Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/1937
1 Downs View Terrace, Staples Barn Lane, Henfield, West Sussex, BN5 9QD

DESCRIPTION:

Demolition of garage and outbuildings and construction of a one-bedroom single storey dwellinghouse.

RELEVANT PLANNING HISTORY:

HF/25/03	Conservatory Site: 1 Downs View Terrace Henfield	Application 14.05.2003.	Permitted	on
HF/62/98	Erection of a shed Site: 1 Downs View Terrace Henfield	Application 11.09.1998.	Permitted	on
HF/33/84	2 storey ext. (From old Planning History)	Application 18.05.1984.	Permitted	on

SITE AND SURROUNDS

The application site is located within the built-up area of Henfield on Staples Barn Lane. 1 Downs View Terrace benefits from a sizeable curtilage, with a garage, outbuilding and shed towards the rear. The site is on the Western side of Henfield. The dwelling is accessible through an access track to the south of the curtilage, which leads to a public footpath that provides access to the local school and allows access to the rear of the dwellings along Upper Station Road.

DETAILED DESCRIPTION

The application seeks full permission for the demolition of garage and outbuildings and construction of a one-bedroom single storey dwellinghouse. The proposed dwelling will be accessed from the access track, at the same access point as the existing crossover to the garage. The existing floor area of the main dwelling is 84m2, the combination of the existing garage and outbuildings floor area is approximately 46m2, and the proposed new dwelling would have a floor area of 61m2. The style would be in keeping with a modern Sussex style with a slate roof and feather edge timber boarding and will be single storey to be in-keeping with the bungalows in Flower Farm Close.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
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 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 4.3 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.

Henfield Neighbourhood Plan (2017-2031):
Policy 12 – Design Standards for New Development

Henfield Parish Design Statement (2008)

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:

WSCC Highways: Comment

The site is located on Staples Barn Lane, a privately maintained lane. Consequently, these comments are for your advice only. Staples Barn Lane is also maintained as PROW Footpath HEN/3702/1. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns to this application.

Access to the maintained highway is at the junction to the east, also Staples Barn Lane at this point a D-classified road subject to a speed restriction of 30 mph. The LHA does not anticipate that this proposal would give rise to a material intensification of movements using this junction. From inspection of local mapping, there are no apparent visibility issues at the junction with Keynor Lane.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the junction. Therefore, there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least two car parking spaces. From inspection of the Site Plan, there is sufficient space only for a single vehicle within the associated frontage. On street parking is an existing practise along Staples Barn Lane, there are no known highways safety concerns with this practise, however the LPA may wish to consider any existing pressures of on street parking at this location from an amenity perspective.

The applicant does not appear to have provided details of cycle parking provision. The inclusion of secure and covered cycle parking provision helps promote the use of sustainable transport and may alleviate the reliance on the use of a car, therefore the LPA may wish to include this alongside any permission.

The site is located within a 3-minute cycle of shops and amenities and a 15minute walk from Henfield centre. Bus services operate along London Road which offer sustainable means of transportation for journeys to Burgess Hill, Horsham and Pulborough.

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, and that there are no transport grounds to resist the proposal.

WSCC Public Right of Way: No Objection.

It is understood that the application site is proposed to be accessed from the private lane carrying Public Footpath 3702. Whilst the application does propose any alteration to the Public Right of Way, it should be noted that there is no public vehicular right of access along the private lane and the Applicant's attention is drawn to paragraphs H, I, J, K in this regard.

Southern Water: Comment

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest design and construction guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water has noted that the applicant has submitted a Water Neutrality report which we understand that Local Planning Authority will be working in conjunction with Natural England on reviewing the developers' proposals. We would not comment on the developers' proposals directly, however, if the LPA have any specific questions, they can be forwarded to us for a direct response.

Natural England: No Objection

Concur with the conclusion of your authority's HRA appropriate assessment insofar that we have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Nature Space: No Objection

The proposed development scheme is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats.

Parish Comments: No Objection

Subject to HDC putting constraints in place during the construction which allowed for access by those living in the houses nearby.

Representations:
There were 12 representation letters from 9 separate households:

5 letters of support:

- Small house is useful, will also not have any effect on the surrounding area.
- Modest bungalow, provide quality accommodation.
- Suitable use of land, effect on surrounding area would be minimal and visual effect improved.

4 letters of objection:

- Ensure access is not blocked during construction.
- Restrict further development.
- Public footpath used for access to school.

3 neither support/objecting.

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 on the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused on the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and 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.

The Horsham District Planning Framework (HDPF) sets out a spatial strategy which directs growth in the district in accordance with an identified settlement hierarchy, reflected in defined settlement boundaries. This is reflected by Policy 3 of the HDPF, which states that development will be permitted within towns and villages which have defined built-up areas, and that any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy.

Paragraph 70 of the NPPF continues that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes…"

The application site is located within the built-up area of Henfield, an established residential settlement. The proposal involves the demolition of garage and outbuildings and construction of a one-bedroom single storey dwellinghouse. The proposed dwelling would be sited within the curtilage of an existing residential dwelling. It would form a small site that would contribute to achieving housing need and a specific need for lower cost, smaller properties for those wishing to downsize, as noted within Henfield’s Neighbourhood Plan, and so the principle of the proposal is therefore considered acceptable and would accord with the above policy.

Design and Appearance:

Policies 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.

Policy 12 – *Design Standards for New Development – Development proposals should comply with the following criteria:*

a. *Design respects the amenities of occupiers/users of nearby properties and land.*
b. *Design achieves satisfactory access without harming the amenities of neighbouring properties and residents.*
c. *The scale, density, massing, height, landscape design, layout, and materials of all development proposals, including alterations to existing buildings, are of a high quality and reflect the architectural and historic character and the scale of the surrounding buildings and street-scene/landscape.*
d. *The design preserves or enhances the character or appearance of the Henfield Conservation Area and/or preserves any adjacent listed buildings and its setting.*

The application site is to be divided with total site area of the existing house is 472m2, the proposed site area for the new house would be 188m2 and the original house, 284m2. The proposed dwelling would be single storey in nature, with a low-lying roof, that is reflective of the low-lying nature of the garage and outbuildings in the area. The dwelling would be sited back from the main road, and so would not be visible in views of the surrounding street scene. The maximum height of the existing studio is approximately 3.09m and the max. height of the proposed dwelling is 4.65m so the building increases 1.5m in height, but remains low-lying, sitting on a similar footprint to the existing studio and garage. There are a number of bungalows within the immediate surroundings, which the proposed dwelling would be in-keeping with.

With regard to landscaping, the existing gardens will be retained with the existing smaller trees, shrubs and plants remaining. The proposed new dwelling will be in a modern Sussex style with a slate roof and feather edge timber boarding with Sussex brick base. The doors will be pale grey aluminium with naturally stained timber cladding and slate tiled roof. There are a variety of materials within the street scene, so the proposed materials would be in-keeping with dwellings in the area, and not appear as an incongruous addition.

It is considered that the siting, scale, design and form of the proposed dwelling is acceptable and would be seen in the wider context of variable residential development. The visual impact of the proposal is therefore considered acceptable and in accordance with the above policies.

Amenity Impacts:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The objections are acknowledged, however, the application site benefits from a sizeable curtilage, which is sufficient to accommodate the single storey dwelling towards the rear. There is currently timber fencing and hedging that sits along the boundary, which screens views from public vantage points along Staples Barn Lane. This screening, together with the single storey nature, siting, and form of the proposed dwelling, is considered sufficient to ensure there would be no unacceptable impacts on neighbouring amenity. The window on the north elevation is for a bathroom and as such would be obscure glazed, which further reduces any potential privacy impacts on the neighbour to the North.

Neighbouring dwellings are located a sufficient distance from the site, and residential dwellings towards the south benefit from long curtilages, with garages to the rear; this combined with the single storey low-lying nature would ensure limited neighbouring impact. Therefore, it is not considered that the development would result in adverse harm on neighbouring amenities and the proposal is considered acceptable in accordance with the above policy.

Highways Impacts:

Policy 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. In addition, Policy 41 states that adequate parking and facilities must be provided within development to meet the needs to anticipated users.

The application site is located off of Staples Barn Lane, accessed via a privately maintained alley to the rear of properties / garages serving the surrounding dwellings. There are no anticipated visibility issues at the junction with Staples Barn Lane and the Local Highways Authority do not anticipate that the proposal would give rise to a material intensification of movements using the junction.

Regarding parking, the WSCC Parking Standards Guidance indicates that there is a requirement of 1.4 parking spaces for residential dwellings within Henfield with 1 bedroom. While there would only be a single parking space within the associated frontage, Staples Barn Lane has existing on-street parking which could accommodate the shortfall of parking, if required. It is however considered that the single parking space would be sufficient for the one-bedroom dwelling. The Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety.

Whilst access onto the site would travel over an existing footpath (PROW 3702), any impact during construction would be temporary- details of the un/loading and storage of materials are sought by way of condition to ensure that storage does not occur on the footpath. Though the path is used by pedestrians, it is noted that the access does already serve vehicular traffic to the existing garages to the rear of properties on Upper Station Road. Therefore, the access is capable of accommodating vehicular movements and the provision of one dwelling on the access would not likely result in an increased trip generation / use over and above the existing arrangement.

For these reasons, the highway impacts of the proposal are considered acceptable and in accordance with the above policies.

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 applicant submitted a Water Neutrality Statement which outlined that the proposed dwelling would have an occupancy rate of 1.32, and as such an increased water demand on site. The existing baseline water consumption is 0 l/day, the proposed development would comprise a water demand of 145.20l/day without mitigation.

Through installing water efficient devices in the proposed dwelling, the demand would be reduced to 89.04 litres per person per day and a total demand of 117.53 litres per day. It is proposed to install rainwater harvesting for use in the toilets, washing machine and external spaces, where this would further reduce the demand to 66.66 litres per person per day and a total reduction in water demand to 81.39 l/day.

To address this uplift, the water strategy proposes to retrofit the existing dwelling of 1 Downs View Terrace. Water bills have been provided to confirm that demand from the existing dwelling is 174.8 litres per day, where it is proposed to install water efficient fixtures and fittings. This would reduce the demand of the property to 89.04 litres per day. Based upon the single occupancy of the dwelling, the

reduction in overall water demand would be sufficient to offset the proposed 81.39l/day for the proposed dwelling, and therefore the proposal would be water neutral.

Natural England were consulted on the water strategy following the carrying out of an Appropriate Assessment by officers, and raised no objection, subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality. The information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would be water neutral. Appropriate mitigation measures have been demonstrated and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

Other Matters:

Due to being sited close to public footpath, WSCC Public Right of Ways were consulted. They concluded that the public footpath would not be impacted upon by the proposal and so offered no objection.

It is noted that the new house will have an air source heat pump, underfloor heating, photovoltaic cells, and solar panels.

It is further noted that there is a pond on site. Nature Space were consulted on the proposal and considered that it was not relevant to the District Licensing Scheme and there would be no likely impact on Great Crested Newts or their habitats.

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:

- Requirement to provide full fibre broadband site connectivity.
- Opportunities for biodiversity gain
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Improved pedestrian and cycle links
- 1 electric vehicle charging point.

Conclusion:

The proposed new dwelling would fulfil a need for smaller scale housing, for downsizing within Henfield. The application site benefits from a sizeable curtilage which could sufficiently accommodate the proposed dwelling, which would be sited on the footprint of the existing garage and outbuildings. The overall dwelling would be modest in scale and has been designed to integrate well into the surrounding build settlement. It is therefore considered that the proposal would 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)	61m2	46m2	15m2
		Total Gain	**15m2**
		Total Demolition	**46m2**

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 be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

4 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater harvesting system required by the approved water neutrality statement (C2932 P4 received 23.02.2024) have been submitted to and approved in writing by 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

5 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (C2932 P4 received 23.02.2024). 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 evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), 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-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 drawing number [004B]. 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).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

8 **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 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).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the district and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans [006].

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).

11 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

The Applicant should be advised of the following informative notes:

A. 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.

B. 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.

C. 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.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. 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.

H. Access along a PROW by contractors' vehicles, deliveries or plant and by occupiers of the proposed dwelling and their visitors 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
    a. being committed.

I. 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.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. 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.

L. 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 cannot 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.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

NOTE TO APPLICANT
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:

www.developerservices.southernwater.co.uk

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/23/1937
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed Elevations & Section	CH 1199 /006	20.10.2023
Location & Block plan	Location & Block Plans	CH 1199 /001 rev A	03.11.2023
Site plan	Existing Plans	CH 1199 /002	20.10.2023
Elevation plan	Existing Elevations	CH 1199 /003	20.10.2023
Site plan	Proposed Layout Plan	CH 1199 /004 rev B	28.11.2023
Roof plan	Proposed Roof Plan	CH 1199 /005 rev A	03.11.2023
Elevation plan	Proposed Site Elevations	CH 1199 /007	20.10.2023
Location plan		NONE	20.10.2023
Supporting Statement	Water Neutrality Report by cgs civils dated 20.02.2024	C2932	23.02.2024

DELEGATED

Case Officer sign/initial	Bethan Tinning	Date:	15.04.2024
Authorising Officer sign/initial	RHERMITAGE	Date:	16.04.2024