Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0070
Birchwood Lodge , Shaws Lane, Southwater, West Sussex, RH13 9BX

DESCRIPTION:
Demolition of existing dwelling, and erection of new 3 bedroom dwelling and detached garage.

RELEVANT PLANNING HISTORY:

DC/05/1559	Use of annex Birchwood Lodge for accommodation for resident domestic staff ancillary to the use of Birchwood House (Certificate of Lawful Development - Proposed)	Application Permitted on 19.08.2005
DC/13/1373	Use as a dwellinghouse for a period in excess of four years(Lawful Development Certificate - Existing)	Application Permitted on 05.09.2013

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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
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 40 - Sustainable Transport
Policy 41 - Parking

Shipley Neighbourhood Plan:
Policy Ship HD3: High quality design
Policy Ship CO3: Broadband and Mobile Reception

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this

application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

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

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 41: Rural Exception Homes
Policy 45: Replacement Dwellings and House Extensions in the Countryside

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

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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

Consultations:
HDC Drainage: A Drainage Strategy needs to be provided to reflect the changes to the layout of the proposed development. We encourage the applicant to review our previous comments (dated 03/04/2025) in relation to the previous Drainage Strategy.

HDC Arboriculture: The amended location of the dwelling, which is now shown to be outside of the AW buffer, is satisfactory. Moving the building has reduced the need for any ground protection measures within the RPA of T23, but it has rested in the garage being moved further to the north,

within the RPA of the Oak T11. Where this is the case, it appears to be below 20% of the total RPA, and the use of a Pile and Beam Construction for the foundations has been proposed, subject to site/ ground investigation. If this is achievable, it would minimise the overall impact on T11.

If minded to approve, given the main garden area of the dwelling would fall with the AW buffer, I would recommend that the General Permitted Development rights be removed from the property by use of the recommended condition. This would provide long-term protection to the AW buffer, by preventing the creation of any new hard surfacing within the buffer zone without the need for planning approval.

And AMS, and TPP compliance conditions are used to ensure the works are completed in accordance with the AMS, and TPP To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

WSCC Highways: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Natural England: Concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such: We have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Environmental Health: Conditions have been recommended should the application be approved.

Ecology: Recommend grant permission subject to conditions.

Great Crested Newt Officer: The applicant has provided an ecological report [Ecological Impact Assessment, Lizard Design and Ecology, October 2024]. The report gives an overview of the habitats on site, which primarily consist of grassland. The ecological report has outlined a Non-Licenced Method of Works for Great Crested Newts that should be adhered to during works. This is deemed appropriate for the site and should be secured by condition.

PROW Officer: Public Bridleway 2929 passes through the property, within the planning application's western red line boundary. This has bene incorrectly identified on the plans as a Public Footpath. The public right of way has been unlawfully encroached by the property's garden fence which should be repositioned so that the full width of the public right of way is made available for the public to pass and repass along this public highway.

Our records indicate as follows: -

- that Birchwood Lodge was constructed in, approximately, 2002. Prior to this, our records state that the public right of way was unconstrained by fencing.
- that the garden fence was erected at or around the time the new property was constructed, encroaching the bridleway and restricting the available width.
- that the currently available path width measures 2.2 metres at it widest and approximately 1.1 metres at its narrowest, where it is encroached by vegetation. As a consequence the surface of the public bridleway has deteriorated and is encroached further, seasonally, by vegetation.

The owner of the property is therefore requested to reposition the garden fence so that the full width of the public right of way is available for the public to use. A minimum width of 3m should be available at all times. It would therefore be advisable to allow a width of 3.5m so that the seasonal growth of side vegetation does not restrict the public right of way's minimum width of 3m. It is brought the property owner's attention that it is a criminal offence under the Highways Act to encroach a public right of way in this manner and the matter should be addressed to prevent action being taken to remove the obstruction and to reopen the full width of the public highway. Furthermore, it is a landowner's responsibility to cut back any side vegetation to ensure that this does not encroach the public highway.

Notwithstanding the above, it is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

Southern Water: Comment, with conditions recommended.

Representations:
None received

Parish Comments:
At the meeting of Shipley PC held on 3rd March 2025 Members voted to SUPPORT the application

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:

Policy 28 of the HDPF states that outside built-up area boundaries, replacement dwellings will be supported where the development can be accommodated appropriately within the curtilage of the existing dwelling. In addition, replacement dwellings will only be supported on a one for one basis, and if it can be demonstrated that the building is not derelict. Replacement dwellings should not be disproportionate to the size of the existing dwelling.

The proposal seeks to replace an existing dwelling, within the existing curtilage and is therefore considered supportable in principle. The scale of the replacement building would not be considered harmfully disproportionate to either the existing dwelling (to be replaced) or the wider curtilage.

Design 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.

Shipley Neighbourhood Plan Policy HD43 states "*All proposals for new development in Shipley Parish are expected to respond positively to local design characteristics and features as set out in the Shipley Parish Design Guidance (in Appendix 2 of this Neighbourhood Plan). New development should be of a*

size and scale which respects and, where possible, enhances the character of the area or locality, using materials typical of the area."

A two-storey pitched roof dwelling with a double garage is proposed. Pitched gable ends are present on all elevations of the dwelling with solar panels on the west and south elevations. The dwelling would be contemporary in appearance with plain clay roof tiles, dark grey composite windows, red multibook brickwork and Silver Birch slatted cladding. The pitched roof garage would reflect this design. While the proposed dwelling would have a large footprint it would be appropriate in the context of the site and in respect of the pattern of surrounding development in this landscape.

The visual impact of the proposal is therefore considered acceptable and in accordance with the above policies.

Ecology, Trees and Landscaping:

Policy 33(6) of the HDPF states that development shall be required to presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

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.

Paragraph 193(c) of the NPPF states that "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons[70] and a suitable compensation strategy exists"* and "*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

Following amendments to the proposal the dwelling has been re-located outside of the 15m buffer zone with the Ancient Woodland (AW). The re-siting has reduced the need for any ground protection measures within the RPA of T23, but it has rested in the garage being moved further to the north, within the RPA of the Oak T11. The use of a Pile and Beam Construction for the foundations has been proposed, subject to site/ ground investigation.

The garden of the property would remain within the AW buffer and is not expected to further exacerbate the existing situation. To ensure long-term protection of the AW within the garden a condition has been recommended removing permitted development rights. This removal prevents the creation of any new hard surfacing within the buffer zone without the need for planning approval.

In relation to ecology and protected species the relevant conditions, as recommended by the ecologist have been secured.

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 siting of the replacement dwelling and the resulting separation / relationship with surrounding properties and land would be sufficient to prevent any unacceptable harm to neighbouring amenity, in accordance with the above policy.

Highways Impacts:

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

Following consultation with WSCC Highways it is considered that the number of parking spaces is considered acceptable. No changes are proposed regarding the access to the road. The proposal is not considered to have unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Water Neutrality:

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

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

The Water Neutrality Statement calculates the existing water usage for the property through the use of water bills. Through rainwater harvesting and water efficient fixtures and fittings the part G demonstrates a reduction to 61.66 l/p/d with a provision of 30.086 l/p/d from rainwater and a total of 152.300 l/d. The rainwater has been confirmed by the agent and updated statement to provide water to the WC's and washing machine.

The LPA calculate the proposed rainwater harvesting could collect 394 l/d. This is suitably sufficient to provide the of rainwater required for a three-bedroom dwelling. The proposal provides suitable water efficiency methods and rainfall harvesting to be considered water neutral.

Drainage and Flood Risk:

The site is not within an area of flood risk. A Drainage Method Statement has been secured by condition.

Public Right of Way:

It is noted that the PROW Officer has raised concerns that the public right of way to the west of the site has decreased in width over time. The applicant has confirmed the fence seems to have been erected around 2002 when the lodge was built. The boundary fence is not proposed to be altered under this application. Given the age of the fence and lack of alteration under this application it is not considered appropriate for the LPA to withhold permission on the above grounds. The applicant should contact WSCC Public Rights of Way about the matter.

Curtilage:

The proposal would also extend the residential curtilage as approved under DC/13/1373. The extension is not significant and appears to include an area of land previously within the ownership of Birchwood House. Given the close proximity of the land to both Birchwood House and Birchwood House the residential garden use of the land is not unexpected or out of place for the area.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Compliance with the water neutrality statement
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- electric vehicle charging points

Subject to these conditions the application will suitable reduce the impact of the development on climate change in accordance with local and national policy.

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) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposed development would consist of a replacement dwelling in the countryside and would comply with Policy 28 of the HDPF. The amendments have ensured the proposal would not cause further detriment to the ancient woodland. The proposal has achieved water neutrality and would enhance biodiversity. The project is exempt from Biodiversity Net Gain obligations due to its classification as ‘de minimis’ under recent regulations. The application is therefore recommended for approval subject to the below conditions.

<u>COMMUNITY INFRASTRUCTURE LEVY (CIL)</u>

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which

took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide (Zone 1)	245	83	163
		Total Gain	163
		Total Demolition	82

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

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

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

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 **Pre-Commencement Condition**: No development shall commence until a drainage strategy 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.

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

4 **Pre-commencement Condition**: No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

i. All trees on the site shown for retention on approved drawing number Tree Protection Plan Arboricultural Impact Assessment and Method Statement, LLD3347-ARB-REP-001 submitted 03/04/2025, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).

ii. Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Before any work begins on site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboriculturist Officer can supervise that the tree protection measures have been installed in accordance with the approved drawing number Tree Protection Plan LLD3347-ARB-DWG-020, 03 and LLD3347-ARB-DWG-021, 02.

iii. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

iv. Before any work begins on site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboriculturist Officer can supervise that the tree protection measures have been installed in accordance with the approved drawing number Tree Protection Plan LLD3347-ARB-DWG-020, 03 and LLD3347-ARB-DWG-021, 02.

All works shall be carried out in strict accordance with the approved details.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement (Slab Level) Condition**: No new-build development above ground floor slab level shall commence until full details of the rainwater harvesting scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Detail on the likely contaminants associated with the rainwater harvesting system.
- Detail on the type of treatment that will be installed on the supply, including a bypass mechanism or first flush rainwater and with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any reactivation of the system after it has been out of use due to lack of rainfall/use.
- Details, including a plan or schematic, showing the supply - including a site plan and/or schematic showing location of source, chambers, tanks, distribution network including valves, pipes, consumer premises and means to record the total water consumption of each unit
- Detail on the continuity of supply during dry periods extending beyond 35 days.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance

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 written approval of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6 **Pre-Commencement (Slab Level) Condition**: No new-build development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Reference C2362 received 04/03/2025) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity (at least 7,500l), including details of their location and whether they would be surface mounted or set within the ground, in addition to evidence that their initial fill will be supplied with water from outside of the Water Supply Zone.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

7 **Pre-Commencement (Slab Level) Condition**: No new-build development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Pre-Commencement (Slab Level) Condition**: No new-build development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, October 2024) have been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Layout shall include the following:

- Detailed designs or product descriptions for biodiversity enhancements; and
- Locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouse and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

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

- 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 hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site 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.

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

10 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The installed measures shall be retained as such thereafter, or to a similar improved water performance.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

11 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with the submitted plans. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

13 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

14 **Pre-Occupation Condition**: 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 plan reference 22483 / P106 (received by the Council on 20/01/2025). The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement [Arboricultural Impact Assessment and Method Statement, LLD3347-ARB-REP-001, submitted to the Local Planning Authority on 03/04/2025].

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

16 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, October 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected species in Section 5.5.2 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, October 2024), which avoids impacts on protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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

NOTE TO APPLICANT

Rights of Way

- The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

- Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

- The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

- Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

- Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

- The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

- It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

- Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

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/25/0070

(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
Location plan		none	20.01.2025
Site plan	and existing floor and roof	22483 / P102 P1	03.04.2025
Site plan	Proposed Site and Ground Floor	22483/P102 P1	03.04.2025
Floor plan	Proposed First floor and Roof	22483/P103 P1	03.04.2025
Elevation plan	Proposed Front and Rear	22483/P104 P1	03.04.2025
Elevation plan	Proposed Side and Street Scenes	22483/P105 P1	03.04.2025
Elevation & Floor plan	Proposed Garage	22483/P106	20.01.2025
Tree plan	Tree Constraints	LLD3347-ARB-DWG-020, 03	03.04.2025
Supporting Statement	Arboricultural Impact Assessment and Method Statement	Arboricultural Impact Assessment and Method Statement	03.04.2025

Tree plan		LLD3347-ARB-DWG-021 02	03.04.2025
Supporting Statement	Existing Tree Schedule	Existing Tree Schedule	03.04.2025
Supporting Statement	Water Neutrality Statement	Water Neutrality Statement	03.04.2025
Supporting Statement	Ecological Impact Assessment	Ecological Impact Assessment	20.01.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 28/04/2025

Authorising Officer sign/initial Guy Everest Date: 08.05.2025