landscape or character of the National Park. The proposed wooded area would maintain a buffer to the SDNP and given the short distance between the existing and proposed buildings on site, it is not considered that the proposal would result in additional harm to be caused beyond that of the existing building.
- 6.13 Additional concerns have been raised by the SDNPA in terms of light spillage and impact on dark skies. However, it must be noted that these concerns would be relevant in the case with the extant Prior Approval Application for the conversion of the agricultural building to a dwelling. With regards to this application, the Council is able to control potential light pollution and impact on dark skies via suitable conditions, however this is not the case under the Prior Approval procedure. As such, whilst it is acknowledged that the proposed dwellinghouse would be located in closer proximity to the SDNPA boundary, the Council have the capacity to exercise more stringent control over the details within this application to ensure that the proposals would not be harmful to the setting of the SDNP. These include a condition pertaining to the proposed external materials and the exact specification of the glazing to be used for the development.
- 6.14 The application includes the provision of a new access point providing vehicular access to the property from Pickhurst Lane to the east. In order to facilitate the proposed drive, a category C grade tree and an area of unmaintained hedges and verge would be removed. The proposed access would be similar to the existing access in terms of its width and positioning. It is noted that the existing access would be retained to provide access to the agricultural field to the west.
- 6.15 In addition, it is noted that a Public Right of Way runs to the east of the site from north to south and provides the main access to the site. The existing agricultural barn is located in close proximity to the eastern boundary of the site and is clearly visible from the PROW. Given the proposed dwellinghouse would be set further back from the access track and would have a similar height when compared to the existing building to be removed, it is considered that the proposed dwellinghouse would not have a detrimental impact on the surroundings in terms of views along the PROW and would not appear anymore prominent from this vantage point than when compared to the existing building.

- 6.16 Following consultation with HDC's Landscape Architect and Tree Officer who have raised no objections to the proposals with regards to matters discussed in paragraphs 6.14 and 6.15 above, it is considered that the proposals would have a neutral impact on the character of the area and would be acceptable from these standpoints.
- 6.17 Whilst it is acknowledged that the proposed dwelling would represent an overall increase in footprint when compared to the existing agricultural barn on site, it is considered that the overall design in terms of build form, character and the pallet of materials to be used would result in a markedly improved dwellinghouse when compared to the existing situation on site. The resulting design would result in an enhancement on the converted agricultural building which would result from implementation of the existing prior approval and an enhancement of the overall setting of the countryside location. Although located closer to the SDNPA boundary, matters such as the makeup of the site, the existing buffer in place and the fact that this current application gives greater control over the eventual development of the site, particularly in respect of detailed design, landscaping matters and dark skies/lighting weigh in favour of supporting the current scheme. As a consequence of the circumstances described above, it is considered that the proposals would accord with Policies 26, 30, 32 and 33 of the HDPF as well as Paragraph 131 of the NPPF.

### **Impact on neighbouring amenity**

- 6.18 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. The proposed location of the relocated proposed dwelling would not be too dissimilar to the existing agricultural barn which has permission to be converted. Taking into account the single storey design of the proposal and considerable distances maintained, it is considered that the proposed building would not have a detrimental impact on neighbouring amenity and is considered to be acceptable in this regard.

### **The highways impacts of the proposal**

- 6.19 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposals include the creation of a new access into the site to the north of the existing site and new driveway running from east to west. Underground parking with the provision of 6 spaces would be provided at basement level to the dwelling. Following consultation with WSCC Highways who have raised no objections, the proposals are considered to be acceptable on highway and transport grounds, subject to appropriate conditions to be attached.
- 6.20 It also must be noted that the existing access serving the agricultural barn to be removed would be retained to allow for access to the existing agricultural fields to the west of the site and this is considered to be acceptable.

### **Ecology Considerations**

- 6.21 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.
- 6.22 An Ecological Impact Assessment has been provided with this application which identifies that whilst the site is considered to be of low ecological value, there is a presence of bats and barn owls. A Habitats Regulations Assessment (HRA) has also been produced on behalf of the Council which concludes that "the project will not have an adverse effect on the integrity

of the habitats sites listed in this assessment, either alone or in combination with other plan and projects”.

- 6.23 The Council’s ecology consultant has not raised any objections to the proposals following submission of additional information and the HRA. Suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place. It is considered that the proposals would not have a detrimental impact on ecology, and overall the proposals are considered to be acceptable in this regard, in accordance with Policy 31 of the HDPF.

**Conclusion**

- 6.24 The site is within a countryside location and has not been allocated for residential development, whilst the proposal does not represent a use essential to this countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of Prior Approval for the conversion of the existing agricultural building on the site to form 1no dwellinghouse. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide 1no purpose built dwellinghouse, matching the result from implementation of the prior approval scheme and would represent an improved appearance to the site and landscape compared to the development that could otherwise come forward on the site under the Prior Approval consent.

- 6.25 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, neighbouring amenity or highway safety or the SDNP. These benefits compared to the fall-back position provided by the extant Prior Approval consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.

- 6.26 Conditions are suggested to ensure; adequate boundary treatments, detailed use of materials to be provided, a landscaping scheme to confirm all hard and soft landscaping details, the removal of the existing building on site, the definition of the residential curtilage to serve the proposed dwelling and details in relation to potential light pollution.

6.27 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	588	343	245
		<b>Total Gain</b>	<b>245</b>
		<b>Total Demolition</b>	<b>343</b>

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

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

- 1 A list of the approved plans
- 2 **Standard Time Condition:** The development hereby permitted shall 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-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) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (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 development shall thereafter be carried out in accordance with the approved details. 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).

- 4 **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).

- 5 **Pre-Commencement Condition:** Prior to the commencement of relevant works for the erection of the dwelling hereby approved, the existing agricultural building, as shown on drawing no. 0119 REV B, received 20 June 2019, indicated on the plan as 'Demolished Dwelling' shall be fully demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

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

- 6 **Pre-Commencement Condition:** Further supplementary ecological surveys for Barn Owl shall be undertaken to inform the preparation and implementation of corresponding ecological mitigation measures required through Condition 13. The supplementary surveys shall be of an appropriate type for the above Barn Owl and survey methods shall follow national good practice guidelines.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

- 7 **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, roofs and doors 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).

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall take place until details of the glazing, including the rooflights, to be installed to the hereby approved dwelling have been submitted to and approved in writing by the Local Planning Authority. These details shall include measures and / or specifications for low transmittance or tinted glass to reduce light pollution. The glazing shall be installed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the potential adverse impact of light pollution is mitigated in accordance with Policy 30 of the Horsham District Planning Framework (2015).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental 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).

- 10 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Strategy for Protected and Priority species shall be 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: 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) and Policy 31 of the Horsham District Planning Framework.

- 11 **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 megabytes 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).

- 12 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Details of any external lighting

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

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

- 13 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Ecosa Ltd, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

- 14 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 15 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Classes A, B, C, E, or F of Part 1 or Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0591  
DC/17/0963