Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1414
Bankfield Grange , Kings Lane, Cowfold, West Sussex, RH13 8BD

DESCRIPTION:
Installation of an above ground 42 panel Solar PV Array.

RELEVANT PLANNING HISTORY:
None relevant

SITE LOCATION & DESCRIPTION
42 solar panels, set across three rows, are proposed to the south of Bankfield Grange. The panels would be located beyond the expected boundaries of the dwellings garden curtilage; however, they still appear to be within the properties setting.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use

Cowfold Neighbourhood Plan
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. To unlock the Cowfold Neighbourhood Plan, further work has been commissioned to address the issue of water, with a Decision Statement issued confirming the plan should proceed to referendum. The following policies are relevant: -

Policy 9: Residential Development Principles

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity

Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment

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

Consultations:
Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of 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.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Nature Space: It is considered that the proposed development is unlikely to have an impact on great crested newts and/or their habitats.

Representations:
None received.

Parish Comments:
Submits a neutral response to this planning application, given the vagaries of the HDC Planning Portal and the short period of time between validation and submission to the parish council, there has been a limited opportunity for residents proximate to the property to submit representation to HDC. However, CPC will support the planning application if there are no adverse representations.

Member Comments:
None received

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

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

PLANNING ASSESSMENT

Principle of Development:

The application site is outside of the defined built-up area boundary where the countryside protection

policies of the HDPF apply. Policy 26 of the HDPF states that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and fulfil one of a number of criteria. Development should not lead to a significant increase in the overall level of activity in the countryside and should protect the characteristics of the landscape in which it is located.

Policy 36 of the HDPF relates to energy use and stipulates that schemes for renewable energy schemes will be permitted where these do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value. It is considered that the existing policy basis would provide a general presumption in favour of development comprising of photovoltaic panels. Policy 36 of the HDPF notably draws no distinction between the nature of energy generation; being either for agricultural, domestic, or commercial purposes.

Paragraph 167 of the NPPF expects that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings. Paragraph 168 continues expecting that local planning authorities in determining applications for renewable or low-carbon development should, firstly, not require applicants to demonstrate a need for renewable or low carbon energy, recognising that small-scale projects provide a valuable contribution to cutting greenhouse emissions and, secondly, approve applications if its impacts are (or can be made) acceptable.

The revised Planning Statement clarifies the electricity produced from the solar panels would be used to meet some of the demand of Bankfield Grange. The statement confirms the panels would relieve the need for as much power from the national grid and a diesel generator.

The use of renewable energy resources is favoured within national and local planning policy, where it considers that increasing the amount of energy from renewable and low carbon technologies will help to secure a reliable energy supply, and also help reduce greenhouse gas emissions. In regard to Policy 26 it is expected that the proposal would enable the sustainable development of the dwelling and therefore rural area, meeting criteria 4 of Policy 26. It is therefore considered that the principle of the development is acceptable, subject to all other material considerations.

Character and Appearance

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

In addition, Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be of a scale 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 in which it is located, including the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees, waterbodies, and other features; and the landform of the area.

Paragraph 012 of the Planning Practice Guidance under “Renewable and Low Carbon Energy” states that factors to bear in mind when considering active solar technology includes: the importance of siting systems in situations where they can collect the most energy from the sun; need for sufficient area of solar modules to produce the required energy output from the system; and the colour and appearance of the modules.

Turning to heritage assets the proposed panels would be located west of Lidford Farmhouse a grade II listed building. Policy 34 of HDPF states that *“The Council recognises that heritage assets are an*

irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets."

42 solar panels set across three rows are proposed at ground level. The low-level nature of the panels and the existing surrounding vegetation ensure they are suitably obscured from the surrounding countryside. This arrangement would be sufficient to ensure no adverse impacts on the landscape character of the site and surrounding area, or the setting of surrounding heritage assets. The visual impact of the proposal is therefore considered acceptable and in accordance with the above policies.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

It is considered that the nature, siting and layout of the proposal and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

On the basis of the available information it is considered that the development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Conclusions:

The proposal is considered to comply with the relevant and appropriate policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

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

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

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

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

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

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

Plans list for: DC/24/1414
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan	cable layout		25.11.2024
Location & Site plan	and panel plans and elevations	72613/01	24.09.2024
Elevation & Floor plan		72613/01	24.09.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 14.01.2025

Authorising Officer sign/initial Guy Everest Date: 14.01.2025