Statement of the Local Planning Authority

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APP/Z3825/W/25/3360134- Bulters, Tower Hill

This statement, together with the previously submitted questionnaire and accompanying documents, including the Officer's delegated report, forms the Local Planning Authority's statement of case. The purpose of this Statement is to respond to the appellant's appeal submission.

The Council has determined the application against the relevant policies of the Horsham District Planning Framework (HDPF) (2015). The crux of the appeal relates to:

- Whether the location of the development is acceptable in principle;
- The scale, siting and layout of the proposal;
- The ecological impact of the proposal.

Reason for Refusal One

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. Consequently, this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. 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 2023.

The applicant asserts the proposal site is considered previously developed land, consisting of residential garden space and within the curtilage of Butlers. While previously developed land the NPPF guides development on previously developed land that is physically well related to existing settlements. The appeal site is not considered by the LPA to be within, or well related to an existing settlement, being situated outside of the built-up area boundary with a lack of pavement access to Worthing Road. The proposal is contrary to this Paragraph 89 of the NPPF as well as Policy 2 of the HDPF.

Regarding the location of the proposed dwellings the applicant refers to a number of appeals and decisions. These have been addressed below:

In the case of Former Arun Feedmills compared to the appeal site the proposal under DC/23/2278 provided a moderate housing supply (of 8 dwellings), considerably more than that proposed at the appeal site. In addition, the applicant was able to demonstrate the proposed dwellings would not result in any greater level of activity than the extant permission. The existing site was also part of a commercial site, with an extant permission to erect a two-storey building for B1 use and already surfaced with a form of hardstanding. In comparison the land at Butlers, while previously developed in regard to being a residential garden, is not covered by such substantial hardstanding. In addition, the proposed dwelling number is considerably below that proposed under DC/23/2278. Further to this it has also not been demonstrated that the proposed use would not result in any greater level of activity than any extant permissions at the appeal site.

In the case of the Marlpost Meadows appeal (DC/22/0495) the site was located near the built-up area of the nearest settlement (some 0.6km). The Inspector acknowledged that the proposal did represent conflict with the restrictive policies contained within the HPDF, though placed great weight on the nearby settlement expansion of Southwater to the east, owing to the strategic allocation and building out of 600 homes. In addition, the road and public footpath network weighed in favour of the Inspector's decision in the case of this appeal, noting that any increase in case use '*would be tempered by the short distance to the village centre'*. The site subject to this appeal; however, does not benefit from such close proximity to an area of settlement expansion, as Marlpost Meadows. The development of the area, blurring the boundaries between Horsham and the surrounding countryside is not supported by HDPF policies. Furthermore, there is no footpath from the appeal site to Worthing Road, demonstrating the unsustainable location further.

In the case of the Cowfold Lodge Cottage appeal (DC/22/2250), the site was located some 0.2km from the built-up area. The Inspector resolved (at paragraph 8) that the proposal was not a suitable location for a new dwelling, and that there was therefore conflict with core policies. However, it was concluded that in the overall planning balance, the benefits of the proposal would outweigh the conflict with these policies. Though the benefits of this appeal would be similar to that of the present appeal, the closer location to the built-up area boundary would have been afforded increased weight in favour of the appeal in the overall planning balance by comparison. The LPA do not consider in the case of the appeal site that any benefits provided by the site would outweigh the harm identified in this statement and the Officer Report.

Lastly, in the case of Pound Place (DC/24/1710) The proposal was for the conversion of an existing building in an area where more recent appeal history has allowed development. The appeal at Butler's; however, seeks permission to erect new dwellings, rather than convert an existing building. The proposal at Butler's has therefore been considered through differing policies to that at Pound Place, as erecting a new dwelling is not the same as converting an existing building. While Butler's may be located on previously developed land the council do not consider the addition of three dwellings would outweigh the harm caused by the conflict with the local development plan.

The council consider they have given appropriate weight to the housing land supply position. The council remain of the view that the proposal would only provide a small contribution to housing and this would not outweigh the proposal conflict with the spatial strategy, inappropriate plot size and impact on protected species.

Reason for Refusal Two

The proposed development would result in a plot size that would be out of character with the build pattern of the immediate surroundings and would contribute to the inappropriate suburbanisation of the wider locality. The proposal would subsequently detract from the spacious and open character that defines the rural locality, and would result in an intrusive form of development that would be out of keeping with the informal and semi-rural character of the area. The proposed development would therefore detract from the build pattern and historic character of the area, resulting in demonstrable harm to the spacious character and visual amenities of the locality, contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

The appellants statement confirms they disagree with the LPA's position regarding the wider surroundings of the area. While to the east of the site the built form increases, the plot sizes primarily remain large. To the west and in closer proximity to the site, and the context it would be viewed from the plot sizes are considerably larger. A matter further demonstrated through the large curtilage for Butlers. The LPA maintain their view that the splitting of the plot into three would result in a higher density of dwellings, something which would be out of place for the area, particularly in such close proximity to open land.

Travelling south on the street development becomes more sporadic and spaced out as it transitions into the countryside. The density sought is more akin to development to the north and east.

Reason for Refusal Three
Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015).

The applicant has submitted a Preliminary Ecological Appraisal. Recommendations have been made in the assessment in relation to lighting, building and vegetation clearance, Great Crested Newts and bats and the selection of planting and landscaping. The LPA were not granted the opportunity to consult their Ecologist or District Newt Licensing Officer on the information provided by the applicant at appeal stage when assessing the application. Therefore, the LPA cannot attest that the information and mitigation provided is suitable. However, a condition has been recommended for compliance with the appraisal.

In relation to the three houses and the 10% Biodiversity Net Gain the Local Planning Authority would like to highlight appeal APP/Z3825/W/24/3350540 (see appendix one) to the Inspector.

<u>Conclusion</u>

The Council remains of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore respectfully requested to dismiss the appeal.

Yours sincerely,

Alice Johnson
Planning Officer
Horsham District Council

List of Suggested Conditions

Should the Inspector be minded to allow the appeal, then the following conditions are suggested on a without prejudice basis:

1. **Approved Plans**

2. **Standard Time Condition**:

   a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

   b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

   c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

   d) The development hereby permitted shall begin either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

   Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. **Pre-commencement Condition:** The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

   I. A named person for residents to contact;
   II. Detailed Site logistics arrangements;
   III. Details regarding parking, deliveries, and storage;
   IV. Details regarding dust and noise mitigation measures to be deployed
   V. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

   The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP for the related phase, unless the written consent of the Local Planning Authority is received for any variation.

   Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

5. **Pre-Commencement Condition**: No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

   a) Purpose and conservation objectives for the proposed enhancement measures;
   b) detailed designs to achieve stated objectives;
   c) locations of proposed enhancement measures by appropriate maps and plans;
   d) persons responsible for implementing the enhancement measures;
   e) details of initial aftercare and long-term maintenance (where relevant).

   The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

   Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

6. **Pre-commencement (slab level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Neutrality Statement received 26.08.2024) have been submitted to and approved in writing by the Local Planning Authority.

   These details should include, but not necessarily be limited to, the following:

   i. Detail on the likely contaminants associated with the rainwater harvesting system,
   ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
   iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
   iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
   v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
   vi. Detail on the continuity of supply during dry periods extending beyond 35 days.

vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

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 193 of the National Planning Policy Framework (2021), its duties under the Conversation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

7. **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The 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 193 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).

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 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 (or use) 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).

10. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved block plan. 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).

11. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been

submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

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

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

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

13. **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

    Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14. **Regulatory Condition:** All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

15. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal, received 05/02/2025.

    Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Appendix One- Appeal Decision for APP/Z3825/W/24/3350540

Please see Appendix One attached to email.