Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1380
Hardings, Brooks Green Road, Coolham, West Sussex, RH13 8GR

DESCRIPTION:
Installation of a ground mount solar array located near the western edge of the property.

RELEVANT PLANNING HISTORY:

SP/15/92	Hard tennis court & fencing Site: Hardings Cottage Coolham Rd Coolham	Application Permitted on 26.05.1992.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
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

Shipley Parish Neighbourhood Plan (2019-2031)

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:
Newt Officer: Comment: -

It is considered that the proposed development is unlikely to have an impact on / would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping recommend that an informative be attached to planning consent.

It should be noted that if an individual great crested newt is found at any point during the works, a European Protected Species Licence (ESPL) or District Licence (DL) may be required to permit works that would potentially cause disturbance and otherwise commit an offence under the relevant legislation.

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.

Parish Comments:
Members voted to support the application.

Representations:
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
The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, available images and photographs supplied by the agent. These details were considered sufficient to allow the application to be properly considered and determined.

Principle of Development

Policy 35 of the HDPF states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the district's carbon reduction targets. Measures which should be used to mitigate the effects of climate change includes improved energy efficiency in new developments, and the use of decentralised, renewable, and low carbon energy supply systems.

Policy 36 of the HDPF relates to the development of renewable and low carbon energy as a key means of reducing the district's contribution to climate change. This policy sets out the requirement for development to minimise its energy use in accordance with the energy hierarchy and to incorporate renewable and low carbon energy supplies. This policy is set out to benefit residents by dealing more directly with solar panels.

The solar panels would reduce the applicant's dependence on centralised and carbon-based energy by introducing the use of decentralised renewable energy, contributing to the efficient and sustainable use of resources. This would be supported by the above policies, with the principle of development considered acceptable, subject to detailed considerations.

Character and Appearance

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing, and appearance of development relates sympathetically with the built

surroundings, landscape, open spaces, and routes within and adjoining the site, including any impact on the skyline and important views.

The proposed solar panels would be positioned along the western boundary of the site, with open fields to the west. The land subject of the application comprises residential garden with vegetation, two ponds and a tennis court within the space. The proposed solar array would be well-sited within the proposed area, being located a noticeable distance from public vantage points, behind the row of dwellings which abut the street. There is sufficient vegetation to prevent views of the solar panel from the wider surroundings. The panel would be at a 10-degree angle, sit approximately 17.63m in length and 3.53m wide. The panel would also be 2m from the existing boundary hedge and would sit on a framework to maintain the ground underneath. The solar array would be afforded some degree of visual protection by virtue of the existing screening and the modest height. The proposal would therefore be located in a suitable position and would have a positive benefit. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Impact on Neighbouring 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.

The panel would be positioned more than 30m away from the boundary with neighbouring dwellings, situated towards the western boundary with a field. This siting together with the scale of the development and the resulting relationship with neighbouring properties is considered sufficient to ensure no unacceptable impact on neighbouring amenity, including from possible glare.

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.

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.

The application site falls in with a red impact risk zone for Great Crested Newts (GCN). The Newt Officer was consulted on the application and concluded that the proposed development was unlikely to have an impact on and would present a low risk to GCN and their habitats. If an individual great crested newt is found at any point during works, a European Protected Species Licence (ESPL) may be required to permit the works that would potentially cause disturbance.

Biodiversity Net Gain

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

The development does not need to demonstrate Biodiversity Net Gain, as householder applications are exempt. A householder application is defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as development within the residential curtilage for purposes incidental to the enjoyment of the dwellinghouse. It is considered that the

installation of ground mount solar array would be a development incidental to the enjoyment of the dwellinghouse.

Conclusion

The proposal is considered to comply with relevant local and national planning 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.

3 **Regulatory Condition**: The solar panel hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, the panels shall be removed from the framework and the framework be removed, as soon as is reasonably practicable and be no later than six months after the cessation of the panels.

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and to ensure, in the light of changing circumstances the removal of any redundant equipment in the interests of visual amenity.

4 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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

NOTE TO APPLICANT
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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/24/1380

(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
Elevation & Floor plan	Proposed	2960-24-1-R1	17.09.2024
Location plan		NONE	10.09.2024
Plans	Side View Drawing	NONE	18.09.2024
Site plan		NONE	17.09.2024
Block plan		NONE	17.09.2024
Supporting Docs	Application Form	NONE	10.09.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 06.11.2024

Authorising Officer sign/initial Guy Everest Date: 13.11.2024