



## **DELEGATED APPLICATIONS - ASSESSMENT SHEET**

### **APPLICATION NO./ADDRESS:**

DC/26/0409

Rushmear House, Sandy Lane, Henfield, West Sussex, BN5 9UX

### **DESCRIPTION:**

Variation of Condition 1 of previously approved application reference DC/25/1554 (Demolition of existing dwelling and erection of a replacement single storey dwelling (Retrospective)) to create infill pergola.

### **RELEVANT PLANNING HISTORY:**

|            |                                                                                                                                                                                                                                                                     |                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| DC/24/1198 | Demolition of existing lean-to conservatory, partial demolition of existing roof and chimney. Erection of a single storey side extension, construction of new entrance gates, internal modifications to existing and new external cladding, windows and roof tiles. | Application Permitted on 14.10.2024 |
| DC/25/1554 | Demolition of existing dwelling and erection of a replacement single storey dwelling (Retrospective)                                                                                                                                                                | Application Permitted on 31.12.2025 |

### **DESCRIPTION OF THE SITE**

The application site comprises Rushmear House, Sandy Lane, Henfield, West Sussex, BN5 9UX. The site lies on the western side of Sandy Lane, approximately 175 metres south-west of the defined built-up area boundary of Henfield and is therefore located within the designated countryside.

The plot is generous in size and is well enclosed by established boundary treatment, including hedging, fencing and mature vegetation, which provides a strong degree of visual containment from Sandy Lane and adjoining land. The land slopes gently from east to west. Access to the site is taken directly from Sandy Lane via a gated entrance.

Historically, the site formed part of Rushmear Nursery and contains a number of existing single-storey timber outbuildings associated with former agricultural and storage uses. The former dwelling on the site was a single-storey timber-clad bungalow positioned centrally within the plot. Surrounding development along Sandy Lane is characterised by detached dwellings set within large plots, with a varied mix of single- and two-storey properties, and with a generally rural, verdant character.

Adjacent properties include Downlands to the north, a single-storey dwelling, and Rushmear Nursery to the north and west, which accommodates horticultural buildings, including greenhouses, polytunnels and a storage barn. Other nearby residential properties, such as Pinelands and Pear Tree Cottage, have been subject to significant alterations or redevelopment in recent years, forming a relevant context for the site.

### **DESCRIPTION OF THE APPLICATION**

The application seeks planning permission under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 1 of the approved plans attached to planning permission DC/25/1554, which granted retrospective permission for the demolition of the existing dwelling and erection of a replacement single-storey dwelling at Rushmear House.

The proposed amendment relates solely to the incorporation of a small infill pergola structure between approved elements of the dwelling, creating a modest increase in covered floor area. The remainder of the development remains as previously approved under application DC/25/1554. The pergola is domestic in scale and appearance and would be integrated within the existing form of the approved replacement dwelling.

No changes are proposed to the lawful residential use of the site, the overall residential unit numbers, the established access arrangements, or the wider layout of the plot. The proposal therefore represents a minor amendment to the approved replacement dwelling scheme.

#### **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 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

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 40 - Sustainable Transport

Policy 41 - Parking

##### **Henfield Neighbourhood Plan (Made on 23 June 2021)**

Policy 12- Design Standards for New Development

##### **Henfield Parish Design Statement**

##### **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

##### **Parish Design Statement:**

##### **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](http://www.horsham.gov.uk)

##### **Consultations:**

None Received

##### **PUBLIC CONSULTATIONS:**

##### **Representations:**

1 letter of representation received neither supporting or objecting to the application, the neighbour request a correction to the submitted plans. They state that the area labelled as "Rushmears Nursery" is incorrect and is actually part of the garden of Rushmears House, which has been the case for at least 20 years. They clarify that the actual Rushmears Nursery is located to the north of the application site and is unrelated to Rushmears House.

Parish Comments:

**Henfield Parish Council:** No Objection - This committee would like to see that the plans reflect that the Stables remain ancillary to the main house and therefore the whole plot should be within a red outline.

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

**Principle of Development:**

The principle of residential development at the site has already been established through the grant of planning permission DC/25/1554 for the retrospective replacement dwelling. As such, the current application seeks only a minor amendment to the approved scheme through the insertion of a small infill pergola.

The site remains located within the countryside where development is assessed against Policies 25, 26, 28, 32 and 33 of the HDPF. Policy 28 permits replacement dwellings in the countryside where the scale and impact of development remain proportionate and do not materially harm the character and appearance of the countryside.

In this instance, the proposed pergola is modest in scale, ancillary to the approved dwelling and does not alter the overall character of the development as a single-storey replacement dwelling. The proposal would not result in the creation of additional residential accommodation, intensification of use, or material expansion beyond the form of development previously accepted under DC/25/1554.

As such, the proposed amendment represents a minor alteration to an already approved residential scheme and therefore the principle of development remains acceptable and consistent with the objectives of Policies 26 and 28 of the HDPF.

**Design and Appearance:**

The application site lies within the countryside where development is required to conserve and enhance the intrinsic character and appearance of the rural landscape in accordance with Policies 25, 26, 28 and 32 of the HDPF. The surrounding area along Sandy Lane is characterised by detached dwellings set within spacious plots with mature landscaping and a verdant rural character.

The proposed amendment comprises the addition of a small infill pergola integrated within the approved dwelling. The structure would remain subordinate to the host dwelling and would not materially alter the scale, massing, ridge height or overall visual appearance of the approved replacement dwelling. The pergola would appear as a lightweight domestic feature that is proportionate to the dwelling and sympathetic to its approved design.

Given the modest nature of the proposed addition, together with the substantial existing boundary treatment comprising mature hedging, fencing and landscaping surrounding the site, the development would remain well screened from Sandy Lane and wider public viewpoints. The proposal would therefore have only a limited and localised visual impact and would not appear visually intrusive or incongruous within the countryside setting.

Furthermore, the proposed amendment would not materially alter the development previously assessed and accepted under application DC/25/1554. As such, the proposal would preserve the character and appearance of the site and surrounding countryside in accordance with Policies 25, 28 and 32 of the HDPF and Policy 12 of the Henfield Neighbourhood Plan.

### **Residential Amenity:**

Policy 33 and 32 of the HDPF seek to ensure that development does not result in unacceptable harm to the amenities of existing or future occupiers through issues such as overlooking, loss of privacy, overbearing impact, loss of light, noise or disturbance.

The proposed amendment relates solely to a modest infill pergola associated with the approved replacement dwelling. Given its limited scale, lightweight appearance and single-storey form, the proposal would not result in any material increase in overlooking, overshadowing, loss of outlook or overbearing impact to neighbouring occupiers.

The site benefits from generous separation distances to neighbouring residential properties together with substantial mature boundary planting and fencing which provide effective screening between adjoining plots. The pergola would be positioned within the established domestic curtilage of the dwelling and would not introduce any additional residential activity beyond that already associated with the approved use of the site.

One representation was received requesting a correction to the submitted plans regarding the labelling of Rushmear Nursery. Case Officer note these comments; however, this matter does not materially affect the planning assessment of the proposal and does not raise any residential amenity concerns.

Overall, it is considered that the proposal would safeguard the amenities of neighbouring occupiers and would continue to provide an appropriate standard of amenity for future residents. The proposal therefore accords with Policies 32 and 33 of the HDPF.

### **Water Neutrality:**

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises

no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

### **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 (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

### **Conclusions:**

The application seeks a minor material amendment to the previously approved replacement dwelling under application DC/25/1554 through the addition of a modest infill pergola. The principle of the replacement dwelling has already been established, and the proposed amendment would not materially alter the character, scale or appearance of the approved development.

As such, the proposal would not result in unacceptable harm to the character and appearance of the countryside, neighbouring residential amenity, highway safety or ecological interests. The proposal is therefore considered to accord with the relevant policies of the HDPF, the Henfield Neighbourhood Plan and the provisions of the NPPF.

### **Recommendation: Application Permitted**

#### **Conditions:**

- 2 **Standard Time Condition:** The development hereby permitted must be commenced by the 25/11/2028.

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

- 3 **Pre-occupation Condition:** Prior to the first occupation of the development, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to each premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

- 4 **Pre-occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided. The facilities shall thereafter be retained for use at all times.

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

- 5 **Pre-occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated within the approved plans and documents.

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).

- 7 **Regulatory Condition:** The solar panel array hereby approved shall be ground mounted and shall strictly accord with the specification and details shown on the approved plans and documents.

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).

- 8 **Regulatory Condition:** The solar panels 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, and the land made good, 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 in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policies 31 and 37 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), 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.

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**Plans list for: DC/26/0409**

Schedule of plans/documents **approved:**

| Plan Type            | Description                                                               | Drawing Number | Received Date |
|----------------------|---------------------------------------------------------------------------|----------------|---------------|
| Supporting Docs      | PLANNING PERMISSION<br>DC/25/1554 - RETROSPECTIVE<br>REPLACEMENT DWELLING | NONE           | 05.03.2026    |
| Floor plan           | GROUND                                                                    | J1682.201 B    | 05.03.2026    |
| Plans                | LOCATION, BLOCK AND<br>ELEVATIONS                                         | J1682.202 B    | 05.03.2026    |
| Roof plan            |                                                                           | J1682.203 B    | 05.03.2026    |
| Supporting Docs      | PERMITTED NON-MATERIAL<br>AMENDMENT - OAKBROOK -<br>FOREST GREEN          | NONE           | 05.03.2026    |
| Supporting Statement | PLANNING                                                                  | NONE           | 20.03.2026    |

**DELEGATED**

Case Officer sign/initial      Shazia Penne      Date: 11.05.2026

Authorising Officer sign/initial      RHERMITAGE      Date: 15.05.2026