



**Horsham
District
Council**

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1084

1 Littleworth Lane, Partridge Green, West Sussex, RH13 8JF

DESCRIPTION:

Demolition of existing bungalow and outbuildings and erection of 1no. pair of semi-detached dwellings and 1no. three bedroom and 2no. four bedroom detached dwellings with associated landscaping and off-street parking utilising existing access.

RELEVANT PLANNING HISTORY:

SITE AND SURROUNDS

The application site currently consists of an existing detached one and a half storey dwelling sited on the western side of Littleworth Lane. The dwelling is composed of a stock brick facing to all elevations, with a clay tiled roof, front and rear facing open gables and side facing box dormers. The site also comprises a collection of single-storey outbuildings to the rear of the site, formed of storage buildings, garages, greenhouses and workshops. The site extends to the rear of the site (west), then projecting north to form an L shape which is laid to grass and wraps around the rear garden curtilage of neighbours. The site is located outside of the built-up area, on a street formed of a ribbon of residential development, surrounded by open countryside.

DETAILED DESCRIPTION

The applications seeks permission for the demolition of the existing dwelling and outbuildings and the erection of 2 semi-detached dwellings, and three detached dwellings to the rear of the application site which would be accessed via the creation of a new access to the southern part of the application site. Each of the 5 plots would have its own amenity space, hardstanding in advance of the dwellings and plots 3 and 5 would have detached double garages.

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 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

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
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 – Parking

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

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

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

The Horsham District Local Plan 2023-2040

The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *“local planning authorities may give weight to relevant policies in emerging plans according to:*

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

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 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity

Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

West Grinstead Neighbourhood Plan (made)

Policy 1 - Local Gap
Policy 2 - Open Space
Policy 9 - Car Parking

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:

Landscape consultation: No concerns in principle on landscape grounds due to the nature of the site, setting and location. Views are likely to be experienced from the nearby PRow 1839 but this would not change the character of the view, however modifications required to secure and enhance existing features. Recommendations to amend the AIA and Tree protection plan to improve screening value. Clarification is required as to tree retention, request to plant further trees, request to amend the boundary treatment to brick or stone wall, request to amend foul water drainage. Recommendation for condition.

Natural England: Objection. Further information is required to determine the significance of impacts on designated sites and the scope of mitigation, chiefly, robust evidence to support mitigation to achieve water neutrality by use of boreholes, or another suitable mitigation.

Fire service: Recommendations with regards to turning facility to enable fire appliance to exist

Southern Water: General comments with regards to planting trees in vicinity to southern water sewers, SUDs systems and foul sewerage / surface water run off disposal.

WSCC Highways: This application seeks the demolition of an existing bungalow and erection of two semi-detached dwellings and three detached dwellings. The site is located on Littleworth Lane, a C-classified road subject to a speed restriction of 40 mph in this location.

This application is supported by a Transport Report prepared by GTA Civils & Transport. Following a review of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) requests more information from the applicant, subject to the following comments:

The Transport Report states that refuse vehicles/fire appliances will be required to enter the site. No demonstration of on-site turning for such vehicles has been demonstrated. Can the applicant demonstrate that these vehicles can access and egress the site safely via swept path tracking?

No details of vehicular access have been provided for Plots 1 and 2. It is assumed that this would be via new vehicle crossovers provided on Littleworth Lane. For the avoidance of doubt, the applicant should demonstrate vehicular access for Plots 1 and 2, with accompanying maximum achievable visibility splays.

Ecology Consultant: No objection subject to conditions

Drainage consultant: More information required [Full consultation response accessible via public access]

Environmental Health: No Preliminary Environmental Risk Assessment has been provided with the application. There are outbuildings and hardstanding's on the site and information concerning the risk posed by the construction and historic use of these buildings is required.

The water neutrality requirements are to be provided by a combination of rainwater harvesting and borehole abstraction for each plot. A Hydrogeological & Water Neutrality Assessment prepared by has been provided but this does not include the detail information required as set out on the HDC website page on Water neutrality and planning applications.

The proposal to install 5 boreholes within close proximity to one another is also concern. This will create overlapping zones of influence and source protection zones. The creation of source protection zones may limit the activity that adjoining occupiers can undertake on their land such as bulk fuel storage and certain agricultural practices. Initial discussions with EA have highlighted concerns that they may not be able to obtain a sustainable volume of water as the site is on Weald Clay and that while the BA Hydro report states that the site is not in an SPZ 1, it does not consider that each abstraction will have a default 50m SPZ as they are intended for potable use. I would recommend that specialist advice is sought from the Environment Agency Contaminated land and Groundwater team"

Parish Comments:

Object, for the following reasons: -

- Overdevelopment of the application site
- Out of character with the linear pattern of development local area
- Littleworth would be a secondary settlement under the draft local plan but does not meet the relevant criteria to be in accordance to policy 2
- Proposal would be of a scale, mass and bulk that would dominate the backland setting
- Concern over amenity of the existing dwellings due to loss of outlook
- Fire service and Highways concern
- Concern over water neutrality with the details in the submission lacking

Representations:

27 representations (from 10 individual addresses) were received, objecting to the proposal for following reasons: -

- Drainage
- Overcrowding
- Design
- Highways and access is not suitable for this road and type of development
- Existing road is unsafe with multiple collisions
- Harm to the character
- Parking
- Reduction in views from property
- Overdevelopment
- Privacy light and noise
- Trees and landscaping
- Overshadowing
- Light pollution

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 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlements as identified under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Paragraph 83 of the National Planning policy framework outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria include: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed residential development is not considered to be essential to this countryside location and would not meet one of the defined criteria.

The application site is located outside of any built-up area boundary and is not essential to its countryside location, the proposed development would therefore be contrary to Policies 1, 3, 4 and 26 of the HDPF.

The Council cannot currently demonstrate a five-year housing land supply (2.9 years at the time of writing). In recognition of this, the Council published a '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. The documents states that 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 scheme would not meet all of the above criteria as it would not adjoin an existing settlement edge (defined by a BUAB), with landscape impacts considered elsewhere in this report. The FAD document would not therefore lend any support to the proposed scheme.

The Council is in the process of preparing a new Local Plan, with emerging Policy 2 of the draft Horsham District Local Plan (HDLP) creating 'secondary settlements', where development would be permitted provided it falls entirely within the secondary settlement boundary and meets all of the following criteria:

- a) the site is infilling a gap or plot within an otherwise built-up or cohesive settlement form;
- b) the proposal is limited in scale to reflect the existing scale and character of the settlement function and form.

Littleworth would be designated as a secondary settlement, with the application site within the proposed built-up area boundary. While the above policy is currently of limited weight it indicates the direction of travel of the Council's approach to housing delivery, with the designation of Littleworth recognising it is in a sustainable location well located for access into the larger settlement of Partridge Green.

The demolition of the existing dwelling and erection of a replacement semi-detached pair of dwellings would not create any conflict with the above emerging policy, with this element of the scheme represents a form of infill within the existing built-form.

The proposal would introduce a significant level of new backland development to the rear, which is currently largely undeveloped across the majority of the site, albeit it is acknowledged that detached outbuildings are present to the central southern section of the site, and that these would be removed to facilitate the new dwellings. As existing the outbuildings are of a functional scale and form and appear subservient to the principal frontage dwelling. They do not therefore represent a particularly visible feature and are not considered to be a strong component of the overall settlement form. As such there are concerns that their presence would not, as a matter of course, justify the erection of 3 detached dwellings across a large proportion of the site. It is not therefore apparent that backland development of the scale proposed would accord with the above emerging policy.

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.

The frontage development would comprise replacement of an existing dwelling with a semi-detached pair of dwellings. The semi-detached pair would seek to reflect the scale and appearance of the existing dwellings on this side of Littleworth Lane, and would represent a sensitive addition to this part of Littleworth.

Policy 33(3) of the HDPF states that development will be required to *'Ensure that the scale, massing and appearance of the development ... relates sympathetically with the built surroundings'*. The three dwellings to the rear of the site would have a footprint and resulting scale and mass in excess of many of the frontage dwellings onto Littleworth Lane. This scale and mass could not be justified by the presence of existing ancillary outbuildings, and would instead create a poor visual relationship between the front and rear sections of the site. It is considered that while there may be potential for backland development in this location, the scale of that currently proposed would not strongly reflect the existing settlement form in this part of Littleworth.

The site shares its western boundary with open countryside, which has been identified in the Neighbourhood Plan as the Local Gap (Policy 1). The policy seeks to retain the openness and break between settlements, in addition to contributing to the enhancement of the landscape character. Whilst the number of dwellings within the application site would be acceptable, the scale of each of the dwellings in this location would not be acceptable, with there being a harmful perceived impact on the open setting of the local green gap which would diminish the landscape value of the green gap.

The plot is of a size such that it would have potential to accommodate 3 dwellings to the rear. Nonetheless, the development, by reason of its scale, siting and layout, would relate unsympathetically with the existing pattern of development and would represent a harmful overdevelopment of a backland site. The proposal would result in a loss of the open rural character to the rear of the application site and would, in terms of scale and appearance, appear visually incongruous with surrounding dwellings within the locality. The development would therefore be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

Policy 33 of the HDPF continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The two semi-detached dwellings would be within the same location as the existing bungalow and would follow the linear pattern of development within the streetscene such that these dwellings would not be anticipated to result in an unacceptable relationship with one another. There is a sufficient distance between the proposed detached dwellings and the existing properties to the east of the site such that there would not be a loss of outlook or privacy through overlooking directly into habitable rooms, although it is recognised that there would be some additional overlooking into the garden areas of the existing dwellings to the east when compared to the existing arrangement. Overall, the proposed layout would not result in unacceptable relationship with neighbouring dwellings and would not result in an insufficient amount of amenity space for the future occupiers.

Highways Impacts:

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

A Transport Report prepared by GTA Civils & Transport has been submitted to support the application. Highways have been consulted during the application and have requested information regarding how access would be for refuse vehicles and fire services. Concern has been raised with how on-site turning for such vehicles would occur, noting that vehicle access has not been supplied for access to plots 1 and 2 and the resultant vehicular visibility splays.

Whilst it is acknowledged that information regarding refuse collection, visibility splays and fire services has not been submitted, these details could be secured through condition were the application to be approved. It is noted that a number of objections have been received in regards to traffic, proposed access and the existing road access being unsafe for vehicle users such that the development

proposed would exacerbate existing road user issues in the locality. Whilst these have been considered, it is not uncommon for details for refuse collection, hardstanding and visibility splays to be requested as a condition prior to the commencement of development. The absence of information in this regard would not warrant a refusal on this basis if considered that it can reasonably be requested prior to development. The applicant sent in amendments unsolicited during the course of the application process, however given the other reasons for refusal, these were not accepted as it would warrant further consultation with the WSCC Highways department. Nevertheless, there are no objections to the proposal subject to the inclusion of suitably worded pre-commencement conditions.

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 Council's Ecological consultant has commented on the Bat Survey report (Arun Ecology, June 2024) and the Preliminary Ecological Appraisal (Arun Ecology, June 2024) during the application process and have no objections subject to the inclusion of relevant recommended conditions including the submission of a license for bats, given that the three emergence surveys on Building 1 confirmed the presence of a roost. The mitigation measures outlined in Section 9 would need to be secured by way of condition as they would be considered necessary to avoid unacceptable impacts on protected species. Overall, there are no objections to the proposal in regards to policy 31 of the HDPF.

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 existing dwelling (a bungalow) to be demolished has a water consumption of approximately 235 litres per day. The proposed development would consist of 5 new dwellings on site (a net increase of 4 dwellings) comprising 2 x 3 bedrooms and 3 x 4 bedrooms, such that the occupancy for these respectively is 2.47 and 2.88 each such that the overall occupancy would be 13.58. The average water consumption resulting from the proposed development is suggested to be 1493.8 litres. The onsite mitigation would be rainwater harvesting that would reduce the proposed use from 110 litres per person per day to 73.83 litres per person per day. The rainwater harvesting would be solely for non-potable consumption. This would reduce the consumption to an increase of 1002.6 litres. When accounting for the existing dwellings consumption which would be removed from site (235 litres per day) the uplift would 766.9 litres per day. Additional mitigation is therefore required to ensure the development would be water neutral, with boreholes proposed within the boundaries of the site.

The Council's Environmental Health has been consulted during the course of the application, commented that the proposed details in respect of the boreholes are insufficient to demonstrate the quantity or quality of water suggested and necessary. There are no logs or data provided for the "closest comparable boreholes" such that there is insufficient evidence that boreholes drilled at this location provide a regular year-round supply of water to the new development. From the evidence provided there is no certainty that a borehole at this location would provide a reliable or sustainable water supply such that there is no certainty the boreholes would be capable of providing the required 766.9 litres per day. Given that insufficient evidence has been provided to suggest the water from the boreholes would be acceptable in quantity or quality, water neutrality has not been demonstrated.

Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Biodiversity Net Gain (BNG):

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

The Applicant has submitted a Biodiversity Metric which claims to demonstrate that the proposal would use on site habitat retention and would purchase the remaining biodiversity credits to achieve the 10% increase. They have demonstrated in their Biodiversity net gain metric that there is a significant shortfall in the 10% requirement, with the habitat units being -47.81% units and there are several errors highlighted within the metric. In regards to the offsite mitigation this appears to be required given the insufficient space to achieve the required percent gain in baseline habitat value and highlight that the offsite habitat provider has not been secured. Given that the Biodiversity net gain metric outlines that there would be insufficient on site mitigation and there are no details for the offsite mitigation, it cannot be concluded with any sufficient degree of certainty that the development would result in Biodiversity net gain. A legal agreement cannot be entered into to secure the offsite mitigation where no details have been provided as to how this would be secured, by whom or where. At the time of writing this report, there is no mechanism by which to refuse an application on the basis of insufficient Biodiversity Net gain. It is considered however, that the details submitted are not sufficient to be able to demonstrate a 10% Biodiversity net gain requirement would be met as part of the development.

Other Matters:

Drainage have commented that insufficient information has been provided in terms of a drainage strategy. Whilst the request for further information has been considered, the drainage officer has not raised that the application site would be at risk of surface water flooding and in this instance and given the application site is not within a flood zone 2 or 3, no further information is required prior to determination and had the application been otherwise acceptable, a pre-commencement condition would have been attached to the officer's report to request an assessment of the current and proposed drainage patterns within and leaving the site, including an understanding of how surface water would flow across the site under normal rainfall event conditions and pre-and post-development permeable and impermeable areas and further mitigation measures if required. There are no objections to the proposal in light of surface water flooding.

Conclusions:

The site is not allocated for development with the HDPF or a made neighbourhood plan, owing to the site's location outside of the built-up area boundary, the principle of the development is resisted under Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.

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

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission

should be granted unless there is a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 under this paragraph refers to development relating designated sites such as those listed under NPPF paragraph 187 (including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar sites).

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

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

As per the preceding sections of this report, the granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and is not allocated in the neighbourhood plan. This conflict with the development plan is afforded *significant weight*, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic process of selecting sites within Neighbourhood Plans. It is acknowledged that the application site is proposed to be allocated as a secondary settlement in the emerging local plan. This would be afforded moderate weight given that it has been submitted for consideration by the inspectorate and is closer along in the adoption process. The proposal would not however be in accordance with the relevant criteria of policy 2 of the emerging local plan. As such the proposal would not be afforded with this weight in favour of the development.

The provision of housing within the HDPF of any type would attract a *significant weight*. The degree of contribution that four net increase in dwellings would make over the existing site situation is modest and would not be outweighed by the adverse impacts arising from the development, including the conflict with the development plan (moderate weight) or the adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction. The application is therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The development is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. It has not been demonstrated that there are any material considerations of significant weight to justify a departure from this overarching spatial strategy. The proposed development would therefore be contrary to Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework.

2. The development, by reason of its scale, siting and layout, would relate unsympathetically with the existing pattern of development and would represent a harmful overdevelopment of a backland site. The proposal would result in a loss of the open rural character to the rear of the application site and would, in terms of scale and appearance, appear visually incongruous with surrounding dwellings within the locality. The development would therefore be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).
3. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DC/24/1084

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	BNG Metric	none	18.09.2024
Supporting Statement	BNG Plan	none	09.09.2024
Supporting Statement	Draft HMMP	none	09.09.2024
Supporting Statement	BNG Condition Assessment	none	15.07.2024
Supporting Statement	Arboricultural Impact Assessment	220757-PD-11a	15.07.2024
Supporting Statement	BNG Plan	none	09.09.2024
Supporting Statement	Draft HMMP	none 001	09.09.2024
Supporting Statement	Attenuation Tank Calculations	C3111	15.07.2024
Details plan	PROPOSED SITE ACCESS AND VISIBILITY SPLAYS	10229_102 REV PL3	08.08.2024
Supporting Statement	Transport	10229C	15.07.2024
Supporting Statement	HYDROGEOLOGICAL and WATER NEUTRALITY ASSESSMENT	24250170	15.07.2024
Supporting Docs	Appendices	Appendices 2 - 5	15.07.2024
Supporting Docs	PE Advice	Appendix 1	15.07.2024
Supporting Statement	Preliminary Ecological Appraisal	B-VBD-001-001-001	15.07.2024
Supporting Statement	Bat Survey Report	B-VBD-001-002-001	15.07.2024
Supporting Statement	Great Crested Newt eDNA Survey	B-VBD-001-005-001	15.07.2024
Supporting Statement	Foul and Surface Water Drainage Report	C3111 REV PL2	15.07.2024
Supporting Statement	Water Neutrality Report	C3111 REV P2	15.07.2024

Details plan	EXISTING RUNOFF	101 REV PL2	29.07.2024
Details plan	Proposed Drainage Strategy Sheet 1 of 2	102 REV PL3	08.08.2024
Details plan	Proposed Drainage Strategy Sheet 2 of 2	102 REV PL3	08.08.2024
Details plan	CONTRIBUTING AREA PLAN	201 REV PL3	29.07.2024
Details plan	EXCEEDANCE FLOW ROUTES	301 REV PL3	29.07.2024
Supporting Docs	Cover Letter	NJA/23/250	15.07.2024
Design & Access Statement		none	15.07.2024
Supporting Docs	Greenfield runoff rate estimation	C3111	15.07.2024
Supporting Statement	Landscape Scheme	none	15.07.2024
Layout plan	Landscape	Sht-1	15.07.2024
Location & Block plan		VBMC001 - 01 REV P2	29.07.2024
Elevation & Floor plan	Proposed Car Port - Plot 3	VBMC001 - P3-4 REV P3	15.07.2024
Elevation & Floor plan	Proposed Car Port - Plot 5	VBMC001 - P5-4 REV P3	15.07.2024
Elevation plan	Proposed Plot 5	VBMC001 - P5-3 REV P3	15.07.2024
Elevation plan	Proposed Plots 1 and 2	VBMC001 - P1-4 REV P3	15.07.2024
Elevation plan	Proposed Plot 3	VBMC001 - P3-3 REV P3	15.07.2024
Elevation plan	Proposed Plot 4	VBMC001 - P4-3 REV P3	15.07.2024
Floor plan	Proposed Loft floor and roof, Plots 1 and 2	VBMC001 - P1-2 REV P3	15.07.2024
Floor plan	Proposed Ground and First, Plots 1 and 2	VBMC001 - P1-1 REV P3	15.07.2024
Floor plan	Proposed Ground and First, Plot 3	VBMC001 - P3-1 REV P3	15.07.2024
Floor plan	Proposed Ground and First, Plot 4	VBMC001 - P4-1 REV P3	15.07.2024
Floor plan	Proposed Ground and First, Plot 5	VBMC001 - P5-1 REV P3	15.07.2024
Roof plan	Proposed and Section Plot 3	VBMC001 - P3-2 REV P3	15.07.2024
Roof plan	Proposed and Section Plot 4	VBMC001 - P4-2 REV P3	15.07.2024
Roof plan	Proposed and Section Plot 5	VBMC001 - P5-2 REV P3	15.07.2024
Section plan	Plots 1 and 2	VBMC001 - P1-3 REV P3	15.07.2024
Site plan	Proposed	VBMC001 - 02 REV P4	29.07.2024
Elevation plan	Proposed Street	VBMC001 - 03 REV P3	15.07.2024
Supporting Statement	Permeable Paving	C3111	15.07.2024

