PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	20 May 2025
DEVELOPMENT:	Outline application for the erection of dwellings with associated garages, parking and landscaping with all matters reserved.
SITE:	Bucks Green Pig Farm, Bucks Green, Rudgwick, West Sussex, RH12 3JJ
WARD:	Rudgwick
APPLICATION:	DC/24/1811
APPLICANT:	**Name:** Mr Len Burdon **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: The application represents a departure from the development plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks Outline Permission with all matters reserved for the erection of detached dwellings. As the application is made in outline, details of the layout, scale, appearance, and access are reserved for later consideration.

1.3 The Applicant has submitted an indicative Site Plan showing the likely position of the proposed dwellings, as well as the associated turning and access. Although the site plan indicates 6 dwellinghouses, the Planning Statement submitted indicates that three four-bedroom dwellings would be erected. Notwithstanding this inconsistency, given the site plan and previous officer's report, it is understood that the application intends to apply for the erection of 6 dwellings.

DESCRIPTION OF THE SITE

1.4 The application site is located to the north of the A281, outside of, but immediately adjacent to, the built-up area boundary of Bucks Green. The site measures 0.3 hectares in area and comprises a former Pig Farm. A number of structures remain on-site, albeit in a dilapidated state, with the area overgrown.

Contact Officer: Hannah Darley

1.5 The application site is bound by mature vegetation to all sides, with a number of trees protected under Tree Preservation Orders (TPOs) located along the southern boundary. The site is also registered as Priority Habitat as an unmanaged Traditional Orchard.

1.6 The site is bound to the south and east by residential dwellings, with enclosed agricultural fields located to the north and west.

2 INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework 2023 (NPPF)**

2.3 **Horsham District Planning Framework (HDPF)**
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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
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

2.4 **Rudgwick Neighbourhood Plan 2021 (RNP)**
RNP1: Spatial Strategy
RNP2: Housing Mix
RNP4: Homes for Older People
RNP5: Housing Density
RNP6: Materials
RNP7: Architectural Style
RNP8: Development Height
RNP9: Street Scene
RNP17: Green Infrastructure and Trees

2.5 **Regulation 19 Horsham District Local Plan 2023-2040 (HDLP)**
Strategic Policy 1 – Sustainable Development
Strategic Policy 2 – Development Hierarchy
Strategic Policy 3 – Settlement Expansion
Strategic Policy 6 – Climate Change
Strategic Policy 7 – Appropriate Energy Use

Strategic Policy 8 – Sustainable Design and Construction
Strategic Policy 9 – Water Neutrality
Strategic Policy 10 – Flooding
Strategic Policy 11 – Environmental Protection
Strategic Policy 12 – Air Quality
Strategic Policy 13 – The Natural Environment and Landscape Character
Strategic Policy 14 – Countryside Protection
Strategic Policy 17 – Green Infrastructure and Biodiversity
Strategic Policy 19 – Development Quality
Strategic Policy 20 – Development Principles
Strategic Policy 24 – Sustainable Transport
Policy 25 – Parking
Strategic Policy 37 – Housing Provision
Strategic Policy 38 – Meeting Local Housing Needs
Policy 40 – Improving Housing Standards in the District

2.6 Other relevant documents:
Rudgwick Parish Design Statement 2009
West Sussex County Council Guidance on Parking at New Developments 2020

2.7 Planning Advice Notes:
Facilitating Appropriate Development
Authority Monitoring Report 2022/23 Chapter 3 Housing Land Supply
Biodiversity and Green Infrastructure

2.8 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2070	Outline application for the change of use of agricultural land to residential for the erection of 3no. dwellings, with all matters reserved	Application Refused on 02.07.2021
DC/24/1163	Outline Application for the erection of dwellings and associated garages, parking and landscaping with all matters reserved.	Application Refused on 24.09.2024
DC/15/0336	Erection of 4 x 2 bedroom detached dwellings	Application Refused on 08.05.2015
DC/13/1461	Change of use from pig/poultry farm to residential consisting of 6 x retirement bungalows	Application refused on 01.09.2024

3 OUTCOME OF CONSULTATIONS

3.1 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

INTERNAL CONSULTATIONS

3.2 **HDC Arboriculture**: No arboricultural concerns subject of standard validation requirements for current Tree Survey and Arboricultural impact Assessment to be submitted with any subsequent reserved matters submission. The site has some mature trees and hedging which are principally confined to the boundaries. The submitted tree survey is no longer representative of trees present or their condition. The belt of lime trees alongside the road frontage (originally 17 in total) subject of the Tree Preservation Order (Ref: TPO/0483) has been denuded over time and requires closer inspection of individuals to assess remaining useful life expectancy and potential contribution to a re-developed site.

3.3 **HDC Environmental Health**: [Summary] Further information required in respect of Contaminated land, noise and construction phase.

3.4 **Conservation Consultant**: [Summary] No objection in principle.

OUTSIDE AGENCIES

3.5 **Natural England**: No Objection - subject to appropriate mitigation being secured.

3.6 **WSCC Highways officer**: The existing vehicular access would be used and raises no highways safety concerns subject to the details being acceptable at the reserved matters stage. The Highways authority would raise no concerns in terms of material intensification of movements on the local highway network. Each dwelling would have provision for two parking spaces which is in accordance with Manual for Streets.

3.7 **Rudgwick Parish Council: Parish Council**: Objection: -

3.8 Under the terms of the current HDPF this is an unallocated site in the countryside. The potential housing provision (Planning Statement states 3 x 4 bedroomed detached) also fails to address local need as defined in the made Rudgwick Neighbourhood Plan, see Policy RNP2 and the referred Housing Matters paper.

3.9 The Water Neutrality assessment is inadequate. The submitted figures only show how potable water used for washing machines and WC flushing could be mitigated by rainwater capture. It does not address at all the other many uses of potable water for showers, wash basins, kitchen sink taps etc. Therefore, the water neutrality is unproven.

3.10 The information supplied showing the number of units proposed is inconsistent. The supporting letter states six units and the site plan shows six. The application form, however, states three, and the planning statement states three. How many units are proposed? This must be properly clarified.

3.11 Rudgwick Parish Council (RPC) supports the two site allocations (RD1 and RD2) in the R19 submitted draft Local Plan. However, RPC maintains it desire to see both these sites come forward together, sharing a single access onto the busy A281, avoiding any impact on the lay-by and bus stop (with shelter).

3.12 This outline application, with all matters reserved (including access), therefore has no merit.

PUBLIC CONSULTATIONS

3.13 Two representations were received, objecting to the application on the following grounds:

- The site is outside the village and should not be built on.
- There is a history of flooding on the site which the development will increase.
- Highways access and parking, including visibility.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 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.

4.2 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.

5 HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6 PLANNING ASSESSMENTS

Background

6.1 Outline planning permission was previously refused on the site for the 'erection of dwellings and associated garages, parking and landscaping with all matters reserved', ref: DC/24/1163. This application was refused for the following reasons: -

1. *Whilst the application site has been allocated for residential development within Policy HA14 of the emerging Horsham District Local Plan, the provision of three dwellings would not be in accordance with the identified housing needs within the locality such that it would not comply with the emerging policy.*

2. *Insufficient information has been provided to demonstrate that the future occupiers of the proposed development would not be subject to unacceptable levels of noise and disturbance arising from the traffic noise along the A281, contrary to Policy 33(2) of the Horsham District Planning Framework (2015).*

3. *Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).*

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

6.2 This current submission is an amended outline planning application, with all matters reserved, for the residential development of the site. The indicative block plan indicates 6 detached dwellings would be provided (in contrast to the 3 dwellings previously indicated) with additional supporting information submitted in respect of the 2nd, 3rd and 4th (above) reasons for refusal.

Principle of Development

Horsham District Planning Framework (HDPF)

6.3 Policy 2 of the HDPF sets out the main growth strategy, focusing development in the main district settlements. Policy 3 of the HDPF directs development within existing settlements which have defined built-up area boundaries (BUAB). Policy 4 of the HDPF states that development will be permitted outside BUAB via the expansion of settlements where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. The application site immediately adjoins but is outside of the built-up area boundary of Rudgwick, and the Rudgwick Neighbourhood Plan (RNP) does not include any housing allocations.

6.4 Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting a specified criteria, (1) supporting the needs of agriculture or forestry; (2) enabling the extraction of minerals or the disposal of waste; (3) providing for quiet informal recreational use; or (4) enabling the sustainable development of rural areas. A residential development would not as a matter of course be essential to its countryside location.

6.5 Policy RNP1 of the Rudgwick Neighbourhood Plan (RNP) supports development outside of the built-up area boundary (BUAB) where it accords with the residential exception policies in the development plan. As the proposed development is for general market housing the proposal would not accord with this policy.

6.6 In view of the above, the principle of the proposed development is contrary to the overarching spatial strategy and principles of the HDPF and the RNP.

5 Year Housing Supply Position (5YHLS)

6.7 The Council is currently unable to demonstrate a 5YHLS (the supply being 1 year as of May 2025). The National Planning Policy (the NPPF) dictates that the absence of a 5YHLS diminishes the weight afforded to Policies 4 and 26 of the HDPF in decision making. The NPPF also dictates (at para 11d) that the absence of a 5YHLS engages the 'tilted balance' presumption in favour of sustainable development in the determination of this application, provided the proposal would not breach any Footnote 7 matters (such as heritage, habitat or flooding policies), and unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.8 In addition, the Council has failed its most recent Housing Delivery Test. An updated Housing Delivery Test was published in December 2024 and demonstrates that HDC only delivered 62% of its housing target. This itself triggers the presumption in favour of sustainable development under para 11d irrespective of a Council's 5YHLS.

6.9 In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is dis-engaged, and in accordance with limb (i) the application must be refused. This is discussed later in this report.

Facilitating Appropriate Development Document

6.10 In recognition of the current position in respect of housing land supply and housing delivery, the Council has published interim guidance, the Facilitating Appropriate Development (FAD) document, on how housing proposals are to be considered. The FAD recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position. The FAD confirms that applications which meet all the following criteria will be positively considered:

- The site adjoins the existing settlement edge as defined by the BUAB.
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services.
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

6.11 The application site directly adjoins the BUAB of Bucks Green and is well located for access to some local facilities, including public playing fields, a public house, garage and primary school within walking distance. The locale and quantum of development proposed is judged commensurate with the scale and infrastructure provision of the scale and size of Bucks Green, as a medium village, defined in the HDPF as settlements with a moderate level of services and facilities together with some access to public transport. It is considered that future occupiers of the development would be able to access local recreation facilities, services and employment opportunities.

6.12 The detailed landscape considerations are set out elsewhere in this report, the development would though be contained within an existing defensible field boundary, with the site currently containing low-key structures / uses reflective of an agricultural use. In principle, given the siting directly adjoining the built-up area of Bucks Green development on the site would not, as a matter of course, result in landscape harm.

6.13 It is therefore considered, taking into account all relevant matters, that the proposal would meet the criteria for settlement expansion set out within the FAD.

Emerging Local Plan

6.14 The Horsham District Local Plan 2023-2040 (HDLP/Local Plan) sets out planning policies and proposals to guide development in the district, excluding the South Downs National Park, up to 2040. Examination hearings started in December 2024, however the remaining hearings were then cancelled by the examining Inspector in a Holding Letter dated 16 December 2024. On 22 April 2025 the Council published the Inspector's subsequent Interim Findings Letter which has recommended that the Plan be withdrawn, principally due to his view that the Council had failed to satisfactorily comply with the legal Duty to Co-operate.

6.15 The HDLP, through Policy HA14, identifies the application site the application site for 6 dwellings, with the adjoining land to the north and west allocated for 60 dwellings. The allocation for the application site states that development will be supported where proposals, '*ensure that any access into the site does not interfere with the operation of the adjacent bus stop*'. The preceding application on the site was refused, in part, as the level of development did not accord with the above policy, proposing fewer dwellings and therefore resulting in less public benefit. In contrast, the current scheme includes an indicative layout showing 6 dwellings which would accord with HA14 of the emerging plan. The relationship of the access with the bus stop is considered elsewhere.

6.16 Notwithstanding the Inspector's letter, it is the view of Officers that the emerging plan remains the Council's policy position, and the decision to allocate this site is based on an extensive evidence base, including a detailed site assessment report that the Inspector has not identified concerns with. The Inspector's Report does not indicate that there were any concerns over the proposed allocation of this site. The Inspector's concerns were not related to site-specific allocations, but more broadly related to whether sufficient housing was being planned for overall. It is therefore considered reasonable to continue to attach some weight to the relevant site-specific policies of the post-submission HDLP.

Conclusion on Principle

6.17 While the HDLP is not advancing at the present time the application site is nevertheless identified as a sustainable site for this quantum of development and judged to be in proportion to the scale, size and function of Bucks Green. The approach to site selection in the emerging local plan is evidence-based and robust, and underpinned by a professionally prepared assessment of housing needs. As a result, the current application proposal is considered proportionate to the evidence base that supports this site's allocation for housing development in the post-submission HDLP. Within this context the development of this site in the manner indicated is considered to represent sustainable development, subject to the detailed considerations to any site-specific constraints, and the detail of the scheme.

6.18 The absence of a 5YHLS means the conflict with HDPF Polices 4 and 26 is diminished and the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development is therefore engaged, provided water neutrality is demonstrated. A housing development on this site of the scale indicated would accord with the aims of the FAD, and taking this into account together with the NPPF the site is considered capable of being supported in principle for development of this quantum irrespective of the site's allocation within the post-submission HDLP.

6.19 As such, the principle of development on the site is considered to be acceptable, subject to the detailed considerations as set out below to any site-specific constraints, and any other policy compliance, conflict and harm. It is noted that the Parish Council representation sets out a desire to see the whole allocation of HDLP Policy HA14 to come forward together, rather than in two separate parcels. While this may be desirable for interested parties there is though nothing within the policy, or other planning grounds, which would justify a refusal of the current application on these grounds. The delivery of housing on the application site would not prejudice future development on the neighbouring site, and access related matters would be considered as part of any future applications.

6.20 The following sections of this report consider all other detailed planning considerations, with the final section considering the overall planning balance.

Matters Reserved:

6.21 The application is seeking outline planning permission with all matters reserved. The application is accompanied by an indicative Site Plan showing the likely position of the proposed dwellings together with the associated turning and access. This plan indicates that 5 dwellings would be orientated on a north – south siting, with 1 further dwelling located to the west with a perpendicular siting. The southern portion of the site would provide parking and turning space, with access making use of the existing field entrance.

6.22 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate

loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

6.23 Policies RNP2, RNP6, RNP7, RNP8 and RNP9 of the RNP require new development to positively respond to the established character and density of its immediate locality, use materials and be designed to reference surrounding architecture, including being of an appropriate height and being placed to form consistent building lines.

6.24 The following definition of each reserved matter is taken from the Planning Practice Guidance (Paragraph 006, Reference ID: 14-006-20140306): -

Access

6.25 '*the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*'

6.26 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users, with the site allocation within the emerging local plan, and Policy HA14, stating that any new access into the site should ensure it does not interfere with the operation of the adjacent bus stop.

6.27 The matter of access is reserved for later consideration, albeit that the indicative Site Plan illustrates that the existing entrance gate would be used to serve the new development. There are no apparent reasons why suitable visibility could not be provided in this location, and similarly there is a sizeable frontage where the access could be sited to ensure no interference with operation of the bus stop. The Local Highway Authority has advised that the scale of development would not be anticipated to give rise to a significant material intensification of movements to or from the site and that adequate on-site parking can be provided.

6.28 While it is noted that concerns have been raised relating to visibility and traffic, there are no reasons at this outline stage to consider that a safe access could not be provided as part of a subsequent reserved matters application, and no conflict with the above policies has been identified.

Scale and Appearance

6.29 '*the height, width and length of each building proposed within the development in relation to its surroundings', and,* '*the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*'

6.30 This outline application is not accompanied by any indicative details of the proposed buildings, with both scale and appearance reserved for future consideration. At this stage it is noted that the immediate surrounds feature significant variation in building type and appearance, with consistent two-storey semi-detached pairs to the south and bungalows, chalet bungalows and two-storey houses to the east. In this context there are no reasons why an acceptable scale and appearance could not be secured as part of a later reserved matters submission.

Layout

6.31 '*the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*'

6.32 Whilst reserved for later consideration, the application includes an indicative layout plan, illustrating the location of the proposed buildings. The wider surroundings are characterised primarily by linear residential development which fronts, or is set back from, the public highway. It is recognised that most of the residential dwellings to the south of the site have laid hardstanding over the front gardens to provide parking areas. The dwellings to the east are set back at a greater distance from the highway and incorporate landscaped front gardens.

6.33 The application site sits on the edge of this existing residential development and is bound by open countryside to the north and west. While the proposed build pattern would generally reflect the character of the wider locality, there are some concerns regarding the position of the western-most dwelling, particularly as this would noticeably break the recognised build line along the A281. It is however recognised that the application is outline with all matters reserved, and the siting of this dwelling could be appropriately addressed at Reserved Matters stage.

Landscaping

6.34 '*the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features*'

6.35 No landscaping plan has been provided as part of this outline permission, and this would instead be considered as part of a future reserved matters application. At this stage, no Objections have been raised by the Council's Arboricultural Officer, subject to the retention of the protected trees and suggested works to limit further deterioration which would be outlined within the reserved matters stage. Overall, the site is capable of being designed in a way in which would be acceptable in terms of landscape design.

Other considerations

Amenity Impacts:

6.36 Policy 33(2) of the HDPF states that development will be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

6.37 The indicative Site Plan shows that the dwellings would be laid out across the site with five orientated south and one to face more easterly towards the other dwellings. In principle, and subject to later reserved matters approval, there are no apparent reasons why a development of this scale could not be accommodated on the site, and no unacceptable harm has been identified at this outline stage.

6.38 As part of the preceding application on the site (see paragraph 6.1), there were concerns that the future occupiers of the proposed development, and particularly the western-most dwelling, would be subject to unacceptable noise and disturbance given the proximity to the A281. In response to this concern a Noise Impact Assessment has been submitted as part of this current application.

6.39 The Council's Environmental Health Team has reviewed the assessment, and although raising no concerns as to the methodology or results, which set out that the development would achieve relevant noise level requirements. The Environmental Health Team does though suggest that a 3D noise model should be sought with the proposed layout overlaid (to establish noise levels across the site). While this comment is noted as layout is a

reserved matter it is considered that there would be limited benefit in requesting this information at the present time.

6.40 There is a comparable relationship between the indicative siting of dwellings on the submitted plan and the A281 as currently exists with neighbouring housing and the A281. There is no evidence to suggest these existing dwellings suffer unacceptable impacts arising from road traffic noise, and given the findings of the Noise Assessment no unacceptable impacts have been identified as part of this current application, and none have been raised by the Council's Environmental Health Team. It is not therefore considered that road traffic noise would result in a poor standard of accommodation for future occupants. It is though noted that the final noise environment for future occupants of the development would be linked to the eventual layout of the development, which will not be known until the reserved matters stage. It may therefore be necessary to reconsider noise as part of future submissions on the site.

Ecology:

6.41 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

6.42 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

6.43 Ecological information has been submitted as part of the information and has concluded that the buildings on site have negligible roost potential. As such, no further surveys are required. With the above in mind, the proposal would be acceptable subject to the recommendations within the Preliminary Ecological Appraisal and would be in accordance with Policy 31 of the Horsham District Planning Framework (2015).

Biodiversity Net Gain:

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

6.45 The application form sets out that the development would be exempt from Biodiversity Net Gain requirements as the dwellings would be self-build.

Water Neutrality:

6.46 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.

6.47 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.

6.48 As originally submitted the application was not accompanied by a Water Neutrality Statement, resulting in adverse comments from Natural England. This was resolved through the submission of a statement as part of the application process. The statement sets out an approach to achieving water neutrality, which sets out the basis for a bespoke on-site solution to delivering the necessary water efficiencies as part of the development.

6.49 In addition, the Council's guidance sets out that development deemed compliant with a current or emerging (post-submission) local plan or neighbourhood plan would be deemed eligible for access to purchasing SNOWS water credits. The application site is, at the time of writing, allocated for development in the post-submission Horsham District Local Plan (HDLP), and the development proposal is compliant with that allocation.

6.50 The applicant therefore has the option to use the forthcoming SNOWS scheme to offset the water demand from this development. An appropriate condition is recommended which gives the applicant the option of addressing water neutrality through either SNOWS or through their own bespoke solution (which entails efficient fixtures and fittings together with rainwater harvesting). This condition would ensure the site is water neutral and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted in the use of SNOWS and have raised no objection to this approach.

6.51 This condition would ensure the site is water neutral and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted and have raised no objection to this approach.

Conclusion and Planning Balance

6.52 The proposed development is located outside of the BUAB of Bucks Green and is therefore within the countryside. The provision of housing on this site would conflict with Policies 2, 4 and 26 of the HDPF. However, as identified earlier within this report, the application site is in a location where future occupiers would not be solely dependent upon the use of the private car, with existing services, amenities and public transport infrastructure found within reasonable walking/cycling distance of the site. Therefore, the degree of conflict with HDPF Policy 2 in this regard is considered limited in this instance.

6.56 The Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the latest published Authority Monitoring Report (May 2025) confirming a 1 year supply against the objectively assessed target. Paragraph 11(d) to the NPPF establishes that where development plan policies are absent or the most important policies to determination are out-of-date, including where an Authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless there is a clear reason to refuse planning permission, through the exercise of policies in the Framework which protect areas/assets of particular importance, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits where assessed against the provisions of the Framework as a whole.

6.57 Paragraph 14 of the NPPF is clear where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five

years or less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. Rudgwick Neighbourhood Plan was formally made on 23 June 2021 which is less than five years before a decision is due to be made on this application, however it does not contain housing allocations. Therefore, paragraph 14 of the NPPF does not apply in this case and any conflict with the neighbourhood plan need not be considered to significantly and demonstrably outweigh the benefits of the proposed development.

6.58 Policies 2, 4 and 26 to the HDPF, in respect of the control of development beyond defined BUABs, do act to constrain the availability of land for housing delivery, as such, are the most important policies for the purposes of NPPF paragraph 11(d). In the context of the Authority's housing land supply position the weight which can be assigned to conflict with HDPF Policies 2, 4 and 26 is significantly reduced.

6.59 As detailed earlier in this report, the Council has published interim guidance on how housing proposals are to be considered in its Facilitating Appropriate Development (FAD) document, which recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position. It is considered that the proposed development meets the relevant FAD criteria. The proposals compliance with FAD is afforded moderate weight.

6.60 As also detailed earlier in this report, the emerging HDLP includes an allocation on the application site for 6 houses (HA14), which reinforces the above consideration, and compliance with the FAD, that the principle of residential development on the site should not be resisted.

6.61 The site is capable of being designed in a way which would reflect the landscape, appearance, layout and scale of the prevailing character of the area. The applicant has confirmed that they would be open to engaging in the council's SNOWs scheme which allows the grant of permission with a condition that guarantees the development cannot be carried out without ensuring Water Neutrality.

7 RECOMMENDATIONS

7.1 It is recommended that outline planning permission is granted subject to appropriate conditions as detailed below: -

1 **A list of the approved plans / documents**

2 **Outline Permission**

(a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site 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, access to and within the site and the landscaping of the development, including tree retention measures, 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 be begun 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**: No development shall take place until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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 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 detailed surface water drainage scheme, including a Surface Water Drainage Statement based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

6 **Pre-Commencement Condition**: No development shall commence until the following components of a scheme to deal with the risks associated with

contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

7 **Pre-Commencement Condition:** No development shall commence until either:

i.) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme.
or
ii.) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and
iii.) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA 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).

8 **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).

Background Papers: