



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 5<sup>th</sup> December 2023

**DEVELOPMENT:** Demolition of an agricultural building and the erection of a two-storey dwelling (as an alternative to prior approval reference DC/21/2075).

**SITE:** Mill Farm Mill Lane Itchingfield West Sussex RH13 0NP

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/23/0460

**APPLICANT:** **Name:** Mr and Mrs Clare Bartlett **Address:** Mill Farm, Mill Lane C/O Batcheller Monkhouse 3-5 Swan Court, Station Road Pulborough West Sussex RH20 1RL United Kingdom

**REASON FOR INCLUSION ON THE AGENDA:** The proposed development represents a departure from the provisions of the adopted development plan.

**RECOMMENDATION:** To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **APPLICATION DESCRIPTION:**

- 1.1 Planning permission is sought for the demolition of an existing agricultural barn and the erection of a single two-storey dwelling for open market occupancy. The existing barn benefits from prior-approval (ref: DC/21/2075) for conversion to form an existing dwelling, with the proposal advanced as an alternative to the existing prior-approval consent.
- 1.2 The proposed dwelling is designed to incorporate a 'mansard' dual-pitched roof, constructed to a total ridge height of ~7.1m and eave height of ~3.2m. First storey accommodation would be contained within the proposed roof form, with the dwelling otherwise constructed to occupy the same physical footprint as the existing barn.

- 1.3 The submitted plans indicate the external use of vertical timber cladding to the main elevations of the proposed dwelling, the use of a metal roof-surface together with dark grey framed fenestrations and rainwater goods.
- 1.4 The proposed dwelling would feature a small incidental curtilage, largely contained to the rear (north) of the proposed dwelling and shown to project ~15m beyond the northernmost extent of the proposed dwelling. The curtilage would, additionally, incorporate vehicular parking to its front together with covered refuse and cycle stores.
- 1.5 The proposed dwelling would be accessed to the west via an existing private driveway shared with 'Mill Farm', connecting to 'Mill Lane', a single-track lane serving as Public Right of Way No. 1630, before joining with the publicly maintained highway at Fulfords Road, approximately 690m south-west of the site.

#### SITE DESCRIPTION:

- 1.6 The application site is found within a cluster of buildings forming 'Mill Farm', comprising the existing dwelling of Mill Farm and various buildings currently in equestrian use or former agricultural use. The existing barn proposed for demolition is presently utilised for the storage of hay, with a heavily dilapidated pigsty found to the adjacent west. From the officers observations on-site, it does not appear that the pigsty has been actively utilised for quite some time, evidenced by the dilapidation of the structure and the significant degree of overgrowth.
- 1.7 The application site is found beyond a defined built-up area boundary (BUAB), located ~420m south of the defined BUAB of Broadbridge Heath. The designated Ancient Woodland of Baystone Copse is located 15m to the west of the site, which is also located within the 12km wider conservation area of The Mens and Ebernoe Common Special Area of Conservation. The site is, additionally, located within the Sussex North Water Supply Zone, as subject of the Natural England 'Position Statement' of September 2021.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 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 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

### **Barns Green & Itchingfield (Submission) Neighbourhood Plan (2021)**

- 2.2 Barns Green & Itchingfield Neighbourhood Plan (2021) has undergone independent examination and was recommended to proceed to public referendum, subject to a series of minor modifications.
- 2.3 Subsequent to receipt of the examiners recommendation, and before a public referendum could take place, the Council received the Natural England Position Statement of September 2021 concerning the effects of public groundwater abstraction within the Arun Valley. The Submission Neighbourhood Plan did not consider effects upon the Arun Valley site and did not seek to achieve 'water neutrality' for the allocations contained within. The Submission Neighbourhood Plan, therefore, cannot proceed to referendum or adoption until a strategic solution to water neutrality is implemented.
- 2.4 Paragraph 48 to the NPPF (2023) provides that Planning Authorities may assign weight to relevant policies in emerging plans according to the stage of preparedness of the emerging plan, the extent to which unresolved objections to relevant policies remain and the degree of consistency of relevant policies to the provisions of the NPPF.
- 2.5 The relevant policies of the Barns Green & Itchingfield Neighbourhood Plan to this determination are considered to be:-
- Policy 1 – Green Infrastructure Conservation
  - Policy 2 – Biodiversity Conservation
  - Policy 5 – Protection of Green Infrastructure
  - Policy 11 – Windfall Development
  - Policy 12 – Design of Housing
  - Policy 13 – Sustainable Design Requirements
  - Policy 15 – Off-Street Parking
- 2.6 Recognising that the Neighbourhood Plan is currently unable to proceed to referendum the Council has published a Planning Advice Note (June 2023) which considers the individual policies of the Submission Neighbourhood Plan and advises as to the degree of compliance with the provisions of the NPPF. All policies identified above as relevant to this determination are considered as consistent with the provisions of the NPPF. In the additional context of a successful examination, representing an advanced level of preparedness, and the absence of unresolved objections against individual policies, the relevant policies of the emerging Neighbourhood Plan can be considered to attract significant weight pursuant to NPPF paragraph 48.

#### **Planning Advice Notes:**

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure  
Itchingfield Neighbourhood Plan and Water Neutrality

#### **PLANNING HISTORY AND RELEVANT APPLICATIONS**

DISC/23/0034	Approval of details reserved by condition 1 to approve application DC/21/2075.	Application Permitted on 30.03.2023
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HRA/22/0020	Regulation 77 of the conservation of habitats and species Regulations 2017 in respect of Prior Notification Approval DC/21/2075	Pending Determination
HRA/22/0004	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/21/2075.	Application Refused on 31.05.2022
DC/21/2236	Change of use of land to form enlarged residential curtilage and installation of an open air swimming pool.	Application Permitted on 20.05.2022
DC/21/2075	Prior Notification for the change of use of an agricultural building to a single dwellinghouse (C3).	Prior Approval Required and PERMITTED on 12.11.2021

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

##### **WSCC – Highways: Advice:-**

- 3.2 The Local Highways Authority (LHA) responded to advise that the proposed development would not be considered to result in an unacceptable impact upon highway safety or severe cumulative impact upon highway operation, such that there are no transport grounds to resist the proposal pursuant to NPPF paragraph 111.
- 3.3 In coming to that conclusion, the LHA officer recognised that prior-approval for the conversion of an agricultural barn to form a single dwelling was previously granted pursuant to ref: DC/21/2075 within the application site, and that no highway safety concerns were previously raised in conjunction with that proposal.
- 3.4 The LHA officer recognised that the site would be accessed via a single-lane private track leading onto Mill Road subject of a 60mph speed-limit. The LHA officer identified that the junction between Mill Lane onto Fulfords Road and Westons Hill appears substandard and does not meet expected stopping sight distances as specified within the Design Manual for Roads and Bridges for a road of the posted speed-limit. It was not, however, considered that vehicles would be travelling at the posted speed-limit as a consequence of road geometry and the presence of street signage advising a maximum speed of 15mph. The LHA officer noted the absence of any recorded injury accidents at the junction between Fulfords Road and Westons Hill.
- 3.5 The LHA officer, further, considered the proposed provision of two-parking spaces as sufficient for a dwelling of this size and location, and with sufficient space on site for vehicles to turn and exit onto the publicly maintained highway in a forward gear.
- 3.6 The proposed provision of covered and secure cycle parking was deemed to encourage sustainable transport methods and to reduce reliance upon the use of the private car.
- 3.7 Conditions were recommended to secure the provision of proposed vehicular and cycle parking in advance of the first occupation of the development.

##### **WSCC – Fire and Rescue: Advice:-**

- 3.8 The Fire and Rescue Service responded to advise that the proposed dwelling is 295m beyond the minimum distance to a fire hydrant required to serve a domestic premises. If an

alternative supply of water for firefighting purposes is to be provided, this will need to conform with details contained within the approved document B (AD-B) Volume 1 – 2019 edition: B5 section 14.

- 3.9 The Fire and Rescue Service, further, requested evidence to show suitable access and turning for a fire appliance in accordance with AD-B Volume 1 B5: Section 13.

**Forestry Commission: Standing Advice:-**

- 3.10 The Forestry Commission did not provide specific comments on the development proposals, though, did provide standing advice. The Forestry Commission's standing advice highlights NPPF Paragraph 180(c), and that development resulting in the loss or deterioration of irreplaceable habitats (including ancient woodland) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists, and that the Council should consider both direct and indirect impacts resulting from construction and operational phases of development.
- 3.11 The Forestry Commission advised that if development is likely to result in development within ancient woodland, or within its buffer, the loss of veteran or ancient trees or direct/indirect impacts upon ancient woodland, veteran or ancient trees, then specific comments from the Forestry Commission should be sought.
- 3.12 The Commission, further, invited that specific comments were sought if development were to result in the large-scale loss of non-protected trees and/or woodland, development on recently felled woodland or significant opportunities for the expansion, re-establishment and/or enhancement of woodland.
- 3.13 The Commission, lastly, included general advice highlighting NPPF paragraphs 174(d) and 180(d) which collectively encourage approaches to minimise impacts upon biodiversity and provide opportunities for biodiversity net-gain, shortly expected to become a mandatory requirement.

**HDC – Environmental Health: Further Information Requested:-**

- 3.14 The Council's Environmental Health team noted the proposed incorporation of a rainwater harvesting system to supply all water for the development, including drinking water. In order to ensure that rainwater was suitable for use and could be maintained and managed for the lifetime of development, as considered potentially highly contaminated, a detailed private water design and maintenance plan were requested. These details should be prepared by a suitably qualified consultant and include details on the expected contaminants likely to enter the system, detail on treatments types/methods and justifications, detail of proposed sampling and testing in accordance with private water supply regulations and remedial actions if a sample fails testing, details of the future maintenance, servicing and cleaning of tanks and equipment, details of the locations and specifications of tanks and treatment measures, details of measures to provide continuity of supply in the event of a drought lasting beyond 35 days and arrangements for the keeping and retention of records.
- 3.15 In respect of land contamination the Council's Environmental Health team sought clarification that the footprint of the proposed development was the same as that approved previously under ref: DC/21/2075.
- 3.16 Officers note that the Water Neutrality Strategy only seeks to incorporate a rainwater capture system to serve horses stabled on the holding, not within the proposed dwelling or for human consumption. As such, the details as recommended by the Environmental Health team are considered disproportionate for a rainwater system only servicing horses/livestock.

**HDC – Arboriculture: Objection:-**

- 3.17 The Council's arboricultural officer responded to object to the proposed development, by reason of the introduction of a domestic curtilage within the minimum recommended buffer to designated ancient woodland. The officer did note that permission granted pursuant to ref: DC/19/1984 allowed the creation of an expanded curtilage associated with an existing dwelling right up-to the woodland edge, the splitting of the curtilage was considered to place additional future pressure on the woodland as a result of an intensified use and potential for recreational activity at close proximity.
- 3.18 The Officer, additionally, considered that existing land uses have denuded the woodland to some extent over the preceding 50 years and that further activity increasing the risk of further deterioration should be avoided. A reason for refusal resulting from conflict with local and national policy related to the protection of ancient woodland was recommended.
- 6.19 It is advised that the extent/positioning of the proposed domestic curtilage has been altered subsequent to the above comments to avoid any new domestic land within 15m of the designation.

**Place Services – Ecology:** No objection:-

- 3.20 The Council's consultant ecologists responded to raise no objection to the proposals, subject to Natural England's comments on appropriate assessments conducted pursuant to the Protection of Species and Habitats Regulations (2017) as amended and in respect of likely potential effects upon the Arun Valley SAC, SPA and Ramsar and The Mens and Ebernoe Common SAC.
- 3.21 The consultant ecologist confirmed that the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment had been reviewed and provide sufficient ecological information for determination. It was agreed that the building to be demolished has negligible suitability to support roosting or hibernating bats and that no further surveys were required in this respect.
- 3.22 The site was noted to fall within the 12km conservation area of The Mens Special Area of Conservation (SAC), and that one of the qualifying features of the SAC was its significance for Barbastelle Bats. Ancient woodland of the type in the vicinity of the site are suitable for supporting roosting, foraging and commuting bats, including Barbastelle bats from the SAC.
- 3.23 The habitats on site offer negligible suitability for bats, with nearby ancient woodland and existing vegetation to be retained and protected by the proposals. The consultant noted that a sensitive lighting strategy is to be implemented to prevent excess light spill onto adjacent habitats, in particular towards adjacent woodland the hedgerows. Subject to these measures it was considered that no severance of flight lines for foraging/commuting bats would arise, such as to adversely effect the integrity of the SAC. A condition requiring the submission and approval of a sensitive lighting design scheme for bats was recommended accordingly.
- 3.24 The consultant was satisfied that there was no suitable habitat for Great Crested Newts, and that no specific surveys were required to establish the presence/absence of Great Crested Newt.
- 3.25 The consultant considered that the site would require a 15m buffer between any works and the adjacent ancient woodland in accordance with published guidance. The proposed reasonable biodiversity enhancements were supported, with a condition recommended to secure detail and implementation of various enhancement measures.
- 3.26 The Council's consultant ecologists, separately, completed a formal appropriate assessment pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) in respect of likely effects upon The Mens SAC and with regard to the

mitigations recommended with the Preliminary Ecological Appraisal and Preliminary Roost Assessment.

**Natural England:** No objection.

- 3.27 Two responses from the Nature Conservation Body were received in conjunction with this application.

Response to 'The Mens' appropriate assessment: Standing Advice

- 3.28 In response to the appropriate assessment conducted in respect of The Mens SAC, Natural England indicated that it would not be able to provide specific advice on this application and has no comment to make on its detail. Natural England explained that they have not been able to assess the potential impacts on statutory nature conservation sites, though, provided standing advice referencing published guidance for the conduct of an appropriate assessment and principles of habitats regulations assessment.
- 3.29 Natural England did indicate that the provision of non-detailed advice did not imply that there are no impacts on the natural environment, but that it is for the Local Planning Authority to determine whether or not the proposal is consistent with national and local environmental policies.

Response to the Arun Valley appropriate assessment: No objection

- 2.30 In respect of water-neutrality matters Natural England responded to advise that they concur with the conclusions of the Council's appropriate assessment subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

**Southern Water:** Advice:-

- 2.31 Southern Water responded to advise of the absence of recorded public water sewers which could service the proposed development, necessitating an alternative method of foul-water disposal. Southern Water advised that the Council seek the advice of the Environment Agency and Building Control in respect of the adequacy of foul and surface water drainage proposals.
- 2.32 Southern Water, further, advised of the possibility of an unrecorded sewer crossing the site, which if identified during construction works, would necessitate further investigation to ascertain ownership before any further works commence on site.

Southern Water declined to comment on the submitted Water Neutrality report, consistent with their standard practice.

**Itchingfield Parish Council:** Support

- 2.33 Itchingfield Parish Council responded to indicate their support for the proposal, though, raised no material remarks.

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

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

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

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

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

## **6. PLANNING ASSESSMENTS**

### Principle of Development:

- 6.1 Policy 2 to the Horsham District Planning Framework (HDPF) (2015), outlines the strategic objectives and approach of the development plan in seeking to maintain the unique rural character of the District whilst ensuring that assessed needs are met through sustainable growth and suitable access to services and employment. Policy 2 to the HDPF confirms that the development plan will seek to focus development in and around the key settlement of Horsham, and in other parts of the District in accordance with the defined settlement hierarchy. Policy 2, additionally, confirms that the development plan will bring forward specified strategic housing sites, seek to manage development around the edges of existing settlements to prevent settlement coalescence and protect rural landscape characters, encourage the effective use of previously developed land and safeguard existing employment sites. Additional objectives are set to ensure residential developments are responsive to community needs, in terms of affordability and tenure, and that development retains and enhances natural environmental resources in addition to the built-heritage of the District.
- 6.2 Policy 3 to the HDPF defines the settlement hierarchy of the District, and individual BUABs, within which, the principle of development is established. Broadbridge Heath is defined as a small town or larger village, characterised as a settlement benefiting from a good range of services and facilities, strong community networks and reasonable public transport services, below only the main settlement of Horsham in the settlement hierarchy.
- 6.3 Policy 4 to the HDPF sets the approach of the development plan to settlement expansion, recognising this as necessary to meet identified housing, employment and/or community needs, and that such expansion will be permitted where allocated in a Local or Neighbourhood Plan, appropriate in scale and function to the settlement type, responsive to local housing and/or employment needs, does not compromise strategic long-term development, contained within an existing defensible boundary and where landscape and townscape character features are maintained and enhanced.
- 6.4 Policy 26 of the HDPF provides the mechanism by which the local plan seeks to control development outside of defined BUABs. Policy 26 provides that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Development must be essential to its countryside location, and in addition, meet one or more additional criteria, including that development supports the needs of agriculture or forestry, enables the extraction of minerals or disposal of waste, provides for quiet informal recreational use or enables the sustainable development of rural areas. Policy 26 of the HDPF, in addition, requires development to be of a scale appropriate to its countryside character and location, and to avoid a significant increase in overall activity in the countryside on an individual or cumulative basis.



- 6.5 Collectively, outside of defined BUABs, the strategic policies of the HDPF provide for a planned approach to growth through strategic allocations and presume against inappropriate development within the countryside. As explained within HDPF Policy 2, and the accompanying text to Policies 2-4, the intention of this approach is both to protect the rural characteristics of the District's environment and to ensure that growth occurs in a sustainable manner which affords suitable access to, and supports, existing services, amenities and infrastructure.
- 6.6 The application site is located outside of, and does not adjoin, a defined BUAB. The proposal, therefore, is incapable of complying with the requirements of HDPF Policy 3 and 4 and the scope of these policies in managing settlement expansion.
- 6.7 The site is located within reasonable distance of the defined BUAB of Broadbridge Heath, with Mill Lane (PROW 1630) providing a direct means of access to the site from the north. Though Mill Lane, to the north of the site, is not accessible to vehicles, the track is wide and gravelled, connecting to a number of facilities within a 1.2km radius of the site, including a superstore, leisure centre, secondary school and convenience store. Notwithstanding that the Lane is unlit, this is considered a relatively convenient means of access to pedestrians and cyclists. The proximity of the site to Christs Hospital railway station, at ~870m south of the site, via Mill Lane and the Downs Link path, similarly, is reasonable and would afford a means of connection to other settlements within and beyond the District. With regard to these circumstances, though a high-degree of reliance on the private car may be expected in a rural context, the harm considered to arise from conflict with HDPF Policy 2 on sustainability grounds is deemed limited in this instance.
- 6.8 Notwithstanding the above, in respect of HPDF Policy 26, the creation of open market housing beyond a defined BUAB could not be considered as 'essential' to a countryside location, or to meet any of the additional criteria defined within HPDF Policy 26 in respect of the range of acceptable uses within a countryside context. Though the creation of a single dwelling is not considered to amount to a 'significant' increase in activity on an individual or cumulative basis, the proposal remains contrary to the requirements of HDPF Policy 26.
- 6.9 The weight to be assigned to HDPF Policy 2 and 26 will be considered within the 'planning balance' section of this report.
- 6.10 There are no policies contained within the draft Barns Green and Itchingfield Neighbourhood Plan (BIGNP) (2021) which promote an alternative spatial approach to the HDPF in respect of the management of development beyond defined settlement boundaries.

Character, Appearance and Visual Impact:

- 6.11 Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.12 Policies 32 and 33 of the HDPF stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.13 Policy 12 to the draft BIGNP provides that development proposals should, wherever possible, incorporate specified designed measures. Policy 12 to the draft BIGNP, *inter alia*, requires that development be of a high quality of design and layout, incorporating appropriate local materials and vernaculars and be of a scale which respects the character and scale of surrounding buildings. Draft policy 12, in addition, requires that development protects existing

landscape features, contributes to the Parish's Green Infrastructure Network and the wider private and public realm.

- 6.14 Mill Farm is a small former farm complex comprising of a small number of utilitarian structures (inclusive of the barn proposed for demolition), and the existing dwelling of Mill Farm. The Farm layout is nucleated, being further contained within treed hedgerows to the east and south in addition to the larger woodland parcel of Baystone Copse to the west. Land falls away from the site towards the River Arun to the north, affording the potential for some distant views of the site from PROW 1628 at ~220m where this crosses an adjacent field, though, the site is otherwise well contained within the receiving landscape with limited opportunities for a public appreciation of the proposed development.
- 6.15 The proposed dwelling, by reason of its two-storey height, would exceed the scale of the existing barn which it would replace. This is, however, largely a consequence of the near flat-roofed composition of the existing barn, with the height of the proposed building considered reasonable at ~7m. As the entirety of the proposed first-floor layer is contained within the proposed pitched-roof, the bulk and massing of the proposed building is not excessive and is considered proportionate to the existing dwelling of Mill Farm and remaining former agricultural buildings within the Farm complex.
- 6.16 The proposed use of materials, in particular the use of external vertical timber cladding and profiled metal roofing, are reflective of the use of materials in an agricultural context and mirror those utilised in the construction of the existing dwelling of Mill Farm. The form of the proposed dwelling, further, does resemble an agricultural hay-barn such that the resulting impression is of a converted building, despite being a new-construction. It is considered that in this instance the proposed design would prove sympathetic to the farmyard setting of Mill Farm and to the wider countryside setting within which the site is located.
- 6.17 Parking and access facilities are contained to the south of the building within the context of existing access/turning facilities serving the Farm and where there would be minimal visual impact, particularly recognising the likely absence of any public views of such facilities.
- 6.18 The proposed incidental garden space would project ~15m north of the proposed dwelling into currently undeveloped paddock. The result would be an urbanising effect, though, the extent of projection is not significant at landscape level, with the extent of proposed garden spaces deemed proportionate to a dwelling of the scale proposed. A greater projection into undeveloped paddock to the south of the existing Mill House was approved pursuant to ref: DC/21/2236, and as observed during the officer site-visit, the absence of any significant boundary features assist in maintaining a sense of openness inherent to the undeveloped character of the countryside. Subject to the use of appropriately worded conditions, it is considered that the introduction of unsympathetic forms of boundary-treatment, such as closeboard fencing, can be prevented, ensuring an acceptable relationship between domestic garden land and the rural character of surrounding agricultural land.
- 6.19 Overall, subject to the incorporation of appropriately worded conditions, it is considered that the proposed dwelling would successfully and sympathetically integrate with the character and appearance of surrounding land in compliance with the requirements of HDPF Policies 25, 26, 32 and 33 in addition to Policy 12 of the draft BIGNP.

#### Ecological Impacts and Biodiversity Net-Gain:

- 6.20 Policy 25 of the HDPF *inter alia*, requires that development safeguards protected species, ensuring no net loss of biodiversity. Policy 31 of the HDPF provides that development which makes a positive contribution to existing biodiversity, including the creation and management of new habitats where appropriate, will be supported. Policy 31, further, provides that development resulting in the loss of protected trees should provide replacement planting of a suitable species.

- 6.21 Policy 5 to the draft BIGNP requires that development, wherever possible, incorporate measures which protect and enhance the green infrastructure of the Parish, inclusive of hedgerows, woodland, ancient woodland, veteran trees and existing river corridors.
- 6.22 The proposed development is supported by a professionally conducted Preliminary Ecological Appraisal and Bat Roost Assessment. The submitted Assessment considers the site to hold no to negligible potential for individual protected and priority species, with no unacceptable effects upon such species subject to reasonable avoidance measures and sensitive external lighting design to maintain the suitability of surrounding land for bat foraging and commuting. The submitted Assessment has been reviewed by the Council's consultant ecologists, who have confirmed their agreement with its methods, scope and conclusions, providing confidence to the Authority as to the absence of unacceptable impacts upon individual species subject to conditions requiring adherence to the recommended mitigations.
- 6.23 The response of the Council's arborist (dated: 15.06.2023) raises concern with the proximity of the proposed development to the ancient woodland of Baystone Copse, and the original failure to incorporate a 15m buffer to the ancient woodland, which is recognised as an 'irreplaceable habitat' within national planning policy. Guidance published by the Forestry Commission, and referenced within their individual response to this application, recommends the incorporation of a 15m buffer such as to ensure the integrity of woodland, root systems and habitats are not detrimentally affected by development within the vicinity. The submitted plans were updated to incorporate a 15m buffer between proposed garden spaces and the designated ancient woodland on 21.06.2023, in accordance with published guidance. This buffer is sufficient to ensure that the integrity of woodland is not diminished by the development proposals.
- 6.24 The application site is located within the 12km 'wider conservation area' of The Mens and Ebernoe Common Special Area of Conservation (SAC), the qualifying features of which include its value and significance to Barbastelle and Bechstein Bat. The conservation objectives of The Mens and Ebernoe Common SAC include the need to maintain the structure and function of habitats together with supporting features and habitats associated with the SAC. Development within the wider conservation area of the SAC may impact upon bat commuting and foraging as components of wider habitat connectivity, such as to give rise to the possibility of significant effect upon the SAC. The Council's consultant ecologists, therefore, have undertaken an 'appropriate assessment' pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended), which determines that the development would not adversely impact upon the integrity of the SAC on an individual or cumulative basis, subject to the mitigation measures outlined within the Preliminary Ecological Appraisal and Bat Roost Assessment. These measures are to be secured by way of appropriately worded condition.
- 6.25 Details of the proposal together with the Council's appropriate assessment and submitted Preliminary Ecological Appraisal were made available to Natural England for comment in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended). Within their response it is clear that Natural England did not consider details contained within these submissions, with Natural England advising that it is a matter for the competent authority (Horsham District Council) to come to a conclusion as to performance against national and local environment policies. Performance against such policies were considered within the Authority's appropriate assessment, which provides confidence that the proposal would satisfy the requirements of the Habitats Regulations in respect of impacts upon the Mens and Ebernoe Common SAC.
- 6.26 The submitted plans do not indicate any specific biodiversity enhancements, though, the submitted Preliminary Ecological Appraisal recommends a variety of measures to deliver a proportionate biodiversity net-gain, inclusive of additional wildlife friendly planting and/or the

formation of artificial habitats, including bat and bird boxes of various types. These types of ecological enhancements are capable of being secured by way of appropriately worded condition, and would deliver a proportionate biodiversity net-gain.

- 6.27 Overall, therefore, the impacts of the proposed development upon local habitats, protected and priority species are considered acceptable, with no potential for adverse impact upon the integrity of European sites considered to arise, subject to the various mitigations recommended in support of the proposals. A proportionate biodiversity net-gain is capable of being secured by way of details to be secured at conditions stage, with the proposal, therefore, overall in compliance with the requirements of HDPF Policies 25 and 31, Policy 5 to the draft BIGNP and the Authority's duties pursuant to the Conservation of Habitats and Species Regulations (England) 2017 (as amended).

#### Water Neutrality

- 6.28 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.29 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.30 As outlined within a submitted water neutrality statement (WNS) the applicant proposes to incorporate on-site measures in the form of efficient installations and appliances in combination with off-site measures, in introducing rainwater capture systems to service water troughs located in the wider farm holding utilised by horses, which are currently serviced by mains-water.
- 6.31 The Council has considered the submitted strategy in detail in undertaking a formal appropriate assessment, which concludes that the proposed measures, in combination, would achieve water-neutrality such that no adverse impacts upon the integrity of the Arun Valley sites would arise. Natural England have confirmed their agreement with the Council's assessment in this regard, and as to the absence of adverse effects upon integrity.
- 6.32 The comments of the Council's Environmental Health team, in requesting additional detail as to treatment measures to be incorporated within a rainwater capture system, are acknowledged, though, are not considered necessary in this instance. Contrary to the Environmental Health response, the proposed rainwater system would not service the proposed dwelling. Where not proposed for human consumption, the proposed system does not need to achieve adherence with standards specified by the Drinking Water Inspectorate or within the Private Water Supplies (England) Regulations 2016. The request for further information from Environmental Health to establish compliance with such standards, therefore, is considered unnecessary and unreasonable such that a condition to this effect would fail tests specified at Paragraph 56 to the NPPF.
- 6.33 The proposed on-site measures are capable of being secured by way of appropriately worded condition. The proposed off-site measures fall beyond the extent of the defined application site and necessitate the completion a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990 in order to secure the implementation and subsequent retention of those measures for the lifetime of development.

#### Impacts upon Neighbouring Occupiers/Users of Land:

- 6.34 Policy 33 of the HDPF and Policy 12 to the draft BIGNP, *inter alia*, require that development is designed, scaled and located such as to avoid unacceptable harm to the amenities of neighbouring occupiers/users of land.
- 6.35 The application site is distant from any existing residential development, with the exception of the existing dwelling of Mill Farm. This dwelling, however, would remain some distance removed from the proposed development, being in-excess of 20m to the south-east across the existing farmyard of Mill Farm. With regard to this context, it is not considered that the proposed development would result in any unacceptable degree of overshadowing, loss of privacy and/or other disturbance to occupiers of Mill Farm, or any other dwelling. The proposal, therefore, is compliant with the requirements of HDPF Policy 33 and BIGNP draft Policy 12 in this regard.

#### Parking, Highway Safety and Operation:

- 6.36 Policy 40 of the HDPF, seeks to ensure that development is appropriately supported by transport infrastructure and encourages a strategic re-balancing away from reliance on the use of the private vehicle as a means of access to jobs, homes, services and facilities. Policy 40, *inter alia*, seeks to ensure that development maintains the existing transport network, is located in areas where a choice of transport modes are available and minimises the distances which people need to travel. Development, in addition, must provide a safe and suitable means of access to vehicles, pedestrians and other highways users.
- 6.37 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.38 Policy 15 to the draft BIGNP provides that development should include provision for off-road parking in compliance with West Sussex County Council requirements.
- 6.39 The sustainability of the proposed development, in respect of anticipated reliance on the use of the private-vehicle and access to amenities, facilities and public transport services is addressed under the heading of 'principle of development' within this report.
- 6.40 The proposed development would be accessed by way of shared private driveway, connecting to the publicly maintained highway at Fulfords Road, some distance away from the application site. The response of the Local Highways Authority indicates that the existing junction between Fulfords Lane and Mill Lane does not satisfy manual for streets visibility standards for a 60mph road, though, is nonetheless unobjectionable. The LHA consider that vehicles are unlikely to be travelling at the posted speed limit in the vicinity of the junction. This is consistent with the case officers own observations, with forward visibility and road geometry on Fulfords Lane leading to the junction substandard for 60mph speeds. As noted by the LHA, no injury accidents have been recorded at the existing junction within the preceding 5-year period. The addition of a single dwelling represents a marginal intensification of traffic movements at the existing junction, and is not considered to amount to an unacceptable effect upon highway safety or severe effect upon highway operation such as to warrant objection pursuant to NPPF paragraph 111.
- 6.41 The LHA do not consider highway safety/operation effects on Mill Lane itself, and the potential for increased conflict between pedestrians/cyclists as a consequence of proposed development. The existing point of access to Mill Farm, however, provides good visibility to

vehicles emerging/entering the site such that the potential for conflict at the point of entrance to the site is deemed limited.

- 6.42 The proposed development would likely result in increased traffic movements on Mill Lane, though, as noted previously, any increase is likely marginal accounting for the minor scale of proposed development. Mill Lane is a single-track lane and laid to gravel, such that vehicle speeds would be limited. Though the potential for increased interaction between vehicular and pedestrian/cyclist traffic cannot be discounted, this is not deemed to amount to unacceptable risk to the safety of highways users of severe impact upon the operation of Mill Lane as a public right of way such as to warrant objection.
- 6.43 The submitted plans indicate the provision of two vehicular parking spaces, in addition to a covered and secure cycle store. The response of the LHA indicates this provision to be acceptable and in accordance with LHA guidance for a dwelling of this scale and location.
- 6.44 Overall, therefore, it is considered that the proposed development would be supported by a safe and suitable means of access in addition to adequate parking facilities in accordance with HDPF Policies 40 and 41 and Policy 15 to the draft BIGNP.

#### Climate Change:

- 6.45 Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.46 The submitted Design and Access Statement includes an 'Energy Statement' indicating an intention to reduce the use of energy resources through the incorporation of good thermal insulation, glazing design to maximise possible solar gain and the incorporation of ground/air source heat pumps. In principle these measures are welcomed, though, the submitted energy statement does not prescribe any particular standards of targeted efficiency such as to be considered detailed. It is, however, of significance that HDPF Policies 35-37 do not require adherence to any particular standard of thermal/energy efficiency beyond current Building Regulation requirements, and that the range of promoted sustainability measures additionally reference measures to limit water use and promote sustainable transport.
- 6.47 The proposed dwelling would significantly limit demand for mains-water resources through the implementation of the water-neutrality strategy, with provision of covered and secure cycle stores additionally indicated. The provision of electric-vehicle charging points will be required by current Building Regulation requirements.
- 6.48 Furthermore, it is of relevance that the proposal is advanced as an alternative to development benefiting from prior-approval pursuant to ref: DC/21/2075 for the conversion of the existing barn. While no specific standard of energy/thermal efficiency has been prescribed in this instance, it is reasonable to presume that any standard of efficiency would exceed that reasonably expected to result from the conversion of the existing barn. This is considered a minor benefit which can be attributed to the proposed development.
- 6.49 Overall, on the information currently available, it is considered that the proposed development would avoid conflict with the provisions of HDPF policies 35-37.

#### Planning Balance, Policy Weighting and Conclusion:

- 6.50 The proposed development is located beyond a defined BUAB, where the development of open-market housing would result in conflict with the strategic spatial strategy of the

development plan as outlined within HDPF Policy 2 and the provisions of HDPF Policy 26 in seeking to prevent development unessential to a countryside location.

- 6.51 As considered earlier within this report, however, it is considered that the site is found within a context where future occupiers would not be solely dependent upon the use of the private car, with existing services, amenities and public transport infrastructure found within reasonable walking/cycling distance of the site. The degree of conflict with HDPF Policy 2 in this regard, therefore, is considered limited in this instance.
- 6.52 The Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the latest published Authority Monitoring Report (December 2022) confirming a 3.0-year supply against the objectively assessed target.
- 6.53 Paragraph 11(d) to the NPPF establishes that where development plan policies are absent or the most important policies to determination are out-of-date, including where an Authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless there is a clear reason to refuse planning permission, through the exercise of policies in the Framework which protect areas/assets of particular importance, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits where assessed against the provisions of the Framework as a whole.
- 6.54 Policies 2 and 26 to the HDPF, in respect of the control of development beyond defined BUABs, do act to constrain the availability of land for housing delivery, as such, are the most important policies for the purposes of NPPF paragraph 11(d). In the context of the Authority's housing land supply position the weight which can be assigned to conflict with HDPF Policies 2 and 26 is significantly reduced.
- 6.55 Furthermore, it is significant that the proposed development is made in the context of, and as an alternative to, an existing prior-approval granted pursuant to ref: DC/21/2075. The existing prior-approval remains extant, with a S.106 agreement recently completed pursuant to HRA/22/0020 in conjunction with an application made pursuant to Regulation 77 of the Conservation of Habitats and Species (England) Regulations 2017. It is, therefore, anticipated that approval pursuant to Regulation 77 will be granted shortly, and in advance of the completion of a S.106 agreement necessary in conjunction with this application.
- 6.55 Permission granted pursuant to ref: DC/21/2075, therefore, will be capable of implementation and represents a very real prospect if planning permission were not granted in this instance. As the implementation of ref: DC/21/2075 would result in an equal conflict with HDPF Policies 2 and 26, significant weight can be assigned to this 'fall-back' position.
- 6.56 The proposed development is not considered to result in conflict with the provisions of HDPF Policies 25, 26, 32 and 33, in addition to policy 12 of the draft BIGNP, insofar as these policies seek to ensure that development is sympathetic to the character of its respective setting, of a suitable standard of design and avoids unacceptable harm to the amenities of nearby occupiers/users of land.
- 6.57 The proposed development, further, is considered acceptable with regard to its anticipated effects upon protected and priority species, local and European habitats, and capable of delivering a proportionate biodiversity net-gain subject to appropriate mitigations and conditions in compliance with HDPF Policies 25 and 31, in addition to Policies 1, 2 and 5 of the draft BIGNP.
- 6.58 The proposed development would not unacceptably impact upon highway safety or operation, and would likely deliver minor improvements in energy efficiency relative to the alternative extant development granted pursuant to ref: DC/21/2075. No conflict is considered in respect of HDPF Policies 35-37, therefore.

- 6.59 Overall, in the context of reduced degree of weight to be assigned to conflict with HDPF Policies 2 and 26 as a consequence of the Council's housing land supply position, and the significant weight to be assigned to the existence of a realistic fall-back position, it is considered that a departure from the provisions of the development plan is justified in this instance in the absence of any other material harm.
- 6.60 It is, therefore, recommended that planning permission be granted, subject to the completion of a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990, and the conditions specified below.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.61 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.**

Use Description	Proposed	Existing	Net Gain
Residential – District Wide Zone 1	170	0	74.3
	<b>Total Gain</b>		<b>74.3</b>
	<b>Total Demolition</b>		<b>95.7</b>

- 6.62 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.
- 6.63 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.64 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

#### Conditions:

- 1.) **Plans Condition**
- 2.) **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3.) **Pre-Commencement (Slab Level) Condition:** No part of the development hereby permitted shall be commenced above ground floor slab level until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
  - Details of all existing trees and planting to be retained
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details



- Details of all boundary treatments
- Ecological enhancement measures set out at Section 9 to the Preliminary Ecological Appraisal and Preliminary Roost Assessment (aLyne Ecology Ltd, Version 001, dated 30.06.2023)

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

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, in the interests of visual amenity and to ensure a proportionate biodiversity net-gain in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 4.) **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of development above ground floor-slab level, a lighting design scheme for biodiversity shall be 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, subsequently, be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under no circumstances should any other external lighting be installed without the express prior consent of the Local Planning Authority.

**Reason:** In accordance with the requirements of Policy 31 of the Horsham District Planning Framework (2015), and to enable the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended

- 5.) **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan D920/02G and shall be thereafter retained as such.

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

- 6.) **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number D920/02G. 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).

- 7.) **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality statement (Batchelor Monkhouse, dated June 2023). The dwelling hereby permitted shall not be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the installations, appliances and fittings detailed at Appendices A and B to the water neutrality statement have been installed to the indicated standard of efficiency. The installed measures shall be retained as such thereafter.

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

- 8.) **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no fence, wall or other means of enclosure, other than as approved pursuant to the landscaping strategy subject of condition 3, shall be formed to the north of the approved dwelling without the express written approval of the Local Planning Authority.

Reason: To ensure that the creation of domestic garden space to the north of the approved dwelling is appropriate to the undeveloped and rural character of land to the north of the application site, and to ensure that the approved development remains appropriate to its respective setting in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015).

- 9.) **Regulatory Condition:** All works hereby approved shall be carried out strict accordance with the recommended mitigation and avoidance measures contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (ALyne Ecology Ltd, Version 001, dated 30.06.2023)

Reason: In accordance with the requirements of Policy 31 of the Horsham District Planning Framework (2015), to protect protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006

- 10.) **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved elevation plans (refs: D920/13B and D920/14B).

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

Background Papers:  
DC/23/0460