



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0863
Brookside Farm, Dagbrook Lane, Henfield, West Sussex, BN5 9SH

DESCRIPTION:

Demolition of 2no Agricultural Buildings and Erection of 2no dwellinghouses.

RELEVANT PLANNING HISTORY:

DC/21/0307	Erection of 3 x new build dwellings (alternative to Prior Approval ref: DC/20/1881 for Change of Use of Agricultural Buildings to form 4 dwellinghouses).	Withdrawn Application on 13.07.2021
DC/20/0817	Change of use from an agricultural building to dwellings (C3 Use class). Agricultural barn / holding	Prior Approval Required and PERMITTED on 17.08.2020
DC/21/0993	Erection of a two-storey dwelling.	Application Permitted on 19.08.2021
DC/21/2040	Erection of 3 x new build dwellings (alternative to Prior Approval ref: DC/20/1881 for Change of Use of Agricultural Buildings to form 4 dwellinghouses).	Application Refused on 01.11.2021
HRA/22/0010	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/20/1881.	Application Refused on 28.04.2022
DC/22/1036	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 3no dwellinghouses.	Prior Approval Required and PERMITTED on 22.07.2022
DC/22/1038	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and PERMITTED on 22.07.2022
DISC/22/0253	Approval of details reserved by conditions 3 and 4 to approved application DC/21/0993	Application Permitted on 15.11.2022
DC/22/1673	Erection of an 'American barn' for equestrian use	Application Permitted on 12.10.2023

SITE AND SURROUNDS

This application site consists of land and buildings situated towards the end of Dagbrook Lane some significant distance west of Shoreham Road. The two barns proposed for development bounded by agricultural land, with one of the Barns in proximity to residential dwellings known as 'The Old Dairy' and 'Owl Lodge'. The farmyard for Brookside Farm includes a number of former agricultural buildings in residential use. To the east of one of the Barns 'Brookside Stables' is a public right of way no 2787.

DETAILED DESCRIPTION

Brookside Stables would be demolished to allow the erection of one x five-bedroom dwelling with 6 rooflights in the southern elevation roof slope and 9 on the rear, the southern elevation would host a gable front with large glazed fenestration and a Juliette balcony. The gable would have an eaves height of 4.5 metres. The eaves height would be 2.55 metres on the built form comprising the 5th bedroom indicated on the plans. The dwelling would have a catslide element and be half hipped with horizontal cladding and tiles. From the submitted plans, this dwellinghouse has been sited partially over the top of a current outbuilding such that it is understood that the two existing outbuildings in this proximity would also be demolished as part of the proposal. The ridge height would be 7.6 metres approximately and would have a width of 20.6 metres approximately.

The westernmost agricultural building within the red line boundary indicated within the submitted Location Plan would be demolished. In the approximate siting of the agricultural building would be a 5-bedroom dwelling, although it is noted that the Water Neutrality statement indicates a 6 bedroom dwelling and the plans labelled 2404BR_R0 note the 5th room as 'Bed 6'. This dwelling would be in horizontal cladding with a catslide roof featuring 6 rooflights to the northern elevation and 6 to the south elevation. The west and northern elevation would have Juliette balconies and the northern elevation would have a large central fenestration in excess of the eaves height. The approximate dimensions would be a width of 23 metres and the depth would be 12 metres, the ridge height would be 7.6 metres.

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 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 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 – Parking

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

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the district (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

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

Henfield Parish Neighbourhood Plan

Policy 1 – A Spatial Plan for the Parish

Policy 4 – Transport, Access and Car Parking
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

Henfield Parish Design Statement

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

Southern water: The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. The applicant has not provided details of the proposed means of disposal of foul drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as the relevant information is provided. Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Natural England: Objection

Insufficient detail has been provided in respect of the provision of potable Water such that it cannot be concluded that the proposed development would not result in additional water abstraction.

WSCC Fire and Rescue: Having viewed the plans for the planning application no DC/24/0863 for the Demolition of 2no Agricultural Buildings and Erection of 2no dwellinghouses, the nearest fire hydrant for the supply of water for firefighting is 850 metres away, 675-metres further than the 175-metre distance required for a domestic premises. There is an alternative water supply that exists, but it is also too far away from the Brookside Stables new build property at 325m away. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 1: B5 section 14 and agreed with West Sussex Fire & Rescue Service.

Evidence also required to show there is suitable access for a fire appliance to attend the site in the event of a fire, including a turning facility to enable a fire appliance to exit without the need to reverse more than 20 metres to reach either a turning facility or the exit from the site. The access route will need to be capable of supporting 18 Tonne axial weight of a fire appliance, a minimum width of 3.1 metres through any gateway or narrowing and 3.7 metres width for the appliance to be operated when attending a fire situation, as identified in AD-B Volume 1: B5 section 13.

Any areas not meeting these requirements will need to be mitigated by the installation of domestic sprinkler or water mist system conforming with BS9251 or BS8458 standard.

HDC Environmental Health: Objection

'Land Contamination

Environmental Health have reviewed the Environmental Assessment Services Ltd Preliminary Contamination Risk Assessment, dated August 2023, and we have the following comments to make.

1. *The above-mentioned report only covers one of the barns and not the whole application site, this is a significant omission.*
2. *The risk assessment as detailed in Table 8.1 is not compliant current British Standards and technical guidance.*

3. We note the comment in section 8.5 'It is proposed to redevelop the site for residential use but there are not any proposed garden areas where future residents are likely to come into contact with the underlying soil'. From reviewing the proposed plans, we consider it likely that soft landscaping/gardens will be created as part of this application, we therefore do not agree with this comment. The potential for future site users to come into contact with contaminated soils in soft landscaped/garden areas should therefore form part of the PRA.
4. We note that the no site investigation works are proposed, given the potential for soft landscaped/garden areas to be created unfortunately we do not agree with this conclusion.

Rainwater Harvesting System

1. We have reviewed the supporting information and we note that a rainwater harvesting system is proposed to supply potable water to the development.
2. Rainwater harvesting schemes can however be highly contaminated, to provide the LPA with sufficient confidence that the rainwater harvesting scheme will be maintained and managed for the lifetime of the development the application should be supported by a detailed private water supply management and maintenance report. This report should be provided by a suitably competent and qualified consultant who specialises in private water supplies and include, but not necessarily be limited to, the following information:
 - Detail on the likely contaminants associated with the rainwater harvesting system, including contaminants associated with the components of the proposed system.
 - Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
 - Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
 - Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
 - Detail on the continuity of supply during dry periods extending beyond 35 days.
 - Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
3. We note that some detail has been provided in the Water Neutrality Report. In our view the information provided is however insufficiently detailed and does not provide the LPA with sufficient confidence that the risks from the rainwater harvesting system will be managed and maintained for the lifetime of the development.

Construction Phase

During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan will be recommended as a condition, once we are happy that the above matters have been addressed.

Summary

Given the above we are of the view that the application is currently insufficiently detailed to be determined.

WSCC Highways: No objection, subject to condition

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Ecology Consultant: No objection, subject to condition

We note that the two buildings on site (Building 1 open sided barn and Building 2 barn in use as a stable) have negligible bat roost potential and there are no trees on site that have bat roost potential (Preliminary Ecological Walkover Survey (Sylvatica Ecology Ltd., June 2024)). We therefore agree that no further surveys for bats are required.

Excluding comments regarding Great Crested Newts as this would be for NatureSpace to review.

Parish Comments:

No Objection

Representations:

None received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

Principle of Development:

The application seeks full planning permission for the demolition of the demolition of two barns and the erection of two 5 bedroom dwellinghouses.

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development within the main settlements. Policy 3 of the HDPF directs development within existing settlements which have defined built-up area boundaries (BUAB) and Policy 4 states that development will be permitted outside BUAB expansion of settlements where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan.

Policy 1.2 of the Henfield Neighbourhood Plan states that development proposals outside of the defined built up area boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside.

As the application site is located outside of a BUAB and is not allocated within either the HDPF or the Henfield Neighbourhood Plan, the proposed development does not accord with Policies 3 and 4 in this regard. Therefore, the principle of the proposed development outside of any defined built-up area

boundary is contrary to the overarching spatial strategy and principles of the National Planning Policy Framework and Local Development Plan.

As the site lies outside of any BUAB, it is therefore considered to be within a countryside location in policy terms. Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria include: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The erection of a dwelling is not considered to be essential to its countryside location, nor does it meet any of the criteria set out in Policy 26, therefore this proposal does not accord with Policy 26.

In recognition of the HDPF housing policies being out-of-date, the Council published interim guidance on Facilitating Appropriate Development (FAD). This however only applies to development that adjoins an existing settlement edge as defined by the BUAB such that it is not applicable to this application site. The application site is located approximately 0.7 kilometres south of Henfield (as the crow flies) and does not adjoin an identified settlement, the proposal would therefore not benefit from the provisions of the FAD.

The western barn has previously been granted a prior approval consent for a Change of Use of Agricultural Building to residential (Use Class C3) to form 3no dwellinghouse (ref. DC/22/1038). An informative was attached to the permission advising that the decision relates solely to whether the Prior Approval of the Local Planning Authority is required, and did not confirm that the proposal represents Permitted Development. It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. As the site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site, significant effect must be ruled out in order to establish the permitted development (Via a HRA application). No such application has been submitted by the applicant to establish that the consent is capable of being implemented. It would not in this instance therefore form a viable fallback.

Information submitted as part of the application advances that there are several viable fallback applications which should be given weight as material planning considerations in the assessment of this application. However, as with the above application, the cases advanced as fall positions such as DC/22/1038, DC/22/1036 and DC/20/0817 are not capable of implementation as they are without approved HRA agreements to confirm the developments would be Water Neutral. Additionally, DC/21/0993 does not pertain to either of the barns proposed for demolition. Even if there were an approved HRA for DC/21/0993 and DC/20/0817, there was no forthcoming legal agreement that would mean that these applications were not built out such that the current application would result in net addition dwellings.

With the above in mind, the principle of the proposal is resisted. The appropriate degree of weight to be assigned to conflict with these policies is detailed further below.

Design, Appearance and Landscaping:

Policies 25, 32 and 33 of the HDPF promote development that is of a high-quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming

and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

The scale of the proposed buildings would both be very large, and the plot in nearest proximity to residential dwellings to the western part of the site would not relate well to the neighbouring dwellings, in terms of volume and bulk at the roof height. Nevertheless, they would both be accommodated within their plots comfortably and subject to the inclusion of hardstanding, landscaping and site boundary treatment details, could be provided with sufficient screening so as not to have an unacceptable impact in this regard. Whilst the proposals would not necessarily be high quality design, in terms of being sympathetic to the other dwellings in the vicinity contemporary design and materials are not inherently unacceptable or uncommon in rural areas. Furthermore, the buildings would give the impression of a barn converted to residential use. Overall, they would not be visible from public viewpoints except from the PROW given their remote locations such that it cannot be said that they would harm the character of the area. There are no objections to the proposals in respect of policies 25, 32 and 33 of the HDPF.

Amenity Impact

Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties. Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions and remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 189 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks from land instability and contamination.

While the proposal would introduce residential dwellings to the site which is agricultural in nature, it is not therefore that the proposal would result in harm to the amenities of neighbouring properties through noise and disturbance or overlooking. The dwelling in the location of 'Brookside Stables' would be remote from neighbours and the westernmost dwelling would be partially screened from view given the presence of a large agricultural building in between these neighbours and the dwellinghouse. The proposed dwellings are considered to be at an acceptable distance from the neighbouring property to restrict potential overlooking and loss of privacy. The proposed development is therefore not considered to result in harm to the amenities or sensitivities of neighbouring properties.

Environmental Health have been consulted during the course of the application and have objected to the proposal on the basis that there is potential for the land to be contaminated such that the proposal would represent a public health risk to the future occupiers. They have identified issues concerns with the Preliminary Contamination Risk Assessment, dated August 2023 with the document making unreliable assumptions about the use of amenity space associated with dwellings, that the risk assessment would not be compliant with current British Standards and technical guidance and that the risk assessment only applies to one of the barns rather than both, such that its assessment is incomplete.

Further issues are raised from the insufficient details of the Rainwater Harvesting system providing potable drinking water. The lack of information has meant that the Local Planning Authority cannot have confidence that this method of rainwater collection for potable water will for the lifetime of the development be managed and maintained. A competent consultant would need to provide details of what contaminants may be with the system, how these might be treated for such that the water is a potable standard and that they have a suitable storage tank to guarantee the continuity of supply during dry periods extending beyond 35 days.

Whilst a contaminated land condition would potentially be sufficient to ensure the public health of future occupiers in respect of contaminated land, information regarding potable water is considered fundamental to the assessment of this application such that insufficient information would warrant a reason for refusal. In this instance, and given the other reasons for refusal further information on contaminated land has not been sought and the proposal would have potential to cause unacceptable harm to the future occupiers of the land, contrary to policy 33(2) of the HDPF.

Highways Impacts

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

There are no proposed access changes going from Dagbrook Lane to the main road. Highways have been consulted during the course of the application and have no objections to the parking provision on site and note that the parking bays have not been demonstrated on the submitted plans but there appears to be sufficient space for the car parking spaces within the curtilage of the proposed dwellings. On-site turning appears achievable, allowing vehicles to exit the in a forward gear.

It is not therefore considered that the proposed development would result in harm to the function or safety of the highway network, in accordance with Policy 41 of the Horsham District Planning Framework (2015) and Paragraph 115 of the NPPF.

Ecology

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

The application site is located within the countryside. The Council's Ecological Consultant have raised no objection to the proposals in terms of assessment for bats given that the survey submitted would have negligible bat roost potential and there are no trees on site that have bat roost potential (Preliminary Ecological Walkover Survey (Sylvatica Ecology Ltd., June 2024)). Given that the barns are within a green zone and amber zone for the Great Crested Newt with no apparent ponds within close proximity (250m) to the site it would not be considered necessary to consult the Council's District Newt Licencing Scheme.

Accordingly, the proposed development would accord with Policy 31 of the Horsham District Planning Framework (2015) subject to the inclusion of the relevant conditions recommended by Ecology.

Water Neutrality

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

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

The Water Neutrality statement outlines the baseline water usage would be nil and have provided a proposed usage based on part G calculations and occupancy. The dwellings in combination would comprise a demand of 810 litres per day. The mitigation proposed would be a rainwater harvesting system to supply the entire water usage for the dwellings. Environmental Health have raised concerns regarding the quality of water arising from the proposal. Such that there is no certainty that the water would be a potable quality and would likely require mains usage for potable consumption. The information submitted in terms of filtration system and the management plan for the rainwater harvesting system would likely be insufficient such that the proposal may result in a greater level of water abstraction.

In addition, the rainwater harvesting calculations from the roof area have been exaggerated. The applicant has calculated roof area of unit 1 and 2 are 319m² and 245m² respectively. However, the provided plans illustrate a roof area of 195m² and 174m². Applying the roof areas as depicted on the plans reduces to total yield for each dwelling. In terms of rainwater harvesting, the following formula has been used to calculate the yield:

$$Yr = A \times e \times AAR \times H$$

Where:

Yr = rainwater yield (in litres)

A = collection area (195m² and 174m²)

e = yield coefficient (of 0.9)

AAR = area annual average rainfall (of 752.61)

h = hydraulic filter efficiency (of 0.9)

Unit 1:

$$195 \times 0.9 \times 752.61 \times 0.9 = \underline{\underline{118,744.75l/a}}$$

$$118,744.75l/a / 365days = \underline{\underline{325.33l/d}} \text{ (average)}$$

Unit 2:

$$174 \times 0.9 \times 752.61 \times 0.9 = \underline{\underline{106,072.85l/a}}$$

$$106,072.85l/a / 365days = \underline{\underline{290.61l/d}} \text{ (average)}$$

The applicant has accounted for a water demand of **441.04l/d** and **368.32l/d** for units 1 and 2 respectively. As per the calculations above, the proposed water demand would not be met by the rainwater harvesting potential of each unit, thus a mains water collection would be required to meet each unit's demand. Furthermore, with the above calculations in mind, the 35day drought contingency has not been accurately calculated, notwithstanding the yield's inability meet the units' demand.

It is noted that the agent has made a request to submit additional detail via pre-commencement condition rather than prior to determination. However, this would not provide the required degree of certainty that the development would not result in adverse impacts through additional water abstraction. Given that the strategy of the Water Neutrality Statement would be reliant on the quality of the drinking water being potable, the acceptability of the water in this regard is an essential part of an assessment and the details for this would be required prior to determination to establish if the development would represent sustainable development.

Natural England have been consulted on this basis and agree with the Council's assessment on the matter. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of

Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Biodiversity Net Gain (BNG)

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The submission notes that the proposal would be a self-build such that the application would not be required to meet requirements on Biodiversity net gain, representing an exemption.

Conclusions and Planning Balance

Planning permission is sought to demolish existing agricultural buildings and erect two dwellings in their place. As the site is not allocated for development with the HDPF or a made neighbourhood plan, owing to the site's location outside of the built-up area boundary, the principle of the development is resisted under Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.

The Council published its Authority Monitoring Report (AMR) in December 2023. Chapter 3 of the AMR revealed that the Council currently benefits from a deliverable supply of housing sites of 2.9 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 under this paragraph refers to development relating designated sites such as those listed under NPPF paragraph 187 (including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar sites).

Subsequent to the receipt of the Natural England position statement, and in the absence of the applicant demonstrating water neutrality (as above), the proposal would result in an increase in water abstraction from the Pulborough borehole, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. Therefore, the Local Planning Authority are of the view that in instances where Water Neutrality cannot be demonstrated, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i)). As such, this adverse impact on protected sites disengages the presumption in favour of sustainable development in the 'titled balance' to its default position.

In the absence of demonstrating water neutrality, the proposal would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. This adverse impact on these protected sites is afforded significant weight, as approving such a scheme without demonstrating water neutrality would (cumulatively) result in irreversible harm to and loss of habitats and protected species. In such circumstances the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 185 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

As per the preceding sections of this report, the granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and Policy 1 of the Henfield Neighbourhood Plan. This conflict with the development plan is afforded significant weight, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic process of selecting sites within Neighbourhood Plans.

Though it is noted there may be a planning betterment No other discernible benefits would arise from the granting of this permission.

The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet all of the criteria:

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

While the current housing shortfall is a material consideration of significant weight, the site does not adjoin a built-up area boundary- therefore, the proposal would not benefit from the provisions of the FAD as above. In addition, the applicant has not provided sufficient information to demonstrate that the proposal would be water neutral. The material benefits are not therefore considered to outweigh the harm identified above, and the proposal is therefore recommended for refusal.

Recommendation: Application Refused

Reasons for Refusal:

- 1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy 1 of the Henfield Neighbourhood Plan (2021).
- 2 Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

POSITIVE AND PROACTIVE STATEMENT

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

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

Plan Type	Description	Drawing Number	Received Date
Location plan		2404BR_R0_000	05.06.2024
Elevation & Floor plan		2404BR_R0_X1	05.06.2024
Elevation & Floor plan		2404BR_R0_U1	05.06.2024
Elevation & Floor plan		2404BR_R0_X2	05.06.2024
Elevation & Floor plan		2404BR_R0_U2	05.06.2024
Design & Access Statement		NONE	05.06.2024
Supporting Statement	DC/22/1036	NONE	06.06.2024
Supporting Statement	Water	NONE	06.06.2024
Supporting Statement	Preliminary Contamination Risk Assessment	635	06.06.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 01.08.2024

Authorising Officer sign/initial RHERMITAGE Date: 06.08.2024