



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1120

Land Adjacent to Pucks Croft Cottage, Horsham Road, Rusper, West Sussex

DESCRIPTION:

Outline application for the erection of 4no. dwellings, extension to existing cottage, alterations to access and provision of landscaping.

RELEVANT PLANNING HISTORY:

DC/20/2465 Outline application for the provision of 7No. houses with car parking, landscaping and associated access at land adjacent to Pucks Croft Cottage with all matters reserved except for access. Application Refused on 03.02.2021

DESCRIPTION OF THE SITE

The application site is located to the south of Rusper Road and comprises agricultural land to the south and west of Pucks Croft Cottage. The site is primarily located outside of the defined built-up area, but adjoins it to the north-east.

The site comprises paddock land which is enclosed to the west by a mature tree line, with a fence line separating the site from wider agricultural land to the south. The site is bound by residential development to the north and north-east, with countryside comprising paddocks and fields to the south and west.

DESCRIPTION OF THE APPLICATION

The application seeks Outline planning permission for the erection of 4no. dwellings, access, and provision of landscaping, along with the extension to the existing cottage.

All matters except access have been reserved for later consideration. Indicative plans have been submitted advising of the proposed layout and arrangement of the site, along with proposed landscaping.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 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

Rusper Neighbourhood Plan (2021):

Policy RUS1: Spatial Plan
Policy RUS3: Design
Policy RUS5: Green Infrastructure and Biodiversity
Policy RUS6: Walking, Cycling and Equestrian Routes
Policy RUS11: Promoting Sustainable Transport

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

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 1-years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

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

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District
Policy 41: Rural Exception Homes

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

INTERNAL CONSULTATIONS

HDC Arboricultural Officer (Initial Response): Comment

The submitted tree survey utilises out of date tree measurements recorded in the 2020 survey, does not off-set key root protection areas to take account of existing constraints, mis-identifies species and poorly attempts to estimate the size of off-site trees of significant landscape value.

There are two off-site trees (pine and beech) immediately adjacent to the proposed site access that are in declining condition, likely as a result of the engineering works for building and hardstanding undertaken in relatively close proximity on the parent property. Both trees will foreseeably be utilising the remaining soft ground area available to them which includes the proposed area of excavations for grading, accessway hardstanding and services trenching. They are foreseeably likely to have their limited safe useful life expectancy reduced further by the proposed works.

The loss of the hedging for access and sightlines would be an inevitability of further urbanisation along the road. Mitigation soft landscaping may be viable dependent on landscape/biodiversity assessments.

If acceptable in other planning terms, future layout considerations will need to take account of accurate tree constraints measurements that would potentially preclude the reasonable viability of the close proximity of the schematic representation of unit 5 to the nearest off-site oak tree on the S boundary which is a constraint on design of new residential development both in terms of its roots and the shade that it casts.

HDC Arboricultural Officer (Subsequent Response): Comment

There are no veteran trees on or adjacent to the above site.

If minded to approve the application, it may be expedient to get an updated tree survey and AIA. However, do not believe that for an outline application of this nature this would ordinarily be required on the basis of a third party representation.

Do not object to the access provision on arboricultural grounds despite that the adjacent pine tree may be impacted upon to some extent from the formalisation/engineering required for an access and services provision. The tree is in decline and likely has less than 20 years safe useful life expectancy, and thus would not be considered a significant constraint on development of adjacent property.

HDC Environmental Health: Comment

Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hard standings.

In accordance with the recommendations of the Planning Practice Guidance, information is required on these matters and a preliminary risk assessment including a site walkover should be provided to ensure the site can be made safe and suitable for the development.

Rainwater harvesting is proposed to meet water neutrality requirements. Information on ground conditions is required to ensure the rainwater system infrastructure is appropriately specified and suitable protected.

HDC Landscape Architect: Comment

The Landscape Appraisal provides no judgements on the anticipated effects on landscape character, specifically to the identified Character Areas and to the site itself. We note that the site is characteristic of the local character, comprising a small, assarted grassland field on the edge of the village.

Disagree with the conclusion which states that the site “has an existing urban quality due to proximity to Horsham Road and the buildings which form the existing Pucks Croft / Pucks Croft Cottage curtilage”. The site is a rural edge of a village where there are very limited urbanising features within the site itself.

Disagree that the scheme would “enhance the landscape character” since the proposed development would remove the small, assarted grassland fields which are very characteristic of the LCAs. Enhancing the vegetated boundaries will contribute to reducing the visual effects and also address some of the key sensitivities, however this will not enhance the landscape character.

Judge that effects on the landscape character of the site itself are likely to be major, owed to the change of use and character to a small development from the current undeveloped grassland field. The effects on the LCAs would be less, however it is noted that that site contains characteristic features of the LCAs, including the small, assarted grassland field.

Overall, judge that the assessment provides an inadequate assessment of the anticipated landscape character effects associated with the scheme.

Question the proposed scale for the judged effects, which range from No Change to Moderate Adverse. Judge that this scale is skewed towards the lower end of the spectrum. Views from Horsham Road south into the application site are clearly visible through the opening at the gateway access. The selected viewpoint locations have been strategically selected to be located to the east and west of the gateway and therefore are not representative of views into the site. Judge that if Horsham Road as a visual receptor was judged with consideration for direct views into the site from the main access, that impacts would be judged at least low/slight adverse. Do not disagree with the judged effects for the adjacent PRow, which is judged to experience moderate adverse effects. Also judge that the visual effects associated with the scheme are localised and contained to the immediate surroundings.

Overall, judge that the methodology and effects judged are inadequate owed to the lack of judgements provided and insufficient information. However, judge that the visual influence and the effects on wider landscape character are expected to be minimal and therefore do not require additional information to be submitted within the Landscape Appraisal.

The proposed dwellings are set back further from Horsham Road than the Appeal Scheme (2021). Whilst this is less consistent with the linear settlement type that has established along Horsham Road, we note that this will contribute to reducing the urbanising effect on Horsham Road, where there is an evident transition into the countryside on this rural edge.

Little information is provided on the proposed hard landscaping and boundary treatments, and further detail is sought at the next stage. The majority of the proposed properties have garden spaces adjacent to the public realm, and close board fencing facing on to public realm/public open space will not be an acceptable approach. A large area of hard standing is proposed to the rear of the scheme. Advise that this is proposed as a permeable surface such as block paving considering its extent. This would also contribute to the visual amenity of the space. The large swathe of hard landscaping could also be further broken up with some soft landscaping, such as tree planting or rain gardens.

OUTSIDE AGENCIES

Ecology Consultant: No Objection

Satisfied that there is sufficient ecological information available to support determination of this application.

The dwelling (B2) was identified as a roost in 2020 for three common pipistrelle bats, whilst the barn (B3) was recorded as a roost for two common pipistrelle bats and a single long-eared bat. The latest 2024 bat survey results have concluded that both B2 and B3 continue to support bat roosts. Satisfied bats and

their roosts have been sufficiently considered. As a result, a bat licence from Natural England will be required to implement any works consented that affect the bat roosts. A consultant with a Bat Mitigation Class Licence (CL21) could register the site under their licence, as the scheme is of low impact to the favourable conservation status of Common Pipistrelle and Brown Long-eared Bat. A copy of either a EPS mitigation licence or evidence of site registration by an individual registered to use a Bat Mitigation Class Licence should be submitted to the LPA and secured by a condition of any consent.

An increase in artificial light would negatively impact foraging bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals¹ and secured by a condition of any consent.

Satisfied sufficient survey effort has been applied and the EclA includes draft details of the mitigation and compensation proposals (Section 5.4). Slow Worms are site loyal, often staying within close proximity to that site. The EclA recommends the need for a reptile translocation to a site owned by the applicant called Baldhorns Copse. In line with Standing Government Advice a reptile translocation should be a last resort where displacement cannot be carried out. The EclA has not indicated why displacement is not an option or being carried out in conjunction with the proposed translocation, additionally, the document has not included the results of the reptile survey which is required at the translocation receptor site. As such, recommend the finalised reptile mitigation strategy, which addresses the above points, particularly relating to the suitability of the translocation site, including survey results and justification for not considering displacement is provided within a Reptile Mitigation Strategy and secured by a condition of any consent.

Natural England: No Objection

In order to mitigate adverse effects and make the development acceptable, the delivery, management, and maintenance of any measures identified in the Water Neutrality Statement are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

Natural England (Subsequent Standing Advice): 2021 Position Statement on Water Neutrality Withdrawn

On 31st October 2025, we wrote to the relevant local authorities to formally withdraw this Position Statement on the basis that a package of measures has been agreed which ensures no adverse effect on the integrity of the Arun Valley designated sites, without the need for development to demonstrate neutrality.

Note that your authority, as competent authority, feels that further information is required before you can be satisfied that the agreed package of measures can be sufficiently secured and effective in practice, namely the formal amendment of Southern Water's abstraction licence by the Environment Agency. Therefore, in the interim period, your authority has proposed to continue undertaking appropriate assessments and to utilise the demand capacity generated by Southern Water's efficiency savings originally planned to be used by the Sussex North Water Certification Scheme (SNWCS) to conclude no adverse effect on integrity.

Natural England advises the package of measures agreed with Southern Water, Natural England and the Environment Agency removes the risk of a likely significant effect. However, acknowledge that your authority has proposed an alternative approach.

Natural England has previously reviewed and agreed the Southern Water efficiency savings figures (3.24Ml/day) and are satisfied that they are reliable. Therefore, if consulted on future planning applications which seek to benefit from these efficiency savings, Natural England will not raise an objection on the basis of adverse effect risk.

Southern Water: No Comment

WSCC Highways: Comment

The site is located on Horsham Road, a C-classified road subject to a speed restriction of 30 mph in this location.

The applicant proposes to utilise the existing vehicle access point on Horsham Road, being formalised to facilitate both vehicle and pedestrian access. This includes the provision of a 2m footway with tactile paving. The applicant is advised that such works taking place within the maintained highway will be subject to formal approval from WSCC via means of a Section 278 Agreement.

Results of an ATC survey are included in the submitted Transport Statement, which found 85th percentile speeds along this section of Horsham Road to be 34.4 mph eastbound and 33.6 mph westbound. Supporting visibility splays of 2.4m x 52.3m to the west and 2.4m x 50.5m have been provided in accordance with Manual for Streets (MfS) parameters to the satisfaction of the LHA.

All other matters relating to this application are reserved, and details pertaining to site layout, parking provision and on-site turning should be demonstrated at Reserved Matters Stages. Notwithstanding this, indicative swept path diagrams have been provided and appear acceptable from a highway safety point of view. Car and cycle parking provision should be provided in accordance with WSCC Parking Standards.

In summary, the LHA 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 116), and that there are no transport grounds to resist the proposal.

WSCC Rights of Way: No Objection

Can confirm there is no impact on the nearest Public Right of Way (FP1567).

PUBLIC CONSULTATIONS:

Representations:

12 letters of Objection have been received from 12 addresses, and these can be summarised as follows:

- Insufficient infrastructure for the number of houses/people
- Entrance is on a blind corner with poor visibility
- Increased traffic will make the poorly maintained roads worse
- Losing access to common land around the village
- Unsafe due to position on Horsham Road
- Unnecessary and inappropriate development
- Impact on species
- Previous applications have been refused
- Impact on woodland and mature trees
- Overdevelopment
- Impact on veteran trees
- Outside of the built-up area boundary and not allocated in the Neighbourhood Plan
- Rusper has limited services
- Impact on water
- No affordable housing
- Has not addressed previous planning refusals
- Impact on the character of the rural village
- Accuracy of tree survey information
- Encroachment into Root Protection Areas
- Loss of hedgerows and soil structures

Parish Comments:

Rusper Parish Council: Strong Objection

- The concerns in the HDC Arboricultural Officer report show that at the very least the information on the application needs updating and even then, the application in its current form should be refused because of the impact on significant trees. The minimum clearance for tree roots, especially in relation to unit 5, doesn't meet the requirements to protect off site trees and at the very least this unit would need to move.
- The source of the River Mole starts close to this site and an underground stream flows under the site, yet no consideration seems to have been given to both the long term impacts of development on this site, or to possible pollution being disturbed during development.

- The Transport Statement is based on false information
- WSCC Highways in their response, do not seem to have considered the on-site road layout, or whether the new access road would be adopted or not. The proposal shows the on-site road to be only 4.1m, well below the nationally recommended standard of 6m.
- Turning space exists within the proposed layout, but there seems to have been no consideration of possible congestion for traffic trying to enter from the busy Horsham Road, while other traffic may be trying to exit the site.
- There is lack of visitor parking, there seems to be only one visitor space allocated for the whole site and this could lead to overflow parking on the Horsham Road.
- The waste and surface water management plans are questionable and need further study
- The proposal makes brief reference to rainwater harvesting but the supporting statement provides no details on how this will be achieved
- The site will be supplied by Southern Water, with the resultant additional impact on the Arun Valley extraction sites and wildlife impacts
- Issues with the Water Neutrality Statement
- The site was considered as part of the Rusper Neighbourhood Plan and was rejected
- The housing need in Rusper has been met

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

Principle of Development:

The application site comprises an undeveloped paddock to the west of Pucks Croft Cottage, which is located outside of the defined built-up area, albeit that it adjoins the boundary to the east. While the site is located immediately to the west of the built-up area, it remains outside of a defined settlement, and is therefore within a countryside location in policy terms.

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long

term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge

Paragraph 82 of the NPPF states that in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Paragraph 83 continues that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 84 of the NPPF states that planning 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:
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The application site has been subject of an earlier Outline application under planning reference DC/20/2465, albeit that this encompassed a larger parcel of land than currently proposed and sought permission for an additional 3no. dwellings above the current proposal. This application was refused for several reasons, including the following:

- 1 *The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or a 'made' Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply, and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location. Consequently, it represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).*

The refusal was appealed to the Planning Inspector, where the principle of development was considered. It was noted that the majority of the site was adjacent to, but outside of the defined built-up area boundary of Rusper, and was therefore within the countryside in planning policy terms. The site is not allocated for development in the Local Plan or in the Rusper Neighbourhood Plan, and there was no substantive evidence to demonstrate that the development is essential to its countryside location. It was thereby noted that residential development of the site would not accord with Policies 2, 3, 4, or 26 of the HDPF.

While it was recognised that Rusper does offer some facilities, including a primary school, local shop, post office, and pubs within reasonable walking distance of the appeal site, it was acknowledged that future occupiers would need to travel further afield to reach facilities including a secondary school, comprehensive shopping facilities, or significant employment. There would be some opportunities to travel by bicycle or bus, but the details available indicated that the available bus service does not operate during usual commuting hours or at weekends. Together with the distances to other destinations with a

wide range of facilities, it was considered that occupiers would likely be reliant upon private vehicles for many journeys. It was however noted that due to the small scale of the development, the adverse impacts in this regard would be limited.

The Inspector recognised that there would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include support for local services and employment, and expenditure contributing to the local economy. However, the Inspector noted that these benefits would be tempered by the small scale of the development, where the benefits were given modest weight. It was also considered that there would be some reliance by occupiers on private vehicles, and the accessibility of the site did not therefore constitute a significant benefit of the proposal. It was thereby concluded that the development would not be a suitable location for housing on account of the position of the majority of the site within the countryside, in conflict with the spatial strategy for the District.

While it is recognised that the application site adjoins the built-up area boundary of Rusper, the site would remain outside of the designated settlement, and within a countryside location. Rusper is categorised as a “smaller village” within the settlement hierarchy, and is considered to have limited services and facilities, with residents reliant on larger settlements to access most of their requirements. While the proposed development could provide some economic benefit that would support local services and maintain the vitality of the rural community, the scale of the proposed development would not be considered appropriate or reflective of its countryside setting or the nearby settlement to which it would be served. As such, the proposed development is considered to be located in an inappropriate and unsustainable location, where the provision of private market dwellings, not linked with a rural use, would be contrary to Policy 26 of the HDPF. The development would not be in accordance with the overarching spatial strategy for development as set out in Policies 3 and 4 of the HDPF, and there are no material considerations that would outweigh this conflict. The proposed development is therefore considered unacceptable in principle.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposal 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.

Policy RUS3 of the Rusper Neighbourhood Plan states that proposals for new development must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work, and visit.

The application site has been subject of an earlier Outline application under planning reference DC/20/2465, albeit that this encompassed a larger parcel of land than currently proposed and sought permission for an additional 3no. dwellings above the current proposal. This application was refused on the grounds of harm to landscape character and visual amenity as follows:

- 2 *The proposed development would result in a quantum and density that would surmount to overdevelopment of the site, in a layout and arrangement that would formalise and suburbanise the countryside setting. The proposal would be unrepresentative of the build pattern and character of the locality and would not protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area. The proposed development would therefore result in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).*

This refusal was appealed to the Planning Inspector, where it was recognised that Rusper forms a particularly attractive area with a traditional core and some suburban development on village edges. Although it was recognised that the site is in close proximity to Pucks Croft and Pucks Croft Cottage, the site is largely open and reflects the small and medium scale grassland fields edged with woodland shaws, hedgerows and hedgerow trees that are characteristic of the landscape to the south and east of Rusper. The Inspector considered that the site contributes to an attractive rural character and setting to the village.

While it was recognised that layout was a reserved matter, it was noted that the proposed dwellings, together with associated access, parking and gardens would spread across a considerable proportion of the site. The Inspector considered that the open site has a stronger connection, both spatial and visual, with the adjacent development to the south of Horsham Road; where the closest dwellings are typically set back varying distances from the street, on large plots in a loose-knit linear arrangement that provides for a spacious and informal character. The Inspector thereby considered that this arrangement provides for a noticeable impression of transition between the village centre and the surrounding open countryside, in contrast to the more regular and tighter arrangement of buildings to the north of Horsham Road.

The Inspector noted that the plots to the dwellings would be smaller than the majority of nearby buildings to the side of Horsham Road. Despite the potential for areas of public amenity and village green spaces within the site, the overall density of development was considered to be higher, where the proposal was considered to result in a slightly more intense form of development that would contrast the more spacious neighbours. It was also considered that the layout would be at odds with the generally linear ribbon character of the adjacent buildings on the south of Horsham Road, which would give the development a more formal and suburban character that was considered to be somewhat incongruous at this edge of settlement location. It was thereby concluded that the proposal would erode the spacious character along this side of Horsham Road, and would disrupt the perception of a gradual transition between the village and the surrounding countryside. The Inspector considered that the visual impact of the proposal would be localised, and given the relatively small scale of the development, harm to the character of the wider surrounding landscape would be modest. It was however considered that the proposal would adversely affect the countryside setting to the village and would cause some harm to the character and appearance of the area.

The current application has sought to address the previous refusal reason through a reduction in the number of dwellings proposed, as well as a reduction in site area through the omission of land to the west. The indicative plans suggest that the dwellings would be located to the rear (south) of the site, and would be arranged in a cluster around an area of hardstanding that would provide parking and turning space for the development. Each dwelling would benefit from a private amenity space, with additional hedgerows and trees proposed, along with a pond that would be positioned along the western boundary.

While it is recognised that the density of development has been reduced from that previously proposed, the reduction in the site area, when coupled with the indicative siting of the proposed dwellings and suggested extent of hardsurfacing, is considered to result in an overtly suburban and formalised arrangement that would detract from the transitional rural character of the countryside location. The indicative layout and arrangement of the site, including the size of the plots, would fail to reflect that of nearby residential dwellings, particularly to the south of Horsham Road.

Although layout is a matter reserved for later consideration, it is considered that when considering the reduced site area, access arrangements, extent of hardstanding, and spread of dwellings in totality, the proposal would fail to reflect the landscape characteristics and build pattern of the surroundings, and would therefore be unrepresentative of the characteristics of the locality, resulting in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Rusper Neighbourhood Plan.

Trees and Landscaping:

Policy 25 of the HDPF states that the natural environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which: protects, conserves and enhances the landscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation. Policy 33 of the HDPF outlines that in order to conserve and enhance the natural and built environment development should presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks, and watercourses. Development must

relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

The previous application under reference DC/20/2465 considered matters of landscaping and trees, where the Inspector noted that the site is well-contained and that new planting could be incorporated into the scheme to provide some screening of the development. It was noted that the landscape-led approach, comprising planting and the provision of open spaces within the site, would provide visual links with the surrounding landscape and would help to integrate the development with its surroundings. The Inspector was not however persuaded that the inclusion of landscaping and enhanced planting along Horsham Road would fully offset or mitigate the encroachment of more intense built form into the countryside to this part of Horsham Road.

The indicative plans submitted suggest that a number of trees and hedgerow would be removed to accommodate the development. Additional tree and hedgerow planting is proposed along the perimeter of the site, as well as within the private amenity spaces of each dwelling.

The application is accompanied by an Arboricultural Impact Assessment and Method Statement reference LLD3245-ARB-REP-001 Revision 03 dated 01.06.2025 by Lizard Landscape Design and Ecology. The Report recognises that the Root Protection Areas of several trees will be impacted by the development, either during construction and the installation of services, or through future pressures. The Report considers these to be minor in nature, with mitigation measures proposed to address such matters.

It is noted that a number of objections have been received regarding the impact on trees and the accuracy of the information submitted. Specifically, this relates to the measurements and identification of trees on site, the threat to a veteran oak tree, encroachment into the Root Protection Areas of trees, and the loss of hedgerows and soil structures.

The Council's Arboricultural Officer has been consulted on the application and does not raise an objection to the access provision nor the impact on trees specifically. Having undertaken a further site visit, it is confirmed that there are no veteran trees on the site. While it is recognised that the Tree Survey and Arboricultural Impact Assessment are somewhat out of date, it is considered that the matter of layout would be considered in detail at the Reserved Matters application stage. Should the application be considered acceptable in all other regards, an informative could be added advising that the arboricultural information be updated and taken account of as part of any Reserved Matters application.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The indicative plans show the built form to be located to the rear (south) of the site, set away from the nearest residential dwellings known as Pucks Croft and Pucks Croft Cottage. The dwellings would be positioned at a distance from each other and would benefit from dedicated private amenity space, and would be oriented to face toward a central parking and turning area.

While the submitted plans are indicative of the proposed dwellings only, it is considered that they demonstrate that the proposed dwellings could be arranged within the site without adversely impacting the privacy and amenity of neighbouring properties.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users

The application seeks Outline planning permission with all matters reserved except access. The proposed access would be located centrally and would extend to the south-east to a parking and turning area to the southern area of the site. A proposed pedestrian footway would be created to the west of the access, to accommodate a pedestrian crossing to the north of Horsham Road.

The Applicant has submitted a Transport Statement reference ecrusp/2007027 Revision E dated 12.06.2025 by Motion. The Report outlines that the proposed access will provide vehicular and pedestrian access to the site with appropriate visibility achieved. The access will include dropped kerbs

and tactile paving to allow future residents to access the existing footway along Horsham Road. The parking provision at the site would be in accordance with WSCC guidance and will meet the needs of the proposed development.

Following consultation with WSCC Highways, it is noted that Horsham Road is a C-classified road subject to a speed limit restriction of 30mph. The results of the ATC survey have informed the provision of visibility splays of 2.4m x 52.3m to the west and 2.4m x 50.5m to the east. These are considered to be acceptable to ensure that the development would benefit from safe and adequate access.

While the matter of layout is reserved for later consideration, indicative on-site turning and parking provisions have been shown, where these are considered to be acceptable from a highway safety point of view.

For the above reasons, it is considered that the proposed access is acceptable and would not result in harm to the function and safety of the public highway network, in accordance with Policies 40 and 41 of the HDPF.

Ecology:

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.

Paragraph 187 of the NPPF states that planning decisions should contribute to an enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures and incorporating features which support priority or threatened species. Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

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.

The Applicant has submitted an Ecological Impact Assessment which outlines that the grassland supports a 'good' population of slow worms and a low population of newly recorded grass snake. The existing dwelling has previously been identified as a bat roost, along with the existing barn. It is also outlined that the site provides some suitable habitat for invertebrates, breeding birds, and small mammals. Mitigation measures are proposed, and it is recognised that appropriate licenses would need to be obtained. Enhancement measures have also been proposed.

Following consultation with the Council's Ecology Consultant, it is considered that sufficient information has been submitted to provide certainty of the likely impacts on designated sites, protected and Priority species and habitats, where with appropriate mitigation measures secured, the development can be made acceptable. If the development is acceptable in all other regards, the mitigation and enhancement measures identified in the Ecological Impact Assessment should be secured by a condition. This is necessary to conserve and enhance protected and Priority species and to secure net gains for biodiversity in line with statutory duties and policy. Subject to such conditions, the proposal is considered to accord with Policy 31 of the HDPF and paragraphs 187 and 193 of the NPPF.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017

(known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Other Matters:

Contaminated Land:

Policy 24 of the HDPF states that development is expected to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution. Development should address land contamination by promoting the appropriate re-use of sites and requiring the delivery of appropriate remediation and are appropriate to their location, taking into account ground conditions and land stability.

Paragraph 187 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land where appropriate.

Following consultation with the Council's Environmental Health Officer, it is recognised that commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hard standings.

It is considered that further details of these matters, in the form of a Preliminary Contamination Assessment to include a site walkover, should be provided to ensure that the site can be made and suitable for the development. It is however considered that this can be requested subject of a suitably worded condition, should the development be considered acceptable in all other regards.

Climate Change:

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:

- Water consumption limited to 110litres per person per day
- Improved energy performance through highly insulated external fabric, passive solar design principles, fabric first approach, and natural ventilation

In addition to these measures, conditions are attached to secure the following:

- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points for each dwelling

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

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has submitted a Biodiversity Metric which demonstrates a net loss of area habitat units on site, with a net gain of 91.27% for hedgerow units. The Biodiversity Net Gain Assessment document outlines that net gain for area habitats is achievable by way of purchasing biodiversity units through a Habitat Bank. These measures would be secured by way of the statutory BNG condition.

Planning Balance and Conclusions:

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3,4 and 26 of the HDPF and would therefore be unacceptable in principle. It is however recognised that the Council cannot currently demonstrate a 5-year housing land supply, where the most relevant policies directing growth across the District are out of date. Given the housing shortfall identified, the conflict afforded with these policies must be afforded reduced weight.

In order to support decision-making within this context, the Council have published a Planning Advice Note titled "Shaping Development in Horsham District" which recognises that given the 5-year housing land position and the principles behind Policy 4 of the HDPF, applications that meet all of the following criteria will be supported:

- The site adjoins the existing settlement edge as defined by the built-up area boundary;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist with the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

The application site adjoins the built-up area boundary of Rusper and is located within a defensible boundary due to the reasonably enclosed nature of the site. The proposal would provide 4no. market dwellings that would make a minor contribution to the housing need of the District. This is a material consideration of weight in the planning balance.

There are however some concerns with regard the visual and landscape impact of the development, and specifically the potential suburban and formalised arrangement caused by the number of dwellings and the constraints of the site, which would detract from the character and qualities of the landscape character area and the visual amenities of the locality. While recognised that the application is in outline form, with layout reserved for later consideration, it is considered that cumulatively, the reduced site area, access arrangements, extent of hardstanding, and spread of dwellings in totality, the proposal would fail to reflect the landscape characteristics and build pattern of the surroundings, and would therefore be unrepresentative of the characteristics of the locality, resulting in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Ruser Neighbourhood Plan.

While the proposed development would support the identified housing need within the District, where this would result in some small economic benefits, the proposal would result in harm to the landscape character and visual amenity of the rural area. This harm would significantly and demonstrably outweigh the modest benefits arising from the proposed development.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

Recommendation: Application Refused

Reason:

- 1 The proposed development would result in a quantum and density that would amount to overdevelopment of the site, in a layout and arrangement that would formalise and suburbanise the countryside setting. The proposal would be unrepresentative of the build pattern and character of the locality and would not protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area. The proposed development would therefore result in harm to the visual amenity and countryside setting of the wider surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Ruser Neighbourhood Plan 2018-2031.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/1120

Schedule of plans/documents **not approved:**

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	PL-01 Rev P1	07.07.2025

DELEGATED

Case Officer sign/initial Tamara Dale Date: 17.12.2025

Authorising Officer sign/initial RHERMITAGE Date: 17.12.2025
