



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 11 April 2024

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

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

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/2045

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

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

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

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

DESCRIPTION OF THE SITE

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

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

2.5 **Lower Beeding Neighbourhood Plan** (Regulation 16)

Lower Beeding Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

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

3. **OUTCOME OF CONSULTATIONS**

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

HDC Economic Development: Objection

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

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

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

HDC Landscape Consultant: Further Information Required

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

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

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

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

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

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

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

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

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

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

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

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

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

HDC Environmental Health: Comment

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

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

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

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

Natural England: Objection

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

WSCC Highways: Comment

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

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

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

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

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

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

Ecology Consultant: Further Information Required

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

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

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

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

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

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

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

NatureSpace: No Objection

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

WSSC Fire and Rescue: Comment

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

Southern Water: Comment

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

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

Public Representations:

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

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

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

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

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

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

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

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Would the design significantly enhance its immediate setting?

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

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

Summary

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

Amenity Impacts:

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

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

Highways Impacts:

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

Ecology:

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

Climate Change

- 6.30 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Renewable energy not limited to photovoltaic cells, hydroelectric water turbines and wind turbines
 - Electric vehicle charging
 - Hydroelectric water turbines

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

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

Water Neutrality:

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

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

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

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

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

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

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

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

Conclusion and Planning Balance:

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

6.39 *Five-year Housing Land Supply*

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

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

Development Plan Policies

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

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

Planning Balance:

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

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

7. RECOMMENDATIONS

7.1 To refuse the planning permission on the following grounds:

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