Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1413
Short Row House , High Street, Partridge Green, West Sussex, RH13 8ET

DESCRIPTION:
Retrospective Planning Application for the erection of a bungalow and associated works (revisions to previously approved application DC/16/2331 comprising material details and water neutrality measures).

RELEVANT PLANNING HISTORY:

DC/16/2331	Erection of bungalow and associated works	Application Permitted on 03/03/2017
DISC/17/0364	Approval of details reserved by conditions 3, 4, 5, 6, 7 and 9 on DC/16/2331	Approved in respect of conditions 3 & 4 Refused in respect of conditions 5, 6, 7 & 9 On 07.12.2018
DISC/23/0049	Approval of details reserved by condition 6, 7 and 9 to approve application DC/16/2331	Approved in respect of conditions 7 & 9 Refused in respect of condition 6 On 16.02.2024
DISC/23/0100	Approval of details reserved by condition 12 to approved application DC/16/2331	Application Permitted on 03.04.2024

DESCRIPTION OF THE SITE
The application site is situated within the Built up area boundary of Partridge Green on land to the rear of numbers 1-4 Short Row. The properties within Shorth Row front onto the High street and form a terrace of four dwellings. The proposal is retrospective in nature, with the site consisting of a dwellinghouse, detached pitched garage and parking area. The dwelling is sited along a private access drive consisting of gravel.

DESCRIPTION OF THE APPLICATION
The dwellinghouse would be brick at ground floor and horizontal cream coloured cladding at first floor and a sussex gable end facing towards High Street. The detached garage is a pitched roof single garage set at 90 degrees to the dwellinghouse. The dwelling is set back from High street away from the main road such that it is not readily visible from the streetscene. There is an open style gate to the access and a timber fence. The driveway is grey gravel and the front door is covered by a continuous pitch from the main roof slope that acts as a storm porch. The roof tile is red concrete material and the fenestration is black aluminium.

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

West Grinstead referendum version 2019-2031

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 4: Horsham Town
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 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
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

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

Consultations:
Natural England: No Objection subject to conditions ensuring the mitigation measures are enforced [Summary]

WSCC Highways: There is no evidence that the access is operating unsafely. The garage would be less than the minimum guidance of 3m x6m which would be advised to be enlarged, nevertheless there is sufficient space within the site to provide parking for three vehicles.

Conservation: No comment, there are no physical changes from the approved scheme.

Southern Water: The council's building control officer should be consulted to ensure the means of connection to mains drainage is acceptable.

Representations:
None.

Parish Comments:
No Comment received

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

Background:

Planning permission was previously granted for a dwelling on the site in 2017 under ref: DC/16/2331. A number of approval of details were subsequently submitted to fulfil the requirements of various conditions attached to this permission. However, in the intervening time Natural England published a Position Statement (in 2021) on the Sussex North Water Supply Zone (Supply Zone), where public-mains water is, in-part, supplied by way of groundwater abstraction obtained from the Hardham Water Works and aquifers underlying the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

The advice issued by Natural England is that Planning Authorities within the Supply Zone pause decisions until a strategy is devised, in partnership with Natural England, to offset increased water-use associated with new development within the Supply Zone. Where it is critical that individual applications proceed, Natural England advise that any application needs to demonstrate 'water-neutrality', such to provide certainty that new development will not further contribute to the existing adverse effect upon the integrity of Arun Valley sites associated with public groundwater abstraction.

The decision of the High Court pursuant to CG Fry & Son Limited v Secretary of State for Levelling Up Housing and Communities and Somerset Council [2023] EWHC 1622 (Admin), confirmed that the provisions of the provisions of the Habitat Regulations (2017) apply in respect of all consents and/or authorisations, in requiring that an appropriate assessment be completed pursuant to Regulation 63 of the Habitat Regulations in advance of any determination to grant consent/authorisation which would prove tantamount to taking an implementing decision. As considered by the High Court this would include an approval of details reserved by condition where no appropriate assessment had been undertaken in advance of an initial determination to grant planning permission.

As the original planning permission for a dwelling on this site pre-dated receipt of the Position Statement there had been no prior consideration or assessment of potential effects upon the Arun Valley sites pursuant to the provisions of the Protection of Habitats and Species Regulations (2017) (as amended) (the Habitat Regulations. It accordance with CG Fry it was therefore determined that the approval of details of condition sought under application ref: DISC/23/0049 would be an enabling consent in the creation of a new dwellinghouse which would lead to a material increase in demand for the use of mains water, with no evidence to demonstrate water neutrality could be achieved; DISC/23/0049 was refused, in part, for this reason.

This current application seeks planning permission for the retention of the dwellinghouse which has been built on site without discharging all relevant conditions (with condition 6, materials, not discharged). The application also seeks to address the issue of water neutrality, with this considered elsewhere in this report.

Principle of Development:

Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised. Infilling needs to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement.

The application site lies within the built-up area of Partridge Green, which is identified as a medium village, which are settlements have a moderate level of services and facilities and community networks, together with some access to public transport. The provision of one new dwellinghouse would be appropriate to the scale and function of the settlement and is therefore considered acceptable in principle.

Design and Appearance:

Policies 32 and 33 of the HDPF promote development which is of high quality and design and is sympathetic to the distinctiveness of the building and surroundings.

As part of previous permissions on the site, it was considered that the dwelling was of a siting and design which was appropriate to the size of the plot and which would not be out of keeping with the character of the area. There are no reasons to take a different view as part of this current application, with the visual impact of the proposal considered acceptable and in accordance with the above policies.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 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.

As part of the application for residential use of the site under DC/06/1387, there was concern raised within the officer's report that the access to the dwelling would be in very close proximity to the dwelling which abuts it, such that there would be potential for a poor relationship with neighbouring dwellings through noise and disturbance. Since this time, DC/16/2331 has been approved which established that the relationship proposed would not give rise to unacceptable impacts. The alterations since this application would not materially impact on the neighbouring dwellings such that the development would give rise to new concerns. The proposal would be in accordance with policies 32 and 33 of the HDPF.

The siting of the dwelling and the proposed separation from adjoining properties is considered sufficient to ensure no unacceptable impacts on neighbouring properties, even allowing for changes in ground level across the site. The original permission included details of landscaping and boundary treatments, which were both approved through a discharge of condition application, and this current application includes a consistent approach to that previously accepted.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.

Highways have been consulted during the course of the application and have no objections. They raise no safety concerns and note one collision in the vicinity of the site within the last 5 years, this was not attributed to the access or operation. There is no evidence to suggest that this has been operating unsafely therefore. The garage falls short of the guidance of 3m x6m in dimensions however there is sufficient space within the plot to provide for three parking spaces. Overall, the development would be in accordance with policies 40 and 41 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 current development is retrospective in nature, with the current dwellinghouse being unlawful development. It is considered that the current lawful water usage within the site would be nil water usage. The application seeks to regularise the retrospective works and the applicant has submitted a dedicated water neutrality statement to support their application. The outlined proposed usage would be 216 litres per day when accounting for the three-bed dwelling with an occupancy of 2.47 and a Part G calculator of 87.5 litres per person per day.

The sole mitigation would be through an offsite credit purchase scheme. The methodology outlined within the WNS would be to purchase credits from a provider who have accessed two boreholes within the district that is being managed as a private water supply. The provision of sufficient water supplied by the boreholes has been demonstrated and the applicant would purchase credits through a legal agreement. The legal agreement would be between the water credit supplier who manage the boreholes, the South Lodge hotel who own the land and the applicant themselves such that the local planning authority can ensure the mitigation is ensured. The legal agreement has been completed subject to this, the mitigation would be acceptable as one credit per day would be equivalent to one litre of water per day. The proposed development would use 216 litres per day and the legal agreement would ensure the purchase of 216 credits. Overall the application subject to the legal agreement, the development would be water neutral.

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).

The application is retrospective and therefore exempt from the requirement to achieve a minimum 10% BNG.

Conclusions:

The proposal is considered to accord with relevant local and national planning policies and is therefore recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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	216.85	0	216.85
		Total Gain	**216.85**
		Total Demolition	**0**

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 **Regulatory Condition**: The access and car parking has been constructed in accordance with the approved site plan and will be retained thereafter at all times for their designated purpose.

Reason: To provide safe access and car-parking space for the use in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

3 **Pre-Occupation Condition:** The development hereby permitted shall not be first occupied (as a dwellinghouse) until the on-site measures set out in the approved Water Neutrality Strategy have 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 193 of the National Planning Policy Framework (2024), 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).

4 **Regulatory Condition**: The approved landscape 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. Any plants, which within a period of 5 years, die, are removed, or become 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).

5 **Regulatory Condition**: The boundary walls / fences shall be maintained in accordance with the approved plans.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The parking, turning and access facilities shall be retained in accordance with the approved plans.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition:** The site access shall be retained in accordance with the approved plans so that maximum achievable visibility splays are provided. The splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level, or as shall otherwise be agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order) no development falling within Classes A, B, C or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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/24/1413

(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 & Block plan		1.00 REV B	19.09.2024
Block plan	Proposed	2.01	13.09.2024
Plans	Drainage	17640-04 REV A	13.09.2024
Elevation & Floor plan	Proposed and Roof	2.01 REV D	13.09.2024
Materials	Proposed	NONE	13.09.2024
Floor plan	Proposed Ground	2.00 REV D	13.09.2024
Materials	Proposed Garage	NONE	13.09.2024
Supporting Statement	Site Investigation Report	YE3164	13.09.2024
Supporting Statement	Site Investigation Report	YE3164 Appendices A-E	13.09.2024
Site plan		2.01	13.09.2024
Supporting Docs	Refuse and Cycle Storage	none	13.09.2024
Supporting Statement	Preliminary Risk Assessment	none	13.09.2024
Supporting Statement	Driveway Surface and Tree Detail	none	13.09.2024
Supporting Statement	Water Offsetting Scheme	none	09.10.2024
Supporting Statement	Water Neutrality	20240227P1	09.10.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 28th July 2025

Authorising Officer sign/initial Guy Everest Date: 29.07.2025