



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 21st September 2021

DEVELOPMENT: Erection of three dwellings

SITE: Rye Farm Hollands Lane Henfield West Sussex BN5 9QY

WARD: Henfield

APPLICATION: DC/20/2266

APPLICANT: **Name:** Andy Barrott **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: The development, if approved, would represent a departure from the Development Plan.

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of two existing agricultural barns and construction of three dwellings with associated access driveway and parking. The application has been submitted following the prior approval consent, DC/20/0604, relating to the conversion of one of the existing agricultural barns to 4 x 3 bedroom dwellings.
- 1.2 The proposed development would be accessed via the existing private track from Hollands Lane which is located 770 metres to the north of the development site.
- 1.3 The development would comprise 3 x 3 bedroom dwellings, two dwellings incorporating a single storey timber cart shed design and one incorporating a two storey timber barn with an attached car port. A central shared access with a turning area at the eastern end would provide access to the dwellings, parking areas and garage.

1.4 During consideration of this application, additional information and amended plans have been received which have made the following changes to the scheme:

- The number of units have been reduced from 4 x 3 bedroom dwellings to 3 x 3 bedroom dwellings
- Unit 1: The orientation of this dwelling and its associated parking has been altered to face to the south, into the development, rather to the north outwards.
- Unit 2: Reduction in dwellings from 2 x semi-detached dwellings to 1 x detached dwelling incorporating a barn style design with attached carport. Parking area also repositioned to the east (rear) of the dwelling instead of to the west (front) of the dwelling.
- Unit 3: Dwelling altered from a 1 1/2 storey barn design to a single storey rural cattle shed design.
- An acoustic report submitted to assess the impact of noise to potential occupiers of the proposed dwellings.

DESCRIPTION OF THE SITE

1.5 The application site is located outside of any built up area boundary and situated to the south-west of Henfield village centre. The application site currently comprises two large steel framed open sided barns which have recently been used for agricultural purposes. The buildings are part timber clad and part metal sheeted with a fibre cement pitched roof. The site also incorporates an area of the existing grassed land to the north of the existing barns.

1.6 Access to the site is via a private track from Hollands Lane to the north which provides access to the farm house, agricultural buildings and other residential properties. The surrounding area is predominantly rural in character, with farmyard buildings located to the north-west of the site. A Public Right of Way (2527) is located to the north of the site, partially following the line of the existing access track.

1.7 The residential property, Rye Farm House (now known as Rye Island) which comprises a Grade II Listed Building, lies to the east of the site along with an adjacent yard comprising a number of shipping containers and a cluster of buildings. These buildings have been subject of recent planning application, DC/20/2135, which is currently being considered by the Council. This application on the neighbouring site seeks retrospective planning permission for change of use of the adjacent yard buildings to mixed sui generis uses comprising two offices and one showroom, internal storage and open storage uses in conjunction with an events business.

1.8 To the south of the application site lies the residential property, The Rye, and adjacent to the southern boundary of the application site is a large green metal profiled building which was permitted by the Council under application DC/16/2176 for use as a workshop in conjunction with the occupier of The Rye's fencing business.

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 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Supplementary Planning Guidance:

Henfield Parish Design Statement SPD – December 2008

RELEVANT NEIGHBOURHOOD PLAN

Henfield Neighbourhood Plan 2017 - 2031

Policy 1: A Spatial Plan for the Parish
Policy 4: Transport, Access & Car Parking
Policy 5: Utility Infrastructure
Policy 7: Education Infrastructure
Policy 10: Green Infrastructure & Biodiversity

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/0690	Prior approval for the demolition of an agricultural building	Prior Approval not Required 01.05.2020
DC/20/0604	Prior approval of proposed change of use of agricultural	Prior Approval Permitted 09.07.2020

	building to a dwellinghouse (Use Class C3), and for associated operational development	
DC/19/1381	Installation of cladding and cart shed doors to existing barns	Application Permitted on 20.11.2019
DC/19/0238	Prior Approval for a proposed change of use of agricultural building to a dwelling house	Prior Approval Refused on 29.03.2019
HF/3/95	Erection of pole barn	Application Permitted on 18.04.1995

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

HDC Conservation: No objection

(Original Comments):

I am satisfied that although the principle of developing this site so close to the historic farmhouse may result in some harm and may not be completely appropriate, the principle has been accepted and the existing building is able to be converted to residential use. I am satisfied the current proposal is of a more appropriate layout, scale and design for a residential development than the existing permitted scheme. The current proposal seeks to create a group of buildings that might be expected in this rural location, imitating a farmstead of agricultural buildings and workers cottages. Conditions recommended to samples and details of materials, roof detailing, windows, roof lights and rainwater goods.

HDC Environmental Health:

(Original Comments): Comment.

There are commercial buildings with associated yards present to the south and east of the application site. It will therefore be necessary to adequately demonstrate that noise from these sources would not give rise to adverse impacts on the amenity of future occupants of the proposed dwellings. A noise assessment is therefore required along with a Phase 1 Preliminary Assessment given the historic agricultural use of the site.

(Amended Plans): I accept the conclusions of the Noise Assessment. Conditions recommended relating to scheme for sound attenuation (including additional screening along eastern boundary of gardens), contaminated land, asbestos and waste removal.

HDC Drainage Engineer: Comment.

If this development was permitted, I would recommend the residents sign up to the 'Flood Warning' Service.

OUTSIDE AGENCIES

Environment Agency: No objection

(Original Comments & Amended Plans):

It is noted that the red line boundary of this site includes a track which is located within Flood Zones 2 and 3 according to our Flood Map for Planning, yet the proposed dwellings are located entirely within Flood Zone 1. In accordance with paragraph 163 of the National Planning Policy Framework, applications for development in Flood Zones 2 and 3 should be supported by a site-specific Flood Risk Assessment (FRA). However, being pragmatic given

that the proposed dwellings are entirely within Flood Zone 1 and some way from Flood Zones 2 and 3, the Environment Agency accept that the acknowledgement by the Applicant that the dwellings are in Flood Zone 1 is sufficient for this particular site.

Given that the track is located within Flood Zones 2 and 3, the Local Planning Authority are advised to consult with emergency planners and the emergency services to confirm the adequacy of the rescue and evacuation proposals for occupants of the dwellings.

WSCC Highways: No objection

(Original Plans):

Visibility at the existing access onto Hollands Lane appears sufficient for the anticipated road speeds in this location. Furthermore, as an existing access currently serving the agricultural use, the proposed use is not anticipated to result in an increase in traffic movements at this access. There is no evidence to suggest that the access is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

It is conceivable that the PROW 2527 (Public Right of Way) will be affected by an increase in vehicular traffic as result of the development should it be permitted. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved.

The proposed site plan demonstrates 8 parking spaces on an allocated basis of two spaces per dwelling. The WSCC parking demand calculator would expect a minimum of 3 parking spaces per dwelling for a development of this size and location. The applicant is advised to consider increasing parking provision to ensure that there is sufficient provision on site. The LHA would not raise a highway safety concern to the proposal as it is not anticipated that overspill parking would take place on the public highway or PROW in this location.

Conditions are recommended to secure car parking, cycle storage and electric vehicle charging.

(Amended Plans): No Objection.

Please refer to original comments. The revised plans demonstrate 6 parking spaces on an allocated basis. The WSCC parking demand calculator would expect a minimum of 3 parking spaces per dwelling for a development of this size and location. However, it is noted that each dwelling has an additional hard-standing area which would provide for sufficient additional parking.

WSCC Fire & Rescue: Comment.

Recommends condition requiring the installation of one fire hydrant. Currently the nearest Hydrant to these proposed properties is 820 metres away. The supply of water for firefighting for a domestic premises should be within 175 metres.

Ecology Consultant: No objection.

(Original Comments & Amended Plans):

Subject to conditions which require approval of a biodiversity enhancement strategy, a wildlife sensitive lighting scheme and development to be carried out in accordance with the mitigation and enhancement measures within the submitted ecology assessments.

Southern Water: No objection.

(Original Comments & Amended Plans):

There are no public foul and surface water sewers in the area to serve the development. The Applicant is advised to examine alternative means of foul and surface water disposal.

PUBLIC CONSULTATIONS

Henfield Parish Council: Objection.

(Original Plans & Amended Plans):

The Committee felt that this application is contrary to HDC planning regulations 1, 2, 4, 25, 26, 28, 31, 32, 33, 34, 38, 39, 40, and 42. The Committee notes that access to the site is through flood zone 3.

A total of 74 letters of objection from 42 separate households within the District have been received in response to this application. The comments made are summarised below:

- Impact on setting of nearby listed building
- Not allocated for housing development in Local Plan or Neighbourhood Plan
- Unsustainable location and remote from services
- Development would alter rural landscape of the area
- Site is in an area of flood risk which has flooded previously
- Disruption to local wildlife, in particular waterfowl and birdlife
- Design inappropriate to rural surroundings
- Urbanising impact on countryside
- Inappropriate access track which is poorly maintained and often inaccessible
- Impact on views from the South Downs National Park
- No associated services to the site
- Site impassable for emergency services when flooded

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

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

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

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

6. PLANNING ASSESSMENTS

Principle

- 6.1 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.
- 6.2 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 80 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).
- 6.3 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 the Local Plan or the Henfield Neighbourhood Plan 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.

6.4 Paragraph 80 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 80 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

6.5 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 group of outbuildings, it would not be truly outstanding or innovative. The proposal could not therefore be justified under p.80 of the NPPF.

6.6 Notwithstanding the above, it is noted that the conversion of one of the existing buildings on the site to form four residential dwellings has Prior Approval consent under Class Q of the GPDO (DC/20/0604) and was deemed to be 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.

6.7 The presence of a prior approval for four residential dwellings, 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 residential units on the site. The prior approval scheme would result in 4 x 3 bedroom dwellings on the site. In comparison the proposed scheme would create 3 x 3 bedroom dwellings of a similar size on the site. One of the principal considerations is therefore whether the proposal would comprise an enhancement or betterment in relation to the fall-back prior approval scheme for four dwellings on the site.

6.8 Officers raised concerns with the original scheme submitted for the erection of four new dwellings on the site in respect of whether the scheme provided an enhancement in comparison to the fall-back prior approval and also the visual impacts of the scheme on the rural character and appearance of the area. The Applicant has sought to respond to this by submitting amended plans which have reduced the number of dwellings on the site from four to three dwellings along with amendments to the positioning, orientation, scale and design of the proposed dwellings. The level of hardstanding within the development has been reduced and parking has been re-positioned within the centre of the development to reduce the perception of these hardstanding areas from surrounding countryside views.

6.9 It is acknowledged that this scheme would create a visual change to the appearance of this site within this historic farmstead site. At present the site comprises two large open sided barns with a small yard area and is therefore rural in terms of its character and appearance. It should be highlighted that this would likely alter should the prior approval scheme be implemented with one of the existing barns proposed for demolition and the other barn converted to four dwellings with six new windows and two entrance doors to the dwellings installed on the north-east of the barn facing the public right of way to the north of the site.

The prior approval conversion would likely result in the area to the north and east of the existing building being used for the parking of vehicles in association with the dwellings. Under the prior approval scheme, views of the currently open sided agricultural building would alter with the converted building appearing more residential in character and a likely proliferation of associated car parking visible from more sensitive views from the public right of way to the north.

- 6.10 The proposed scheme as amended represents a reduction in the units on the site, a more spacious layout and more suitably designed buildings appropriate to their rural context when compared to the fall-back prior approval position. Views of the development from the public right of way to the north would comprise a single storey cart shed designed dwelling (Unit 1) with the backdrop of the higher two storey barn style dwelling (Unit 2) and the single storey cart shed dwelling (Unit 3). The parking areas have been placed within the centre of the development to assist in mitigating immediate views of associated hardstanding and parking of vehicles which would have urbanising effects on the rural character of the area. Whilst the development would create a visual change in the appearance of the site in this rural area, it is considered that the amended scheme would result in an enhancement in relation to the visual impact of the development that would result from implementation of the existing prior approval scheme.
- 6.11 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 dwellinghouses from being created on the site. On this basis the principle of development is considered acceptable, subject to any permission requiring the demolition of both existing agricultural building (to avoid both developments being carried out) and other relevant detailed considerations.

Landscape & Design Impacts

- 6.12 The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide, and the National Model Design Code and Guidance Notes for Design Codes illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. The National Design Guide outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. These include: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.
- 6.13 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.
- 6.14 Policy 12 of the Henfield Neighbourhood Plan states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, are of a high quality and reflect the architectural and historic character and the scale of the surrounding buildings and landscape.
- 6.15 The site forms part of the historic farmstead of Rye Farm which has now been severed from the ownership of the listed farm house to the east, now known as Rye Island. The site lies within the Major River Valleys: Steyning & Henfield Brooks Landscape Character which is described within the Council's Landscape Character Assessment 2003 as an alluvial floodplain landscape which is mainly pastoral with cattle grazing, but with some arable farmland at the edges. The overall sensitivity to change is considered in the Landscape Character Assessment to be high due to the openness of the area and its intrinsic landscape qualities.

- 6.16 The farmstead site is located within a lower landscape slope with the elevated landscape of the South Downs National Park sitting to the south-east of the Rye Farm site. Whilst some views of the wider farmstead site may be possible from the higher elevated landscape of the National Park, the proposed development would be viewed amongst the backdrop of the cluster of buildings to the east and south which are in a mixture of commercial and residential uses. These neighbouring buildings predominantly comprise a mixture of two storey dwellings, corrugated steel barns and former agricultural buildings. In comparison the proposed residential development would comprise two single storey cart shed style dwellings with one two storey barn dwelling. The dwellings would be timber clad with clay roof tiles to remain sympathetic to their rural surroundings. Whilst some views of the proposed development could be possible from the higher vantage points within the National Park to the south-east, given the small scale of the development and low heights of the proposed buildings, it is not considered that the proposed development would cause any harm to important views within the National Park.
- 6.17 The visual impact of the proposed development is considered to be more localised on the immediate rural character and appearance of the area. The proposed development site comprises an enlarged site area of 0.3 hectares in comparison to the prior approval scheme which incorporated an area of 0.08 hectares. The proposed development would extend partially into the open triangular area of grassed land to the north of the existing building and into the grassed strip of land to the east of the existing building. The three dwellings would be centred round the internal shared access with all parking provided in the centre of the development. The enlargement of the site and the reduction in the number of dwellings provides a more spacious layout within the development, more adequate distancing between the residential properties and increased amenity space serving the proposed dwellings. The small increase in the development site within the grassed areas to the north and east would not interrupt any important or historic field patterns within the farmstead site or cause any harm to the rural character or sense of separation between the site and the public footpath to the north or the adjacent neighbouring buildings to the east.
- 6.18 The reduction in the scale of some of the dwellings from two storey properties to single storey dwellings and revision to their overall design is considered to be a significant improvement to the scheme compared to that originally submitted. Units 1 and 3 comprise single storey dwellings incorporating an 'L' shaped cart shed style design with a total ridge height of 5 metres. Unit 2 incorporates a two storey timber barn with attached single storey car port and a total ridge height of 7.2 metres. The barn would incorporate barn-hipped roof and central barn doors. The proposed dwellings would be horizontal timber clad, oak framed glazing, clay tiled roofs and conservation roof lights. The revised designs of the dwellings relate more sympathetically to rural character and appearance of the area and are reminiscent of ancillary rural buildings.
- 6.19 The reduction in the amount of hardstanding within the development and re-positioned car parking to the rear of the dwellings has reduced the more urban aspects of the proposed development on the rural character and appearance of the area. No specific materials have been provided in relation to the hard landscaping for the access driveway, driveway or turning area. However, a condition will be imposed requiring details of all hard and soft landscaping to be submitted and approved by the Council. It is noted that the northern boundary treatment to Unit 1 would need to comprise some soft landscaping opposed to hard boundary treatment to soften the visual impact of the development from the public footpath more rural aspect to the north. It is also acknowledged that the noise survey has recommended the provision of a fence along the boundary serving Unit 3 to mitigate some of the noise impacts of the adjacent neighbouring commercial uses to the east. The provision of a subdividing fence along the eastern boundary of the closest gardens within the development would not be considered to cause any harm to the rural character of the development as there is a mixture of close boarded fencing enclosing the adjacent yard to the east.

- 6.20 Whilst it is acknowledged that the proposed scheme would represent an overall increase in footprint when compared to the existing buildings and hard standings on site, it is considered that the more spacious layout and improved positioning and design of the dwellings, would be a considerable improvement to the prior approval scheme. The proposed development would result in an enhancement in comparison to the existing prior approval and an enhancement of the overall setting of the countryside location. 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 the NPPF.

Heritage Impacts

- 6.21 Paragraph 199 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.22 Policies 32 and 33 of the Horsham District Planning Framework (HDPF) promotes development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. Policy 34 of the HDPF states that development should reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.23 Policy 12 of the Henfield Neighbourhood Plan requires that the design of development preserves any adjacent listed buildings and their setting.
- 6.24 Approximately 83 metres to the east of the site lies the Grade II listed building, Rye Farm House, now known as Rye Island. Between the application site and the neighbouring listed building there are a number of intervening buildings within the adjacent yard to the east which are used by events businesses in conjunction with Rye Island. The Council's Conservation Officer has advised that although the principle of developing this site so close to the historic farmhouse may result in some harm, the principle has been accepted by virtue of the prior approval consent. The Council's Conservation officer considers that the current proposal is of a more appropriate layout, scale and design for a residential development than the prior approval scheme. He also considers that the proposal creates a group of buildings that might be expected in this rural location, imitating a farmstead of agricultural buildings.
- 6.25 Taking into account the existing prior approval consent and the comments of the Council's Conservation Officer, it is considered that the proposed development would comprise a layout and design that is sympathetic to the historic rural farmstead character of the area and would not harm to the significance of the heritage asset comprising Rye Farm (now Rye Island).

Flooding

- 6.26 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF states that development should apply a sequential, risk-based approach to the location of development and take into account all sources of flood risk and the impacts of climate change so as to avoid, where possible, flood risk to people and property. Paragraph 166 of the NPPF requires any residual risk to be safely managed; and safe access and escape routes should be included where appropriate, as part of an agreed emergency plan.

- 6.27 Policy 38 of the HDPF states that development proposals will follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere.
- 6.28 The proposed development itself would not be located within a designated flood zone. It is however acknowledged that the area approximately 198m to the north of the site, comprising a proportion of the access track to the site, is within a Flood Zone 2 & 3 area. It is noted that planning permission was granted under application DC/10/2634 for the widening and raising the height of part of the access track by 0.5m to enable access to the farm when it floods. Flooding within the local area has also been raised as an issue of concern within the letters of representation received. The Environment Agency has commented that as the proposed development is located entirely within Flood Zone 1 and some distance from the Flood Zones 2 and 3, they consider that a Flood Risk Assessment is not required.
- 6.29 The Environment Agency have also advised that in accordance with the provisions of the NPPF, it should be considered whether the development is safe in terms of the ability of residents and users to safely access and exit a building during a design flood, and to evacuate before an extreme flood. The Environment Agency have commented that the Local Planning Authority should consult with emergency planners and the emergency services to confirm the adequacy of the rescue and evacuation proposals for occupants of the dwellings. It should be acknowledged that the prior approval scheme relating to the conversion of the existing building to four dwellings represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application in relation to flooding would not therefore prevent the introduction of residential units on the site and their associated use of the private access road within the Flood Zones. Given the comments received from the Environment Agency on this application, it is considered reasonable to include a condition which would require a statement to be submitted and approved detailing the proposed evacuation measures and protocol for future occupiers of the dwellings in the event of a flood. A note to Applicant will also be included which will advise occupiers of the proposed dwellings to sign up to the 'Flood Warning' Service as per the Council's Drainage Officer's advice. This would ensure that an appropriate evacuation and escape procedure is in place in accordance with the requirements of the NPPF and that occupiers of the dwellings are aware of flood warnings in advance.

Amenity & Noise Impacts

- 6.30 Paragraph 185 of the NPPF requires new development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.31 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties. This policy also required developments to be designed to avoid unacceptable harm to the amenity of occupiers/users of property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.32 The main issue is considered to be the noise impacts of the surrounding uses of land and buildings on the potential occupiers of the proposed dwellings. The neighbouring residential dwellings of The Rye, located 78 metres to the south-west, and Rye Island, located 100 metres to the east, are significantly well distanced from the proposed development. It is therefore considered that the amenity of the existing residential dwellings would not be affected by the proposed development.
- 6.33 The existing building is located within a rural area with an active farm located to the north-west. Approximately 33m to the south of the application site is a large green metal profiled building which was permitted by the Council under application DC/16/2176 for use as a

workshop in conjunction with the occupier of The Rye's fencing business. This building was restricted by condition to be used within Class E (formerly Class B1), office, research & development or light industrial or Class B8, storage and distribution uses with no restrictions on hours of use. The residential property, Rye Island, lies to the east of the site and an associated adjacent yard where there are a number of shipping containers and a cluster of buildings which have been subject of recent application, DC/20/2135, currently pending consideration. This application on the neighbouring site, seeks retrospective planning permission for change of use of the adjacent yard buildings to mixed sui generis use for two offices and one showroom, internal storage and open storage uses in conjunction with an events business.

- 6.34 Given the proximity of the development to commercial uses, the Council's Environmental Health Officer requested a noise survey to assess the impact of noise on the future occupiers of the proposed residential development residential amenity. A noise assessment has been submitted during the consideration of this application which states that through the use of mitigation (including selection of suitable glazing) and the provision of shielded external amenity areas, the proposed development complies with accepted acoustic practice and is acceptable in terms of noise. The report recommends that Type A double glazing with non-acoustic trickle ventilators are installed to all living areas and bedrooms in order to achieve the recommended internal noise levels set out in the British Standards. The noise survey states that the majority of the external garden areas serving the proposed dwellings would benefit from increased distance losses and screening effects from the buildings, such that the guideline values are achieved. The report recommends a solid timber fence along the eastern boundary of the closest garden, serving Unit 3, to provide compliance with the recognised noise standards. Following review of the noise survey, the Council's Environmental Health Officer has raised no noise related concerns relating to the occupation of the proposed dwellings from the adjacent commercial uses.
- 6.35 A condition which requires a scheme for sound attenuation against external noise in accordance with the recommendations set out in the submitted noise survey will be included as per the recommendations of the Environmental Health Officer. With the mitigation measures included, it is considered that the occupiers of the proposed development would not experience any detrimental noise impacts from the surrounding commercial uses that would harmfully impact on their living conditions.

Ecological Impacts

- 6.36 Policy 31 of the Horsham District Planning Framework states that development 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. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks. Particular consideration will be given to the hierarchy of sites and habitats in the district which includes the Special Protection Area (SPA) and Special Areas of Conservation (SAC).
- 6.37 Policy 10 of the Henfield Neighbourhood Plan states that development proposals will be supported, provided their design seeks to maintain or increase biodiversity, retains existing Local Wildlife Sites, green corridors and other wildlife habitats; and takes any opportunity to provide a green corridor and achieve ecological connectivity between wildlife habitats and between open countryside.
- 6.38 The area surrounding the immediate site is rural in character. Pasture fields and agricultural land dominate the wider landscape, with numerous scattered trees and connective hedgerows. There are also two ponds a network of ditches within 250m of the site. A number of ecology surveys were undertaken as part of the previous prior approval application as

there was considered to be a reasonable likelihood of protected species being present and affected by the development. These have been re-submitted as part of this application.

- 6.39 The Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment submitted concluded that the existing buildings on the site had suitable roosting habitat and was likely a key foraging resource. The Bat Emergence and Re-entry Surveys submitted confirm that the existing buildings on site have a likely absence of bat roosts. Recommendations have been made for bat friendly planting and bat boxes to replace lost habitat and enhance the site for bats long term.
- 6.40 The site is within proximity to two ponds and a network of ditches and as such was identified in the PEA as potentially providing a suitable breeding habitat for great crested newts (GCN) and other amphibians. The Great Crested Newt and Reptile Mitigation Plan submitted specifies that the proposed development if unmitigated would entail the loss of approximately 0.03ha of tall ruderal and scrub habitat which would be used by GCN in their terrestrial phase. GCN and common reptiles could therefore be killed or injured during vegetation clearance which would contravene legislation. The scheme therefore includes a mitigation and enhancement plan to minimise the likelihood affects to GCN and reptiles. The report specifies that all works would be undertaken/supervised by an ecologist authorised by a GCN class survey licence, and with experience in GCN mitigation.
- 6.41 The Council's Ecology Consultant has confirmed that the Ecological Appraisal, Bat surveys and GCN Plan provides certainty of the likely impacts on protected and priority species and, with appropriate mitigation measures secured, the development can be made acceptable. Conditions have been recommended to secure the mitigation and enhancements measures set out in the Ecology reports and relating to the approval of a wildlife sensitive lighting scheme and biodiversity enhancement layout.

Climate Change

- 6.42 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes biodiversity mitigation and enhancement measures to build resilience to climate change. In addition to these measures conditions are attached to secure the following:
- Refuse and recycling storage
 - Cycle parking facilities
 - Soft landscaping
 - Water consumption limited to 110 litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Electric vehicle charging points

Highways, Parking & Impact on Public Right of Way

- 6.43 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users.
- 6.44 Policy 4 of the Henfield Neighbourhood Plan requires all developments to provide adequate roads and off road parking to conform to West Sussex County Council (WSSCC) standards. This policy requires protection of the existing network of footpaths and bridleways within the village and the continuing safe provision of accessible pedestrian routes.

- 6.45 The proposed development would be accessed via a privately maintained access road from Hollands Lane. A new formal access would be formed into the proposed residential development with a vehicle turning area at the eastern end. WSCC Highways have confirmed that there are no visibility issues at the existing access and that there is no evidence to suggest that the access is operating unsafely or that the proposal would exacerbate an existing safety concern.
- 6.46 The submitted plans show that there would be two parking spaces for each three bedroom dwelling and additional hardstanding parking. WSCC Highways have specified that three parking spaces would be required per dwelling for the proposed development. The Highways Authority have not however raised any concerns regarding the parking provision proposed as additional areas of hard-standing would provide for sufficient additional parking to serve each dwelling. The proposal would therefore meet the County Council's car parking demand requirements for this development.
- 6.47 The private road that would provide access to the development is also a maintained Public Right of Way (PROW). Whilst the County Council have advised that it is conceivable that the PROW would be affected by an increase in vehicular traffic as result of the proposed development, they have raised no objection. Taking into account the advice provided by the Highways Authority and given the scale of the residential development proposed, it is not considered that the proposed development would cause any impingement to the public use of the PROW. Officers would recommend a note to Applicant reiterating the County Council's advice in respect of the public use of the PROW taking precedence over private vehicular traffic, the Applicant being liable for any damage to the PROW surface and that the consent of the County Council must be sought for any resurfacing or improvements to the PROW.

Other Matters:

- 6.48 It is acknowledged that the WSCC Fire Officer has advised that there is insufficient supply of water for firefighting in the area and that the supply of water should be within 175 metres of a domestic property. Currently the nearest hydrant is 820 metres away from the site. The WSCC Fire Officer has also advised that there is insufficient access to the development for a fire appliance and therefore the Fire Service may not be able to attend the property with a fire appliance in the event of a fire. Given the scale of the residential development proposed, it is considered reasonable to impose a condition which requires the installation of a fire hydrant.

Conclusion

- 6.49 The site is within a countryside location and has not been allocated for residential development. The proposal does not represent a use essential to this countryside location and therefore conflicts with policies 4 and 26 of the HDPF. The Council cannot currently demonstrate a five year housing land supply thereby triggering the presumption in favour of sustainable development contained within Paragraph 11d of the NPPF. This results in Policies 4 and 26 being considered out of date reducing the weight to be applied to them. Given the recent adoption of the Henfield Neighbourhood Plan the provisions of Paragraph 14 of the NPPF apply, which states that the adverse impact of allowing housing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.
- 6.50 In this instance the proposals do not accord with policy 1 of the Henfield Neighbourhood Plan, which restricts housing development outside settlement boundaries in accordance with the countryside protection policies 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 one of the existing agricultural buildings on the site to form four dwellinghouses. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide three dwellinghouses, a

reduction of 1 unit in comparison to the prior approval scheme. It has been concluded that the proposed scheme provides a more spacious layout and an improved design which relates more sympathetically to the rural character of the area in comparison to the scheme that could come forward on the site under the Prior Approval consent.

- 6.51 Whilst the proposal would comprise 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. 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, and Policy 1 of the Henfield Neighbourhood Plan such that the grant of planning permission is recommended.
- 6.52 It has been acknowledged that the proposed development would cause some localised change to the character and appearance of this rural site, yet would not harmfully impact on wider landscape views, including those from the South Downs National Park. The amended plans have however improved the design of the scheme in context to the surrounding rural area, which would mitigate any harmful impacts to the farmstead character and appearance of the site. A well-designed and appropriate landscaping scheme, which can be secured by planning condition, would further assist in softening the visual impacts of the development from surrounding views.
- 6.53 The proposed development would not impact on the significance of the heritage asset at Rye Farm, cause any additional flood risk, impact on highway safety or harm access to the Public Right of Way. Measures have been provided in respect of biodiversity mitigation & enhancement, climate change and noise mitigation for future occupiers of the proposed dwellings in relation to surrounding commercial uses. The proposal is therefore considered to be acceptable having regard the fallback position and the improved design and layout of his proposal, despite the conflict with Policies 4 and 26 of the HDPF (to which reduced weight must be given) and Policy 1 of the Henfield Neighbourhood Plan. The application is recommended for approval subject to conditions on this basis.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st 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
	460		460
		Total Gain	460
		Total Demolition	

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

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 resolve to grant planning permission subject to the following conditions-.

Conditions:

1. **Approved Plans List.**

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 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 (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until samples and a schedule of materials and surface finishes and colours to be used for external walls, windows, roofs and doors of the approved buildings 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 ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and to protect the development from flood risk in accordance with Policies 33 and 38 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement (Slab Level) 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: 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).

7. **Pre-Commencement (Slab Level) Condition:** No dwelling hereby permitted shall be occupied until 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 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).

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Assessment Report by Noise Solutions Consultants (7 June 2021) and shall include additional screening along the eastern boundary of the garden to ensure the proposed amenity space is below 55 dB LAeq,16hr, in accordance with the recommendations of ProPG: Planning & Noise (2017). The approved sound attenuation works shall be completed before the dwellings/units are occupied and be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **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.
- (b) The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
- (c) 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.
- (d) 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.
- (e) 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).

10. **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).

11. **Pre-Occupation Condition:** The proposed development hereby permitted shall not be occupied until a statement detailing the means of evacuation and escape for occupiers of the dwellings in the event of a flood have been submitted to and approved in writing by the local planning authority. The occupiers of the dwellings hereby permitted shall thereafter be made aware of the approved emergency evacuation measures and procedure.

Reason: To ensure that there is an appropriate means of evacuation and escape in the event of flooding and in accordance with the requirements of the National Planning Policy Framework 2021.

12. **Pre-Occupation Condition:** The proposed development hereby permitted shall not be occupied 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: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

13. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the existing buildings, as indicated on drawing no. 201019_001_r.3, have been demolished (including the removal of foundations), all materials arising from such demolition removed from the site and the site of the demolished building.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

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

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

15. **Pre-Occupation Condition:** No dwelling 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 provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

16. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations 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 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).

18. **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 rear garden 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).

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

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

20. **Regulatory Condition:** No part of the development shall be first occupied until the access and vehicle parking and turning spaces have been constructed in accordance with drawing no. 201019_001_r.3. The access, parking and turning spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained within the Preliminary Ecological Appraisal Report (ArbTech, May 2020), the Bat Emergence and Re-entry Surveys (ArbTech, June 2020) and the Great Crested Newt and Reptile Mitigation Plan (ArbTech, June 2020) as submitted with the application and agreed in principle with the local planning authority prior to determination. This may 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham Development Framework (2015).

22. **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, D, E or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) 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 in order to protect the privacy and amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** No works for the implementation of the development hereby approved, including works of demolition, 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 the occupiers of the neighbouring residential properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

24. **Regulatory Condition:** There shall be no importation of soil and other fill materials onto the development site unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.

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

25. **Regulatory Condition:** All site clearance debris and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste.

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).