



**TO:** Planning Committee

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

**DATE:** 16<sup>th</sup> December 2025

**DEVELOPMENT:** Erection of 18no. 2, 3 and 4 bedroom dwellings, (including 6no. affordable housing units), together with access from East Street, vehicle and cycle parking, landscaping and open space, and sustainable drainage.

**SITE:** Land North of East Street, Ruper, West Sussex

**WARD:** Colgate and Ruper

**APPLICATION:** DC/25/0523

**APPLICANT:** **Name:** Luke Eldridge **Address:** St Michael's House, 111 Bell Street, Reigate, Surrey, RH2 7LF

**REASON FOR INCLUSION ON THE AGENDA:** The proposal represents a departure from the Development Plan

**RECOMMENDATION:** To approve full planning permission subject to appropriate conditions and subject to the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 Full planning permission is sought for the erection of 18x dwellings together with associated access from East Street, open-space, landscaping and supporting infrastructure.
- 1.2 The proposed development would be accessed by way of a simple priority 'T' junction leading from East Street to a position directly south of proposed Plot 1. Internal accesses take the form of branching cul-de-sacs, predominantly provided as shared-surface driveways. A segregated footpath, however, is provided to the northern side of the main site access connecting Plots 7-2 with the submitted plans additionally indicating the incorporation of traffic calming to the main site access in the form of a raised table.
- 1.3 Pedestrian access to the site would be provided by way of 2m pathway leading from a shared surface cul-de-sac to East Street towards the western extent of the site. In order to support pedestrian access the proposed pathway would terminate in a 'build-out' onto East Street

leading to an extended pedestrian pavement within the highway verge on the opposite southern side of East Street. Other off-site highways works include a proposal to extend the existing 30mph speed-limit on East Street from a position directly west of the application site to a position approximately 250m further east with associated gateway feature (inclusive of signage and road markings).

- 1.4 The proposed layout incorporates minor areas of open-space/landscaping at the south-western and eastern extremes of the application site with an attenuation basin additionally provided to the south-eastern corner of the development site.
- 1.5 The development proposals would deliver 18x total dwellings inclusive of 6x total affordable dwellings. Four dwellings would be provided on an affordable rent tenure (Plots 13-16) with two dwellings (plots 17 and 18) provided on a shared ownership tenure. All proposed housing would be provided to 2x storeys and to a variety of pitched roof forms.
- 1.6 Subsequent to initial submission, a variety of changes/additional submissions have been made. Amendments to the site layout, internal access design, house designs, Water Neutrality Strategy and Transport Statement were made circa August 2025, with additional ecological and air quality information received circa June 2025.

## DESCRIPTION OF THE SITE

- 1.7 The application site extends to ~0.9ha located to the north of East Street and east of the defined built-up area boundary (BUAB) of Ruser.
- 1.8 The site presently comprises a single paddock in agricultural use together with its respective boundary vegetation, inclusive of a mature treed-hedgerow separating the site from East Street. The existing treed-hedgerow present to the southern site boundary has been subject to preparatory felling/clearance undertaken in advance of the submission of this application, with a circa 17m stretch removed to accommodate the proposed access. The entirety of the treed hedgerow, inclusive of the cleared/felled area, is now subject to a Woodland Order (TPO/1579) protecting against further tree-works without the consent of the Council. This TPO came into effect after the clearance works took place.
- 1.9 The site is found adjacent to the Ruser Conservation Area, which bounds the site to the west, but is not itself subject to any heritage, environmental, flood-risk or ecological designation. The site, though, falls within the modelled 'red' risk zone for the presence of Great Crested Newt and within the designated mineral safeguarding area for Brick Clay which extends to the majority of Horsham District.
- 1.10 The site contains a gradient, with land falling away from Ruser village through (and beyond) the site to the east and north-east. The site can be observed from a network of informal footpaths present to the immediate north of the site and from Public Right of Way (PROW) No. 1496, which forms the Sussex Border Path.
- 1.11 The site is broadly located opposite newly constructed residential development at Longfield House (ref: DC/23/0069) and consented residential development at Millfields Farm (DC/24/0699) on East Street.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### 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 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 43 - Community Facilities, Leisure and Recreation

**Rusper Neighbourhood Planning (2020)**

- Policy RUS1: Spatial Plan
- Policy RUS3: Design
- Policy RUS4: Local Heritage Assets
- Policy RUS5: Green Infrastructure and Biodiversity
- Policy RUS11: Promoting Sustainable Transport

**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 4: Horsham Town
- 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 17: Green Infrastructure and Biodiversity
- Strategic Policy 19: Development Quality
- Strategic Policy 20: Development Principles
- Policy 21: Heritage Assets and Managing Change within the Historic Environment
- Strategic Policy 23: Infrastructure Provision
- Strategic Policy 24: Sustainable Transport
- Policy 25: Parking
- Strategic Policy 27: Inclusive Communities, Health and Wellbeing
- Policy 28: Community Facilities, Leisure and Recreation
- Strategic Policy 37: Housing Provision
- Strategic Policy 38: Meeting Local Housing Needs

Policy 39: Affordable Housing  
Policy 40: Improving Housing Standards in the District

**West Sussex Joint Minerals Local Plan (2018)**  
Policy M9 - Safeguarding Minerals

**Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)

**Planning Advice Notes:**

Shaping Development in Horsham District  
Biodiversity and Green Infrastructure

**PLANNING HISTORY AND RELEVANT APPLICATIONS**  
No previous and/or relevant planning history

### **3. OUTCOME OF CONSULTATIONS**

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

#### **INTERNAL CONSULTATIONS**

3.2 **HDC Arboricultural Officer:** Advice

[Summary] The Council's arborist responded to note that preparatory works involving the clearance of trees (circa 17m of a mature tree belt present to the southern site boundary) had been undertaken in advance of the submission of this application. The Council's arborist considered that the removal of these trees has resulted in significant landscape harm, a direct loss of visual amenity and associated habitat.

The Council's arborist advised that preparatory works had resulted in the creation of a Woodland Order (ref: TPO/1579) in order to protect the remaining roadside strip north of East Street and which would protect all trees within the designated area, inclusive of saplings and live stumps, irrespective of scale or maturity.

The Council's arborist considered that the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) represented a fair assessment of tree-stock at the site, though, did note that the AMS report was dated November 2024 and TPP dated 2025 such as to suggest the initial tree survey was undertaken in advance of preparatory works and resultant loss of mature and smaller understory trees (estimated as 17 trees in total). The Council's arborist recommended that an Arboricultural Impact Assessment (AIA) be provided in support of the proposals.

The Council's arborist did recognise that, at the time of felling, cleared trees were not subject to a tree-preservation order neither located within a designated Conservation Area and that, accordingly, no form of consent was required from the Council for their felling.

In respect of proposed tree removals, the Council's arborist highlighted that two trees were indicated for removal (trees T12 and T14), both exhibiting advanced symptoms of Ash Dieback. The removal of these trees, irrespective of the outcome of this application, was recommended on highway safety grounds.

The part removal of grouping G2, a mixed species cluster of low-merit self-seeded specimens, was not considered to result in significant localised or wider landscape harm owing to the limited quality of relevant trees.

The Council's arborist, further, acknowledged that many stumps of felled trees, not reflected within the submitted AMS or TPP, were still living and that the proposed access works would result in their destruction – the harm associated with which should be considered in the Council's determination.

In respect of other matters the Council's arborist noted that the proposed site layout was designed to avoid the creation of garden spaces within areas likely to be subject to shading, future pressure to reduce/fell trees and development within the root-protection area (RPA) of retained trees. The one exception to this was the proposed SUDS drainage pipe located within the RPA of the off-site Oak tree T55, where it was recommended that the drainage pipe be relocated slightly to the west in order to avoid such conflict.

Indicated tree-protection measures detailed within the TPP were considered compliant with the relevant British Standard and to be satisfactory.

### 3.3 **HDC Environmental Health:** Advice

[Summary] (Responses of 18.11.202) An additional comment has been provided including recommended conditions.

[Summary] (Responses of 06.05.2025 and 23.06.2025) The Council's Environmental Health team responded to advise that the risk of contamination to future occupiers had been adequately assessed and that a further ground investigation, secured by way of condition, would prove adequate to fully assess risk to future users.

The Environmental Health Officer noted that the proposals would be serviced by air-source heat pumps and requested additional detail showing the locations of relevant pumps in order to assess the likely noise effects upon future occupiers.

The offsetting proposals were noted to be located beyond the District and under the jurisdiction of Chichester District Council.

The Environmental Health Officer, lastly, recommended that detail as to construction effects (noise, dust and construction traffic) be regulated by way of Construction Environmental Management Plan (CEMP).

In respect of air-quality, and in response to an updated Air-Quality Assessment (11.06.2025), the Council's Environmental Health team responded to confirm its acceptance of modelled air-quality damage costs and proposed mitigation measures.

### 3.4 **HDC Housing:** Amendments Requested

[Summary] The Council's housing team responded to advise that they would expect to see the delivery of 6x units as affordable housing to achieve a policy-compliant position. The Council's housing team noted that the proposals would provide 5x 2-bed dwellings and 1x 3-bed dwellings as affordable housing, requesting additional detail as to tenure split in order to determine the acceptable of this housing mix in relation to needs for each respective affordable housing tenure.

The Council's housing team, further, sought to encourage the developer to enter into an agreement with a registered provider as soon as possible and recognising the potential for limited interest in the site from the perspective of a housing provider in recognition of the small nature of the site.

### 3.5 **HDC Ecology:** No Objection

[Summary] (Response of 12/11/2025) The Council's ecologist and Biodiversity Net-Gain (BNG) officer provided a final comment stating that a Large Colony Bat Box has been

attached on a retained ash tree. Tree Schedule has now been provided and the baseline is considered correct. All other outstanding comments can be addressed in the HMMP and the submission of the Biodiversity Gain Plan to discharge the deemed condition.

[Summary] (Response of 11/11/2025)\_

Amendments have been made to the metric tool, which now demonstrates the development will have a -28.70% net loss (-1.04 units) in area habitat and a 46.83% net gain (+0.77 units) in hedgerows. However, the baseline assessment is still deemed incorrect as there is still evidence missing relating to tree specification which is requested prior to grant of planning permission.

[Summary] (Response of 29/04/2025)\_

The Council's ecologist and Biodiversity Net-Gain (BNG) officer responded to raise a holding objection to the proposed development, noting the preparatory works undertaken in advance of the submission. These works have resulted in the removal of a tree-limb which could have influenced the suitability of the roost feature, and that the PEA considered the tree-line and mixed scrub to possess potential for roosting bird, hedgehog, badger, dormice and reptiles. The Council's ecologist recommended that no further works be undertaken without further ecological advice and indicated an expectation that compensation be provided.

In respect of BNG the Council's ecologist noted that preparatory works have involved the loss of trees not accounted for within the statutory BNG metric. It was, further, advised that the statutory metric be amended to reflect the number of years the habitat has been absent subsequent to preparatory clearance undertaken circa January 2025. Additional information was requested including habitats condition assessments, post-development habitat map and clarification on hedgerow locations and management.

The Council's ecologist indicated that at this time the presence of 'significant' on-site gain requires that a S.106 of the Act be secured for relevant monitoring reports.

### 3.6 **HDC Landscape:** Objection

[Summary] (Response of 01.10.2025) The Council's Landscape team responded to raise a holding objection to the proposals.

The Council's Landscape team considered that the site demonstrates some capacity for development, but that some revision of the layout, open-space provision and landscape strategy was required in order to ensure that the proposals could be regarded as landscape-led and to appropriately mitigate landscape and visual effects.

The preparatory felling of woodland/trees in advance of submission was regarded as regrettable, and to constrain the range of layouts which could have preserved the rural approach to Rusper Village.

The Council's Landscape team considered the immediate site context to be predominantly rural, characterised by its undeveloped nature and agricultural landscape features, benefiting from a partial hedgerows with individual trees to its northern and eastern boundaries.

The surrounding landscape was considered mixed in character, with a stronger rural influence to the north, south and east inclusive of parcels of ancient woodland, undeveloped trees and large field-pond. The western site boundary with the Rusper Conservation Area, though, was considered to introduce some urbanising influences, notwithstanding the low-density of development, detracting from the countryside setting of the site.

The Landscape team noted that partial views were present into the site from PROW 1496 and informal footpaths to the north, with the site read in line with the wooded and rural context

of the surroundings where its rural character positively contributes to the recreational enjoyment of footpath users. Glimpsed views of the site from East Street, further, were noted, particularly during winter months.

Committed, future, development to the south was noted and considered to influence the landscape character baseline by introducing residential and domestic features to the immediate context of East Street, to a degree, diminishing the predominantly rural character which exists on approach to Rusper.

The judgement of the Council's landscape team was that the proposed development would adversely impact upon visual amenity and landscape character as a consequence of its urbanising effects and loss of trees on East Street to the detriment of users of East Street and users of nearby footpaths.

The proposal was considered to fail to comply with Policy 25 of the Horsham District Planning Framework (HDPF) (2015), by reason of the presumption contained within that development respects existing landscape and natural features and seeks to protect/enhance existing landscape features and green infrastructure by reason of the preparatory clearance of trees/woodland and detrimental effects upon the green-corridor north of East Street and degree of encroachment into the countryside, which was not considered to respect the surrounding development pattern. The Council's landscape team, further, considered the proposals in conflict with HDPF Policy 26 by reason of the expected and resultant degree of activity in the countryside and loss of existing landscape features.

The Council's landscape team did acknowledge that the site is proposed to be allocated for development within the Council's emerging local plan (the Horsham District Local Plan (HDLPLP) (2025)), for up to 20 dwellings, but nonetheless considered that adjustments to the proposed layout and a reduction in the number of dwellings may prove necessary in order to demonstrate a landscape-led approach to development which respects the rural character and visual amenities of its respective setting.

The Council's Landscape team recommended the introduction of denser planting to the northern site boundary, more responsive to landscape recommendations for this location, and the provision of a revised soft-landscaping scheme incorporating larger trees of a greater diversity of species.

In respect of the proposed provision of open space, the Council's landscape team considered that the proposals must demonstrate compliance with the recommendations of the Open Space, Sport and Recreation Review (2021) (OSSR), with a detailed land-budget provided to demonstrate compliance with HDPF Policy 43. The Council's landscape team identified that the OSSR indicates a deficiency of all open-space types save for provision for young-persons. The Council's landscape team considered that the proposals would not provide sufficient open-space to meet the needs of future occupiers, with the quality and range of open-spaces deemed insufficient as influenced by the gradient of the site and proposed provision of an attenuation basin within proposed open-spaces.

With regard to the proposed drainage strategy the Council's landscape team identified that the proposals predominantly incorporated 'end-of-pipe' solutions, with greater potential considered to introduce a hierarchy of alternative SuDS features, inclusive of alternative basins, blue/green roofs, rain gardens, swales and rills. Owing to the potential conflict between proposed landscaping and drainage at the eastern site boundary the Council's landscape team recommended the inclusion of tree-root barriers to protect the integrity of drainage/landscape features.

It was, lastly, recommended that chemical fertilisers, pesticides and herbicides be removed from the Drainage Management and Maintenance Plan reflecting their anticipated adverse effect upon retained planting and ecology.

3.7 **HDC Design and Conservation:** Advice

The Council's Conservation officers responded to advise that the application site is situated outside of, but within the setting of the Rusper Conservation Area. The officer has identified less than substantial harm. Any harm to a designated heritage asset requires clear and convincing justification.

The Officer note that the loss of trees along East Street is harmful to the rural character and countryside transition of the conservation area and that the introduction of housing would introduce an urbanising form. In terms of the wider impacts on the listed heritage assets due to the position of the heritage assets and the existing boundary treatment the proposal would not harm the fabric of the identified listed buildings nor their individual close and intimate settings, however, change the wider setting in which the assets are experienced.

3.8 **Archaeology Consultant:** Advice

The Council's archaeological consultant responded to advise that the indicated low-potential for remains could be a result of limited previous investigation in the vicinity of the site such that the confidence of desk-based assessment is somewhat uncertain. A pre-commencement condition requiring the prior agreement of a written scheme of archaeological work, together with site-specific investigation and assessment h therefor been requested.

3.9 **Ecology Consultant:** No Objection

The Council's ecological consultants considered that the proposals were supported by sufficient ecological information for determination and have sought to identify appropriate mitigation measures, subject to which the development could be made acceptable.

The Council's consultants noted that a single tree was assessed as having bat roost potential, but that the tree is to be retained with no further surveys recommended. Should the proposals change, and this tree be impacted, further surveys prior to determination would be required.

The Council's consultants, further, identified that any increase in artificial light would impact upon foraging bats and recommended that a wildlife sensitive lighting scheme, prepared in accordance with Institute of Lighting Professionals guidance, be secured by way of appropriately worded condition.

The Council's consultant, additionally, recommended that the mitigation measures set out in the Preliminary Ecological Appraisal (PEA) be implemented in full and that the biodiversity enhancements set out in the PEA would further prove appropriate. Both biodiversity enhancement and mitigation measures were recommended to be secured by way of appropriately worded condition.

3.10 **NatureSpace:** Advice

[Summary] (Response of 27.11.2025) NatureSpace have provided a comment in response to the submission of additional information (Technical response). It is noted that due to the small proportion of optimal habitat which is due to be impacted in this case, Reasonable Avoidance measures could be appropriate.

There remains a risk associated with this option due to the pile of broken rubble and scrub to be removed, and due to the presence of unsurveyed ponds with connectivity to the site.

It is, therefore, suggested that a regulatory condition is placed on the development to secure work in accordance with the Precautionary Working Methods Statement within the submitted technical statement. Alternatively, potential impacts to great crested newts can be dealt with through Horsham District Council's District Licence.

3.11 **Thames Water: Advice**

[Summary] (Response of 20.05.2025) Thames Water responded to advise that the utility provider has been unable to determine the foul water needs of the proposed development. Thames Water, therefore, recommended the imposition of planning conditions requiring demonstration of foul water capacity to service the development or, alternatively, the agreement of an infrastructure phasing plan preventing occupation other than in accordance with the phasing plan or thirdly, the completion of foul water upgrades to accommodate the additional needs of development prior to first occupation.

3.12 **WSCC Highways: No Objection**

[Summary] (Response of 05.09.2025) Subsequent to the receipt of amended plans and associated supporting documents (dated 27.08.2025) the Local Highways Authority (LHA) responded to raise no objection to the proposals.

The LHA noted that the proposals would rely on a simple priority 'T' junction with submitted highways drawings indicating that visibility splays of 120m to the West and 58m to the East could be achieved at a position 2.4m rear of the public highway, deemed sufficient for surveyed 85<sup>th</sup> percentile speeds on East Street.

The LHA acknowledged that East Street is subject to a 40mph speed limit, however, that plans are in place in conjunction with the Millfields development opposite (ref: DC/24/0699) to reduce this section of East Street to 30mph in accordance with a Traffic Regulation Order (TRO). The LHA invited that the developer enter into a S.106 agreement to progress a TRO, though, that the access works would not prove dependent upon the TRO which would be progressed as a separate process.

The LHA noted that pedestrian access to the site would be obtained by way of a 2m pedestrian pathway and associated kerb buildout on East Street. In combination with dropped kerbs and tactile paving the LHA officer considered this arrangement acceptable and capable of being dealt with by way of application made pursuant to S.278 of the Highways Act.

The LHA considered that all issues identified within the independent Road Safety Audit had been appropriately solved to the satisfaction of the LHA subject to detailed design stage pursuant to a S.278 application.

The LHA, further, indicated that the submitted details showed that vehicles (including fire appliance and refuse vehicles) could appropriately turn and manoeuvre within the site to exit the site in a forward gear and that the proposals made adequate provision for car-parking in accordance with LHA standards.

The LHA recognised that the proposed development, according to TRICS analysis, would generate 16x vehicle movements (one way) during the AM peak and 22x movements during the PM peak. The LHA were satisfied that this level of movement would represent a low-level of trips not necessitating junction capacity analysis in the context of existing traffic flows and existing committed development pursuant to refs: DC/24/0699, DC/21/2172 and DC/14/0413.

Overall the LHA were satisfied that the proposals would not unacceptably impact upon highway safety, nor that the residual cumulative impacts upon the road impact would prove sever taking into account all reasonable future scenarios.

3.13 **WSCC Lead Local Flood Authority:** No Objection

[Summary] (Response of 04.05.2025) Subsequent to the receipt of a 'Technical Note' (dated 21.05.2025) submitted in response to initial Lead Local Flood Authority (LLFA) comments, the LLFA confirmed no objection to the proposed development subject to the inclusion of appropriately worded conditions.

3.14 **WSCC Fire and Rescue :** Advice

[Summary] The Fire and Rescue Service responded to recommend the imposition of a planning condition securing the provision of a fire hydrant, or alternative stored water supply, to ensure that all proposed dwellings were within 150m of an appropriate water supply for firefighting.

3.15 **WSCC Minerals and Waste :** Advice

[Summary] The Minerals and Waste Authority (MWA) responded to advise that the application site does not meet consultation thresholds for consulting the MWA such that no comment was offered in relation to the proposals. The MWA, however, did advise that the decision maker should be satisfied that the proposals minimise waste generation and maximise opportunities for re-using and recycling waste.

## PUBLIC CONSULTATIONS

3.16 Representations:

7x letters of objection have been received from 7x independent addresses. The main material grounds for objection can be summarised as:-

- Concern regarding the adverse effects of development upon local landscape character;
- The proposed scale of development is disproportionate to the area and would occur in conjunction with existing committed development in the vicinity of the site;
- Concern regarding the adverse effects of proposed development upon highway operation and safety;
- The proposed development would generate additional traffic;
- Pedestrian access arrangements to/from the site are inadequate;
- Preparatory works have resulted in the loss of trees detrimental to local character and biodiversity;
- This location is not a sustainable location for residential development;
- The potential for overspill parking beyond the site would adversely impact highway safety;
- This site is important to the rural character of the village, with the proposed development harmful to an understanding of the rural setting of Rusper;
- The local road network is unsuitable to support a development of the scale proposed;
- Local roads are unsuitable for cycling;
- The proposed development is harmful to the character of the Rusper Conservation Area;
- Concern regarding the adverse effects of proposed development upon protected species and wildlife;
- Expected yield figures presented within the proposed offsetting strategy do not take sufficient account of the potential for reduced yields during summer months and changes as a consequence of climate change;
- The proposed offsetting strategy presents the risk of 'double counting' in combination with other potential schemes;
- The proposals would adversely impact upon local tranquillity;
- The proposals would adversely impact upon local dark skies;
- Existing utilities/infrastructure are unable to support a development of the scale proposed;

- The proposals would result in the loss of established trees, which will not be adequately compensated for through new planting;
- The proposals to fence off the recreational area is contrary to Policy 1 of the Rusper Neighbourhood Plan;
- The proposals fail to achieve Water Neutrality;
- The proposals are not on a bus route;

3.17 It is acknowledged that a single letter of representation additionally seeks to object to the proposals on the basis of harm to the Green Belt. Members are advised that the Green Belt represents a formal designation that is not present within Horsham District. The effects of development upon the Green Belt, and performance against national policies governing the Green Belt and its purposes, accordingly, do not represent a material consideration in this instance.

3.18 **Parish Comments:** Objection

[Summary] (Response of 30.04.2025) Rusper Parish Council responded to object to the proposals. The Parish Council considered the proposals contrary to the Rusper Neighbourhood Plan and that any support provided by allocation within the emerging local plan should prove significantly diminished as a consequence of the recommendations of the examining inspector. The Parish Council, further, noted that the proposals were in conflict with the spatial policies of the existing development plan as a consequence of its rural setting outside a defined built-up area boundary away from public transport infrastructure.

The Parish Council, further, considered the proposed pedestrian access arrangements onto East Street to prove unsuitable, necessitating that pedestrians step into the highway and in a location where the visibility for drivers is likely to be impacted by the setting sun. The Parish Council, also, considered the absence of a continuous footway on the northern side of East Street to prove unacceptable. The Parish Council, however, did welcome the prospective kerb-build out on East Street and the associated benefit in terms of reducing vehicle speeds in the village.

In respect of vehicular access the Parish Council considered the proposed access unsuitable and located close to the existing and approved accesses for nearby development such as to amount to an unacceptable impact on highway safety and cumulative significant cumulative effect upon the highway network contrary to Paragraph 116 of the Framework.

The Parish Council, in addition, considered that the proposed provision of 4x visitor parking bays to prove insufficient for a development of 18x dwellings and with the nearest public car-park found some distance from the site. No alternatives to the use of the private car were considered to exist, with Rusper served by limited and infrequent bus services.

The Parish Council did not consider the proposals to be contained within an existing defensible boundary in landscape terms and that the proposals would significantly impact upon local landscape features.

In respect of anticipated biodiversity/ecological effects the Parish Council directed attention to the presence of 4x SSSIs located within a 2.5km radius of the site and the degree of preparatory tree felling/habitat loss undertaken prior to the submission of this application. The Parish Council considered these works should be discounted from the submitted Biodiversity Net-Gain assessments.

In respect of other matters the Parish Council noted that the proposals do not deliver 35% affordable housing on site (only 33.3% being proposed on site), would deliver limited landscaping and open-space, to make only vague commitments to enhance sustainability, and that any water savings provided by the offsetting strategy would not be returned to Southern Water.

3.19 Member Comments:

None received

**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:**

Spatial Policy:

6.1. The Development Plan at the application site area comprises the Horsham District Planning Framework (HDPF), the Rusper Neighbourhood Plan, and the West Sussex Joint Minerals Local Plan (2018). In accordance with planning law, these documents form the statutory development plan and the starting point for the assessment of the development proposals.

6.2. Policy 2 of the Horsham District Planning Framework (HDPF) (2015) sets out the strategic spatial strategy of the development plan. This policy seeks to satisfy community needs through sustainable growth which maintains suitable access to services and local employment while maintaining the unique rural character of the District. HDPF Policy 2, amongst other things, seeks to focus development around the main settlement of Horsham while allowing growth in the rest of the District in accordance with the identified settlement hierarchy, bring forward strategic allocations for housing development and support the sustainable development of settlements in a manner which preserves existing settlement patterns, protects rural character and landscapes and prevents the merging of settlements.

6.3. Policy 3 of the HDPF outlines the settlement hierarchy of the District and establishes that development will be permitted within towns and villages which possess defined built-up areas. Rusper is defined as a 'medium village', characterised within the settlement hierarchy as a settlement which benefits from a moderate level of service, amenities and community infrastructure together with some access to public transport. Such settlements are, broadly, capable of meeting some day-to-day needs of residents, but rely on larger settlements to satisfy a full range of employment, educational and amenity needs.

6.4. Policy 4 of the HDPF relates to settlement expansion and provides that the growth of settlements will be supported in order to meet identified needs. Beyond defined built-up area boundaries settlement expansion will be supported where;

1. The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge;
2. The level of expansion is appropriate to the scale and function of the settlement;
3. The development would satisfy identified local housing (or employment) need or would assist with the retention and enhancement of community facilities/services;
4. The development would not prejudice long-term strategic development and;
5. The development is contained within an existing defensible boundary and would maintain features of landscape and townscape character.

6.5 Policy 26 of the HDPF seeks to protect the countryside of the District against inappropriate development. This policy seeks to ensure that development outside of defined built-up area boundaries is essential to its respective countryside location, does not result in a significant intensification of activity within the countryside (cumulatively or individually) and, in addition, relates to the needs of agriculture or forestry, mineral extraction or waste disposal, quiet recreational use or allows for the sustainable development of rural areas.

6.6 Policy 1 of the Ruper Neighbourhood Plan (RNP) defines the built-up area boundary of Ruper and is intended to inform the application of HDPF Policy 4, as confirmed within the supporting text to RNP Policy 1 at paragraphs 6.4 - 6.6. The RNP does not offer any alternative spatial and/or countryside protection policy provisions to the HDPF, nor are housing allocations contained within the RNP. The supporting text to the RNP at paragraph 3.13 indicates that the Parish Council are committed to an early review of the RNP at a point in time when an appropriate housing need figure can be provided to the Parish Council and opportunities for small/medium site allocations can subsequently be determined.

6.7 Collectively the policies of the existing development plan operate to promote development within defined built-up area boundaries and establish a planned approach to settlement expansion in order to satisfy community needs in a manner which preserves the rural character of the District, the identity of individual settlements, promotes a re-balancing away from reliance on the use of the private car (HDPF Policy 40 additionally refers) and maintains sustainable access to services and employment.

6.8 The application site is located in a countryside location beyond the defined built-up area boundary of Ruper on a site not allocated within either the HDPF or the RNP. Accordingly, the proposal conflicts with Policies 2, 3, 4 and 26 of the HDPF.

6.9 Where a proposal is not in accordance with the locational strategy for housing in the Development Plan, it is necessary to consider if any material considerations would otherwise justify the grant of planning permission. In this regard there are such material considerations that may justify the grant of planning permission, namely:

*Horsham District Local Plan*

6.10 Whilst the Examining Inspector's Interim Findings letter dated 4 April 2025 recommends that the Regulation 19 Horsham District Local Plan 2023-2040 (HDLP) be withdrawn, at this point in time no formal decision to withdraw the Plan from examination has been made. Accordingly, the policies within the HDLP continue to carry limited weight. Irrespective of whether the Plan is formally withdrawn, the background evidence base to support the draft Plan does continue to carry some limited weight given the Examining Inspector's comments at paragraph 95 of his Interim Findings letter. This background evidence base includes the site assessments that informed the site allocations.

6.11 The site forms a draft allocation within the submission Horsham District Local Plan 2023 - 2040 (HDLP/Local Plan) under Policy HA15 (allocation RS2). This allocation was informed by the aforementioned site assessments carried out in the production of the HDLP. The evidence base for the HDLP supported the selection of this application site for at least 20 dwellings.

6.12 Draft Policy HA15 requires that proposals for the development of this site should meet national and local plan requirements, be designed to minimise noise exposure to aircraft noise, and have regard to the setting and character of the Rusper Conservation Area and maintain the rural approach to the village. As discussed below, it is considered that the proposal satisfies these requirements. Compliance with draft Policy HA15 has therefore been demonstrated, albeit this carries limited weight given the paused status of the HDLP.

*Year Housing Supply Position (5YHLS)*

6.13 The Council is unable to demonstrate a 5YHLS (the supply being no better than just 1 year as of April 2025). National Policy dictates that, at Paragraph 11d of the NPPF, the absence of a 5YHLS engages the 'tilted balance' presumption in favour of sustainable development in the determination of this application, unless the breach of any Footnote 7 matters (such as heritage, habitat or flooding policies) represents a 'strong reason' to refuse permission; or unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.14 Allied to this is that the Council has failed its most recent Housing Delivery Test, with the December 2024 test results demonstrating that the Council has only delivered 62% of its housing target in the preceding three years. This itself also triggers the presumption in favour of sustainable development under Paragraph 11d irrespective of a Council's 5YHLS position.

Shaping Development in Horsham District

6.15 In recognition of the Council's inability to demonstrate a 5-year housing land supply the Authority has published the Shaping Development in Horsham District Planning Advice Note (SD PAN) (2025). The provisions of the SD PAN constitute a material planning consideration and are intended to inform the approach of the Authority to decision making. Limited weight is given to the SD PAN given its status as an advice note.

6.16 The SD PAN, at Paragraphs 5.6-5.9, advises that the Council considers site allocations advanced within the Draft HDLP to be predicated upon robust evidence and capable of accommodating sustainable development. Paragraph 5.7 to the SDPAN advises that the Council will consider positively applications for development identified in the Draft HDLP and which are compliant with non-housing supply related Policies. The SD PAN encourages applicants to have regard to quantities of development identified within the Draft HDLP, and highlights that the examining Inspector did not identify any concern with proposed HDLP allocations within his initial findings letter (Paragraph 5.8).

6.17 As a draft HDLP allocation under Policy HA15, the site is listed in Appendix 2 to the SDPAN as a site where development would be considered positively in-principle. The provisions of the SD PAN, therefore, would weigh in favour of the development proposals.

Conclusions on Matters of Principle:

6.18 The proposed development conflicts with HDPF Polices, 2, 3, 4 and 26 as the site falls within the countryside on a site not allocated for development. However, the absence of a 5YHLS and compliance with the SD PAN are material considerations that weigh in favour of the principle of development on this site and can outweigh this conflict. Whether these considerations outweigh the harm afforded by the conflict with these policies is addressed in the overall planning balance at the end of this report, following the consideration of all other material matters relevant to this application.

## **Housing Mix and Affordable Housing:**

6.19 HDPF Policy 16 provides that development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16, though, does recognise that the appropriate mix of housing types and sizes will also depend on the established character and density of the neighbourhood and development viability. Policy 16, in addition, requires that 35% of total housing is provided as affordable housing, and that affordable housing is delivered on a 70/30 ratio in favour of affordable rent over alternative affordable housing products.

### Affordable Housing:

6.20 The development proposals would provide 6x total affordable dwellings, comprising 4x affordable rental units and 2x shared ownership units. The proposed quantum of on-site provision, therefore, equates to 33.3% of total housing provision with affordable housing being provided on 66/33 basis in favour of affordable rent over shared ownership.

6.21 It should be recognised that, in this instance, the delivery of affordable housing on a true policy compliant position (35%) would necessitate the delivery of 6.3 dwellings. Recognising the inability of a developer to provide a part unit, the Council's Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) at Paragraph 6.1.8 explains that, where policy compliance would generate a need to deliver less than 0.5 of a dwelling, the Council will seek a financial contribution necessary to bridge the gap to 35%.

6.22 In this instance the applicant has agreed to a financial contribution of £23,358 in lieu of provision of 0.3 of an affordable housing unit. This has been calculated in consultation with officers pursuant to the methodology promoted at paragraphs 6.1.62 – 6.1.64 of the Affordable Housing SPD.

6.23 While, therefore, the proposals do not achieve 35% affordable housing on-site, the proposed quantity of on-site provision in combination with off-site contribution adheres to the recommendations of the Affordable Housing SPD and achieves compliance with HDPF Policy 16.

6.24 The proposed split of affordable rent and shared ownership units, similarly, is not precisely in compliance with the preferred 70/30 split recommended in the accompanying text to HDPF Policy 16, though, exact compliance is not achievable in the context of the total 6x on-site affordable units in this instance. The 66/33 split between affordable rent and shared ownership is considered acceptable in this instance.

6.25 The proposals would provide the following affordable housing mix compared to the recommendations of the latest Strategic Housing Market Assessment (SHMA):

Affordable Rented	SHMA 2019 (4 units)	Proposal (4 units)	Over / under supply
1-bed	35% (1.4 dwellings)	0 dwellings	-1.4
2-bed	30% (1.2 dwellings)	3 dwellings	+1.8
3-bed	25% (1 dwellings)	1 dwellings	0
4+ bed	10% (0.4 dwellings)	0 dwellings	-0.4

Shared Ownership	SHMA 2019 (2 units)	Proposal (2 units)	Over / under supply
1-bed	25% (0.4 dwellings)	0 dwellings	-0.4
2-bed	40% (0.8 dwellings)	0 dwellings	-0.8
3-bed	25% (0.5 dwellings)	2 dwellings	+1.5

4+ bed	10% (0.2 dwellings)	0 dwellings	-0.2
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6.26 The proposed affordable housing mix (in both affordable rent and shared ownership categories) diverges slightly from the recommendations of the SHMA. This takes the format of a slight oversupply of 3-bed units within the shared ownership category and 2-bed units in the affordable rent categories.

6.27 As referenced within the response of the Council's housing officer the Housing Register waiting list for Rusper shows a significant demand for dwellings within the 3-bed category (69 households) equivalent to 42% of waiting households in Rusper. The view of the Council's housing officer is that the proposed split of affordable housing units does not meet this local demand, with amendments requested to better address this local need.

6.28 The level of on-site affordable rent provision in this instance, however, is small with only 4x total units being provided. The proposed mix, further, reflects the recommendations of the SHMA with the exception of 1-bed provision, which is considered typical for a rural edge-of-settlement site such as this. The response of the Council's housing officer, further, confirms that a need for dwellings of all sizes exists on the housing waiting list for Rusper.

6.29 Overall, with regard to these circumstances, it is considered that the proposed affordable housing mix would continue to meet a local need and would satisfy the provisions of HDPF Policy 16 noting that this policy does not demand strict adherence to the recommendations of the SHMA.

**Market Housing Mix:**

6.30 The proposals would provide the following market housing mix compared to the recommendations of the latest SHMA:

	Open Market SHMA 2019 (12 units)	Proposal (12 units)	Over / under supply
1-bed	5% (0.6 dwellings)	0 dwellings	-0.6
2-bed	30% (3.6 dwellings)	4 dwellings	+0.4
3-bed	40% (4.8 dwellings)	6 dwellings	+1.2
4+ bed	25% (3 dwellings)	2 dwellings	-1.0

6.31 The proposed market provision, therefore, is slightly skewed towards mid-sized (2/3 bed dwellings) at the expense of 4+ bed and 1-bed market typologies. The degree of divergence from the recommendations of the SHMA, though, is limited in this instance and partly reflects the fractional nature which full compliance would necessitate for a development of this scale. It is, further, considered that the proposed market mix represents a reasonable response to existing character and the limited scale of the application site. It is not considered that any objection in relation to the recommendations of the SHMA in respect of the proposed market mix is warranted in this instance.

**Character, Design and Appearance:**

6.32 Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

6.33 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

6.34 Policy RUS3 to the RNP provides that proposals for new development must be of the highest standard of design and reflect the character and scale of surrounding buildings. Proposals should take into account the significance and setting of relevant heritage assets, including the Rusper Conservation Area, the retention of key views, including those out of the village towards the countryside, the retention of mature trees and hedgerows, the retention of Rusper's dark-skies status, the achievement of current heat and noise insulation standards and incorporate of elements of sustainable design.

6.35 The application site falls beyond the defined BUAB of Rusper within Landscape Character Area (LCA) I2 (Warnham and Rusper Wooded Ridge) as categorised within the Horsham District Landscape Character Assessment (2003). This is an LCA characterised by undulating wooded ridges, the strong pattern of shaws and hedgerows and patchwork of small pasture fields possessing a general unspoilt character. The Landscape Character Assessment considers this LCA to display a high sensitivity to change, including from large scale housing/commercial development, small scale incremental change and the erosion of narrow country lanes.

6.36 The more recent Horsham District Landscape Capacity Assessment (2014) identifies many of the same unspoilt, rural and tranquil qualities recognised in the 2003 Landscape Character Assessment, with this area additionally considered to possess moderate visual sensitivity due to visibility from rural lanes and Public Rights of Way. The 2014 Landscape Capacity Assessment recommends that any development would need to be restricted close to the existing settlement edge and to seek to minimise the loss of hedgerows/trees, concluding as to a low-moderate capacity for small scale development (up to 100 dwellings).

6.37 The application site occupies a single paddock and forms a minor component of the overall LCA. The site is bounded by the rear garden of No.10 East Street to the east and would extend the lineal pattern of residential development north of East Street ~160m eastwards beyond the existing BUAB. While the proposed development would remain within the existing hedged paddock boundary, the proposal would inevitably result in an urbanising encroachment into the rural countryside to the north of East Street and north-east of Rusper. In this respect the urbanising effects of proposed development would prove detrimental to the rural character and visual amenities of the site, its respective surroundings and an appreciation of the historic rural settlement edge of Rusper.

6.38 Preparatory works undertaken in advance of the submission of this application have resulted in the partial loss of the established treed-hedgerow present to the north of East Street. This act is directly harmful to the integrity of this existing landscape feature, represents a failure to preserve existing landscape/natural features in the manner promoted by HDPF Policies 25, 26, 32 and 33, and exposes the site to a greater degree within views from East Street than would otherwise have proven the case.

6.39 The site is primarily perceived from East Street and from informal footpaths to the immediate north of the site. As observed during the officer site visit views of the site from the Sussex Border Trial (PROW 1496) can be obtained from certain positions, though, are limited in number and generally obscured at least in part by intervening topography and vegetation. Even following preparatory works undertaken on the East Street boundary, the anticipated adverse visual effects of proposed development are expected to be principally experienced within the immediate vicinity of the site and from positions where existing built form contained within the BUAB can already be appreciated. The limited range of viewpoints of the site, their proximity to the site/Rusper and pre-existing urban influences are considered to temper the

degree of resultant landscape and visual harm such that this is considered overall of a moderate level.

6.40 The site, further, should be acknowledged to have been assessed to possess low/moderate capacity for small scale residential development (of the nature proposed in this instance) within the Horsham District Landscape Capacity Assessment (2014), as also reflected within the allocation of the site for the development of 20 dwellings within the Draft HDLP. While Council's Landscape team have responded to object to the proposals, this objection is noted to be significantly influenced by the harmful nature of preparatory works undertaken in advance of submission (the harm associated with which is acknowledged above) and non-landscape related matters, including compliance with Open Space and Flood-Risk related policies.

6.41 The proposed development, except for preparatory works and associated harmful effects, is arranged in a manner which would substantially preserve existing vegetation and respect the existing hedged field-boundary to the northern and eastern site boundaries. Proposed housing, further, is arranged in typical outward facing blocks such as to present active frontages to the south and to the north. Dwellings are proposed to 'step down' with the site's natural gradient from west to east. This would result in an approximate drop of 6m between the ridgeline of plot 13 and plot 4 at opposing ends of the site. It is noted that whilst Plots 13 and 18 would be sited at the sites highest point, these dwellings would remain of a broadly comparable elevation to 10 and 11 East Street and would therefore not appear out of character. It is welcomed that the proposal does not seek substantial engineering or land forming. Finished floor levels and external ground levels can be secured via a suitably worded planning condition (condition 4).

6.42 The proposed housing types are of a typical traditional 'pastiche' incorporating traditionally pitched roof slopes, materials and detailing in the form of exposed rafter ends, brick-quoining/decorative courses, window surrounds and chimney features. The proposed hard-landscaping strategy, further, avoids the introduction of suburban style fencing to prominent locations through the use of brick-walling.

6.43 While the proposed development would, inevitably, result in harmful urbanising effects the overall quality of design is considered acceptable and sympathetic to the situation of the site at a rural edge of settlement location and its relationship with the Rusper Conservation Area. Concerns as to the proposed planting strategy, inclusive of the quantity of new/compensatory planting and size of individual trees, as raised by the Council's Landscape team, further, are capable of being overcome by the imposition of appropriately worded planning conditions. No conflict is considered in relation to HDPF Policies 32 and 33 and Policy RUS3 in respect of quality of design.

6.44 The proposals includes a small area of amenity greenspace (~72m<sup>2</sup>) at the south-western edge of the site and a small area of amenity greenspace and natural/semi-natural greenspace to the east (~800m<sup>2</sup>). Given the sites modest scale, substantial onsite open space or formal play space would not be reasonably expected in this instance. Notwithstanding this, the site is a short walk to from existing public play facilities adjacent to 'The Plough' public house, and residents would have convenient access to the Public Right of Way network and to areas of public open space to be delivered within the nearby Millfields Farm development (ref: DC/24/0699). This is in addition to private gardens. Officers are therefore satisfied that the future residents would have sufficient access to open and play spaces.

6.45 Overall, therefore, while the proposed development is in conflict with the provisions of Policies 25, 26, 32 and 33 to the HDPF, such conflict is considered to be limited to the moderate adverse landscape and visual effects which would result from the development proposals.

**Arboriculture:**

6.46 Policy 33 to the HDPF presumes in favour of the retention of existing natural features, including trees. This reflects the provisions of NPPF Paragraph 136 and 187(b) which respectively seek to ensure that trees are retained wherever possible and sets an expectation that development recognises the intrinsic character and beauty of the countryside and the ecosystem services which it fulfils, including in relation to trees and woodland.

6.47 Preparatory clearance works undertaken in advance of the submission of this application have resulted in the estimated loss of 17x mature and understory trees within the southern-treed boundary of the site against East Street. The precise type, condition and scale of trees removed in association with preparatory works is unknown, though, publicly available 'streetview' imagery would indicate that the treed-hedgerow present on the southern site boundary formed a well-established grouping possessing several individually mature and significant trees. As preparatory works were unquestionably undertaken in anticipation of the submission of this application, the failure to preserve established and viable trees is considered to weigh against the proposals in conflict with the provisions of HDPF Policy 33 and the NPPF at Paragraphs 136 and 187(b).

6.48 Further tree operations, as detailed on the submitted Arboricultural Method Statement and Tree Protection Plan, are comparatively limited, limited to the removal of 5x individual trees (T46, T47, T48 in addition to T12 and T14). Trees T12 and T14 are Ash trees identified to be suffering from advanced Ash dieback and recommended to be felled for reasons of public safety by the Council's arborist. The long term preservation of these trees, irrespective of the proposals, therefore, is unrealistic and undesirable such that the loss of trees T12 and T14 do not weigh against the proposals.

6.49 Trees T46-T48 include a dead Hornbeam and two young Sycamore trees, commented to be historically 'topped' at 1m within the submitted Arboricultural Method Statement (AMS), with all three trees assigned a 'U' categorisation within the submitted AMS. The Council's arborist has not disputed this categorisation, or the associated conclusion that such trees should be removed for reasons of general arboricultural management. The removal of trees T46-T48 in order to accommodate the proposed pedestrian access, therefore, is similarly considered unobjectionable.

6.50 In respect of works to tree groupings the proposals involve a minor removal of hedge H1, also to accommodate the proposed pedestrian access, and the entirety of grouping G2 in order to accommodate housing and access roads. Both H1 and G2 are assigned a 'C' categorisation within the submitted AMS and comprising of various species and immature trees. The Council's arborist recognises that both impacted groupings comprise low-merit, self-seeded specimens such that any removal would not result in significant localised or wider landscape harm. Only limited harm, therefore, is considered to derive from the partial loss of H1 and complete loss of G2 as a consequence of the failure to secure their retention.

6.51 In other respects, subject to the imposition of appropriately worded conditions, it is not considered that the proposals would fail to secure the long-term preservation of trees indicated for retention or that proposed tree-protection measures would prove inadequate/insufficient in this instance.

**Heritage:**

6.52 HDPF Policy 34 recognises that heritage assets are an irreplaceable resource, and as such should be sustained and enhanced through positive management of development affecting heritage assets. Policy 34 (6) further requires development to secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

6.53 RNP Policy RUS3 outlines that where appropriate, proposals should sustain and enhance that significance of the Rusper Conservation Area, its setting in defining the rural character of the Parish, and key views.

6.54 The application site lies immediately southeast of the Rusper Conservation Area and is considered to fall within its setting. A number of listed buildings are located to the west including 'The Star Inn', 'Avery's' and '1 and 2 Norman Cottage', all Grade II. This is in addition to the locally listed Star Cottages and nos 1-8 East Street.

6.55 The proposal has been reviewed by the Council's Conservation Officer who has outlined the proposal would result an identifiable 'less than substantial' harm to the rural character and setting of the conservation area. This is primarily due to the proposed site access and removal of trees along the north side of East Street. It is highlighted that the removal of these trees is considered to diminish the rural approach to the settlement, and to the positive transition between village and countryside.

6.56 The Conservation Officer, therefore, concurs with the submitted Heritage Assessment that the development would result in an identifiable 'less than substantial' harm to the setting of the conservation area, namely due to the loss of the rural character. The Conservation Officer has also noted that whilst the proposal would not result in any direct harm to the fabric or direct setting of listed building, a change to their wider setting would be experienced.

6.57 The proposal is therefore considered to result in 'less than substantial harm' to heritage assets, and would not be in accordance with HDPF Policy 2, HDPF Policy 34, or RNP Policy RUS3.

6.58 Further to this, the NPPF Paragraph 215 establishes that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. An overall planning balance is provided below under the heading 'Conclusion and Planning Balance'

**Residential Amenity:**

6.59 Policy 33 of the HDPF seeks to ensure development does not lead to unacceptable harm to occupiers and users of nearby land and property, including by way of overlooking, loss of privacy and/or disturbance. Policy 24 of the HDPF, similarly, seeks to ensure that future occupiers are not exposed to unacceptable levels of pollutants, including noise, odour, air/light pollution and ground contamination.

6.60 A single dwelling (No. 10 East Street) bounds the application site, found to the adjacent west of the proposed development and fronting onto East Street. Proposed Plots 13-18 are positioned ~12.3m east of the common boundary with No.10 East Street, though, positioned to the north of the built-footprint of No.10.

6.61 As observed during the officer site visit, No.10 East Street omits side (west facing) windows orientated towards the application site. The submitted plans, further, show that east facing windows featured to proposed Plot 13 are to be obscure glazed. It is considered, therefore, that no unacceptable degree of mutual intervisibility would arise between existing and future occupiers. It is, further, reasonable to secure the installation and future retention of obscure glazing to be featured to Plot 13 as such glazing serves only 'secondary' windows with the relevant first floor bedroom still afforded a large non-obscure window orientated to the south.

6.62 Rear (east) facing windows featured to Plots 14-18 would remain clear glazed, though, are found at a greater distance from No.10 East Street and would look onto semi-mature Leylandii present on the common boundary and which are shown for retention. Even were boundary hedging to be removed in the future, Plots 14-18 would directly look onto an area of the rear garden of No.10 some distance rear of the dwelling and which would not be considered as sensitive to a degree of overlooking from neighbouring occupiers. No harmful

degree of overlooking, therefore, is considered to result to occupiers of No.10 as a consequence of the development proposals.

6.63 The ~12.3m separation between Plots 13-18 and the common boundary with No.10 is recognised as comparatively close for the provision of two storey dwellings. The proposed dwellings, however, are situated north of the built-footprint of No.10 such that the introduction of any built-form is unlikely to significantly influence the receipt of natural light into neighbouring living spaces. The orientation of Plot 13, and respective degree of separation to proposed Plot 14, in any case, would prevent a terracing effect on the boundary and allow the passage of natural light through to No.10. Levels, further, fall away from No.10 through the site to the east such that Plots 13-18 would be situated at a slightly lesser elevation relative to No.10 and its respective rear garden space. Overall, therefore, with regard to these collective circumstances it is not considered that the proposed development would result in an unacceptable degree of overshadowing or overbearing effect to occupiers of No.10.

6.64 Given the increased separation to other existing dwellings in the vicinity of the site it is considered that no unacceptable loss of privacy, degree of overshadowing or overbearing effect would result to existing occupiers in the wider vicinity of the site. The proposals, therefore, are not considered contrary to the requirements of HDPF Policy 33 insofar as no unacceptable effects upon existing occupiers/users of land would result.

6.65 Internally the proposed development is arranged in a manner considered to prevent unacceptable relationships of mutual overlooking or overshadowing to future occupiers. Rear to rear distances between plots (Plots 12, 11 to 10, Plots 1, 2, 3, 4 to plots 5 and 6) are a minimum of 20m and are considered acceptable. Where closer distances exist between dwellings, particularly side-rear relationships, the proposed plans demonstrate the use of obscure glazing to relevant first floor landing and/or W/C spaces to avoid potentially harmful relationships of mutual overlooking. Proposed private garden spaces, further, are considered sufficiently sized to meet the anticipated needs of future occupiers.

6.66 No assessment of likely exposure to noise disturbance as a consequence of proximity to the flightpath for Gatwick Airport has been undertaken in association with the proposals as expected by Policy HA15 to the draft HDLP. A similar assessment undertaken pursuant to ref: DC/24/0699, effectively opposite the site on East Street, however, revealed that acceptable levels of external noise could be achieved without mitigation and that acceptable levels of internal noise could be achieved subject to the use of built-fabric and windows at a specified standard of acoustic mitigation. Given the proximity of ref: DC/24/0699 to the current proposals it is considered that this conclusion provides confidence that acceptable standards of internal/external noise can be achieved in principle. In order to determine the need for precise acoustic mitigations, particularly to built-fabrics, it is recommended that an appropriately worded condition be employed to require the prior-acoustic assessment of aircraft noise and implementation of any relevant mitigation measures.

6.67 Subject to relevant conditions, therefore, it is considered that future occupiers would be afforded suitable and acceptable living conditions in compliance with HDPF Policies 24 and 33.

**Highway Safety and Operation:**

6.68 Policy 40 to the HDPF seeks to promote the development of an integrated transport systems and proposals which promote a rebalancing away from reliance on the use of the private car as a means of access to jobs, services and facilities. Policy 40, further, confirms that development will be supported if it is appropriate in scale to existing infrastructure, is integrated with the wider network of routes, including footpaths and cycle paths, includes opportunities for sustainable transport, minimises the need to travel, affords access to a range of transport options and provides safe and convenient access for highways users.

6.69 The proposed junction onto East Street takes the form of a simple uncontrolled priority 'T' junction. As shown on the submitted plans the proposed junction incorporates gradual corner radii (6m) and would provide visibility splays of 120m in the westward direction and 58m in the eastwards direction at a position 2.4m rear of the existing highway. Achievable visibility splays, therefore, are sufficient both for the posted speed limit of 40mph and the 85th percentile surveyed speeds of 38.8mph in the westwards direction and 36.9mph in the eastwards direction as confirmed within the LHA response.

6.70 The applicant, however, has committed to undertake off-site highways improvements in association with the proposed development including an undertaking to progress a Traffic Regulation Order to relocate the 30mph speed limit to a position ~320m east of its current position and provide associated gateway features. These measures broadly align with those agreed in conjunction with the nearby Millfields Farm development (ref: DC/24/0699) and are proposed to be secured by way of S.106 agreement.

6.71 Pedestrian access to the site is to be obtained by way of footway extension on the south-side of East Street together with a kerb build-out into East Street leading back towards the site in order to assist with pedestrian visibility, reduce the distance that pedestrians are required to transit the carriageway, and provide a secondary traffic calming function.

6.72 Within the development site traffic volumes are expected to be low, with the submitted plans indicating differing surface compositions for shared and segregated surfaces together with expected transitions such as to be considered appropriate. A dedicated footway to the adjacent south of Plots 7-2 is to be provided and which would avoid pedestrians walking across the main-site access and where vehicle movements are likely to prove most intensive.

6.73 The collective package of on-site and off-site works have been subject to independent Road Safety Audit (RSA) and reviewed by the Local Highways Authority, who have raised no objection to the scheme on the basis of highway safety and are satisfied that any problems identified through the independent RSA have been successfully resolved. It is, therefore, considered that the proposals are acceptable in highway safety terms and which would comply with the provisions of HDLP Policy 40 and NPPF Paragraph 116 in this respect.

6.74 TRICS analysis undertaken by the LHA association with the proposals suggests that the proposals would generate 8x two-way movements during the AM peak and 11x two-way movements during the PM peak (roughly 1 vehicle every 5.5 minutes). This represents a low-level of trip generation and is not considered to result in a 'severe' impact upon highway operation such as to warrant objection pursuant to NPPF Paragraph 116 on an individual or cumulative basis. This conclusion is supported by the LHA, who consider that no junction capacity analysis is warranted and explicitly acknowledge the level of committed development in the vicinity of the site and opposite on East Street.

6.75 It is acknowledged that the application site is located within a comparatively rural context. Rusper village, though, does contain some facilities, including a public house, convenience store and primary school and which would prove easily accessible by foot or cycle to occupiers of the proposed development. Inevitably, however, future occupiers would prove largely dependent on the use of the private car for the vast majority of trips in accessing a full range of employment, education, healthcare and recreational opportunities, given the limited range of facilities and nature of public transport services available within the vicinity of the site. The site, however, is not isolated for the purposes of NPPF Paragraph 84 while the approach of allocating growth sites in order to support or enhance the vitality of rural communities, in the manner provided for by HDLP Policy HA15, is further supported by NPPF Paragraph 83.

6.76 Given the small quantum of development at strategic scale, and acknowledging that development of the scale proposed is proportionate to Rusper's status as a medium village, it is the view of officers that any objection in relation to Paragraphs 115 or 117 of the NPPF

in this instance would prove unsustainable. The submitted plans, in any case, do demonstrate that safe and convenient means of cycle and pedestrian access to the site can be obtained and make sufficient accommodation for cycle parking.

6.77 In terms of vehicular parking the proposed development would provide a total of 42x parking spaces inclusive of 4x visitor spaces. This quantity of provision complies with LHA standards and is not expected to result in overspill parking beyond the application site. The proposals, therefore, are compliant with the provisions of HDPF Policy 40 in this respect.

**Ecology:**

6.78 Policy 31 of the HDPF, requires that consideration is given to the hierarchy of habitat sites within the District and provides that development anticipated to directly or indirectly adversely impact upon a habitat site be refused unless the reasons for development clearly outweigh the need to protect the value of the site and appropriate mitigation and compensation is provided. Any development with the potential to impact upon special-protection areas will be subject to a Habitats Regulations Assessment to determine the need for Appropriate Assessment pursuant to Regulation 63 of the Protection of Habitats and Species Regulations 2017 (as amended). 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.

6.79 A Preliminary Ecological Appraisal (PEA) has been submitted in support of this application and reviewed by the Council's Ecology Consultant, and the councils in-house Ecology and BNG Officer. The PEA details desk studies and site surveys for bats, badgers, dormice, reptiles, nesting birds and great crested newts. One tree with bat roost potential was identified. This tree is proposed to be retained; however, it is noted that works with the potential to impact roosting bats have been undertaken prior to the submission of this application. As such, further survey work has been undertaken and a 'Large Colony Bat Box' has been installed on an Ash Tree, as per officers' advice. This box can be retained and the secured within a suitably worded planning condition alongside the additional avoidance measures set out in the PEA and wildlife sensitive lighting scheme.

6.80 To further ecological concerns have been raised, however, the ecologist has requested that the mitigation measures and reasonable biodiversity enhancements set out within the Preliminary Ecological Appraisal are secured via a suitably worded planning condition. This include the provision of additional bat boxes, sparrow / nesting bricks and log piles.

6.81 The proposal has also been reviewed by NatureSpace who have assessed the potential impact on Newts. The application site falls within the red impact risk zone indicating that highly suitable habitat for great crested newt populations. 7 ponds are located within 500m and there have been 3 positive records of great crested newts within 500m of the site. Naturespace have reviewed the submitted information and outlined that whilst small proportion of optimal habitat would be impacted by the proposal, a risk remains due to the proposed removal of rubble and scrub and presence of unsurveyed ponds with connectivity to the site. Notwithstanding this, NatureSpace conclude that a precautionary approach would be acceptable in this instance. The Precautionary Working Methods Statement, as set out within the submitted '*Technical response*' should therefore be secured via a suitably worded planning condition (condition 25).

6.82 With the above conditions in place the proposal is considered to ensure the protection and enhancement of existing biodiversity, habitats and statutory protected species in accordance with HDPF policy 31.

**Biodiversity Net Gain (BNG)**

6.83 A completed Biodiversity Net Gain Metric, BNG Report and Outline Habitat Management and Monitoring Plan (HMMP) have been provided. The BNG report establishes the on-site

habitat baseline which comprise of modified grassland, linear scrub, hedgerow and treeline. It is highlighted that trees along the southern boundary, which were removed prior to the date of application, have been included within the sites baseline habitat. As such, any biodiversity net-gain will need to account for the loss of these trees.

6.84 The BNG Report summaries that the proposed development, with the proposed enhancements, results in a -28.70% net loss in area habitat (-1.04 units) and 46.83% net gain in hedgerows (+0.77) units. Therefore, the proposed development and provision of on-site enhancements fails to deliver a 10% net gain on site. The proposal will therefore require the purchase of off-site units to achieve the statutory requirement of a minimum for 10% BNG in accordance with the Environment Act 2021. The Council's Ecology and Biodiversity Officer has commented that the BNG details are acceptable and is satisfied that any remaining matters can be addressed in the HMMP and by way of the statutory Biodiversity Gain Plan Condition prior to the commencement of any works.

6.85 It is additionally noted that the BNG provision on site considered to be 'significant'. Therefore, a s106 legal agreement is required to secure the management, maintenance and monitoring of this 'significant onsite' BNG provision for the required 30 years, alongside the statutory condition requiring a Biodiversity Gain Plan to be submitted and approved prior to development commencing.

**Water Neutrality:**

6.86 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.

6.87 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.

6.88 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.

6.89 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.

6.90 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.

**Drainage and Flood Risk:**

6.91 Policy 38 to the HDPF requires that development follows a sequential approach to flood risk management, giving priority to sites with the lowest risk of flooding. Development, further, must be designed to make development safe without increasing flood-risk elsewhere and incorporate sustainable drainage systems (SUDS) wherever feasible.

6.92 Current Environment Agency modelling shows that the application site is not at risk of flooding from any source, inclusive of surface-water flooding. Land to the adjacent south of the site (where a roadside drainage ditch currently exists) is depicted as at risk of surface-water flooding, as is land to the adjacent east of the site which sits at a lower elevation.

6.93 The submitted plans demonstrate that the proposals would not introduce any housing within areas modelled as at risk of flooding, currently or in the future. The proposals, though, are supported by a detailed Flood Risk and Drainage Strategy, which is revised by a Technical Note (dated 22.05.2025) submitted in response to Lead Local Flood Authority comments.

6.94 The Flood Risk information submitted to the Council includes assessment of expected surface-water flood-risk depths relevant to the proposed point of access onto East Street, and which suggests that any risk of surface water flooding at the entrance to the site is likely to prove small, isolated and below 20cm in depth. This is considered to represent a very low risk to future occupiers and which would not preclude safe exit and or entrance to the site, with relevant assessment as to risk contained within the Technical Note in relation to relevant DEFRA and Environment Agency guidance. No objection has been raised by the Lead Local Flood Authority as to the conclusions of the Technical Note in this regard, or as to risk posed to future occupiers in general.

6.95 The submitted Flood Risk and Drainage Statement, further, contains a detailed surface water strategy with relevant drainage drawings/calculations included, which are amended (in part) by the subsequent Technical Note. Surface water is to be initially captured within attenuation tanks underlying proposed roadways before disposing to an on-site attenuation basin featured at the eastern extent of the site. The attenuation basin, itself, is to dispose to an existing drainage ditch south of the site. Hydrobrake flow-control features are featured throughout the site to control the rate of disposal between drainage features, together with the use of permeable pavements to shared surfaces.

6.96 The overall drainage strategy has been reviewed by the Lead Local Flood Authority and found to be acceptable. While it is recognised that the proposed strategy does represent an 'end of pipe' solution to controlling surface water, a criticism made by the Council's Landscape team, neither national and/or local planning policy expressly requires the incorporation of source-control or naturalised approaches to managing surface water risk, whilst the delivery of the attenuation basin as proposed would still provide a multifunctional biodiversity and flood-risk benefit. It is not considered, in the context of absence of objection from the Lead Local Flood Authority and general lack of flood-risk within the site, that any objection in relation to the proposed development on the basis of conflict with HDPF Policy 38 or NPPF Paragraph 182 could reasonably be made in this instance.

6.97 At present, as a consequence of the nature of separate flood-risk/drainage submissions, the Council does not benefit from a single cohesive drainage strategy document. A need, therefore, does exist to require the submission and approval of a drainage strategy document to take account of latter 'amendments' to the initial strategy effected by the Technical Note of 22.05.2025. Any details to be submitted, further, can seek to relocate the drainage pipe leading south of the drainage basin through the modelled root-protection area of retained tree grouping G1 as recommended within the response of the Council's Arborist. Subject to such a condition considered that the proposed development would prove appropriately drained and would not materially increase the risk of flooding elsewhere in compliance with the requirements of HDPF Policy 38.

**Contaminated Land:**

6.98 The proposed development is supported by an Environmental Desk Study Report. This has been reviewed by the Council's Environmental Health Team, who have indicated that preliminary contamination risks have been adequately assessed. The Council's Environmental Health Team, further, have confirmed agreement with the recommendations of the Desk Study Report insofar as a ground investigation should be undertaken in advance of general commencement to confirm ground conditions and fully inform risk to future site users. This is capable of being secured by way of appropriately worded condition.

**Air Quality:**

6.99 The proposed development is supported by an Air Quality Assessment, which includes a standardised air-quality damage cost calculation of £2,766 as a consequence of increased road traffic emissions associated with the proposed development. The submitted Air Quality Assessment commits to the provision of a £150 sustainable travel voucher to each dwelling for the purchase of cycle equipment or public transport tickets, in combination with the provision of electric-vehicle charge points to each dwelling and air-source heat pumps. The submitted calculation, and range of proposed mitigations, have been reviewed by the Council's Environmental Health team and are considered satisfactory. The provision of travel vouchers to future residents is capable of being secured within a suitable worded planning condition.

**Climate Change:**

6.100 The submitted Energy and Sustainability Statement details measures to be employed in the construction of proposed dwellings to reduce resource use and increase energy efficiency. As detailed within the Sustainability Statement, specified energy efficiency and built-fabric measures would reduce carbon emissions a further 1.8% beyond 'Part L' requirements. An additional commitment to install 18x solar PV systems to roofs of proposed dwellings together with air source heat pumps to service each respective dwelling is made at sections 4.9 and 4.10 of the Sustainability Statement, which is modelled to reduce expected carbon emissions by 71.1% relative to Part L requirements in combination with built-fabric measures. This represents a significant reduction in expected energy/resource use and attracts positive weight pursuant to HDPF Policies 35-37.

6.101 Solar PV arrays are not presently detailed on the submitted plans, though, their provision and details as to their positioning is capable of being secured by way of appropriately worded condition. It is, similarly, recognised that the Council's Environmental Health Team have raised concern with the potential for noise disturbance to future residents owing to the indicative proximity and positioning of Air Source Heat Pump units on the submitted plans. As shown indicatively, it is, further, reasonable to secure detail as to the final and precise positioning of ASHP units by way of appropriately worded condition in order to reduce any potential disturbance to future occupiers as a consequence of the proximity of ASHP units to key and/or vulnerable neighbouring facades.

**Minerals Safeguarding:**

6.102 The application site falls within a designated Minerals Safeguarding Area for the protection of Soft Sand. Policy M9 to the West Sussex Joint Minerals Local Plan (MWLP) (2018) (Part reviewed 2021) seeks to protect soft sand, together with other mineral types, from sterilisation. Policy M9 provides that development for non-minerals development within Minerals Safeguarding Area will not be permitted unless mineral sterilisation would not occur, or that it is appropriate and practicable to extract the mineral prior to development taking place, or there is an overriding need for development which outweighs the safeguarding of the mineral and that it has been demonstrated that prior extraction is not practicable or environmentally feasible.

6.103 The Minerals and Waste Authority have responded to advise that the proposed development is of a scale which remains below the consultation threshold for the safeguarding of mineral

resources. Policy M9 to the MWLP, however, remains of material applicability, with the proposed development of a nature which would result in the sterilisation of safeguarded Brick Clay resources.

6.104 It is the view of officers that the site does not represent a realistic candidate for the extraction of Brick Clay resources. The site is of small scale (less than 1ha in area), and is further constrained by its proximity and relationship with nearby residential development, existing vegetation and the Rusper Conservation Area. The nature of quarrying activity is considered to prove far more disruptive/harmful to these features than the residential development proposed in this instance. It is not considered, therefore, that a commercially viable and environmentally feasible extraction could be supported within the site in this instance.

6.105 The Council, further, has a substantial unmet need for housing in relation to its assessed need. Given the extensiveness of the Brick Clay safeguarding designation within Horsham District it is inevitable that reliance will need to be placed upon safeguarded land in meeting the housing needs of the District. The judgement of officers, therefore, is that prior extraction is not feasible in this instance and that there is overriding need which justifies any resultant sterilisation of mineral resources. No conflict, therefore, is considered in relation to Policy M9 to the MWLP.

#### **Archaeology:**

6.106 The proposed development is supported by an Archaeological Desk Based Assessment which interrogates the Historic Environment Record and predicts a low potential for prehistoric, Roman and Saxon/medieval remains, a low to moderate potential for late medieval and high potential for post-medieval and modern remains. The Desk Based Assessment, further, recognises the limitations of its conclusions in the absence of physical investigation and given the limited range of nearby records on the Historic Environment Record. The Council's Archaeological Consultant, given the lack of precise certainty as to the presence and quality of archaeological remains would be otherwise destroyed by the proposed development, recommends that a written scheme of investigation inclusive of physical investigation be agreed with the LPA and undertaken in advance of general commencement. Subject to the imposition of relevant conditions, therefore, the proposals would not result in the destruction of archaeological remains.

#### **Draft Heads of Terms for S.106 Agreement:**

6.107 In order to ensure compliance with HDPF Policies 16 and 39, a S106 legal agreement is required, the draft heads of terms of which are as follows:

- Affordable Housing – Provisions to require the delivery of 6x of total housing units as affordable housing;
- Affordable Housing Contribution – Provisions to secure the payment of £23,358 to the Council accounting for the inability of the developer to deliver a 'part' unit on site.
- Biodiversity Net-Gain – Provisions to require the delivery of on-site significant BNG and associated monitoring and maintenance for a period of 30-years.

#### **Conclusion and Planning Balance:**

6.108 The proposal seeks the development 18 dwellings, including 6 affordable dwellings, outside of a defined built-up area boundary of Rusper, on a site which has not allocated for development within the current development plan, and without an essential need for a countryside location. The proposals, therefore, conflicts with the provisions of HDPF Policies 2, 3, 4 and 26.

6.109 The application site is, however, allocated for the development of 20 dwellings at Policy HA15 of the emerging HDLP. Whilst emerging plan policies presently attract limited weight, the presence of this allocation is considered to align with the intended spatial approach of the draft HDLP (Policies 2, 3 and 14), in seeking to meet the housing needs of the District until 2040 through specific site allocations and a planned approach to settlement expansion. The

SD PAN additionally indicates that the Council will 'consider positively' applications which align with draft HDLP allocations, reflecting the strength of the HDLP evidence base and absence of objection to individual site allocations within the examining Inspector's interim findings letter.

6.110 The development would provide 18 dwellings, including 6 affordable dwellings and a monetary contribution to affordable housing. This benefit should be accorded significant weight, particularly given the current housing supply within the District, and the known demand on the local housing register waiting list. The proposal would additionally provide a temporary economic and employment benefits during construction.

6.111 The proposal is considered to be of a scale, design and layout sympathetic to the respective character of the area, and incorporation of renewable energy technologies in combination with built-fabric measures, exceed the requirements of current Building Regulations requirements. The proposal would also avoid unacceptable effects upon nearby occupiers/users of land, and to provide future occupiers acceptable living condition.

6.112 The proposal has been reviewed by the Council's Ecology Consultant and Ecology Officer who are satisfied that, with appropriate mitigation measures secured, the likely impacts on protected and priority species is considered acceptable. Whilst it is noted that the loss of trees along southern the boundary line is disappointing, this has been assessed by the Council's Ecologist and has been included within the site's baseline value for the purposes of BNG.

6.113 The proposals, further, are considered to avoid unacceptable effects upon local highway safety and operation, potential archaeological remains, air quality and safeguarded mineral resources. The proposals, further, would provide adequate levels/standards of vehicular and cycle parking and are not considered to expose future occupiers to the risk of flooding or to materially increase flood-risk elsewhere. No conflict, therefore, is considered in relation to the requirements of HDPF Policies 24, 34, 38, 40, 41, and MWLP Policy M9 in these regards. The absence of harm in these regards is neutral in the planning balance.

6.114 It is acknowledged that the proposal would permit residential development beyond the defined built-up area boundary. This would introduce an urbanising / suburbanising influence resulting in intrinsic harm to the rural character of the countryside setting. This harm would be most prominent in the loss of trees / hedgerow along the southern boundary with East Street, where tree-lined rural roads are considered to positively contribute to the setting of the Rusper Conservation Area and the countryside edge. It is additionally noted that the removal of these trees opens the site up to additional views and would be perceived from within Rusper Conservation Area. The proposal is therefore considered to result in a degree of landscape harm and less than substantial harm to the setting of the Conservation Area contrary to HDPF Policies 25, 26, 32, 33, 34 and RNP Policy RUS3 in addition to NPPF Paragraphs 136 and 187(b).

6.115 It is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and a presumption in favour or 'tilted balance' is therefore engaged as per NPPF Paragraph 11(d). This balance requires permission to be granted, unless:

- (i) the application of policies within the Framework which protect areas or assets of particular importance provide a strong reason to refuse the development proposed, or,
- (ii) (any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the provisions of the Framework as a whole, having particular regard to key policies to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.116 In this instance it is not considered that harm exists in relation to any of the features identified at footnote 7 to Paragraph 11(d)(i), including designated habitat sites, irreplaceable habitat, heritage assets, protected landscapes, local green space, green belt or land at risk of flooding. Furthermore, when considering the planning balance set out above, it is the view of officers that the harm derived from the loss of trees, conflict with the existing development plan and scale of adverse landscape and visual effects would not significantly and demonstrably outweigh the benefits in this instance.

6.117 It is noted that The Rusper Neighbourhood Plan remains less than 5-years old, however, the Neighbourhood Plan does not contain policies and/or allocations capable of or intended to meet the identified housing requirement of the Parish as recognised within Appendix 1 to the SD PAN. Accordingly, any identified conflict with the RNP does not engage Paragraph 14 to the Framework and would not be a significant and demonstrable reasons to refuse planning permission.

6.118 It is, therefore, recommended that planning permission be granted accordingly, subject to the conditions detailed below and the completion of a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990. This recommendation would remain the same in the event the HDLP is formally withdrawn prior to the formal grant of planning permission.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

**It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
Residential – District Wide Zone 1	1,753	0	1,753
		<b>Total Gain</b>	<b>1,753</b>
		<b>Total Demolition</b>	<b>0</b>

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## 7. RECOMMENDATIONS

7.1 To grant full planning permission subject to appropriate conditions as detailed below and the completion of a s106 legal agreement.

Conditions:

- Approved Plans List**
- Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:

- (a) Details of site management contact details and responsibilities;
- (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
  - i. location of site compound,
  - ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
  - iii. site offices (including location, height, size and appearance),
  - iv. location of site access points for construction vehicles,
  - v. location of on-site parking,
  - vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
- (c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
- (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

All demolition and construction activities shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence unless and until precise details (to include details shown on a plan) proposed finished floor levels and external ground levels throughout the development in relation to existing Ordnance Survey datum points site have been submitted to and approved by the Local Planning Authority in writing. The development shall, subsequently, be completed in accordance with the approved details.

Reason: To ensure that the proposed development is of an appropriate character and appearance, and to ensure that proposed dwellings are adequately protected from the risk of surface water flooding pursuant to Policies 33 and 38 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and approved Arboricultural Method Statement (David Archer Associates, November 2024) The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence until a residential noise impact assessment has been undertaken to assess aircraft noise, and a scheme of noise mitigation and mechanical ventilation sufficient to prevent overheating and maintain thermal comfort for all dwellings shall be submitted to for approval in writing from the Local Planning Authority. Any mechanical ventilation shall be designed in accordance with the ANC

Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme shall also include performance details and a glazing plan sufficient to achieve the habitable room standards as detailed in BS8233:2014 [and appropriate consideration of LAmax] [including details of post construction validation measurements]. The dwellings shall be constructed in accordance with the approved details.

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

**7. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- (a) Details of all existing trees and planting to be removed and retained
- (b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- (c) Details of all hard surfacing materials and finishes
- (d) Details of all boundary treatments
- (e) Details of all external lighting
- (f) Details of existing and proposed levels for all external earthworks (including SuDS).

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site (other than those within private gardens) shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 30 years after completion of the development. Any proposed or retained planting outside of private gardens, which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

**8. Pre-Commencement Condition:**

- (a) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (b) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

**9. Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

**10. Pre- Commencement Condition:** Notwithstanding the submitted Air Quality Assessment, the development hereby approved shall not commence until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate against the impact of the development in accordance with Policy 24 of the Horsham District Planning Framework (2015) and Air quality and emissions mitigation guidance for Sussex (2021).

**11. Pre-Commencement Condition:** The development hereby approved shall not commence until confirmation has been provided that either:

1. Foul water capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

**12. Pre-Commencement Condition:** The development hereby approved shall not commence until the locations of the air source heat pumps have been submitted to and been approved in writing by the Local Planning Authority. . The development shall be implemented and retained in accordance with the approved details.

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

**13. Pre-Commencement (Slab Level) Condition:** Prior to any works above slab level commencing, a Biodiversity Enhancement Strategy for protected and priority species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Ecology Partnership, January 2025), shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

- The retention of the 1FS Schwegler Large Colony Bat Box

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

**14. Pre-Occupation Condition:** Prior to first occupation of any dwelling hereby approved, details of the appearance and location of all photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and climate change in accordance with Policy 33 and 35 of the Horsham District Planning Framework (2015).

**15. Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 9(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(b), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

**16. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Landscape Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components and specifications, management prescriptions, timetable for implementation, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**17. Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved a lighting design scheme for biodiversity detailing all external lighting throughout the development including numbers, positions, heights, designs, lighting contours and technical specifications shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

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

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

19. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden of that dwelling. The facilities shall, thereafter, be retained for use at all times.

Reason: To ensure that provision is made for refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number PL-31 Rev D. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

21. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

22. **Pre-Occupation Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation or use of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance approved plans and drawings as provided in the Flood Risk Assessment and Drainage Strategy dated 12/02/2025 (Revision B) and Technical Note TN03 – RFI Response to LLFA – 21st May 2025, including the methodology surrounding the management of the existing culverted system that crosses the site. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with the NPPF and local planning policy 38 in the Horsham District Planning Framework

23. **Regulatory Condition:** The development hereby permitted shall be carried out in strict accordance with the approved plans and drawings as provided in the Flood Risk Assessment and Drainage Strategy dated 12/02/2025 (Revision B) and Technical Note TN03 – RFI Response to LLFA – 21st May 2025, including the methodology surrounding the management of the existing culverted system that crosses the site. This feature should be retained and properly maintained/repaired up to the site boundary line in both directions.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with the NPPF and local planning policy 38 in the Horsham District Planning Framework

24. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Ecology Partnership, January 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

25. **Regulatory Condition:** The development hereby permitted shall be carried out in strict accordance with the Reasonable Avoidance Measures set out within the 'Technical Response – Planning ref: DC/25/0523' (Ecology Partnership, 6 November 2025) as submitted with the planning application.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with Policy 31 of the Horsham Development Framework, section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

26. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

27. **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

28. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Method Statement (Archer Associates, November 2024).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

### **Biodiversity Net Gain Condition**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

**This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.**

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/submit-a-biodiversity-gain-plan)

### *Statutory exemptions and transitional arrangements*

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.