

10 November 2025

Attn. Ms Kate Turner  
Development Management  
Horsham District Council,  
Albery House, Springfield Road,  
Horsham,  
West Sussex RH12 2GB

RH/Let/P2090iii

Dear Ms Turner,

**Resubmission of Planning Application (Ref: DC/24/1965 - Appeal Ref: APP/Z3825/W/25/3363148) for the  
“Outline planning application with all matters reserved apart from access for 1no. 4-bedroom dwelling with  
associated private garden space, car parking and landscaping” at Abbots Leigh, Washington Road,  
Storrington, West Sussex RH20 4AF**

We are writing to accompany the resubmission of the above planning application following the dismissal of the recent appeal decision dated 6 October 2025. For the avoidance of doubt, the development description reads:

*“Outline Planning Application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping (Resubmission of DC/24/1965 - Appeal Ref: APP/Z3825/W/25/3363148).”*

The application has been submitted under Planning Portal reference PP-14468178.

As set out by the Inspector in the appeal decision (Appendix A), the only outstanding matter which led to the dismissal of the appeal related to water neutrality within the Sussex North Water Supply Zone (as agreed with Horsham District Council (HDC) in email correspondence, found at Appendix B). The Inspector was otherwise satisfied that the proposed development represents an acceptable form of sustainable development, finding no other harm in relation to principle, location, design, access, or landscape impact.

Since the date of the appeal, the requirement for Applicant's to confirm water neutrality in this area has now fallen away, and therefore the previous reason for dismissal no longer applies. This is confirmed by HDC's website which states that:

*"For individual applications, we will now be using the 2024/25 water efficiency savings made by Southern Water to allow all development to move forward as water neutral from 1st November 2025. These savings were previously to be used by the Sussex North Water Certification Scheme (SNWCS), and amount to some 3,240,000 litres per day. SNWCS, for the avoidance of doubt, will no longer be launched."*

*For applicants, this means that:*

- *No water neutrality statement is now required;*
- *No payment into SNWCS is needed to use the Southern Water capacity referred to above;*
- *No bespoke conditions or s106 obligations are required to demonstrate water neutrality.*

*Please note that given the area remains at significant water stress, all applications for new housing will be required by condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework."*

To confirm, we would accept a condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework.

On this basis, the proposed development should now be considered acceptable, consistent with the Inspector's findings.

The application is therefore resubmitted unchanged, with the view that it accords with the development plan when read as a whole and that there are no remaining reasons for refusal. For the avoidance of doubt, we attach the previous Planning Statement (Appendix C) and Statement of Case (Appendix D) to this Letter. The accompanying Application Forms, CIL Forms, Arboricultural documents (including the Report submitted in support of the Appeal), architectural drawings, drainage report, ecology documents, transport note and topographical survey have been resubmitted again with this application for consistency.

We trust that the Council will agree with this assessment and will be able to grant planning permission accordingly. Should any further information or clarification be required, please do not hesitate to contact us.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely

ECE Planning



**Chris Barker MATP MRTPI**

Managing Director

**Encs.**

## **Appendix A – Appeal Decision for Reference APP/Z3825/W/25/3363148**



## Appeal Decision

Site visit made on 22 September 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

**Appeal Ref: APP/Z3825/W/25/3363148**

**Abbots Leigh, Washington Road, Storrington, West Sussex RH20 4AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr David King against the decision of Horsham District Council.
- The application Ref is DC/24/1965.
- The development proposed is described as 'outline planning application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping'.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal scheme relates to an outline proposal, with all matters, other than the means of access, reserved for future consideration. I have dealt with the appeal on that basis.
3. A plan has been submitted which indicates how residential development could be accommodated on the site along with indicative elevation and floor plans. Aside from the means of access, I have taken these into account for indicative purposes only.
4. My attention is drawn to an emerging Draft Local Plan submitted under Regulation 19<sup>1</sup>. Evidence indicates there is considerable doubt that this plan will proceed, following a recommendation from the examining Inspector that it should be withdrawn and a new plan prepared. Both parties agree it attracts limited weight and in any event, I have not been provided with relevant policies so I have not had regard to it.
5. The site lies close to the South Downs National Park (NP). The duty to conserve and enhance the natural beauty and special qualities of the NP extends to consideration of its setting. However, this is not a matter in dispute between the parties, and I am satisfied that the duty would be met. Therefore, I do not deal with the matter any further.
6. An Agricultural Appeal Statement dated 21 March 2025 by PJC Consultancy Ltd accompanied the appeal. The Council has commented on it as part of their statement of case. It indicates that, subject to conditions, this has overcome its second refusal reason. From the evidence before me, I have no reason to disagree. Therefore, it is not necessary for me to consider the matter further.

<sup>1</sup> of the Town and Country Planning (Local Planning) (England) Regulations 2012

7. The appeal site falls within the Sussex North Water Supply Zone (SNWSZ) as defined by Natural England, where water abstraction has the potential to adversely affect the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (hereafter the Arun Valley sites). It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Although not forming part of the Council's reason for refusal, as competent authority I must consider whether the development is likely to have a significant effect on the integrity of the site. It is therefore necessary to consider this as a main issue. The main parties have had the opportunity of commenting on this.
8. A Unilateral Undertaking (UU) has been submitted with this appeal to secure the development as a self-build dwelling, and includes mitigation relating to water neutrality, a matter I return to in my reasoning below. The Council has had the opportunity to comment on this, so is not prejudiced by my acceptance of it.

## Main Issues

9. In light of the above, the main issues are:

- whether the appeal site is a suitable location for the development, having particular regard to relevant provisions of the development plan and the Framework; and
- the effect of the development on the integrity of the Arun Valley sites.

## Reasons

### *Whether suitable location*

10. The appeal site relates to part of the garden serving Abbots Leigh, located on Washington Road within the parish of Storrington and Sullington. It lies outside of the settlement boundary, in the open countryside as defined in the Horsham District Planning Framework (adopted 2015) (the HDPF) and the Storrington, Sullington and Washington Neighbourhood Plan 2018-2031 (made 2019) (the NP).
11. A strategic approach to development is set out in HDPF Policy 2 which focuses development in and around the key settlement of Horsham, which sits at the top of the district's settlement hierarchy. Storrington and Sullington fall into the second tier of the hierarchy, 'Smaller Towns and Larger Villages' Settlement Type under HDPF Policy 3. These settlements are stated as having a good range of services and facilities, strong community networks and local employment provision, together with reasonable public transport options. The settlements act as hubs for smaller villages, but also have some reliance on larger settlements / each other to meet some of their requirements. HDPF Policy 3 and NP Policy 1, support development within the built-up area boundaries (BUAB's), on allocated sites or in accordance with other development plan policies for the location of development in the countryside.
12. HDPF Policy 4 states that outside of BUABs, the expansion of settlements will be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge, where the level of expansion is appropriate to the scale and function of the settlement type. In addition, the development must be demonstrated to meet the identified local housing needs or assist the retention and enhancement of community facilities and avoid prejudice

to comprehensive long-term development. The final criterion is that the development should be within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

13. While the proposal for one dwelling would be appropriate for the scale and function of the settlement type, the site is not allocated, nor does it adjoin an existing settlement edge. Given the Council's inability to meet its five-year housing land supply (5YHLS), the proposal would help to address an unmet housing need and would not prejudice long-term development. The appeal proposal would be well contained by the existing dwelling of Abbots Leigh and Sandgate Lodge on its opposite side, as well as the designated Sandgate Country Park to its north, which limits its sprawl into the rural area and thus meets the final criterion.
14. However, as the appeal site does not adjoin a settlement edge, nor is it allocated for residential development in the Local Plan or NP, it does not comply with the first part of criterion 1 to HDPF Policy 4. As a result, the proposal is contrary to this policy.
15. Policy 26 of the HDPF seeks to protect the countryside from inappropriate development, requiring development outside of BUAB's to be essential to its countryside location and to meet one of 4 listed exceptions. This proposal would not meet any of these exceptions, bringing the scheme into conflict with this policy.
16. In light of the above, the appeal site is not a suitable location for the development, having regard to the relevant provisions of the development plan and the Framework. The appeal scheme runs counter to policies 1, 2, 3, 4 and 26 of the HDPF and NP Policy 1, which amongst other matters, seek to achieve sustainable development.

#### *Integrity of the Arun Valley sites including Appropriate Assessment*

17. The Arun Valley sites are low lying wetland areas that support rare and diverse plants, invertebrate and bird assemblages as qualifying features. Variation in soils and water supply lead to a wide range of ecological conditions and rich flora and fauna. Natural England issued a Position Statement in September 2021 which advised that due to the additional demand for water abstraction, it cannot be concluded with the required degree of certainty that new development in the SNWSZ would not have an adverse effect on the integrity of the site. The proposal would create a net gain of one dwelling, and in combination with other development permitted in the area, there would be a likely significant adverse effect on the Arun Valley sites.
18. The Position Statement sets out an interim approach requiring plans and projects, affecting sites where an existing adverse impact is known, to demonstrate certainty that they will not contribute further to the existing adverse impact. Regulation 75 of the Habitats Regulations requires an Appropriate Assessment to be carried out to demonstrate the required water neutrality.
19. Natural England sets out the definition for water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place. Water neutrality can be achieved through a combination of water efficiency measures in new buildings and water offsetting.

20. The submitted Water Neutrality Statement sets out proposed on-site water reduction measures, such as fixtures and fittings to be used in the development. Measures would also be required to off-set the residual demand and both parties agree that the purchasing of off-site credits would be an acceptable approach to mitigation. I have no reason to disagree with the views of the Council and Natural England that the strategy advanced would achieve water neutrality, subject to securing the mitigation.
21. Concerns have been raised that the submitted UU only ties the appellant to purchase off-setting credits and does not obligate the land-owners, or other interested parties, to undertake the necessary water off-setting works. The appellants evidence contends that the submitted UU is appropriate to secure mitigation on the basis that the appellant has signed contractual terms with the off-setting provider and paid a substantial deposit. However, evidence of this contractual arrangement has not been provided. Furthermore, the water off-setting provider is not a signatory to the UU. Consequently, I have no certainty that the mitigation necessary to avoid the development from having an adverse effect on the integrity of the Arun Valley sites would be secured.
22. The appellant contends the UU meets the tests of the Framework and cites an example of another scheme where water neutrality was secured by a UU to illustrate their point. However, in that case the water off-setting land was shown edged red and appended as a supplementary deed to the UU, which is not the case in the appeal before me. Consequently, it does not alter my findings on the matter.
23. As competent authority, taking the precautionary principle, I therefore find that the development would likely have a significant adverse effect on the integrity of the protected sites and therefore does not accord with the Habitats Regulations. This also runs counter to the expectations of HDPF Policy 31.

### **Other Matters**

24. As a result of the Council being unable to demonstrate a 5YHLS, it published a document 'Facilitating Appropriate Development' in October 2022 (FAD). This alters the way in which HDPF Policy 4 should be applied. The FAD removes the need for a site to be allocated within the HDPF or NP to be considered acceptable in principle. While the FAD retains the need to demonstrate how the proposal will meet local needs, and to comply with the other remaining criteria to Policy 4, I have found above that the proposal would help to address the undersupply of housing identified in the district and would comply with the other criteria, with the exception of adjoining a BUAB, which the appeal site does not do.
25. However, the FAD, alongside the Framework seeks to promote sustainable development in rural areas and prevent isolated homes in the countryside. As the site sits amongst a small cluster of other dwellings, some of which are on the opposite side of the road, it would not be physically isolated in this respect. Outside of the appeal site, on the opposite side of Washington Road, a footpath provides pedestrian access to the heart of the settlement which the appellant indicates is approximately 0.9 miles away, with the edge of the settlement closer.
26. Additionally, my attention has been drawn to several bus stops in the vicinity of the site. In particular, the bus stop said to be 187m to the east is accessible by footpath and is within a reasonable walking distance from the appeal site. Limited

details have been provided on the frequency of buses, albeit it provides public transport to other settlements in the wider area, as expected given its position in the settlement hierarchy. Consequently, occupiers of the site would have a choice of transport that would not rely solely on use of the private car.

27. Developing the site does not risk merging the settlements owing to its highly constrained positioning between dwellings and the designated Sandgate Park site behind. It would make effective use of land that is not of a high environmental value in line with HDPF Policy 2 and perform well against the objectives of maintaining the district's unique character. Moreover, given its relatively close proximity to a range of services and facilities, the material considerations indicate that the location of development is acceptable, notwithstanding the conflict with the development plan.
28. While there are likely to be other areas of previously developed land (PDL) outside of BUAB's, based on the individual merits of the scheme, it is unlikely that another site would display exactly the same circumstances and it would be unlikely to set an unwelcome precedent.
29. In support of the Council's case, three appeal decisions for single dwellings in the countryside have been cited. Unlike the appeal before me, the appeal dismissed at Lancasters Cottage, Partridge Green<sup>2</sup>, would have resulted in a new home isolated from any settlement. The other two appeals had other harms identified which required balancing. All of these decisions were made when the supply of housing deliverable housing exceeds its current position. For these reasons, based on the limited information before me, they are not directly comparable and do not alter my findings on this matter.

### **Planning Balance**

30. The necessary 5YHLS cannot be demonstrated. There is agreement that the Council is currently only able to demonstrate a 1.0 year supply of deliverable housing sites<sup>3</sup>, representing a significant shortfall. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework. In accordance with paragraph 11(d)(i), I have already established that there is a strong reason for refusal with regards to a habitats site. The presumption in favour of development does not therefore apply.
31. I have found that locationally, the site runs contrary to the spatial strategy of the development plan. However, in circumstances where the Council's housing delivery policies have acted to unduly restrict the supply of homes, I do not find the site's position outside of the settlement boundary, and thus at odds with the Council's spatial strategy, to be decisive to the outcome of this appeal. Rather, when considered in the round, the site is PDL and located where occupants would be able to access local services and facilities and help support them by means other than reliance solely on the private car. This along with the small but important boost in housing supply, and the temporary construction jobs it would create, weighs heavily in favour of the scheme.
32. However, as I have set out, the effect of the development on the integrity of the Arun Valley sites is a strong reason for refusal to which I attach substantial weight.

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<sup>2</sup> Appeal Ref: 3297418 – dismissed March 2023

<sup>3</sup> based on the Housing Delivery Test Action Plan, April 2025

This aligns with the thrust of paragraph 193 of the Framework and brings it into conflict with the development plan as a whole. Although there are weighty material considerations, they would not outweigh the conflict with the development plan.

### **Conclusion**

33. For the reasons set out above, the appeal should be dismissed.

*C Walker*

INSPECTOR

## Appendix B – Email Correspondence with Horsham District Council Dated 20 October 2025

## Rebecca Hoad

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**From:** Kate.Turner [REDACTED]  
**Sent:** 20 October 2025 11:07  
**To:** Rebecca Hoad  
**Cc:** Chris Barker  
**Subject:** RE: P2090ii Abbots Leigh - Appeal Decision

**Categories:** Filed by Newforma

Hi Rebecca,

Yes I have just read the appeal decision and it appears to only be refused on water neutrality grounds.

I believe an overarching legal agreement has now been signed that (if this site is included as one of the sites that credits have been purchased for) can be appended to a submitted WNS and now conditioned. instead of having to have a separate legal agreement. Nicholls have done this for other sites now. Water will likely fall away though, we are just waiting for more certainty on this.

### Kate Turner

Senior Planning Officer (Mon - Thurs)

**Telephone:** [REDACTED]

**Email:** [REDACTED]



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**Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB**

Telephone: 01403 215100 (calls may be recorded) [www.horsham.gov.uk](http://www.horsham.gov.uk) Chief Executive: Jane Eaton

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**From:** Rebecca Hoad [REDACTED]  
**Sent:** 16 October 2025 16:09  
**To:** Kate.Turner [REDACTED]  
**Cc:** Chris Barker <[REDACTED]>  
**Subject:** P2090ii Abbots Leigh - Appeal Decision  
**Importance:** High

Dear Kate,

I hope you are well.

Following the recent dismissal of our appeal (reference APP/Z3825/W/25/3363148, LPA reference DC/24/1965) in respect of Abbots Leigh, Washington Road, Storrington, West Sussex RH20 4AF, we are considering resubmitting the proposal as a new planning application. Having carefully reviewed the Inspector's decision (attached for ease), it appears that the only matter on which the appeal was ultimately dismissed relates to water neutrality.

As noted in the Planning Balance section of the decision, the Inspector accepted that while the site lies outside the settlement boundary and therefore conflicts with the spatial strategy of the development plan, this conflict was not considered decisive. The Inspector concluded that the site's previously developed status, accessibility to local services, and contribution to housing supply **all weighed heavily in favour of the scheme**. However, the effect of the development on the integrity of the Arun Valley sites, and the associated issue of water neutrality, was identified as a "strong reason for refusal" and the determining factor in the overall conclusion.

In light of this, we would be grateful if you could confirm whether you agree that the only outstanding matter arising from the appeal decision is the need to address water neutrality. We are confident this can be satisfactorily resolved - either through a Section 106 agreement or depending on the outcome of ongoing discussions between Natural England and the Government regarding water neutrality, which are expected to conclude shortly.

Your confirmation on this point will assist us in preparing a revised application that appropriately addresses the Inspector's findings. We look forward to hearing from you as soon as possible.

Kind Regards,

**Rebecca Hoad**

Associate Planner, MSc MRTPI

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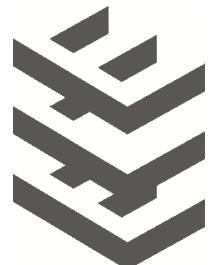
## Appendix C – Original Planning Statement dated December 2024

**ECE Planning**

**Planning Statement including  
Design and Access Statement**

**Abbots Leigh, Storrington**

**December 2024**



# ECE Planning

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Project Name:

Abbots Leigh

Location

Abbots Leigh, Washington Road, Storrington,  
Pulborough, Horsham, West Sussex, RH20 4AF

Client:

Mr David King

File Reference:

P2090i

Issue	Date	Author	Checked	Notes
PL1	18.10.2024	S. Lower	R. Hoad	Initial Draft
PL2	29.10.2024	R. Hoad	C. Barker	Client Issue
PL3	14.11.2024	R. Hoad	C. Barker	Amended Client Issue
PL4	16.12.2024	R. Hoad	R. Hoad	Planning Issue

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## 1. Introduction

1.1. This Planning Statement including Design & Access Statement has been produced by **ECE Planning** on behalf of our client, **Mr David King** in support of an Outline Planning Application for development at Abbots Leigh, Washington Road ('the Site') to provide 1no. new self-build dwelling. The description of the proposal reads:

*'Outline Planning Application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping'.*

1.2. The Applicant has previously undertaken Pre-Application discussions with Horsham District Council which culminated in a response dated 28 June 2024 (reference PE/24/0035). Following the feedback from the meeting and written response, amendments have been made to address the comments received at this stage. This is explored in detail within this Statement and the Pre-Application response can be found at Appendix A.

1.3. This Statement sets out the relevant background for the determination of the planning application, including a description of the site and its surroundings, the planning history, the relevant planning policy, details of the proposed development and an assessment of relevant planning conditions.

1.4. The proposals have also been informed by the National Planning Policy Framework (December 2023 version), the Planning Practice Guidance, and local planning policy.

1.5. This Outline Planning Application should be considered with full regard to the following suite of supporting documents, drawings, and plans:

- **Planning Application and CIL Forms**
- **Planning and Design and Access Statement**
- **Indicative Architectural Drawings including Site Location and Block Plan, Proposed Site Layout, Floorplans and Elevations**
- **Drainage Statement**
- **Preliminary Ecological Appraisal**
- **Transport Statement**
- **Topographical Survey**
- **Water Neutrality Statement**
- **Arboricultural Impact Assessment, Preliminary Method Statement and Tree Protection Plan**

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## 2. The Site

2.1. The site is located to the north of the A283 (Washington Road) and to the east of the village of Storrington, as illustrated in Figure 1. The site forms part of the existing residential curtilage of Abbots Leigh (within the Applicant's ownership) and comprises existing garden land. The total calculated area of the site is approximately 0.3ha.

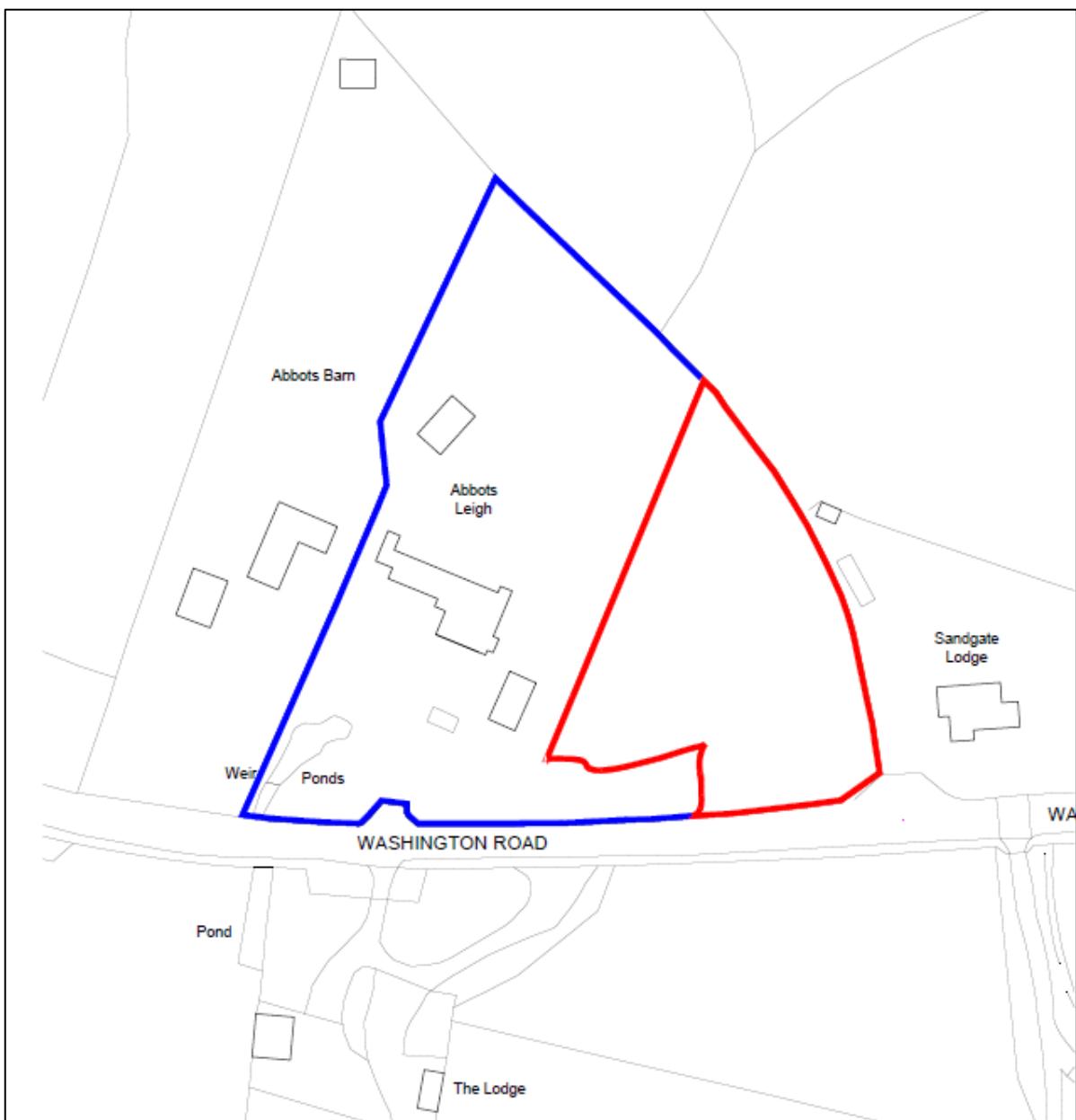


Figure 1 - Location Plan

2.2. Abbots Leigh comprises a large, detached dwelling with substantial garden, associated detached garage and large parking area in addition to multiple small outbuildings. The property and/or immediate neighbours do not comprise Listed buildings. Along the boundaries of the existing site comprises established hedging and mature trees although it is understood that no Tree Preservation Orders exist on site. As a result of the established boundaries, the site is well screened from the Washington Road.

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Figure 2 - Rear of Abbots Leigh



Figure 3 - Abbots Leigh Rear Garden (The Site)

2.3. The existing dwelling is accessible via a private driveway achieved off a slip road (approved under reference: DC/05/1614) which is accessed from Washington Road. The slip road is also shared with another dwelling known as Abbots Barn which is a large, detached dwelling situated to the west.



Figure 4 - Slip Road Facing East

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2.4. To the immediate east of the site is Sandgate Lodge, which is a large, detached dwelling set in a generously sized plot which vehicular access on to Washington Road. To the south of the site is Washington Road and south of this is 'Greenacres Farm' which accommodates several residential properties,

2.5. Further east of the site is a housing development permitted under references: DC/10/1457 / APP/Z3825/A/12/2176793 for 78no. residential dwellings. The development has since been built out. To the south-east of the development is 'Old Clayton Kennels' which has recently been permitted under reference DC/23/0701 for the erection of a 60-bed care home (Class C2) and 8no. age restricted bungalows (Class C3).

2.6. As illustrated in Figure 5 via the pink shading, the site at Abbots Leigh is located south of Sandgate Country Park and is entirely surrounded by the designation. It is however understood that this area of the Country Park is subject to landfilling and restoration works which are ongoing. To the west of the Country Park is an area of 'Site of Special Scientific Interest', also known locally as 'The Warren'.

2.7. To the south of Washington Road is the South Downs National Park (illustrated via the orange hatch in Figure 5).

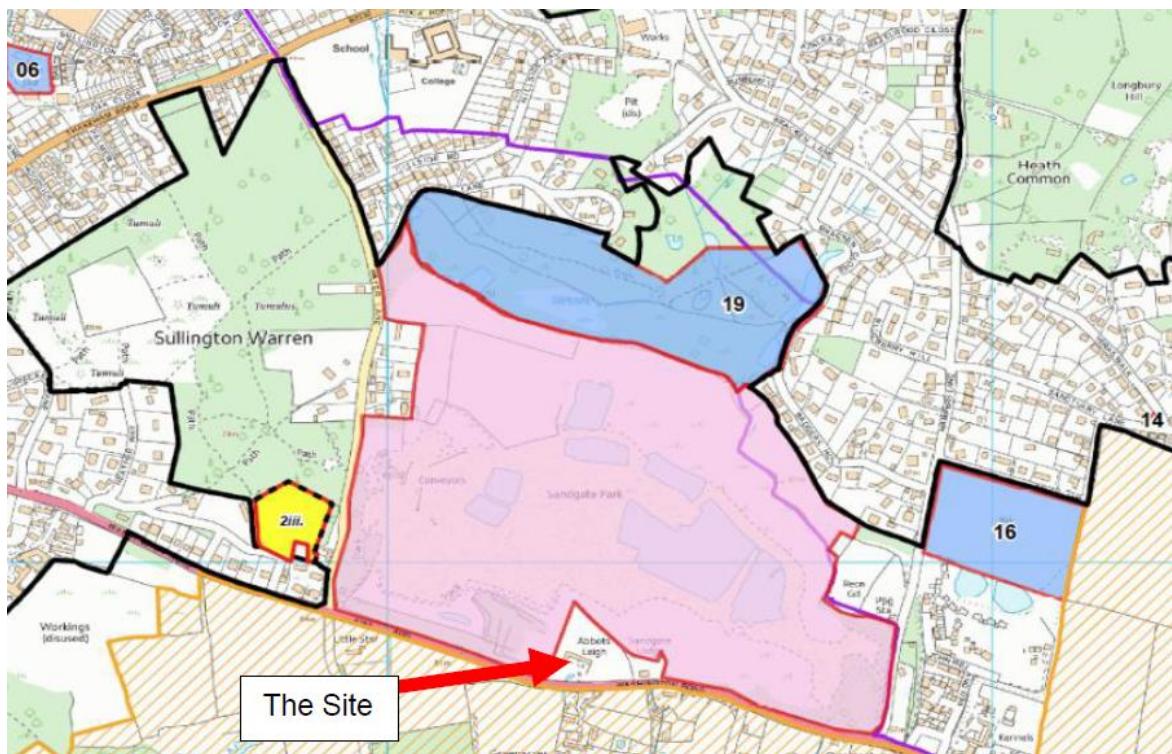


Figure 5- Storrington, Sullington and Washington Neighbourhood Plan Policies Map Inset 3

2.8. The site is identified as outside the built-up area boundary of Storrington and therefore lies within the 'countryside'. Despite this, the site is considered to be situated within a highly sustainable location with a variety of local services and amenities available in Storrington Village. In terms of access to local services and amenities, the site is located within close walking distance of a Doctor's Surgery (2.1km), Waitrose supermarket (1.6km) and a Primary School (2.1km). The Village centre is less than 1.5km and can be accessed via an existing footpath running parallel to Washington Road.

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2.9. In addition to the above, there is a bus stop almost immediately outside the site on Washington Road (187m to the east) which can be accessed via a footpath and provides access to the immediacy and wider area such as Steyning, Pulborough and Worthing. The closest Train Stations are in Amberley (circa 5miles to the west) and Pulborough (circa 5miles to the north-west); both of which are accessible via the bus.

2.10. To the south-east of the site is an existing public right of way bridleway (ref 2691) allowing easy access to the South Downs National Park. As illustrated in Figure 6, a number of other bridleways and footpaths exist in the immediacy.



Figure 6- West Sussex County Council Public Right of Way Map

2.11. The Government's Flood Risk Maps for Planning have been consulted and reveal that the site is within Flood Zone 1 and therefore has a very low risk of flooding. Refer to Figure 7. The site also has a very low to low risk of surface water flooding.

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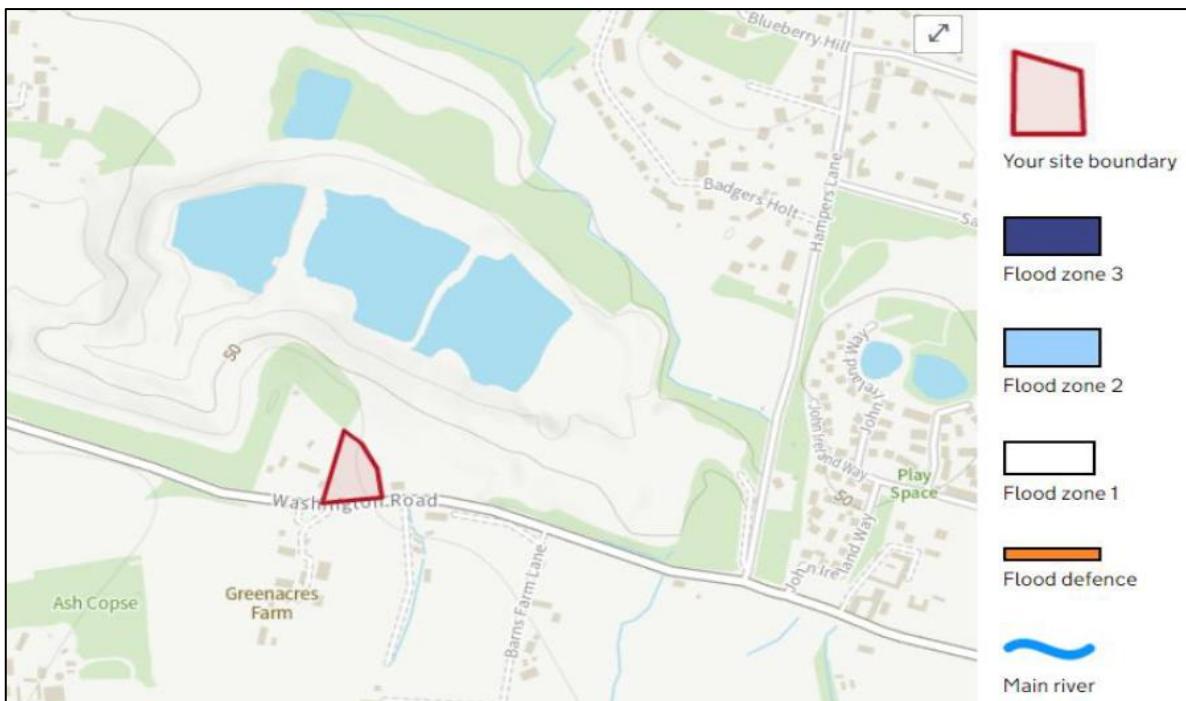


Figure 7- Government's Flood Maps for Planning

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## 3. Planning History

3.1. A review of the Horsham District Council and separately, the South Downs National Park online registers reveal the following relevant planning history pertaining to the site and immediate area.

### The Site's Planning History

3.2. **Reference DC/06/0865- Erection of 3 bay open fronted detached garage at Abbots Leigh, Washington Road, Storrington, Pulborough, Horsham, West Sussex, RH20 4AF. Approved 24 May 2006.**

3.3. The above application was approved in 2006 and has been implemented accordingly.

3.4. **Reference DC/05/1614 - Conversion of barn to provide one residential dwelling at Abbots Leigh, Washington Road, Storrington, Pulborough, Horsham, West Sussex, RH20 4AF. Approved 27 January 2006.**

3.5. The above application was submitted following a failed attempt of a similar proposal under reference DC/04/0951 in 2004 and received full planning permission to convert the existing barn at Abbots Leigh into a separate residential unit by demolishing the existing brick built single storey link. Prior to permission, the barn was used as a garage/store and swimming pool for Abbots Leigh.

3.6. As part of the consent, the proposals sought permission for a new access slip road from Washington Road in order to create acceptable visibility sight lines when exiting the site. Included in the slip road is a small 'lay-by' to allow for vehicles to pass each other safely in the event that access/exit is used by multiple vehicles at once.

3.7. The conversion has since been implemented and the residential dwelling to the west of Abbots Leigh is now known as Abbots Barn.

### Pre-Application PE/24/0035

3.8. **Reference PE/24/0035. Erection of 1no. dwelling at Abbots Leigh, Washington Road, Storrington, Pulborough. Received 28 June**

3.9. As set out briefly in Section 1 of this Statement, the Applicant has previously undertaken Pre-Application discussions with Horsham District Council which culminated in a response dated 28 June 2024. Please refer to Appendix A for a copy of the Pre-Application advice received.

3.10. The submitted Site Plan for the pre-application request can be seen below in Figure 8.

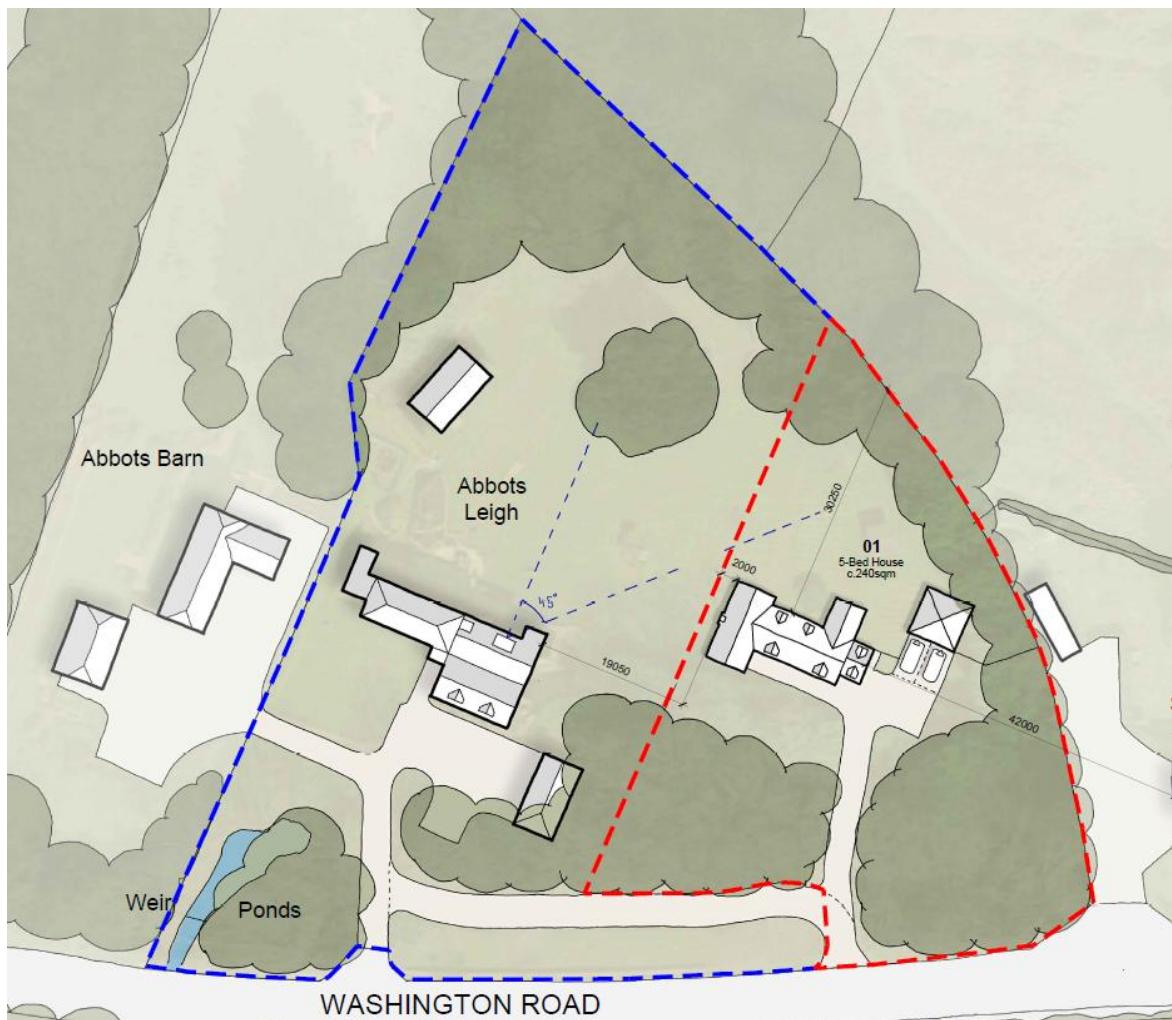


Figure 8 - Site Plan for Pre-Application Reference PE/24/0035

- 3.11. In summary, the response concluded that '*as the site is located outside of a defined built-up area and is not allocated for development in the local or neighbourhood plan, development for 1x dwelling would conflict with core local and neighbourhood planning policies.*'
- 3.12. Since receipt of the pre-application response, we have reviewed the principle of development in this location further and would suggest that 1no. additional dwelling would be appropriate in this location. These reasons are set out in detail in Section 6 of this Statement.

### Surrounding Area

- 3.13. The following applications are considered to be relevant in the consideration of this pre-application request.
- 3.14. **Reference DC/23/0701. Demolition of existing kennels and cattery buildings/structures, and existing dwellings. Erection of a 60-bed care home (Class C2) and 8No. age restricted bungalows (Class C3) with associated access, landscaping and other works (including relocation of existing staddle stone barn) at Old Clayton Boarding Kennels, Storrington Road, Washington, West Sussex, RH20 4AG. Approved 16 October 2024.**
- 3.15. The above application is located to the east of the site and was recently approved. The site falls outside of the built-up area boundary.

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3.16. Reference DC/23/2144. Variation of condition 1 of previously approved application reference DC/21/0057 (A phased development for the erection of 6no detached houses with associated landscaping, drainage and access improvements to Heather Way at Angell Sandpit, Storrington) to allow the submission of water neutrality information, revised plans in respect of plots 1-3 and revised construction access details. Approval of conditions 3, 5, 6, 10, 12, 13, 16, 17, 18 and 19 at Angell Sand Pit, Washington. Approved 14 August 2024.

3.17. The above application was submitted following receipt of planning permission under reference DC/21/0057. The original application received consent for 6no. large, detached houses on brownfield land to the west of the site, on land outside (albeit abutting) the built-up area boundary of Storrington.

3.18. Reference SDNP/20/05253/FUL. Demolition of existing residential dwelling and five outbuildings. Erection of a detached 3-bedroom dwelling and ancillary building providing undercover parking and studio/store room with associated landscaping at Greenacres Farm Washington Road Storrington RH20 4AF. Approved 19 March 2021

3.19. The above application received consent for the provision of a single storey dwelling in replacement of an existing residential unit and several outbuildings. An example of approved elevation (north elevation) can be seen in Figure 9 and the site is located opposite Abbots Leigh, to the south of Washington Road.



Figure 9 - Approved North Elevation

3.20. Reference DC/13/0609- Approval of Reserved Matters relating to layout, scale, appearance and landscaping of the development following Outline permission DC/10/1457 (Outline planning permission for the demolition of existing buildings and construction of up to 78 residential units, associated ground preparation works, highways, access and the first phase of the Sandgate Country Park) at RMC Engineering Services Ltd Workshops Storrington Road, Washington, RH20 4AG. Approved 22 August 2013.

3.21. The above application is located to the east of the site and received Reserved Matters consent following approval at Appeal under reference DC/10/1457 / APP/Z3825/A/12/2176793. It is noted that the Inspector for the Appeal suggested that at the time, the District had a significant shortfall in housing. As discussed later in this Statement, the District still has a significant shortfall in housing.

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## 4. The Proposal

- 4.1. The proposals seek to subdivide the existing residential curtilage at Abbots Leigh and accommodate 1no. 4-bedroom self-build dwelling with associated private garden space, car parking and landscaping.
- 4.2. The proposed dwelling will be separated entirely from the existing dwelling at Abbots Leigh through the erection of boundary fencing and soft landscaping. The separation distance between the two dwellings (side to side) would be approximately 30.3 metres.

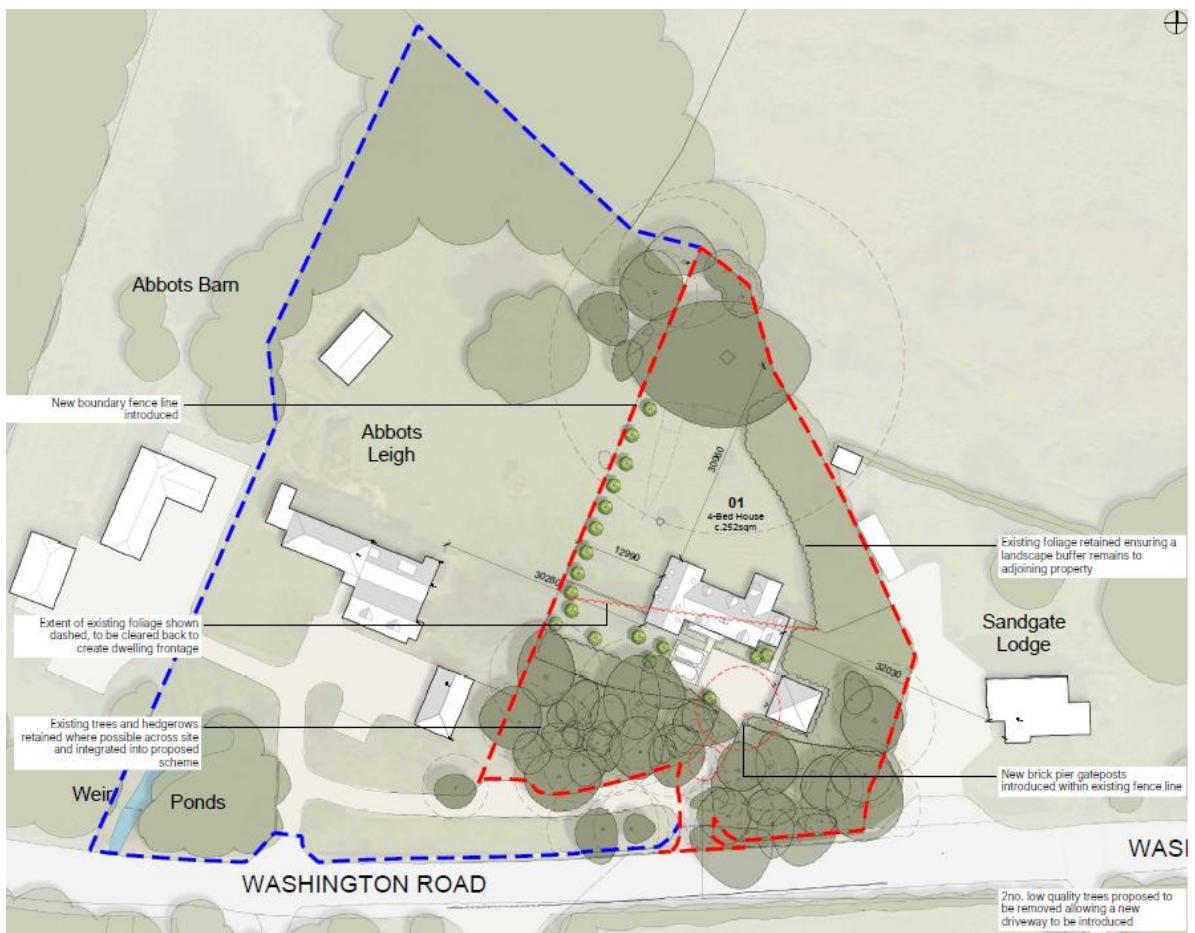


Figure 10 - Proposed Site Plan

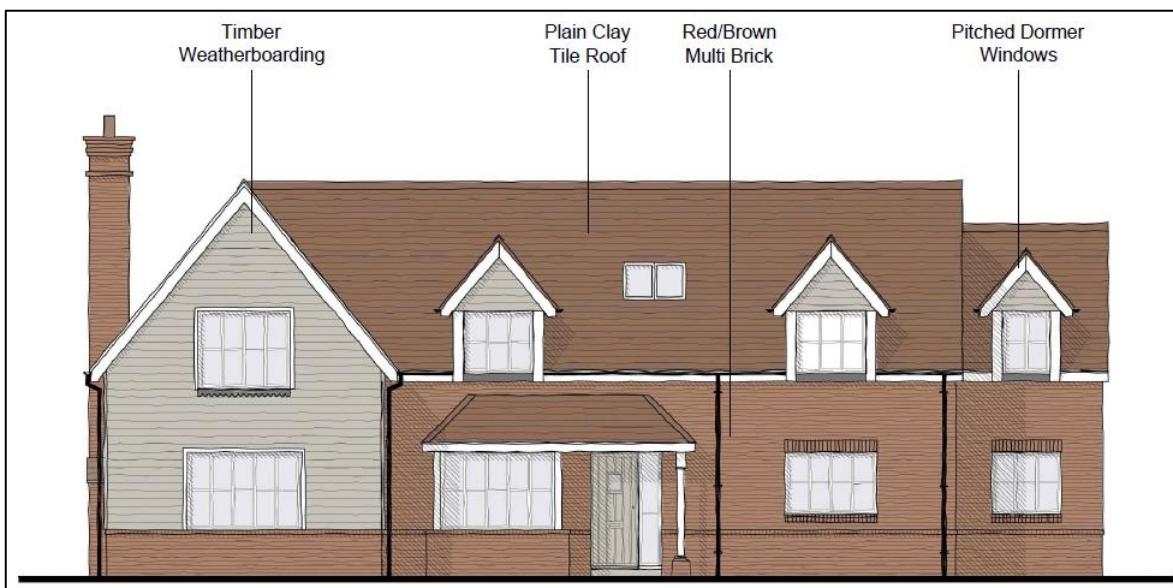
- 4.3. As illustrated in Figure 10, the existing access and slip road currently serving Abbots Leigh and Abbots Barn will be retained and amended to allow a new private access to the proposed dwelling. The slip road is proposed to be altered at the eastern end which would require a few poor-quality trees/saplings and planting to be removed. Replacement planting would be accommodated within the wider site to compensate for the loss and to result in a net gain.
- 4.4. The new dwelling would accommodate sufficient space for off road and private car parking, located to the front (south) of the dwelling. Sufficient space would be available on site for cycle parking and an electric vehicle charging point could be accommodated within the driveway area. An indicative car port / garage is indicated on the proposed plans and has been re-positioned since the pre-application request, in order to retain as much existing hedgerow/foliage as possible.

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4.5. Private outside garden space will be retained for the existing dwelling at Abbots Leigh and will be subdivided to provide amenity space for the new dwelling. The garden space for the new dwelling will measure over 30m in depth.

4.6. Sufficient space is also available on site for the storage of bin/recycling bins. The collection of these bins are expected to follow the current arrangements that are in place with the existing dwelling at Abbots Leigh (bins are to be dragged to the eastern vehicular access point on Washington Road). These arrangements are considered easily accessible and suitable for the scale/ usage of the proposal.

4.7. The scale and location of the proposal has been carefully considered in the preparation of this application and has been carefully designed to fit in conformity with the existing dwelling at Abbots Leigh (Refer to Figure 11). In this respect, the proposed dwelling would comprise a two storey dwelling with dormer windows and rooflights. The dwelling would also optimise similar materials such as plain clay tile roof, red/brown multi brick and timber weatherboarding.



**Figure 11- Indicative Front Elevation**

4.8. Furthermore, and as explored in further detail later within this Statement, the proposed form, orientation and roof pitch/type has been specifically designed to reduce overlooking and any potential harm to residential amenity. In this regard, dormers and rooflights have been focused to the north and south elevations to avoid any overlooking to neighbour properties.

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## 5. Policy Overview

### 5.1. Introduction

5.1.1. Section 38(6) of the Planning Compulsory Purchase Act 2004 requires, that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations otherwise. In this case the Development Plan comprises:

- Horsham District Planning Framework (2015)
- The Storrington, Sullington and Washington Neighbourhood Plan (2019)

5.1.2. The National Planning Policy Framework (The Framework), the Planning Practice Guidance (PPG) and Supplementary Planning Guidance are material considerations, together with local guidance documents.

5.1.3. It should be noted that the adopted Horsham District Planning Framework is currently out of date by reason of it being over 5 years old. The Government require all Local Authorities to review the Local Plan every five years and therefore the Council are currently in the midst of preparing a new Local Plan for the District. Please refer to the below paragraph for further information.

### 5.2. Emerging Horsham District Local Plan 2023 – 2040 (Regulation 19 Version)

5.2.1. The Regulation 19 Local Plan has been published for a six week period of representation from 19 January 2024 to 1 March 2024. The Regulation 19 Local Plan has since been formally submitted to the Planning Inspectorate on 26 July 2024 and the examination hearings commenced in December 2024. At the time of writing this Statement, the examination hearings have been paused for reasons currently unknown.

5.2.2. As a result of the above, the emerging Local Plan is considered to still be in the early stages of adoption and is due to be adopted in May 2025 (in accordance with the January 2024 Local Plan Review update).

5.2.3. The emerging Local Plan is therefore not considered to hold much weight in the determination of this application but has been given due consideration in the event that the emerging Plan is found sound.

### 5.3. Horsham District Planning Framework (2015)

5.3.1. The Horsham District Planning Framework (HDPF) was adopted in November 2015 and is the overarching planning document for Horsham District outside the South Downs National Park (SDNP) and replaces the Core Strategy and General Development Control Policies documents which were adopted in 2007.

5.3.2. Although the HDPF is out of date by reason of it being over 5 years old, the following policies are considered to be relevant to the application and have been given full consideration in the preparation of this application.

- **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**

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- **Policy 25 - Strategic Policy: The Natural Environment and Landscape Character**
- **Policy 26 - Strategic Policy: Countryside Protection**
- **Policy 31 – Green Infrastructure and Biodiversity**
- **Policy 32 - Strategic Policy: The Quality of New Development**
- **Policy 33 - Development Principles**
- **Policy 35 - Strategic Policy: Climate Change**
- **Policy 36 - Strategic Policy: Appropriate Energy Use**
- **Policy 37 – Sustainable Construction**
- **Policy 38 - Strategic Policy: Flooding**
- **Policy 39 - Strategic Policy: Infrastructure Provision**
- **Policy 40 - Sustainable Transport**
- **Policy 41 - Parking**

## 5.4. Storrington, Sullington & Washington Neighbourhood Plan (2019)

5.4.1. The Storrington, Sullington, Washington Neighbourhood Plan (SSWNP) was made by HDC on 4 September 2019 and contains policies, community aims, proposals and allocations which will influence and manage development within Storrington, Sullington and Washington.

5.4.2. The following policies within the SSWNP are considered to be relevant to the application but have not been explored in detail in this Statement.

- **Policy 1 - A Spatial Plan for the Parishes**
- **Policy 8 – Countryside Protection**
- **Policy 14 - Design**
- **Policy 15 - Green Infrastructure and Biodiversity**
- **Policy 17 - Traffic and Transport**
- **Community Aim 3 - Car Parking**

## 6. Planning Appraisal

### 6.1. Introduction

6.1.1. This section of the Statement details how the proposed development complies with the policies set out within the Development Plan. The following matters are the principal considerations with regards to the proposal:

- **Principle of Development**
- **Design, Form and Appearance**
- **Residential Amenity**
- **Access, Transport and Parking**
- **Ecology**
- **Biodiversity Net Gain**
- **Trees and Landscaping**
- **Drainage**
- **Water Neutrality**

### 6.2. Principle of Development

6.2.1. The proposed development seeks to subdivide the existing residential curtilage at Abbots Leigh and accommodate an additional detached dwelling with new access off the existing slip road.

6.2.2. The site is identified in Horsham's Policy Area Maps and Neighbourhood Plan as outside of the built-up area boundary of Storrington. By definition, the site is therefore considered to be located in the countryside where development is usually resisted.

6.2.3. It is noted that Policy 26 of the HDPF seeks to afford countryside protection and resist 'inappropriate development' outside built-up area boundaries. It is however important to note that the associated garden to Abbots Leigh is considered to be 'previously developed land' by definition of the NPPF Glossary (Annex 2). As such, Policy 2 of the HDPF seeks to '*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*'. By definition, the land comprises previously developed land (NPPF) where development is encouraged.

6.2.4. The land is amenity land which is currently used as the extensive private garden for Abbots Leigh. In this regard, the land is not of high environmental value and is located next to a landfill and restoration site (Sandgate) which totally encases the site. Refer to Map below (Source: Storrington, Sullington and Washington Neighbourhood Plan Policies Map Inset 3). The South Downs National Park is to the south (where residential redevelopment has also recently been permitted as set out in Section 3 of this Statement) and therefore the development of the land cannot be considered other than contained and would not lead to sprawling development.

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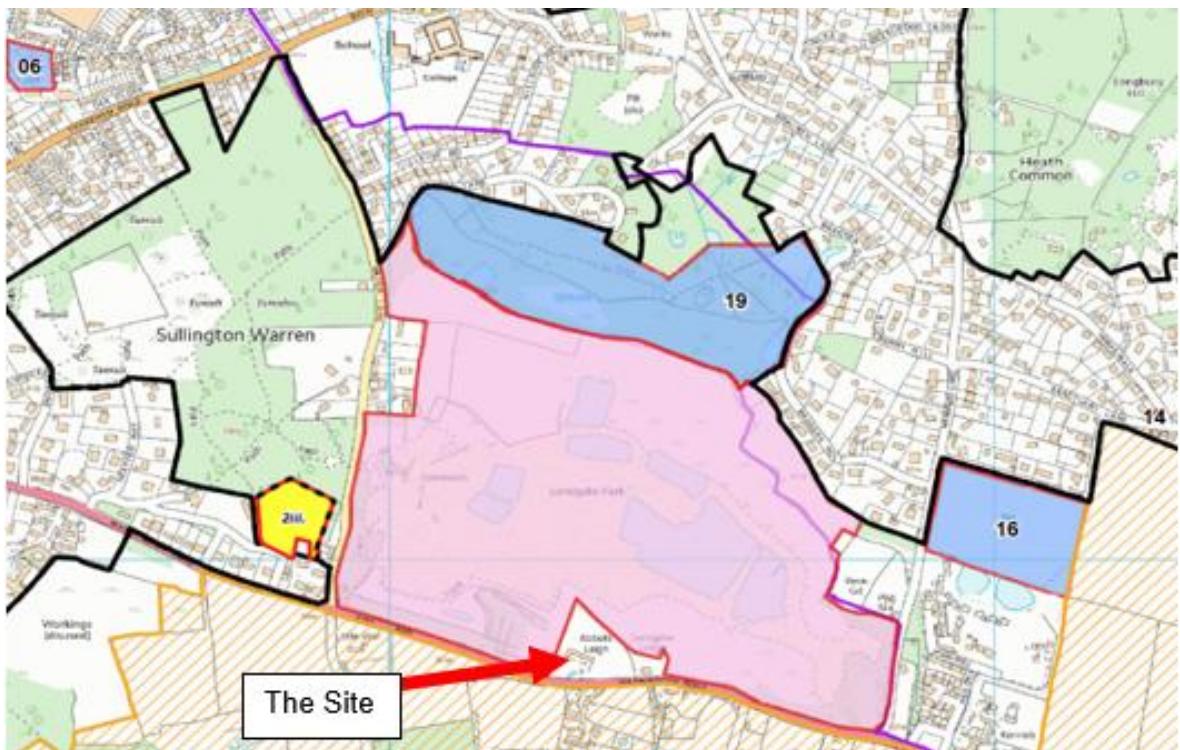


Figure 12 - Storrington, Sullington and Washington Neighbourhood Plan Policies Map Inset 3

6.2.5. It is noted that HDC claim within the Horsham District Council Regulation 19 Local Plan Topic Paper 2: Housing Supply that they are able to demonstrate a 5.9 year housing land supply. This is however not anticipated to be correct as a result of development in the District being withheld on water neutrality grounds for a number of years. This housing land supply figure is due to be challenged and discussed as part of the planned Examination Hearings due to take place shortly.

6.2.6. As we would suggest that Horsham do not have a five-year supply (or four years as explored below), Paragraph 11(d) of the NPPF is engaged which states that:

*'d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

6.2.7. Footnote 8 of Paragraph 11(d) notes that a development plan policy is considered out of date where:

*'(a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years'.*

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6.2.8. The most recently published Housing Delivery Test for Year 2022 (published 19 December 2023) does not indicate that the delivery of housing in the District was below 75% however it is anticipated that the LPA cannot demonstrate a four year housing land supply and as such the development plan is considered out of date (in addition to being over 5 years old). As such, paragraph 11(d)(ii) of the NPPF is engaged.

6.2.9. As assessed throughout this Statement, the provision of one additional dwelling on this land is not considered to result in any adverse impacts which would 'significantly and demonstrably' outweigh the benefits. The benefits in providing an additional dwelling on the land are considered to be substantial and although small, would be a very valuable contribution to the District's significant housing need.

6.2.10. Further to the above, the land is located within very close proximity to Storrington and is less than a mile walk in to the High Street, as demonstrated below. It is important to note that there is an existing footpath from the site, to the High Street as also demonstrated below. The land is therefore clearly sustainable and not reliant on the private car. As set out previously in this Statement, there are numerous bus stops almost immediately outside the site on Washington Road (187m to the east) which can be accessed via a footpath and provides access to the immediacy and wider area such as Steyning, Pulborough and Worthing. It is therefore important, in our view, that this site is considered for its own merits.

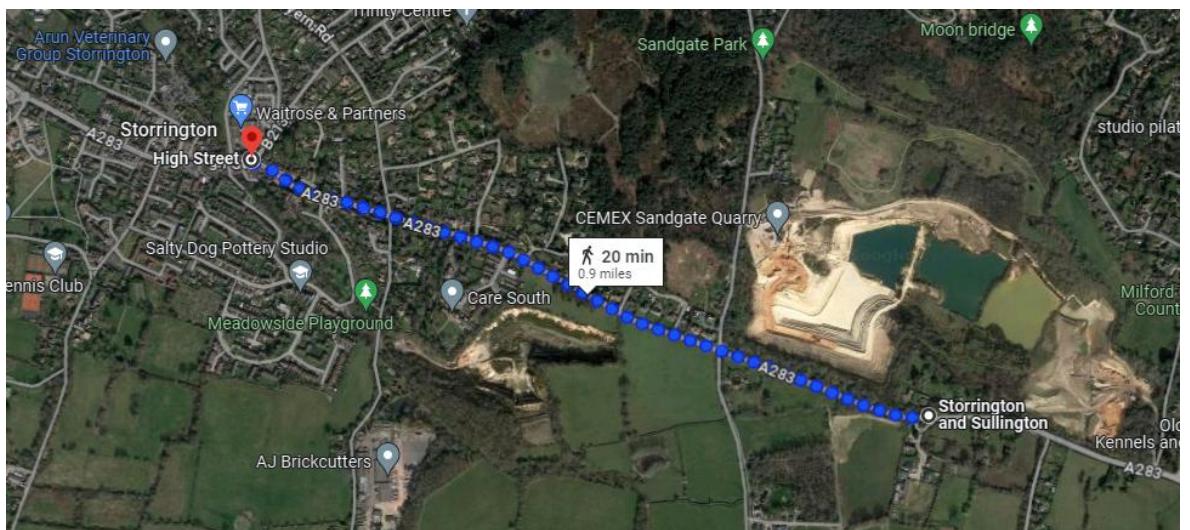


Figure 13 - Walking Journey from the Site to Storrington Village



**Figure 14 - Existing Footpath Immediately Outside of Proposed Site**

- 6.2.11. It should further be noted that a number of larger scaled developments have been permitted in the locality and therefore the site is considered to be sustainably located. The addition of a new dwelling in a contained site in this instance is considered to be acceptable.
- 6.2.12. It is noted that the pre-application response from HDC commented on the Council's Facilitating Appropriate Development (FAD) Document which is dated October 2022, and the need for planning applications for new homes to meet all of the criteria. It is however strongly contended that this document is significantly out of date as a result of HDCs consistent lack of deliverable housing sites over the years and a more proactive approach to approving residential development in the District should be taken.
- 6.2.13. Furthermore, it is noted that the recently approved application at Old Clayton Boarding Kennels approved under reference DC/23/0701 for both care home and residential bungalows (Class C3) was approved despite blatant conflict with the FAD document. It is further recognised that no reference to the FAD document appears to have been made in the Committee Report and we would therefore suggest that an inconsistent approach is being taken in the District. The proposed development of the land for 1no. self build dwelling should therefore be recognised for its merits, rather than potential conflict with the out of date FAD document.
- 6.2.14. To conclude, the site comprises previously developed land by definition of the NPPF and where development should be encouraged. Although the site is located outside of the built up area boundary, the land has good access to the local Village and an abundance of sustainable transport methods. The Council cannot demonstrate a housing land supply of four years and therefore the proposed development to accommodate one additional dwelling should be strongly encouraged and recognised as a small but valuable contribution to the District's significant housing need.
- 6.2.15. In this regard, the principle of development is considered to be acceptable.

## 6.3. Design, Form and Appearance

- 6.3.1. Policies 25, 32 and 33 of the Local Plan promotes development that protects, conserves and enhances the landscape character from inappropriate development.

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- 6.3.2. The policies state that proposals should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.3.3. Policy 14 of the Storrington Sullington and Washington Neighbourhood Plan states '*the scale density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and landscape*'.
- 6.3.4. Although indicative at this stage, the architectural approach that has been adopted consists of a high-quality design that complements the existing dwelling and would generally enhance the surrounding area. It is considered that the proposed development makes efficient use of the site while not having an adverse impact on its surroundings.
- 6.3.5. The overall scale and massing of the proposal is designed in line with the site's context and surroundings. The height of the proposal is anticipated to be similar to the existing dwelling, Abbots Leigh, and to neighbouring dwellings at Abbots Barn and Sandgate Lodge which vary in height although are both two storeys.
- 6.3.6. The careful approach to depth, height and width would therefore result in a dwelling which would not translate to an imposing structure but would result in a dwelling consisting of a visual mass commensurate to the existing dwelling and neighbouring properties, in accordance with Local policies. The proposed development would therefore result in a scale of property that is entirely appropriate for the plot and surrounding context.
- 6.3.7. It is recognised that HDC agree with the proposed scale and appearance of the property, as set out below (text copied from the pre-application response):

*'As discussed on site, the scale and appearance of the property appear to be in keeping with the character of the site. There are limited views to within the site, with mature boundaries to all sides.'*

- 6.3.8. Overall, the proposed dwelling is a thoroughly considered and a well-designed scheme, providing an opportunity to accommodate a high quality dwelling on site that would positively contribute to the character and appearance of the local area. To conclude, the proposed scheme is considered to be in accordance with all relevant National and Local Plan Policies including the adopted Neighbourhood Plan.

## 6.4. Residential Amenity

- 6.4.1. Policy 33 of the HDPF states that '*development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties*'.
- 6.4.2. Although indicatively positioned at this stage, the proposed dwelling has been carefully placed within the site to retain neighbouring properties amenity. In this regard the proposed dwelling would be positioned approximately 32m away from Sandgate Lodge to the east and approximately 30m from Abbots Leigh to the west. These distances are considered appropriate and reflect those within the surrounding area. It should further be noted that these distances have been improved since the pre-application request, to provide further separation between Abbots Leigh and the new dwelling.

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- 6.4.3. The proposed position and angle of the building has been designed to prevent undue overlooking and inter-looking between surrounding dwellings. In this regard, side windows will be kept to a minimum and the position of the dwelling would be positioned further back in the site.
- 6.4.4. Furthermore, due to the dense vegetation on the land, overlooking towards Sandgate Lodge is considered to be minimal, if at all.
- 6.4.5. It is noted that an additional dwelling in this location and using the slip road will intensify the use of the slip road which currently serves Abbots Leigh and Abbots Barn. The addition of 1no. new dwelling is not considered to result in an unacceptable impact due to the positioning of the new access to the east of the slip road. The resultant vehicle movements from 1no. new dwelling is not considered to be significant as concluded in the accompanying Transport Report.
- 6.4.6. Overall, the proposed development is not considered to result in an overbearing or harmful development but will respect the amenities and privacy to occupiers of the existing neighbouring property. In conclusion, the scheme is considered to meet the policy requirements set out in Policy 33 of the Local Plan.

## 6.5. Access, Transport and Parking

- 6.5.1. The proposed development is considered to be located in a sustainable area, owing its transport connectivity to Storrington, Washington, Horsham and the wider area; as well as its close proximity to key local services. The location of surrounding public transport options and the close proximity of local services sets the proposal in accordance Policy 40 of the HDPF and Section 9 of the NPPF.
- 6.5.2. The proposals would seek consent for a new vehicular access, to be taken from the existing slip road that serves Abbots Leigh and Abbots Barn. The access is considered to be safe and provide sufficient visibility for cars and pedestrians coming in and out of the site, as noted by WSCC Highways under reference DC/05/1614. The existing slip road has been suitable for Abbots Leigh and Abbots Barn, and the additional dwelling is not considered to significantly change this. Due to the small scale of the scheme and with regard to Paragraph 115 of the NPPF, this will not lead to any severe highway safety impacting the existing dwelling or other residences in the area and therefore the provision of an additional dwelling in this location is considered to be acceptable.
- 6.5.3. To fully understand the impacts of the proposed dwelling in this location on the highway network, this application is accompanied by a Transport Statement which has been produced by CEP in support of the proposals. The accompanying Statement concludes the following:

*'The development proposals will have no material impact on the existing transport facilities or the local highway network.'*

*'The proposed access to the highway network is via the existing access serving the adjacent property.'*

*'Pedestrian infrastructure is available via footways to Storrington.'*

*'Cycle access is available on highway alongside other highway users.'*

*'In terms of traffic and transport the development proposals are appropriate in this location.'*

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- 6.5.4. Policy 41 of the adopted Local Plan states that '*adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Consideration should be given to the needs of cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired*'. Additionally, the 'West Sussex County Council Guidance on Parking at New Developments' (2020) has been reviewed in preparation of the application and identifies that the site is located in 'Zone 1' which generates a car parking need of 2.7spaces.
- 6.5.5. The proposed dwelling would seek to accommodate at least 3no. car parking spaces which is in line with WSCC standards. Furthermore, an EV charging point would be accommodated onsite.
- 6.5.6. It is therefore concluded that the scheme meets the policy requirements set out in Policy 41 of the Local Plan and those relevant paragraphs of the NPPF, as well as WSCC standards.
- 6.5.7. For further information, please refer to the submitted Transport Statement.

## 6.6. Ecology

- 6.6.1. Policy 31 of the adopted Local Plan states '*development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained*'.
- 6.6.2. This application is accompanied by a Preliminary Ecological Appraisal (PEA) which has been produced by PJC in support of the proposals.
- 6.6.3. The PEA assesses the site for ecological constraints and opportunities associated with the proposed outline development. The appraisal identified various habitats, including mature trees, amenity grassland, and woodland, which provide limited ecological value but support some protected species. Notable habitats nearby, such as ancient woodland, are not expected to be affected by the development.
- 6.6.4. The site was found to have potential to support several protected species, including bats, badgers, dormice, great crested newts (GCN), reptiles, and nesting birds however PJC have concluded that further surveys are not required. Although the presence of great crested newts is considered unlikely, precautionary measures are recommended to protect potential wildlife during the construction process.
- 6.6.5. To mitigate ecological impacts, the report recommends retaining boundary vegetation, following sensitive lighting strategies, and adhering to precautionary methods during habitat clearance. Overall, the development can proceed with minimal ecological risk if appropriate avoidance, mitigation, and enhancement measures are implemented.
- 6.6.6. In summary, no further surveys are required in support of the Outline application and further mitigation measures can be secured as part of the detailed Reserved Matters application.

## 6.7. Biodiversity Net Gain

- 6.7.1. It should be noted that by reason of being an Outline application for 1no. self-build dwelling, the site is actually exempt from Biodiversity Net Gain requirements.

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## 6.8. Trees and Landscaping

- 6.8.1. As set out previously, the site is occupied by established dense vegetation and trees on almost every boundary. As such, this application is accompanied by an Arboricultural Impact Assessment, Preliminary Method Statement and Tree Protection Plan produced by PJC.
- 6.8.2. The reports conclude that a majority of the existing trees and hedgerows on the land are predominantly of a good value with a few higher value trees located on the boundaries of the site but that none of the trees are subject to tree preservation orders. One cedar at the north end of the site has been identified as a veteran tree but this tree is to be retained as part of the proposals.
- 6.8.3. As a result of the majority of the existing trees and hedgerow being of good value, the proposed indicative layout has sought to retain trees and hedgerow where possible. Where trees and hedgerow will be retained and where disturbance to root protection areas is necessary, ground protective measures and other mitigation measures (no-dig construction) will be adhered to throughout construction works (details to be confirmed as part of a Reserved Matters application).
- 6.8.4. It should be noted that the proposed layout seeks to remove three individual trees and one partial shrub group in order to accommodate the indicative dwelling and access locations. Of these trees/shrubs, one tree is assessed as category B, one tree and the shrub group as category C and one tree as category U. A further two category U trees located within the site boundary are recommended for removal on safety grounds, not related to the proposals. The removal of these trees/shrub is considered to be necessary and of low impact, therefore having low impact on the surrounding landscape.
- 6.8.5. To conclude, the accompanying Report concludes that '*the proposals represent a minor impact on the amenity of the locality in so far as it is contributed to by trees*'. As such, the planning permission should not be held up as a result of the removal of a small number of trees/shrubs.
- 6.8.6. Please refer to the accompanying Report for further information.

## 6.9. Drainage

- 6.9.1. This Outline application is supported by a Drainage Statement which has been prepared by CEP. The following conclusion is included within the Report:

*'A suitable SuDS drainage system is proposed which accords with the requirements of national and local policy.'*

*The proposed surface water drainage strategy is based on infiltration to ground.*

*The geology of the area is sand/sandstone and an infiltration rate of  $1 \times 10^{-5}$  has been estimated at the preliminary design stage.*

*Preliminary calculations confirm that surface water runoff generated by the proposed development can be attenuated on site for all rainfall events up to the 1:100 year event including an allowance for climate change.*

*Water quality improvement will be provided to mitigate against any risk to any receiving waterbody.*

*Foul water will be discharged to a new cesspool located beneath the garden to the west of the property – the cesspool will be emptied regularly.*

# ECE Planning

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*A suitable surface water and foul water drainage system can be designed to accommodate the anticipated flows from the proposed development and in terms of drainage the development proposals are suitable at this location.'*

6.9.2. To conclude, this application for Outline planning consent would be appropriate in terms of drainage. Further information in terms of the schemes specific means of drainage would be secured as part of a detailed planning application (Reserved Matters).

## 6.10. Water Neutrality

6.10.1. This application is accompanied by a Water Neutrality Statement which has been prepared by Motion.

6.10.2. Please refer to the Statement for further information.

## 7. Conclusions

7.1. In conclusion, this Planning Statement including Design & Access Statement has been produced by **ECE Planning** on behalf of our client, **Mr David King** in support of an Outline Planning Application for development at Abbots Leigh, Washington Road ('the Site') to provide 1no. new self-build dwelling. The description of the proposal reads:

*'Outline Planning Application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping'.*

7.2. This Statement and supporting information concludes that the proposed sub-division of the existing residential curtilage and erection of 1no. dwelling is acceptable and on the planning titled balance, the principle of development would be acceptable. The site is located outside the built-up area boundary but comprises amenity land which is currently used as the extensive private garden for Abbots Leigh. It has been demonstrated that the land is not of high environmental value and is located next to a landfill and restoration site (Sandgate) which totally encases the site. The South Downs National Park is located to the south (where residential redevelopment has also recently been permitted as set out in this Statement) and therefore the development of the land cannot be considered other than contained and would not lead to sprawling development.

7.3. As set out in extensive detail, the land comprises previously developed land where development is encouraged, and is sustainably located with easy access in to Storrington and numerous nearby bus stops. The land is therefore clearly sustainable and not reliant on the private car. The principle of development in this instance is considered to be entirely acceptable and the proposals should be considered in isolation with regards to its own merits.

7.4. Although indicative, it has been demonstrated that the design of the proposed development, including architectural style and scale, has been fully informed to be in-keeping with the surrounding area, as agreed with HDC Officers at pre-application stage.

7.5. The site is entirely contained due to the existing hedgerows/trees bordering the site and due to the Sandgate Quarry to the north of the site and South Downs National Park to the south. The development would be capable of being delivered with minimal landscape impact and/or impact to neighbouring residential amenity.

7.6. The highway implications as a result of an additional dwelling in this location would not be severe and could be delivered safely. The principle of development in this instance should be encouraged and found to be acceptable, in accordance with the NPPF, adopted Local Plan and Neighbourhood Plan.

7.7. The proposed development is fully compliant with the policy objectives outlined in the National Planning Policy Framework, Horsham Local Plan and the Storrington Sullington and Washington Neighbourhood Plan, and represents an appropriate form of in-fill development.

7.8. The proposal will represent a small but valuable contribution to the District's significant housing need and we therefore trust the proposal will be met with support and the Outline planning application will be approved accordingly.

# **ECE Planning**

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## **Appendix A – Pre-Application Response Reference PE/24/0035 Dated 28 June 2024**



Rebecca Hoad  
ECE Planning  
64-68 Brighton Road  
Worthing  
West Sussex  
BN11 2EN

Our ref: PE/24/0035  
Your ref:  
Officer: Kate Turner  
Email: Kate.Turner@horsham.gov.uk  
Tel: 01403 215184  
Date: 28th June 2024

Dear Sir/Madam,

**Location:** Abbots Leigh Washington Road Storrington Pulborough

**Details:** Erection of 1no. dwelling

Please accept my apologies for the delayed reply. Your enquiry has been considered and I can advise as follows:

The pre-application site is located within the residential curtilage of 'Abbots Leigh' on the Washington Road. The site is situated around 430 metres outside of the designated Built-Up -Area Boundary of Storrington, bordered on the east and west side by residential dwellings, on the south by the Washington Road and to the north by Sandgate Park.

### Relevant Planning History

DC/06/0865	Erection of 3 bay open fronted detached garage	Application	Permitted	on
			24.05.2006	

### 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 17 - Exceptions Housing Schemes
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 30 - Protected Landscapes
- 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

Storrington, Sullington & Washington Neighbourhood Plan (made)

Policy 1 – A Spatial Plan for the Parish  
Policy 2 – Site Allocations for Development  
Policy 8 – Countryside Protection  
Policy 14 – Design

## **Planning Advice**

### Principle of the Development

Policies 3 (Development Hierarchy) and 4 (Settlement Expansion) of the Horsham District Planning Framework (2015) (HDPF) seek to ensure development takes place in a manner that ensures that the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive. The mechanism by which this will be achieved is through the designation of built-up area boundaries and the planned expansion of existing settlements through the Local Plan or Neighbourhood Planning.

The site is located outside of the built-up area boundary, and is therefore considered to be located within a countryside location. Policy 26 of the HDPF would be relevant and requires development outside the Built-Up Area boundaries (BUAB) to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and should not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserves, and/or enhances the key features and characteristics of the landscape character area.

Policy 1 of the Neighbourhood Plan (NP) defines the Built-Up Area Boundaries of Storrington, Sullington and Washington, as shown on the Policies Map. Development proposals located inside the boundaries will be supported provided they accord with other provisions of the Development Plan. Development proposals outside the Built up Area of Washington will be supported on any allocated site(s) and within the area within and around Montpelier Gardens / Luckings Yard as shown on Inset Plan 4 or if it results in the reuse of previously developed land on land outside the South Downs National Park provided the proposal accords with other policies in the Development Plan. Development proposals outside of these definitions will be require to conform to Development Plan policies in respect of the management of development in the countryside.

The proposal seeks to erect 1x market dwelling within the curtilage of an existing dwelling outside of the built-up area, thus introducing a residential use into a rural location. The site is located outside of the built-up area and does not form part of Horsham's adopted development plan

(comprising the HDPF or a 'Made' Neighbourhood Development Plan). As a result, residential development in this location would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 (Settlement Expansion) and is therefore not considered to be acceptable in principle. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area boundary and as the proposed residential development is not considered to be essential to this countryside location and Policy 1 of the NP.

As the Council cannot currently demonstrate a five-year housing land supply (2.9 years at the time of writing), Paragraph 11(d) of the NPPF would thus be engaged in the overall planning balance and considerations of any future application. In recognition of this, the Council published is Facilitating Appropriate Development (FAD) Document in 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.

The proposed development is not considered to meet all of the above criteria, and whilst it is recognised that the proposed development would result in some benefits, and would contribute to the Council's housing need. However, the proposed development would not accord with the spatial strategy as set out in Policies of the HDPF and would thus be contrary to Policies 1, 2, 3, 4, 26 and 31 of the Horsham District Planning Framework (2015) and Policy 1 of the NP.

## **Design and Appearance**

Policy 32 (The Quality of New Development) of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 (Development Principles) of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

As discussed on site, the scale and appearance of the property appear to be in keeping with the character of the site. There are limited views to within the site, with mature boundaries to all sides. It should also be noted that the site is located directly adjacent to the South Down National Park, in which the boundary is located on the southern side of the road. In the event that an application is to be submitted, considerations of this constraints in terms of landscape impact and mitigations should be addressed.

## **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. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

The pre-application site is located within the countryside, among agricultural fields, with woodland, hedgerows, and ponds in the vicinity. Given this context, the site has the potential to be used as habitat and a connector for various species. It is also noted that the site is located within the Red and Amber Impact Risk Zone for Great Crested Newts, which is considered to be the suitable habitat with a high likelihood of Great Crested Newts being present. It is further noted that the site is located within the Mens SAC buffer zone and a bat sustenance zone, therefore the presence of bats for commuting and feeding in the site is likely.

Should an application be submitted, it would need to be supported by a Preliminary Ecological Assessment, with a high likelihood that additional surveys, including Great Crested Newt Survey and Bat Scoping Report, would also be required.

## **Biodiversity Net Gain**

Biodiversity Net Gain is mandatory as of 2 April 2024, meaning should an application be submitted for this development, at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat will need to be demonstrated as deliverable and subsequently delivered. The emerging HDLP has evidence which supports a 12% net gain. This would include the submission of a completed biodiversity metric and statement.

Further information can be found on the government's biodiversity net gain webpage: <https://www.gov.uk/guidance/biodiversity-net-gain#biodiversity-net-gain-submitting-a-planning-application>

And on our website:

<https://www.horsham.gov.uk/planning/planning-applications/biodiversity-net-gain>

## **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.

A Water Neutrality Statement would be required with any future submission, further details of which can be found through the following link:

<https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district>

Failure to demonstrate water neutrality would result in the refusal of planning permission, with the associated ecological impact sufficient to disengage the NPPF Paragraph 11d 'tilted balance' (under footnote 7) referred to above.

As previously outlined our position remains, for now, that we will not be applying Grampian conditions in relation to water Neutrality.

## **Conclusion**

As the site is located outside of a defined built-up area and is not allocated for development in the local or neighbourhood plan, development for 1x dwelling would conflict with core local and neighbourhood planning policies. Notwithstanding the above, should an application be submitted, the following information would be required in support of the application:

- Location Plan
- Block Plan
- Proposed Floor and Elevations Plans
- Design and Access Statement
- Planning Statement
- Water Neutrality Statement
- Preliminary Ecological Appraisal (including Bat and Bird Scoping Report)
- Arboricultural Impact Assessment
- Biodiversity Net Gain Assessment

If you do though wish to submit an application further details can be found through:

<https://www.horsham.gov.uk/planning/planning-applications/apply-for-planning-permission>

The above comments are given as the opinion of the Case Officer and do not prejudice any outcome of a subsequent application. Should you submit a formal planning application, please quote reference number PE/24/0035 in your submission.

Yours faithfully

Kate Turner  
**Senior Planning Officer**

## **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Horsham District Council implemented a Community Infrastructure Levy (CIL) Charging Schedule on 1st October 2017.

The Community Infrastructure Levy is a charge placed on new development. The funds raised will help to pay for a wide range of infrastructure to support development across Horsham District.

Most new development which creates net additional floorspace of 100m<sup>2</sup> or more, or creates a new dwelling, (including permitted development), is potentially liable for the levy.

### **How does it affect you?**

Applications for CIL liable development which are determined on or after 1st October 2017 are required to pay the Community Infrastructure Levy (unless the development qualifies for relief or exemption).

Further information and the rates charged by Horsham District Council are set out in the CIL Charging Schedule which can be viewed online at [www.horsham.gov.uk/planning/apply/cil](http://www.horsham.gov.uk/planning/apply/cil)

### **General Consent e.g. Permitted Development**

Developments which are permitted by way of a general consent (such as permitted development) may still be liable to pay the Community Infrastructure Levy if they meet the above criteria.

In these circumstances, you must submit a Notice of Chargeable Development (CIL form 5), notify us of the person who will assume liability to pay the CIL and make any applications for relief or exemption, before the development is commenced.

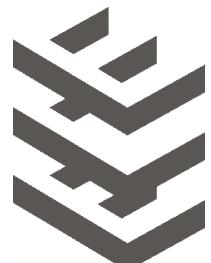
## Appendix D – Appeal Statement of Case and Grounds of Appeal dated March 2025

**ECE Planning**

**Appeal Statement of Case and  
Grounds of Appeal**

**Abbots Leigh, Storrington**

**March 2025**



# ECE Planning

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Project Name: Abbots Leigh – Appeal

Location Abbots Leigh, Washington Road, Storrington, Pulborough, Horsham, West Sussex, RH20 4AF

Client: Mr David King

File Reference: P2090ii

Issue	Date	Author	Checked	Notes
PL1	21.02.2025	R Hoad	C Barker	Initial Draft
PL2	26.03.2025	R Hoad	C Barker	Client Issue
PL3	27.03.2025	R Hoad	C Barker	Planning Issue

# ECE Planning

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# ECE Planning

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## 1. Introduction

1.1. This Appeal Statement has been prepared by ECE Planning on behalf of Mr David King (The Appellant), in support of the Appeal, lodged against the refusal of Outline Planning Permission by Horsham District Council (HDC) for the following development of Land at Abbots Leigh, Washington Road ('the Site'):

*'Outline Planning Application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping'.*

1.2. The application was refused by HDC on 11 February 2025 under reference DC/24/1965.

## 2. Grounds of Appeal

### 2.1. Introduction

2.1.1. The following Grounds of Appeal is based upon the reasons given by HDC in their refusal of Outline Planning Permission for application reference DC/24/1965.

### 2.2. Reason for Refusal 1

2.2.1. **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 (2021) 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 Storrington, Sullington, and Washington Neighbourhood Plan.**

2.2.2. Whilst we recognise that the site is designated as 'countryside' by reason of it falling outside the built up area boundary, it is our view that the Planning Officer failed to recognise the site's location next to a landfill and restoration site (Sandgate) which completely encases the site. The land cannot simply be considered as 'countryside' due to its specific location and by reason of it comprising extensive private garden for the host dwelling, Abbots Leigh, and therefore by definition, comprising previously developed land. The land is fully contained and would not lead to sprawling development.

2.2.3. As explored in further detail within this Statement and as set out in the Planning Statement which supported the application, the land is located within very close proximity to Storrington which is less than a mile walk to the main High Street. There is an existing footpath from the land to the High Street and therefore provides future occupiers with a choice as to how they can access facilities in the immediacy. There are also a number of footpaths and bridleways in the area, and a bus stop almost immediately outside the site on Washington Road, connecting the site to the immediate and wider area. The Planning Officer therefore failed to recognise that the site is actually situated in a sustainable location, despite it falling outside the built up area boundary.

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2.2.4. The LPA are not currently able to demonstrate a five-year supply of housing but can only demonstrate a 2.9 year supply and a housing delivery test at a rate of 62% (as determined at Appeal under reference APP/Z3825/W/24/3346736 – Refer to Appendix A). Development of this land for one new dwelling should therefore be recognised as a small but very valuable contribution towards the District's significant housing need. As explored in further detail later in this Statement, the proposed development is not considered to result in harm due to 'conflicting policies', as set out in the reason for refusal.

2.2.5. In addition to the above, it is considered that the Planning Officer failed to recognise the importance of the site as 'brownfield land', particularly at a time when the Government is strongly encouraging the re-use of such land. As explored in further detail later in this Statement, the NPPF has been amended recently to include a strong emphasis to deliver housing on brownfield / previously developed land, unless substantial harm would be caused. Development of the land should therefore be strongly encouraged, particularly as the site is situated in a sustainable location.

2.2.6. It should further be noted that the reason for refusal refers to the site not being '*allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan*'. This is a frustrating reason to be provided with as the development of this land would not trigger such an allocation in Horsham District, due to only one dwelling being proposed. The land is not considered appropriate to accommodate 5no. new dwellings and therefore would not trigger the threshold to be allocated.

2.2.7. The development of this land should instead be recognised as acceptable in light of the planning titled balance and the Council's significant housing need. It has been demonstrated through the original Planning Statement and this Statement that the proposed sub-division of the existing residential curtilage and erection of 1no. dwelling is acceptable and on the planning titled balance, the principle of development would be acceptable. The site is located outside the built-up area boundary but comprises amenity land which is currently used as the extensive private garden for Abbots Leigh. It has been demonstrated that the land is not of high environmental value and is located next to a landfill and restoration site (Sandgate) which totally encases the site. The South Downs National Park is located to the south (where residential redevelopment has also recently been permitted) and therefore the development of the land cannot be considered other than contained and would not lead to sprawling development.

2.2.8. As set out in extensive detail, the land comprises previously developed land where development is encouraged, and is sustainably located with easy access in to Storrington and numerous nearby bus stops. The land is therefore clearly sustainable and not reliant on the private car. The principle of development in this instance is considered to be entirely acceptable and the proposals should be considered in isolation with regards to its own merits.

2.2.9. Overall, it is considered that the LPA have not fully considered the site in relation to its context and merits. Please refer to Section 5 of this Statement for further information.

## 2.3. Reason for Refusal 2

2.3.1. **The proposed new access, due to its siting through the existing native tree belt and positioning within the Root Protection Areas of 5 trees is considered to have an unacceptable impact on the viability of these trees. This would have an unacceptable impact on the character of the street scene as well as an unacceptable impact on the health of these trees, contrary to policies 25, 31 and 33 of the HDPF.**

# ECE Planning

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2.3.2. It is considered that the Planning Officer and Council's Arboricultural Consultant failed to fully understand the conclusions from the Arboricultural Impact Assessment, Preliminary Method Statement and Tree Protection Plan which was prepared by PJC in support of the application, and which concluded that the proposals would not result in detrimental impact to existing trees.

2.3.3. Whilst it is recognised that the proposed access is sited through the existing tree belt, resulting in the removal of three individual trees and one partial shrub group, the trees have been assessed and recognised as having a low impact on the surrounding landscape. . Of these trees/shrubs, one tree is assessed as category B, one tree and the shrub group as category C and one tree as category U. A further two category U trees located within the site boundary are recommended for removal on safety grounds, not related to the proposals. The removal of these trees/shrub is considered to be necessary and of low impact, therefore having low impact on the surrounding landscape.

2.3.4. The Planning Officer further failed to recognise that the application sought consent for Outline Planning Permission and therefore the layout of the access is not necessarily fixed. The layout is subject to Reserved Matters consent. This Outline application seeks consent for access to the site however this has already been achieved via the existing slip road achieved from Washington Road. The existing slip road currently serves two dwellings and is owned by the Applicant. The position of the access from the slip road was deemed as the most appropriate location by the Appellant Team and would have the least impact on the existing trees and surrounding landscape.

2.3.5. Regardless and as discussed later in this Statement, the Council's Arboricultural Consultant's consultee response dated 17 January 2025 was received during the course of the application and responded to via email on 21 January 2025. As set out, the email from ECE Planning to the Planning Officer suggested that further information could be provided as part of a Reserved Matters application where further details of levels etc would be known and specific mitigation measures for the trees could be secured, and for confirmation as to if the LPA agreed with this approach. The Agent did not receive a response to this email until 6 February 2025 where the Planning Officer emailed to state that the application would shortly be refused.

2.3.6. The Appellant is clearly disappointed with this communication as the LPA did not actively engage with the Agent during the course of the application, despite numerous chasing emails. The LPA were not considered to be proactive on this application, particularly where such a reason for refusal could have been easily avoided.

2.3.7. In order to further address the reason for refusal, this Appeal is accompanied by an Arboricultural Appeal Statement which has been prepared by PJC. The accompanying Statement sets out how a no-dig solution can be provided on the land with appropriate mitigation measures accommodated to protect the existing trees and accommodate the driveway. Further details would be secured as part of a Reserved Matters application.

# ECE Planning

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## 3. The Site and Planning History

3.1. Please refer to the Planning Statement for full details of the site's location and surrounding context, as well as relevant planning history which should be considered in full in the determination of this Appeal.

## 4. The Proposal

4.1. Please refer to the Planning Statement and Design & Access Statement for full details of the proposal.

4.2. In summary, the proposals seek Outline planning consent for the erection of 1no. 4-bedroom self-build dwelling with associated private garden space, car parking and landscaping.

4.3. The proposals seek Outline consent with all matters to be reserved apart from access from the existing slip road which is achieved from Washington Road. For the avoidance of doubt, the Appellant owns the existing slip road.

4.4. The existing access and slip road currently serving Abbots Leigh and Abbots Barn will be retained and amended to allow a new private access to the proposed dwelling. The slip road is proposed to be altered at the eastern end which would require a few poor-quality trees/saplings and planting to be removed. Replacement planting would be accommodated within the wider site to compensate for the loss and to result in a net gain.

4.5. As explored in further detail later in this Statement and supporting Arboricultural Reports, we understand that the LPA were concerned with the potential impact on the existing trees as a result of the proposed new access (Reason for Refusal 2). This Statement and supporting Reports seek to demonstrate that the new access road would be acceptable in arboriculture terms. Further details pertaining to the new access road would be reserved for determination as part of a future Reserved Matters application under 'Layout'.

4.6. Please refer to the Planning Statement, drawings and Design & Access Statement for further information.

# ECE Planning

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## 5. Statement of Case

### 5.1. Introduction

5.1.1. The following section seeks to address the two reasons for refusal pursuant to application reference DC/24/1965.

### 5.2. Reason for Refusal 1

5.2.1. **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 (2021) 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 Storrington, Sullington, and Washington Neighbourhood Plan.**

5.2.2. Firstly, it is considered that the Planning Officer failed to recognise the site's location next to a landfill restoration site which completely encases the site, its proximity to the built up area boundary and its designation as previously developed land. The site is in fact located in a sustainable location as explored further below and is therefore recognised as a suitable location for an additional dwelling.

5.2.3. To begin, it is important to note that the proposed development seeks to subdivide the existing residential curtilage at Abbots Leigh (where an existing dwelling already exists), to accommodate an additional dwelling with a new access off the existing slip road. The site is bound to the west by Abbots Leigh, to the east by Sandgate Lodge (a residential dwelling) and to the north by Sandgate Country Park. To the south is the Washington Road and to the further south is the South Downs National Park. The site clearly represents a contained site.

5.2.4. The site is identified in Horsham's Policy Area Maps and Neighbourhood Plan as outside of the built-up area boundary of Storrington and therefore it is recognised, by definition, the site is therefore considered to be located in the countryside where development is usually resisted. It is however clear that in reality, the site does not comprise countryside.

5.2.5. It is noted that Policy 26 of the HDPF seeks to afford countryside protection and resist 'inappropriate development' outside built-up area boundaries. It is however important to note that the associated garden to Abbots Leigh is considered to be 'previously developed land / brownfield land' by definition of the NPPF Glossary (Annex 2). As such, Policy 2 of the HDPF seeks to '*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*'.

5.2.6. The site comprises brownfield land by definition in the NPPF. The NPPF has been amended recently to include a strong emphasis to deliver housing on brownfield / previously developed land, unless substantial harm would be caused. Development of the land should therefore be strongly encouraged, particularly as the site is situated in a sustainable location. Development of this land is further encouraged by a recent quote from Angela Rayner who said '*brownfield land must continue to be the first port of call for any new development and the default answer when asked to build on brownfield should always be 'yes'*'.

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5.2.7. Further to the above, the provision of a dwelling on this land should not be underestimated. It is clear from the Government that there is a significant drive to deliver homes, as encouraged in the most recent Written Ministerial Statement (WMS) dated 12 December 2024 which is a material consideration in the determination of planning applications. As set out in the WMS, the Government are looking to build circa 1.5 million homes across the next five years to deal with the housing crisis. To achieve this, the Government are looking to restore and raise housing targets, build in the right places, move to strategic planning, deliver more affordable homes, build infrastructure to grow the economy and support local planning. The redevelopment of the land will align with the Government's targets and will make a valuable contribution towards local need and more widely, the 1.5 million homes target.

5.2.8. In order to achieve the target of 1.5 million homes across the next five years, the National Housing Target has recently been increased from 300,000 new homes a year to 370,000 new homes a year. Areas with the highest unaffordability for housing and greatest potential for growth will see housebuilding targets increase which we would suggest Horsham District falls within. The presumption in favour for residential in this location should therefore not be disregarded.

5.2.9. The provision of a new home on the land should further be encouraged due to the fact that Horsham do not have a current up to date Development Plan and are currently unable to demonstrate a sufficient supply of housing. As set out previously in this Statement, a recent Appeal confirms that Horsham are only able to demonstrate a 2.9 year supply and a housing delivery test at a rate of 62% (as determined at Appeal under reference APP/Z3825/W/24/3346736 – Refer to Appendix A). Paragraph 11(d) of the NPPF is therefore engaged which suggests that:

*'d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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<sup>9</sup>'*

5.2.10. Footnote 8 of Paragraph 11(d) notes that a development plan policy is considered out of date where:

*'This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.'*

5.2.11. The most recently published Housing Delivery Test (HDT) for Year 2022 (published 19 December 2023) does not indicate that the delivery of housing in the District was below 75% however, as noted in the previous paragraphs, the LPA cannot demonstrate a housing land supply. Furthermore, it should be noted that the HDT is significantly out of date and has not yet been tested against the impact of Water Neutrality whereby HDC has ceased to determine applications for housing which are unable to demonstrate water neutrality since receipt of the Position Statement from Natural England (September 2021).

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5.2.12. In addition to the above, Paragraph 62 of the NPPF states that '*to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance.*' The standard method uses a formula that incorporates a baseline of local housing stock which is then adjusted upwards to reflect local affordability pressures to identify the minimum number of homes expected to be planned for. Within the most recent policy changes, the Government will take forward the proposals to introduce a new standard method that uses housing stock to set a baseline figure. The method will use 0.8% of existing stock as the baseline.

5.2.13. As noted in the Government's consultation, over the last 10 years housing stock has grown nationally by around 0.89%. Setting a baseline of 0.8% provides a consistent base for growth, which is then increased to reflect housing affordability pressures, setting ambitious expectations across the country while directing housing to where it is most needed.

5.2.14. Horsham's current housing need does not take into account the new standard methodology and therefore provides yet another reason that the presumption in favour of residential development on this land should be considered acceptable given the fact that the District has a severe unmet need. The provision of one new dwelling in this instance would be a small but valuable contribution.

5.2.15. In light of the above and reflecting back on Policy 2 of the HDPF, it is noted that the policy wording suggests that reusing previously developed land should be encouraged, '*provided it is not of high environmental value*'. The land is amenity land which is currently used as the extensive private garden for Abbots Leigh. In this regard, the land is not of high environmental value and is located next to a landfill and restoration site (Sandgate) which totally encases the site. Refer to Map below (Source: Storrington, Sullington and Washington Neighbourhood Plan Policies Map Inset 3). The South Downs National Park is to the south (where residential redevelopment has also recently been permitted as set out in Section 3 of the originally submitted Planning Statement) and therefore the development of the land cannot be considered other than contained and would not lead to sprawling development. The land is clearly not of high environmental value and therefore the proposals are in accordance with Policy 2 of the HDPF, and the re-use of the brownfield land should be encouraged.

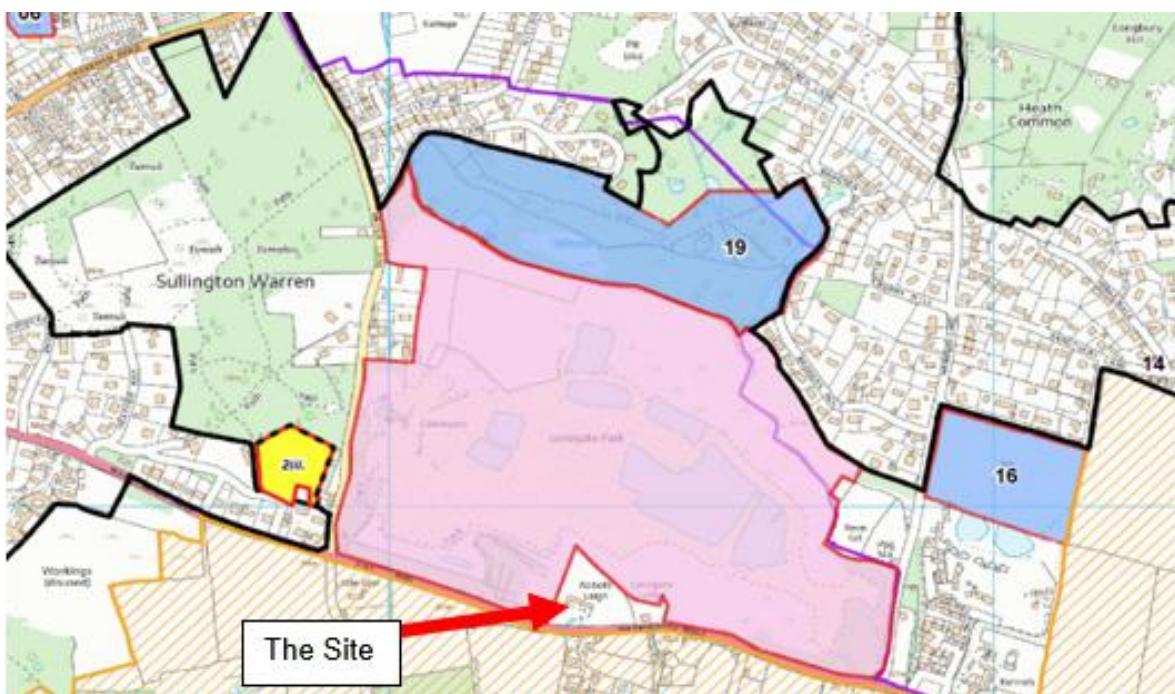


Figure 1 - Storrington, Sullington and Washington Neighbourhood Plan Policies Map Inset 3

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5.2.16. It is noted that the reason for refusal refers to the site not being '*allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan*'. This is a frustrating reason to be provided with as the development of this land would not trigger such an allocation in Horsham District, due to only one dwelling being proposed. As set out on the LPAs website, only sites which seek to deliver over 5 units can be considered as suitable for allocation. It is however our view that development for 5no. dwellings on this land would not be appropriate therefore this site had not been submitted for inclusion in the Horsham District Planning Framework, or Neighbourhood Plan. We would therefore suggest that it is not reasonable to restrict development on the land on this basis.

5.2.17. In addition to the above, it is important to note that Storrington and Sullington Parish Council raised no objections to the application and therefore have not raised any concerns in terms of the principle of development in this location. Please refer to the accompanying Consultee comments for further information.

5.2.18. It is noted that Reason for Refusal 1 notes the site as being within an 'unsustainable location'. We strongly disagree with this reason. In our view, the Planning Officer failed to recognise that the land is located within very close proximity to Storrington and is less than a mile walk in to the High Street, as demonstrated below. It is important to note that there is an existing footpath from the site, to the High Street as demonstrated below. The land is therefore clearly sustainable and not reliant on the private car.

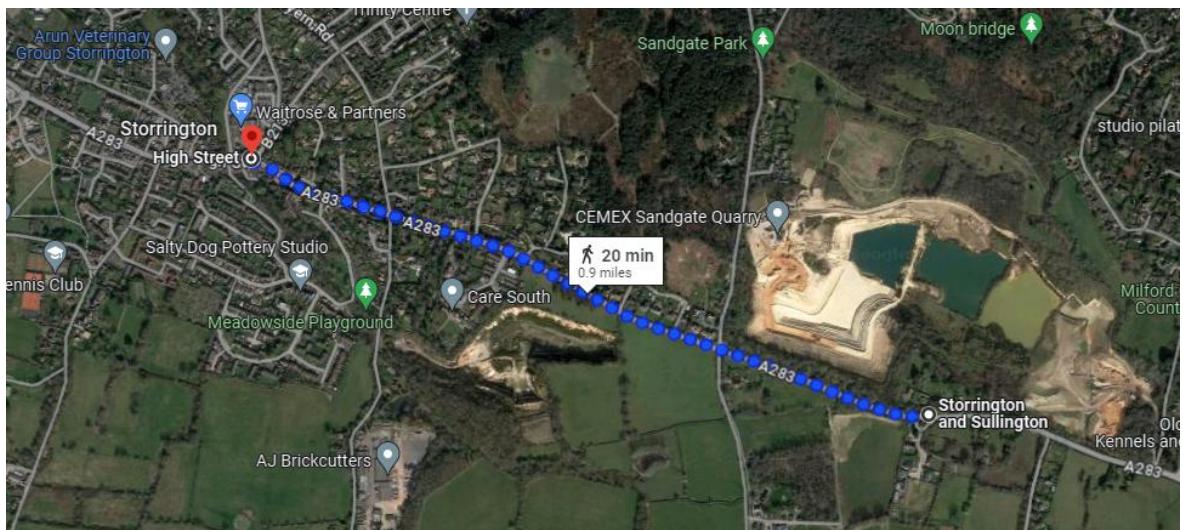


Figure 2 - Walking Journey from the Site to Storrington Village

5.2.19. In addition, there are numerous bus stops almost immediately outside the site on Washington Road (187m to the east as illustrated in Figure 3) which can be accessed via a footpath and provides access to the immediacy and wider area such as Steyning, Pulborough and Worthing. It is therefore important, in our view, that this site is considered for its own merits.

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Figure 3 - Bus Stop Location to the East



Figure 4 - Existing Footpath Immediately Outside of Proposed Site

5.2.20. It should further be noted that a number of larger scaled developments have been permitted in the locality and therefore the site is considered to be sustainably located. The original Planning Statement accompanying the Outline application provides details of these larger scaled developments such as the proposals at Old Clayton Boarding Kennels for a 60-bed care home (reference DC/23/0701), 6no. new dwellings at Angell Sandpit (reference DC/23/2144) and a new dwelling opposite the site at Greenacres Farm (reference SDNP/20/05253/FUL). The addition of a new dwelling in a contained site in this instance is therefore considered to be acceptable.

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5.2.21. To conclude, the site comprises previously developed land by definition of the NPPF and where development should be encouraged as strongly encouraged by the Government and National Planning Policy Framework. Although the site is located outside of the built up area boundary, the land has good access to the local Village and an abundance of sustainable transport methods. The Council cannot demonstrate a housing land supply and therefore the proposed development to accommodate one additional dwelling should be strongly encouraged and recognised as a small but valuable contribution to the District's significant housing need.

5.2.22. The proposals would fully accord with Policy 1 of the HDPF as there would be no adverse impacts of granting permission on the land which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposals would further accord with Policy 2 of the HDPF as Point 8 seeks to '*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*' Policy 4 of the HDPF identifies that '*outside built-up area boundaries, the expansion of settlements will be supported where; 5) the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.*' This policy has clearly been complied with due to the contained nature of the site. To conclude, the proposals would comply with the relevant HDPF planning policies (despite being out of date).

5.2.23. Although we have demonstrated above that the scheme does in fact comply with those relevant HDPF policies and that the site is suitable for residential, the following conclusions from Appeal reference APP/Z3825/W/23/3325926 (Appendix B) are important in relation to this Appeal:

*'22. It is common ground that the Council cannot demonstrate a five year supply of deliverable housing land and the appellant suggests it could be as low as three years. I have seen little other evidence but see no reason to suppose there is not a substantial shortfall against the requisite five year supply. In these circumstances Paragraph 11d) of the Framework is engaged.*

*23. The proposed development would not be in a suitable location when judged against relevant HDPF and emerging NP policies. There would be harm to the openness of the countryside but this harm would be relatively modest and the design would not be inappropriate in a rural area. Living conditions for future occupiers would be less than ideal. The site is not close to services and facilities but there are some opportunities for travel by means other than the private car. There would be conflict with development plan Policies in these respects.*

*24. However, the general housing supply position is deficient. An additional dwelling would contribute towards the much needed supply of houses. Small sites can often be built-out relatively quickly and in this case the appellant intends to occupy the dwelling. There would be economic benefits arising from construction and spend in the local economy. Although these benefits are tempered by the small contribution that one house would make in the context of the current circumstances the additional dwelling would be valuable. There would be no unacceptable effects on protected species or habitats.*

*25. Paragraph 9 of the Framework explains that the three objectives of sustainable development are not criteria against which every decision should be judged. Rather, when Paragraph 11d) applies, the starting point is that permission should be granted. The overall adverse impacts would be significant although qualified to some extent by the small scale of the proposal. The objections identified nevertheless need to surmount a high hurdle to prevail in this balance.*

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26. *In this case the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of an additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied and Paragraph 11 d) indicates that permission should be granted. There are insufficient other material considerations to override this finding.'*

5.2.24. In this regard, the principle of development is considered to be acceptable and we welcome the Inspector's views on this.

## 5.3. Reason for Refusal 2

5.3.1. **The proposed new access, due to its siting through the existing native tree belt and positioning within the Root Protection Areas of 5 trees is considered to have an unacceptable impact on the viability of these trees. This would have an unacceptable impact on the character of the street scene as well as an unacceptable impact on the health of these trees, contrary to policies 25, 31 and 33 of the HDPF.**

5.3.2. It is important to note that the original application was supported by an Arboricultural Impact Assessment, Preliminary Method Statement and Tree Protection Plan which was prepared by PJC. It is our view that the Planning Authority failed to fully understand the conclusions from the Reports which concluded that the proposals would not result in detrimental impact to the existing trees.

5.3.3. Whilst it is recognised that the proposed access is sited through the existing tree belt, resulting in the removal of three individual trees and one partial shrub group, the trees have been assessed and recognised as having a low impact on the surrounding landscape. Of these trees/shrubs, one tree is assessed as category B, one tree and the shrub group as category C and one tree as category U. A further two category U trees located within the site boundary are recommended for removal on safety grounds, not related to the proposals. It is important to note that none of the trees are covered by Tree Preservation Orders and the removal of these trees/shrub is considered to be necessary and of low impact, therefore having low impact on the surrounding landscape. PJC assisted with preparing the application and it was concluded that the indicative driveway location was suitably placed.

5.3.4. It should be noted that the application sought Outline consent with all matters to be reserved apart from access. The access location achieved from the existing slip road which leads to Washington Road is therefore the only aspect of the proposals which should be considered in detail at this stage. The driveway leading from the indicative dwelling location, down to the slip road, is to be secured at a later date as part of a Reserved Matters application, as this would be considered under 'layout' rather than access. It is therefore our view that the Council's Arboricultural Consultant's comments are not relevant to the Outline application.

5.3.5. This view was expressed to the Council via email from ECE Planning to the Planning Officer which suggested that further information could be provided as part of a Reserved Matters application where further details of levels etc would be known and specific mitigation measures for the trees could be secured, and for confirmation as to if the LPA agreed with this approach. The Agent did not receive a response to this email until 6 February 2025 where the Planning Officer emailed to state that the application would shortly be refused. The Appellant is clearly disappointed with this communication as the LPA did not actively engage with the Agent during the course of the application, despite numerous chasing emails. The LPA were not considered to be proactive on this application, particularly where such a reason for refusal could have been easily avoided.

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5.3.6. Regardless, this Appeal is accompanied by an Arboricultural Appeal Statement which has been prepared by PJC to address the reason for refusal in full. The accompanying Statement includes further details as to how the proposed driveway can be accommodated without having a detrimental impact on the existing trees. As set out in the accompanying Statement, the proposed driveway can be accommodated by raising the level of the driveway by accommodating a Cellweb TRP cellular confinement system on top of the existing ground. On top of the system would then comprise an appropriate hardstanding material to allow vehicles to use the driveway. This proposed solution would mean that no-dig construction can be optimised and therefore the integrity of the trees will not be impacted upon negatively. Refer to Section drawings below.

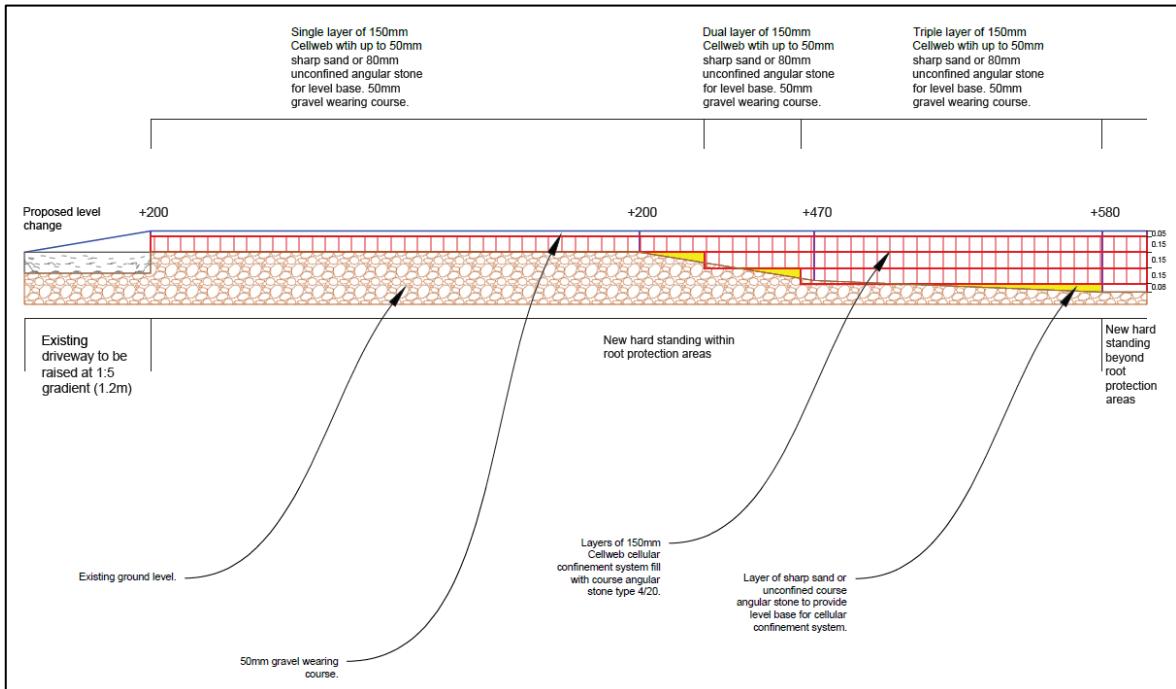


Figure 5 - Proposed Section Drawing

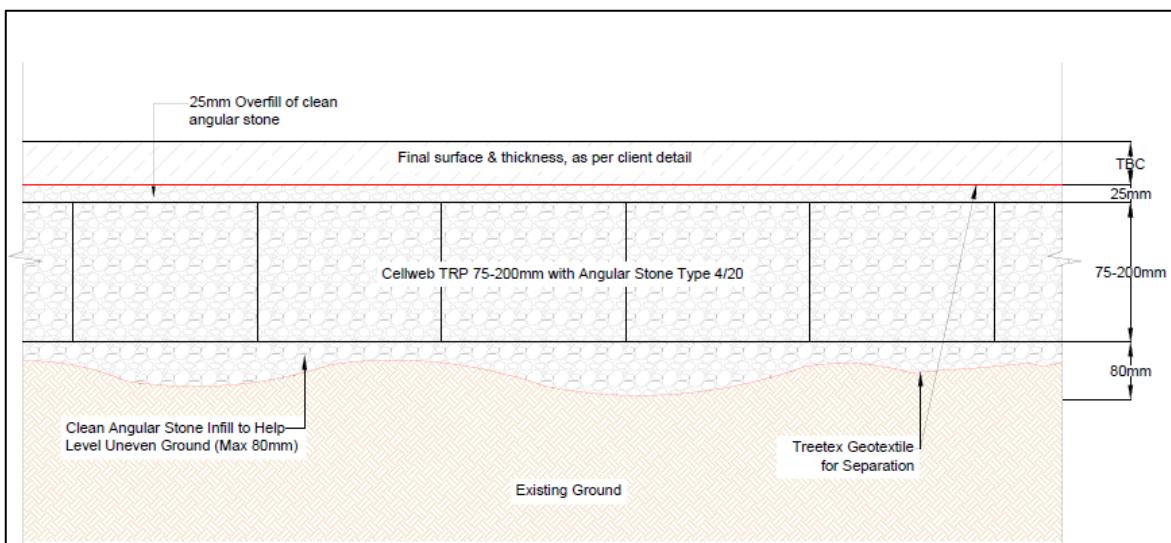


Figure 6 - Indicative Cross-Section of Uneven Surface Filled With Clean Angular Stone: Cellweb

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5.3.7. As a result of adopting the above construction technique, PJC conclude that:

*'Based on the information provided above, including the adjustment to the proposal where the level of the existing driveway shall be raised to accommodate the 'no-dig' driveway, we have demonstrated that the new driveway can be constructed without substantial ground preparation works that would likely result in root severance and damage to the surrounding retained trees, or result in the retained trees becoming unviable.'*

5.3.8. To conclude, the proposed new access would not have a detrimental and unacceptable impact on the viability of the existing trees, and it has been demonstrated that an access can be provided by optimising careful construction techniques such as 'no dig construction' to protect the health of the trees. As such, the application should not be withheld on arboriculture grounds and further construction details can be secured at a later date as part of a Reserved Matters application.

## 6. Conclusions

6.1. This Statement of Case and Grounds of Appeal has been prepared by ECE Planning on behalf of Mr David King (The Appellant), in support of the Appeal, lodged against the refusal of Outline Planning Permission by Horsham District Council (HDC) for the following development of Land at Abbots Leigh, Washington Road ('the Site'):

*'Outline Planning Application with all matters reserved apart from access for 1no. 4-bedroom dwelling with associated private garden space, car parking and landscaping'.*

6.2. The application was refused by HDC on 11 February 2025 under reference DC/24/1965 for two reasons.

6.3. The first reason for refusal has been disputed within this Statement as the site has been concluded as an entirely appropriate location for a new dwelling and on the planning titled balance, the principle of development would be acceptable. The site is entirely encased by residential development to the east and west, and Sandgate Country Park to the north. The South Downs National Park and Washington Road is located to the south. Development of the land would therefore not lead to sprawling development.

6.4. The land comprises previously developed land by definition of the NPPF and where development should be encouraged. The re-use of brownfield land has been strongly encouraged by the Government recently and as set out in a recent quote from Angela Rayner: '*brownfield land must continue to be the first port of call for any new development and the default answer when asked to build on brownfield should always be 'yes'*'. The NPPF has also been amended recently to include a strong emphasis to deliver housing on brownfield / previously developed land, unless substantial harm would be caused. Development of the land should therefore be strongly encouraged, particularly as the site is situated in a sustainable location with access to an abundance of sustainable transport methods, including permanent footpath access to Storrington Village.

6.5. Further to the above, the Council cannot currently demonstrate a housing land supply and a recent Appeal reveals that the Council are only able to demonstrate a 2.9 year supply and a housing delivery test at a rate of 62% (refer to Appendix A). Paragraph 11(d) of the NPPF is therefore engaged which suggests that permission should be granted where there are no relevant development plan policies, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this 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.

6.6. It has been demonstrated that there would be no adverse impacts of granting Outline consent for the new dwelling. As such, the proposed development to accommodate one additional dwelling should be strongly encouraged and recognised as a small but valuable contribution to the District's significant housing need, and to help the Government meet its target to build circa 1.5 million homes across the next five years to deal with the housing crisis. As referenced in Appendix B for the Appeal decision in Cowfold, the same conclusions would apply:

*'26. In this case the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of an additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied and Paragraph 11 d) indicates that permission should be granted. There are insufficient other material considerations to override this finding.'*

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- 6.7. In relation to the second reason for refusal, it has been demonstrated that access can be provided from the existing slip road, with no detrimental impact on the existing trees. As set out, we consider the comments from the Council's Arboricultural Consultant to extend past the remit of the Outline application, as the matter of layout of the existing driveway is discussed rather than just the access to which the application relates. Regardless, the Appellant Team have successfully demonstrated that a suitable no-dig driveway can be achieved by accommodating suitable tree mitigation measures to ensure the vitality of the trees and by not having an impact on the health of the trees. Further details would be provided as part of the Reserved Matters application.
- 6.8. It should be noted that the application did not receive any objections from Environmental Health, the South Downs National Park, Ecology, Natural England, Nature Space or WSCC Highways. The appeal is therefore considered to be acceptable in relation to all these matters, including water neutrality.
- 6.9. In addition to the above, it is important to note that Storrington and Sullington Parish Council raised no objections to the application and therefore have not raised any concerns in terms of the principle of development in this location.
- 6.10. In conclusion the proposed development is fully compliant with the Policy objectives outlined in the National Planning Policy Framework and the Development Plan. The proposal will represent a small but valuable contribution to the District's significant housing need.
- 6.11. It is therefore respectfully requested that the Inspector allows this Appeal.

# **ECE Planning**

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## **Appendix A – Appeal Decision Reference**

**APP/Z3825/W/24/3346736**



## Appeal Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

**Appeal Ref: APP/Z3825/W/24/3346736**

**Paiges Yard, Nep Town Road, Henfield BN5 9DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Keith Henley of HHC Developments Ltd against the decision of Horsham District Council.
- The application Ref is DC/24/0465.
- The development proposed is demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit.

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs has been made by Mr and Mrs Keith Henley of HHC Developments Ltd against Horsham District Council. This application is the subject of a separate decision.

### Preliminary Matters

3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test (HDT) results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.
4. The application was accepted as valid by the Council and there is insufficient evidence before me to allow me to conclude that they were in error to do so. I therefore proceed to determine the appeal.

### Main Issues

5. The main issues in this appeal are:
  - whether the proposal would have an acceptable effect on the provision of employment space;
  - the effect of the proposal on the character and appearance of the area including the Henfield Conservation Area;
  - the effect of the proposal on the living conditions of neighbouring occupiers with respect to outlook and daylight and future occupiers with respect to noise.

## Reasons

### *Commercial Space*

6. Horsham District Planning Framework (adopted 2015) (HDPF) Policy 7 supports the redevelopment, regeneration, intensification and smart growth of existing employment sites and confirms that sustainable local employment growth would be encouraged via neighbourhood plans. Henfield Neighbourhood Plan (made May 2021) (HNP) Policy P3.2.2 confirms that the redevelopment of existing employment sites to non-employment uses will not be supported unless the employment use is no longer appropriate for its location or it has been demonstrated that it would not be viable.
7. There is no substantive evidence before me such as marketing or evidence of the costs of redevelopment in comparison to any likely return which would demonstrate that the site could not be put to an employment use. There are no planning controls over the site, however it has operated in proximity to residential properties in the past, as the neighbouring commercial property at Vinalls Business Centre continues to do. Nor is there any robust evidence before me that the only interest in the site would be from uses which would conflict with the residential uses. It may be that the appellant has experience in the demands of the market in this area, but this has not been translated into any robust evidence before me.
8. HNP Policy P3.2.2 would have been prepared and subsequently made in the knowledge that it was seeking to retain existing employment land alongside further allocations for employment/ commercial uses. It therefore cannot be assumed that the allocations provide a reason to accept the loss of this employment space in the absence of robust evidence. The support of the parish council would not change my assessment of the proposal against the employment policies of the development plan.
9. It therefore has not been demonstrated that the proposal would not have an adverse effect on the provision of commercial space. It would therefore be contrary to HDPF Policy 7 and HNP Policy P3.2.2 which taken together seek to retain existing employment sites.

### *Character and Appearance*

10. The site comprises a number of buildings and containers of varying designs, materials and states of repair. To one side is a commercial business centre, while to the other side and opposite side of the road are further residential properties. The structures are generally located into the site, with only a very limited relationship to the road.
11. The site lies within the Henfield Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic interest as a large loosely planned village which evolved from a dispersed Saxon village to a medieval linear settlement and outlying hamlet and finally to its present form.

12. The buildings on the site are not classified on the building audit map contained within the Henfield Conservation Area Appraisal and Management Plan (HCAA). They do not have the appearance of historic buildings but rather appear modern and do not provide any evidence of the historic development of the area. There is no compelling reason to retain this arrangement on the site. The Council assesses them as having a neutral effect. The audit map shows the neighbouring commercial units as a mixture of negative and neutral buildings, although the text does acknowledge the neighbouring complex of light industrial buildings as being a detractor in the CA. Having regard to this, and my observations at my site visit, I consider the appeal site to have a negative effect on the character and appearance of the CA.
13. The HCAA, in its analysis of the Nep Town area of the CA, sets out otherwise that dwellings are generally set well back from the road behind walls and hedges and sheltered by trees. It also notes that vegetation is prominent. My observations at my site visit confirm this remains the case. The arrangement of the dwellings at Nep Close around a central hardstanding is also noted as detracting from the CA.
14. The proposal would see dwellings set to the rear of the site with storage units along the boundary to Nep Close. There would be a parking court to the front which would be defined by cobbled sets to the front and a low palisade fence. The frontage arrangement would be similar to that at Nep Close with development fronting onto a hardstanding. The proposal would therefore replicate a layout which has a negative effect on the CA and would not integrate with the prevailing character and appearance of the residential aspects of the CA.
15. While the existing site detracts from the CA, this would not justify a redevelopment which would also fail to preserve and enhance the character and appearance of the CA. Paragraph 212 of the Framework confirms that great weight should be given to the conservation of heritage assets and paragraph 213 that any harm to the significance of a designated heritage asset should require clear and convincing justification. Given that the harm would be localised to Nep Town Road in proximity to the site, I find the harm would be less than substantial, but nonetheless of considerable weight.
16. In such circumstances, paragraph 215 sets out that this harm should be weighed against the public benefits of the proposal. The proposal would deliver five additional dwellings in an area which can demonstrate at best a 2.9 year supply of deliverable housing land and has not met the requirements of the HDT. As a small site, it is likely the proposal could be delivered quickly. The proposal would also allow the installation of a stair lift in two units. However, these benefits are not sufficient to outweigh the harm I have identified.
17. I therefore conclude the proposal would fail to preserve or enhance the character and appearance of the Henfield Conservation Area. It would fail to satisfy the requirements of the Act, section 16 of the Framework, HDNP Policy 34 and HNP Policy 12 which require development to reinforce the special character of the district's historic environment and be consistent with the special character of conservation areas.

#### *Living Conditions*

18. The neighbouring properties on Nep Close have their rear elevation facing onto the appeal site. The gardens of those properties are of a limited length. The

boundaries to these properties were of a typical domestic scale at the time of my site visit. While some had landscaping, this was not particularly substantial. While the existing structure on the site also sits adjacent to this boundary, it has a monopitch that slopes away from the boundary and is a modest single storey structure overall.

19. The proposal would see the introduction of development 1m from the boundary with the rear garden of some of those properties. Although the proposal has been designed with a shorter length than the other properties, and the upper floor has been incorporated into the roof, the proposal would nonetheless be particularly prominent when viewed from the properties on Nep Close that it would be immediately adjacent to. This would result in an increase in the sense of enclosure and a loss of outlook to occupiers when using the gardens that would have an adverse effect on their living conditions.
20. I do not have documentation demonstrating that a 25 degree line would be achieved in this case. However, even if that were shown to be the case, it would not mitigate for the adverse effects I have identified above.
21. The site is immediately adjacent to the Vinalls Business Centre. There is no substantive evidence before me as to any planning permission or lawful use certificate which would define the use of that site. I therefore cannot be certain what the potential there is for there to be uses on the site in future which could have an adverse effect on the living conditions of future occupiers of the proposed residential properties. On the basis of the written evidence before me, along with my observations at my site visit, I prefer the appellant's view on this matter. However, this is a separate issue to the harm to the living conditions of existing occupiers I have identified.
22. I conclude that the proposal would have an adverse effect on the living conditions of neighbouring occupiers with respect to outlook. This would be contrary to HDNP Policies 32 and 33 and HNP Policy 12 which require development to provide functional environments that respects and avoids unacceptable harm to the amenity of occupiers of nearby properties.

### **Other Matters**

23. The appeal site is within the Sussex North Water Supply Zone. The Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site are vulnerable to pressures arising from groundwater abstraction from this supply zone. The appellant has submitted a water neutrality statement in mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats site and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue, as a finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.
24. There is no detail before me of the relocation premises or the extant planning agreement from 1992 that encourages residential development at the site. There is no substantive evidence before me of any intention to bring forward residential development at the Vinalls Business Centre that would weigh in favour of the proposal.

25. No concern with the appearance of the dwellings has been raised, and I have no reason to reach a different conclusion. Sufficient parking would be provided and there would not be an adverse effect on the operation of the highway network. Appropriate living conditions would be provided for future occupiers of the proposed dwellings. Appropriate provision for drainage could be made and mitigation for contamination could be secured by condition. There would be a negligible effect on biodiversity and enhancements could be secured. However, these are to be expected of any well designed development and would be neutral in my assessment.

### **Planning Balance**

26. It is not in dispute that the Council cannot display a five year deliverable supply of housing land which at best would be 2.9 years. The results of the most recent housing delivery test show a rate of 62%. There is some uncertainty around the emerging Local Plan. In such circumstances, paragraph 11d) of the Framework is engaged.
27. My findings in respect of the harm to the CA means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.

### **Conclusion**

28. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

*Jennifer Wallace*

INSPECTOR

# **ECE Planning**

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## **Appendix B – Appeal Decision Reference**

**APP/Z3825/W/23/3325926**



## Appeal Decision

Site visit made on 30 January 2024

**by S Harley BSc(Hons) M.Phil MRTPI ARICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 March 2024**

**Appeal Ref: APP/Z3825/W/23/3325926**

**Cowfold Lodge Cottage, Henfield Road, Cowfold, West Sussex, RH13 8DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Hannah Cullimore against the decision of Horsham District Council.
- The application Ref DC/22/2250, dated 30 November 2022, was refused by notice dated 31 March 2023.
- The development proposed is construction of log cabin dwelling and access from Henfield Road.

### **Decision**

1. The appeal is allowed and planning permission is granted for construction of log cabin dwelling and access from Henfield Road at Cowfold Lodge Cottage, Henfield Road, Cowfold, West Sussex RH13 8DU in accordance with the terms of the application, Ref DC/22/2250, and the plans submitted with it subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. The main Parties have had the opportunity of commenting on the implications of the latest revised National Planning Policy Framework (the Framework) published in December 2023. I have taken account of the comments made.
3. The Cowfold Neighbourhood Plan 2019-2031 (the emerging NP) has been successfully examined but cannot proceed to Referendum because of legal requirements in relation to water neutrality and the Habitats<sup>1</sup> Regulations. However, its policies align with national and local policy and it is a material consideration of some weight. The emerging new Horsham District Local Plan is at too early a stage to carry weight in this appeal.

### **Main Issues**

4. The main issues are:
  - whether the site is an appropriate location for a dwelling taking into account the spatial strategy;
  - the effect on the character and appearance of the area;
  - the effect on protected species and habitats; and

<sup>1</sup> Conservation of Species and Habitats Regulations 2017 (as amended)

- whether satisfactory living conditions would be provided for future occupiers of the proposed dwelling.

## **Reasons**

### Spatial Strategy

5. Policy 2 of the Horsham District Planning Framework 2015 (the HDPF) focuses development in and around the key settlement of Horsham. Elsewhere growth can take place within defined towns and villages in accordance with the settlement hierarchy set out in Policy 3. The appeal site is some 190 metres from the built-up area boundary of Cowfold and is in the countryside for planning policy purposes.
6. Windfall sites help to meet housing needs but it is expected that the majority of these should be within settlement boundaries. The site is not allocated in the HDPF or the emerging NP. It is not isolated as it is near other dwellings, but it does not adjoin a settlement edge. In these respects, the proposal does not meet the limiting criteria of Policy 4. Nor is the proposal one for which a countryside location is essential as defined in Policy 26 of the HDPF.
7. Cowfold is a 'medium village' with a moderate level of services and facilities. The appeal site is some 800m from the village centre. There are no streetlights or footpath between the site and the built up area so walking or cycling is unlikely to be attractive especially during the winter months or inclement weather. However, there is a bus service along Henfield Road which provides some means of access to services and facilities without relying on the private vehicle so the site is not as inaccessible as some.
8. Overall, I conclude the proposal would not be a suitable location for a new dwelling in terms of the spatial strategy. There would therefore be conflict with those parts of Policies 1, 2, 3, 4 and 26 of the HDPF, Policies 9 and 10 of the emerging NP and those principles of the Framework that seek to direct development to the most sustainable locations and to protect the countryside.

### Character and appearance

9. The appeal site is part of an unremarkable field adjacent to the curtilage of Cowfold Lodge Cottage and its outbuildings, including a stable block, and near to Cowfold Lodge. To the south the site is contained by a public right of way; otherwise the site is surrounded by fields.
10. Nearby buildings have no common size, style, design or materials. A single storey building would not be out of scale with other buildings. It would have a simple rectangular footprint similar to others nearby. The proposed design is typical of log cabins. Whilst not replicating details of the nearby dwellings, a timber finish would not be out of character with the adjacent stable block or other buildings in the local area. It would be set back from the road frontage and the existing trees and hedge would provide some degree of screening which would be supplemented by new planting.
11. The proposal would introduce a building where no building exists and would extend the built up area which would harm the openness of the countryside. However, the building would be low level single storey which would minimise its prominence. The appearance of the log cabin, whilst not particularly

remarkable, would not be inappropriate in this rural area close to other buildings.

12. There would be some harm to the character and appearance of the area by way of a reduction in the openness of the countryside. There would be conflict with Policies 25, 26, 32 and 33 of the HDPF in this respect. However, as the site is not isolated and the log cabin would not be unduly prominent this harm would be modest.

#### Protected species and habitats including an Appropriate Assessment

13. The Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the Arun Valley Sites) are low-lying wetland areas that offer a variety of ecological conditions for over wintering birds, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants. The appeal site is in the zone of influence of the Arun Valley sites and is in the Sussex North Water Supply Zone (SNWSZ).
14. Natural England (NE)<sup>2</sup> have advised that developments, alone or in combination with other developments, within the SNWSZ must not add to the impact of water abstraction on the Arun Valley Sites. As competent authority under the Habitat Regulations I must assess the effect on the Arun Valley sites.
15. The submitted Water Neutrality Report Rev P2 provides for water efficient fixtures and fittings; a water meter to track consumption and identify leakages, and a rainwater harvesting system with sufficient capacity for a 40 day drought period. With these measures the dwelling should be self-sufficient in terms of water usage with a mains water connection only for emergency use. Due to the limited water abstraction the proposal would not affect the integrity of the Arun Valley sites. NE do not object providing that the mitigation measures are appropriately secured in any planning permission given.
16. The site is semi-improved grassland with hedges and an oak tree. The appeal was accompanied by a Preliminary Ecological Assessment 2023 and Hazel Dormouse Summer Nest Search - letter of report dated September 2023. There is medium to high potential for the site to support nesting birds and foraging and commuting by mammals, badgers, and bats and recommendations to minimise disruption are proposed. These include managing artificial lighting and the requirement for a Biodiversity Enhancements and Mitigation Plan
17. I conclude that subject to the securing of the measures proposed there would be no unacceptable harm to protected habitats or species and no conflict with the requirements of the Regulations, Policy 31 of the HDPF, Policy 2 of the emerging NP or those principles of Framework that seek to protect and enhance biodiversity.

#### Living conditions

18. There is a U shaped stable block a short distance away from the appeal site on land indicated as being within the ownership or control of the appellant. The stable doors face away from the proposed dwelling into the enclosed yard which is accessed from the drive between Cowfold Lodge and Cowfold Lodge Cottage.

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<sup>2</sup> Natural England's Position Statement for Applications within the Sussex North Water Supply Zone – September 2021 Interim Approach (Position Statement 2021) as amended

19. There is likely to be some noise, disturbance and odour from horses using these stables which is less than ideal. This is mitigated to some extent as the stable doors face away from the proposed dwelling and the stable block would act as a shield for activities in the yard. The appellant owns the horses that use the stable block and, at least initially, is likely to occupy the proposed dwelling, although that may change. There is no indication of other agricultural activities in the vicinity that would have a harmful effect on living conditions.
20. I conclude that less than ideal living conditions would be provided for future occupiers of the proposed dwelling. There would be some conflict with Policies 32 and 33 of the HDPF and those principles of the Framework that seek to ensure a high standard of amenity for future occupiers of land and buildings.

### **Other Matters**

21. The Highway Authority advise that an 11.8m kerbside crossover may not be acceptable at licensing stage. However, this is not considered to be a highway safety issue and can be resolved by condition.

### **Planning Balance**

22. It is common ground that the Council cannot demonstrate a five year supply of deliverable housing land and the appellant suggests it could be as low as three years. I have seen little other evidence but see no reason to suppose there is not a substantial shortfall against the requisite five year supply. In these circumstances Paragraph 11d) of the Framework is engaged.
23. The proposed development would not be in a suitable location when judged against relevant HDPF and emerging NP policies. There would be harm to the openness of the countryside but this harm would be relatively modest and the design would not be inappropriate in a rural area. Living conditions for future occupiers would be less than ideal. The site is not close to services and facilities but there are some opportunities for travel by means other than the private car. There would be conflict with development plan Policies in these respects.
24. However, the general housing supply position is deficient. An additional dwelling would contribute towards the much needed supply of houses. Small sites can often be built-out relatively quickly and in this case the appellant intends to occupy the dwelling. There would be economic benefits arising from construction and spend in the local economy. Although these benefits are tempered by the small contribution that one house would make in the context of the current circumstances the additional dwelling would be valuable. There would be no unacceptable effects on protected species or habitats.
25. Paragraph 9 of the Framework explains that the three objectives of sustainable development are not criteria against which every decision should be judged. Rather, when Paragraph 11d) applies, the starting point is that permission should be granted. The overall adverse impacts would be significant although qualified to some extent by the small scale of the proposal. The objections identified nevertheless need to surmount a high hurdle to prevail in this balance.
26. In this case the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of an additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied and

Paragraph 11 d) indicates that permission should be granted. There are insufficient other material considerations to override this finding.

### **Conditions**

27. I have considered the conditions put forward by the Council in the light of the tests in the Framework and the Planning Policy Guidance. Where necessary I have altered the wording for clarity and to meet the guidance. I have changed the water storage requirement to 40 days to reflect the evidence in the Water Neutrality Statement.
28. Compliance with the submitted plans and a time scale for implementation are necessary for certainty. Conditions 3 and 11 relating to drainage and waste and recycling facilities are necessary in the interests of health and safety. Conditions 7, 9, 16, 17 are necessary in the interests of highway and pedestrian safety and as required by the Highway Authority and Access Ranger.
29. Conditions 4, 14, 18 are necessary to safeguard and enhance the ecology and biodiversity of the area. Conditions 5, 6, 13, 15 are necessary to ensure the development is Water Neutral to avoid an adverse impact on the integrity of the Arun Valley sites.
30. Conditions 8, 10 and 12 are respectively necessary in the interests of air quality; in the interests of the character and appearance of the area; and to meet the needs for connectivity of future occupiers.

### **Conclusion**

31. For the reasons set out above the appeal should be allowed.

*S Harley*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Photographs HC/22/01; Site/Block Plan HC/22/02; Plans, Sections Elevations and Photographs HC/22/03A; Visibility Splays from Proposed Site Access 12452\_100 Rev P1; Water Neutrality Report Rev P2 dated 27 January 2023.
- 3) No development shall commence until a drainage scheme detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained thereafter.
- 4) No development shall commence until a lighting design scheme for biodiversity has been 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 shall 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. No other external lighting be installed without prior consent from the Local Planning Authority.
- 5) No development above ground floor slab level shall commence until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:
  - The sampling regime and parameters etc, recognising that the sampling will need to be undertaken by a DWI certified sampler and analysed by a UKAS accredited lab.
  - Details of how any failure of any samples will be investigated and managed.
  - Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of the dwelling.
  - Details of the 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.
  - Details on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.

- The completion of and submission to the Council in writing of the Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supply (England) Regulations 2016) prior to the water supply being put into use.
- Details of how continuity of supply during dry periods extending beyond 40 days will be ensured.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance such records to be available for inspection by the Local Planning Authority at all reasonable times.
- Details of contingency plans to ensure any failures or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the Local Planning Authority.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the prior written approval of the Local Planning Authority.

- 6) The development hereby permitted shall not be undertaken other than in full accordance with the measures set out in the Water Neutrality Report Rev P2 dated 27 January 2023. The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority demonstrating that the approved water neutrality strategy measures for the dwelling have been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum of 40 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.
- 7) No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing Site/Block Plan HC/22/02 July 2022. The car parking spaces permitted shall thereafter be retained as such for their designated use.
- 8) No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for the dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.
- 9) The dwelling hereby permitted shall not be occupied until the cycle storage shown on Plan Ref HC/22/02 has been provided. The cycle storage shall thereafter be retained for their designated use for the lifetime of the development.
- 10) No part of the development hereby permitted shall be first occupied until a scheme of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all external hard surfacing materials and finishes
- Details of all boundary treatments.

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

- 11) No part of the development hereby permitted shall be occupied until facilities for the storage of refuse and recycling have been provided within the side or rear garden of the dwelling. The facilities shall thereafter be retained for use at all times.
- 12) 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 30 megabytes per second through full fibre broadband connection has been provided to the premises.
- 13) Within 3 months of the occupation of the dwelling, evidence of the water consumption by the occupants of the dwelling shall be submitted for the approval in writing by, the Local Planning Authority. The evidence shall demonstrate whether or not there is sufficient water supply from the rainwater harvesting system to cater for the water demand with a minimum of 40 days drought storage capacity. In the event the rainwater harvesting system fails to cater for the combined water consumption and storage of the dwelling, details of how suitable rainwater supply and storage will be provided shall be submitted for the approval in writing by the Local Planning Authority alongside the above evidence. The approved details shall be installed within 1 month of the date of the Local Planning Authority's written approval. Ongoing written evidence shall be made available to the Local Planning Authority upon reasonable request.
- 14) The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures including the provision of bird boxes, bat boxes and bee bricks, set out in the Preliminary Ecological Appraisal Report June 2023 and the Hazel Dormouse Summer Nest Search - letter of report September 2023.

As a precaution, the area of potentially suitable habitat scrub (Figure 1) should be repeat checked by a dormouse licensed ecologist 24 hours prior to clearance, and then be cleared by hand. Clearance should be undertaken outside of the breeding bird season (as per PEA advice). Should dormice or evidence of this species (e.g. nests) be found then

advice must be sought from a licensed ecologist, as a license to disturb will be required from Natural England.

- 15) No dwelling hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency plans set out in the management and maintenance plan agreed under condition 5 until such time as the system is fully operational. The occupiers of the dwelling shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply. Such written evidence shall be made available to the Local Planning Authority upon reasonable request.
- 16) Notwithstanding the information shown on Plan Ref 12452\_100 Rev P1, no part of the development hereby permitted shall be occupied until details of the vehicle cross over and visibility splays for the access serving the development (including details of any planting to be removed) have been submitted to and approved in writing by the Local Planning Authority. These shall include a setback distance of 2.4 metres from the edge of the carriageway. The development shall be carried out in accordance with the approved details. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 17) A minimum width of 2.5m should be retained for the adjacent public right of way adjacent to the side of the site, which should be on stable, level ground and clear of any overhanging side vegetation and of overgrown surface vegetation.
- 18) No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve the stated objectives;
  - c) locations of proposed enhancement measures indicated appropriate maps and plans;
  - d) details of persons responsible for implementing the enhancement measures and a timetable for implementation;
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

End of Schedule