Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0660
April Cottage, Sunset Lane, West Chiltington, West Sussex, RH20 2PB

DESCRIPTION:
Permission is sought for the demolition of existing detached garage and erection of a two-storey detached dwelling.

RELEVANT PLANNING HISTORY:

DC/22/2302	Demolition of existing detached garage and erection of a two-storey detached dwelling.	Application Refused on 26.05.2023

SITE LOCATION AND DESCRIPTION

April Cottage is situated within the Built-Up-Area boundary of West Chiltington and consists of an Arts and Crafts style Wells Cottage detached residential property on Sunset Lane. The property sits within mature landscaped gardens with mature treed boundaries. The property has a part thatched roof and mixed tile hung and brickwork finish. The site is located within the West Chiltington Lanes Conservation Area.

A Tree Preservation (TPO/1559) was served on 2nd February 2023 on the large oak tree to the western boundary with 'Wells Cottage' adjacent to the detached garage.

The site has recently been included within a new conservation area, the West Chiltington Lanes Conservation Area.

The application seeks permission for the demolition of the existing detached garage and the erection of a four bedroomed, two-storey, detached dwelling. The proposal would split the existing plot of April Cottage in two, access to the site would be provided from Sunset Lane.

The proposed property would have four bedrooms and be set across two storeys. The property would have a rectangular footprint with parking to the front of the property. Paved areas are proposed to border most of the dwellings footprint.

To the front (east) elevation three eyebrow dormers and a timber porch are proposed. A further three eyebrow dormers are proposed to the rear (west) elevation. The dwellings roof would be double pitched and clay tiled, a chimney is proposed to the south elevation.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 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 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
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 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 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Neighbourhood Plan:
The West Chiltington Neighbourhood Plan is in the early stages of preparation and therefore holds limited weight in decision making.

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

Supplementary Planning Guidance:
West Chiltington Village Design Statement
West Chiltington Lanes Conservation Area Appraisal and Management Plan

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

29 letters of representation have been received from 22 separate addresses objecting to the proposal and raising the following:

- Poor design, out of keeping with the area.
- Highways access and parking.
- Trees and landscaping, primarily the impact on the TPO tree.

- Loss of general amenity.
- Overdevelopment.
- Privacy, light and noise.
- Impact on heritage assets and the conservation area.
- Incorrect water neutrality statement including roof area.
- Impact on biodiversity.
- Surface water and drainage.
- Detrimental impact on public bridleways and footpaths.
- Overlooking.

These representations include:

A comment on behalf of the Roundabout Road Fund which requests a condition is secured. This would require the developer to make good any damage to the highway and management plan for construction and delivery vehicles is requested.

A comment from the West Sussex Access Officer for the British Horse Society which raises concerns about the loss of general amenity and detriment to non motorised users.

1 letter of representation has been received supporting the application on the following grounds:
- Updates to houses in the area have been made overtime, sometimes changes are required.
- Houses in different styles are saleable.

Consultations:

HDC Arboricultural Officer: No Objection
The application is a revision of that formerly refused last year (Ref: DC/22/2302). The revised layout does not fully comply with the minimum recommendations of the relevant design standard (BS5837) in terms of positioning build footprint entirely outside of the minimum recommended root protection area of an oak tree of good public amenity value. Removal of the existing garage build will improve existing rooting over a commensurate area. On this basis in this instance, I consider on balance that foreseeable direct impacts on tree rooting and future tree health can be kept to a tolerable level.

HDC Conservation: Objection
I remain satisfied the proposal will harm the character of the recently designated conservation area. The grain of development within the conservation area is a significant contributor to the character of the area. The cottages were originally laid out with large gardens creating a sense of space and reinforcing the rural context of the development. Wells had a clear vision in creating a development that resisted the monotony of the suburbs. The revised scheme seeks to preserve the character of the conservation area but the scale and proportions of the dwelling are reflective of modern houses. This is clearly illustrated in the block plan where the new dwelling will crowd the historic cottage in the context of the intended density of Wells' vision. It is positioned in the plot in a way that is reminiscent of suburban executive housing and this will harm the setting of the neighbouring Wells Cottage and harm the character of the conservation area. A modest annexe might be possible on the site in this position but the plot will not accommodate a separate dwelling without causing harm.

Natural England: Objection
We concur with the conclusion of your authority's HRA appropriate assessment insofar that further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

Provision of a robust figure for the existing water use at the offsetting property, based on standard occupancy figures for a 5-bed house and current fixtures/fittings. Your authority must be satisfied that the proposed mitigation can be secured in perpetuity through a S106 agreement.

District Newt Licensing Officer: No Comment
Thank you for consulting me on the above planning application. The proposed development 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. I therefore have no comments to make at this time. If the proposal changes, then please seek further advice from me if necessary.

WSCC Highways: No Objection
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 (paragraph 115), and that there are no transport grounds to resist the proposal.

Southern Water: Comment
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Archaeology: No Objection
The proposed building is located on the route of the Roman Road from Hardham to Barcombe Mills (Archaeological notification Area DWS 8725). As the site has remained largely undeveloped since mapping began, with the exception of the garage which is unlikely to have significant foundations, any below ground archaeological remains that are present should be relatively undisturbed. In order to clarify the nature and extent of any archaeology that may be present a trial trench evaluation should be carried out. This will aim to identify the extent and significance of the archaeology and enable appropriate mitigation measures to be designed if required. Provision for this work can be secured by an appropriately worded planning condition.

Drainage Officer: Further information required
The Application form states that surface water will be disposed of via SuDS measures. However, no further information on this strategy has been provided.

The Water Neutrality Report states that to help mitigate the increase in water demand, it is proposed to incorporate rainwater harvesting techniques. An Example Rainwater Harvesting Tank Brochure has been provided in Appendix E of the Water Neutrality Report. However, no maintenance and management plans for this proposed SuDS has been provided.

Parish Comments:
The Parish Council wishes to lodge its very strong objection to this application. It represents a re-application of DC/22/2302 with minor amendments to try to mitigate the reasons given for its refusal.

The Parish Council still believes that the proposed development would result in a plot size that would be out of character with the build pattern of the immediate Conservation Area 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 historic 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 2 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).

Since DC/22/2302 was refused, the area in which the site has become a designated Conservation Area making this proposed intrusive development even less desirable, sitting as it would between two original Wells cottages, fragmenting their landscapes. Such infill between two historic buildings should be strictly prohibited. Despite the slight amendment to the design of the proposed dwelling, the proposed development would still create a house which fails to sufficiently incorporate and reflect locally distinctive features of existing development in the immediate locality, particularly to the front elevation. The development would represent an incongruous addition to the street scene which would appear out of character with the design and appearance of the area. The proposal is therefore contrary to policies 32,33 and 34 of the Horsham District Planning Framework (2015 and paragraph 130 of the NPPF. There is also a small octagonal shaped outhouse in the garden of April Cottage which was built at the same time as the original Wells cottage. It was not uncommon for Wells to supply his cottages with such outhouses, and the two buildings together (April Cottage and its octagonal outhouse) are uniquely tied by their historic provenance. The proposed development would split the site in such a way as the

outhouse and its tied homestead would be separated, again causing a fragmentation of a historic building connection. Such an act should not be possible in a Conservation Area.

Concerns for the beautiful tree that is protected by a TPO also remain high, despite the applicant's attempts to mitigate them. A minor shift in the placement of the access/egress will not protect the roots of the tree, which are potentially already damaged by the heavy vehicles and equipment that have accessed the site for its pre-clearance. Similar and heavier vehicles and equipment would require access to the site for any potential build and would certainly threaten the health of the tree. As such it is believed that the proposal remains contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015). The proposed development would still also result in an unacceptable juxtaposition between it and the adjacent important TPO protected tree which, over time, is likely to result in pressure to lop or fell the tree. The proposal is therefore contrary to Policies 31 and 33 of the Horsham District Planning Framework (2015).

Whilst neighbour objections in and of themselves do not constitute a planning reason for refusal, it should be noted that the concerns raised by local residents all pertain to their concerns for the preservation of the character and appearance of the environment in which they have chosen to live and which has just been afforded Conservation Area status. This will be HDC's first real test of its resolution to observe the intent of such a designation and will either reassure residents that it will support the protection of their environment (and facilitate the 'buy-in' of locals to the new status of The Lanes) or will indicate the exact opposite. HDC must be careful not to set a very unfortunate precedent with its decision on this application.

The Parish Council would also draw HDC's attention to the matters of: mains sewage pipes routed beneath the site (and the potential damage that could be caused to them during any build); the problems with the water course along the site's section of Sunset Lane with regular issues of flooding due to blocked culverts etc; the fact that an archaeology report is required to ascertain what history lies underneath the site, and what has potentially already been damaged by the premature site clearance work, and; the fact that the proposed development will not contribute to fulfilling any housing need in the area - there is no need for further 4-bedroom houses.

Water Neutrality needs to be properly addressed in this application. Whilst the main dwelling is not metered it is impossible to establish any sort of certainty that the development would be water neutral. The Parish Council is very concerned that HDC is too easily allowing mathematical exercises to justify satisfaction with applicants' water neutrality statements. WN is a serious issue for us and for future generations and HDC needs not just to take it seriously, but be seen to be taking it seriously.

The Parish Council confirms its Holding Comments submitted on 7th May 2024 which 3 requested that should the Planning Officer be minded to approve this application, it be put before HDC's Planning Committee (South) for its consideration.

Holding Comment:
If the Planning Officer is minded to approve this application, the Parish Council wishes to request that it be put forward for consideration by HDC's Planning Committee (South) due to some potentially material planning concerns.

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

The main considerations in the determination of this application relate to the design and appearance of the proposed development; the potential impacts on the amenities of local residents, highway safety, impact on heritage assets and the position and location of the proposed dwelling.

Principle of Development:

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in 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.

April Cottage, Sunset lane is situated within the Built-Up-Area of west Chiltington. West Chiltington is designated in the HDPF (Policy 3) as a 'medium Village'. These settlements have a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.

As the application site is situated within the Built-Up-Area within a defined village the principle of a new residential dwelling is therefore considered to be appropriate, subject to all other material considerations as set out below.

Design and Appearance

Sunset Lane is an attractive narrow road with large dwellings sat within substantial grounds. It is identified along with other Wells Cottages as being within the West Chiltington Lanes Conservation Area. It has been identified as being an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The properties within the proposed conservation area that are identified as traditional Wells Cottages (including April Cottage) are considered to be non-designated heritage assets.

Policies 25, 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 34 of the HDPF states that applications within the Districts historic environment should make a positive contribution to the character and distinctiveness of the area, and ensuring that development in conservation areas is consistent with the special character of those areas. Development should preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials.

Paragraph 135 of the NPPF (2023) states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Paragraph 139 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Wells Cottages were originally laid out with large gardens, sense of space and reinforcing the rural context of the development. Wells had a clear vision in creating a development that resisted the monotony of the suburbs.

Originally there was a mix of plot sizes. Plot size related to a certain degree to the property size. Over time the largest plots have been divided and infill development has resulted in a more homogeneous grain of development. Despite the lack of formal public and recreational space and the large increase of infill development over the past hundred years, the area retains a strong rural, sylvan streetscape character.

Each Wells Cottage is considered to be a non-designated heritage asset. Each cottage is a good example of one of the five standard models Wells initially conceived. He did make changes to each of these where he saw fit and would also make changes at the request of purchasers. However, if he thought this would compromise the essence of what he wished to achieve he would decline the alterations. Alteration has been carried out on many if not all the cottages. Despite this they all remain recognisable as Wells Cottages and are considered to be of local historic and architectural interest.

New development must be sympathetic to the conservation areas context in terms of its siting, scale (including height, size and massing), materials and details. It should also follow the existing pattern or grain of development, not obstruct important views, and not dominate buildings in the immediate vicinity. Materials should be carefully chosen to complement the Conservation Area's existing palette of materials.

All development affecting the setting of the Conservation Area should demonstrate how the setting and long distance views, into and from the Conservation Area, are preserved and enhanced. The important views are identified in section 1 of the Conservation Area appraisal.

In 2004 a planning application was refused for an additional dwelling at April Cottage, with a subsequent appeal also dismissed. At appeal the sub-division of the plot was considered to be '*significantly out of keeping with the general character and appearance of the area*', with this being a reason for the appeal being dismissed. A further proposal for an additional dwelling was refused on these grounds in 2023. It remains the case that the subdivision of the plot will dilute the character of the area, with the presence of large curtilages to the Wells Cottages being a strong positive contributor to the character and appearance of the locality. Dilution of the areas open space, as proposed here would result in an increasingly homogenous appearance causing detriment to the grain of development in the area.

The proposed dwelling would appear bulky and dominant, measuring 9.2m x 13.2m, and set over two storeys. The proposed size would exceed that expected of a Wells Cottage. Overall, the size would be more akin to a modern dwelling. This size would result in a dwelling which would form an awkward relationship with its surroundings, especially April Cottage. The bulk and siting of the proposal would cause detriment to the neighbouring Wells Cottage and cause harm to the character and appearance of the conservation area.

The application sets out that the proposal has been designed with traditional building methods and material which are typical to the area. The use of eyebrow dormers is recognised along with the timber windows and bricks. While these elements are an improvement on the 2022 application (DC/22/2302) they are outweighed by the harm caused by the bulk and siting of the property. Furthermore, the use of roof tiles has been highlighted in the conservation area appraisal as causing some harm to the area. It is considered that the proposed development would result in a poorly designed dwelling that would appear incongruous and out of character within the streetscene, with a lack of acknowledgement given to the special character of the area. The proposal is therefore contrary to policies 32,33 and 34 of the HDPF and paragraph 135 of the NPPF.

The Officer's site visit revealed that a number of recent renovations and infill development have taken place. These vary from the original appearance for a Wells Cottage. It is clear that cumulatively the developments have begun to be of detriment to the character and appearance on what is now a conservation area. These changes demonstrate the harm that can take place if further inappropriate development takes place, rather than justify the addition of another incongruent build. The recent need

for the areas designation as a conservation area further enforces the need to circumvent proposal which are not designed in a manner as to preserve and enhance the character and appearance of the area.

Amenity Impacts:

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

The addition of another residential unit in this residential area is unlikely to result in any significant additional amenity impact on neighbours. First floor windows are proposed at both side elevations. This is unlikely to create and additional overlooking due to the positioning of the dwelling within the plot and the distance to the boundaries. In addition, two first floor rooms served by side windows would be bathrooms, these are transient spaces and not expected to be used for long periods of time. Side elevation windows in first floor bedrooms are secondary windows, this reduces the likelihood of them impacting neighbouring privacy.

To help prevent impacts on amenity from ground floor and the garden area a new boundary treatment is proposed (see Design and Access Statement). If the proposal was supportable this treatment and its details would be secured by condition.

Given the positioning within the plot, combined with the existing boundary screening, planting within the adjoining site, and relatively modest overall scale of the proposed dwelling, the proposed dwelling is not anticipated to result in any adverse amenity harm by way of overlooking, overshadowing, or overbearing. With the in mind, the application is considered in accordance with Policy 33(2) of the HDPF.

Highways Impacts:

Concerns have been raised in representations about the potential for the proposal to have a detrimental impact on the highway and public access.

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. The applicant proposes to utilise an existing access on Sunset Lane to serve the proposed dwelling, with no alterations proposed. The proposed development is not anticipated to give rise to a material intensification of movements to or from the site. The works will result in the loss of an existing garage for the host dwelling. However, the site exhibits a suitable amount of space within the existing driveway to accommodate an appropriate level of parking provision. Cycle parking has also been indicated as present at the site, should the application have been supportable this would be secured by condition.

For the proposed dwelling, the plans demonstrate two car parking spaces. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. From inspection of the plans, there appears to be space within the proposed driveway to accommodate a third car parking space, as well as room for on-site turning to be achievable.

Should the application be considered supportable a condition would be added to secure a site management plan. This would ensure site traffic was aware of a Public Bridleway and therefore pedestrian, equestrian and cycle traffic and the accessibility required.

There are not considered to be any unacceptable impacts on highways safety or the highways network from this proposal.

Ecology, Trees and Landscaping:

Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

The proposal site has been maintained as a garden and there is not a likelihood other protected species are present as the site is not connected to other habitats.

Tree surveys have been provided and this has been noted. The Design and Access Statement confirms the proposal would retain natural boundaries to the site which provide a natural wildlife corridor. The oak tree would be retained also. The works would be undertaken with a precautionary approach.

The Arboriculture Officer has deemed the impact on a tree covered by a Tree Preservation Order to be acceptable with conditions. These conditions would be recommended were the application supportable.

If the proposal was considered supportable a suitable landscaping and biodiversity condition would be attached.

Drainage:

The Drainage Officer has identified that there is a lack of information in regard to drainage at the site and the use of SuDS and its management. If the proposal was considered supportable further information would be secured by condition.

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 Water Neutrality Statement details that the proposed dwelling would utilise water efficient fixtures and fittings including dual flush toilets; flow restrictors in taps and showers; and water efficient white goods. Rainwater harvesting would also be employed at the new dwelling. Following the installation of these measures, the proposed dwelling would result in a water demand of 61.2 litres per person per day.

The Water Neutrality Statement proposes off-setting measures through the retrofitting of the host dwelling, April Cottage. It is proposed to retrofit water efficient appliances. There is discrepancy in the document in regards to the occupancy figures for the existing dwelling, it is mentioned at both a 3 and 5 bedroomed property. Natural England have supported the Local Planning Authorities position that these calculations do not provide the required accuracy to confirm water neutrality can be met. If the proposal was considered supportable an opportunity to provide revised calculations would have been provided.

There are also concerns about the area of roof proposed for rainwater harvesting and the amount of water that can be collected from a thatched roof.

April Cottage has not been included within the red line for the location and block plan. The Local Authority have not been given assurance from the applicant or their agent that the relevant legal agreements have been progressed or can be met.

An Appropriate Assessment has been undertaken, where it has been concluded that the proposal would not be able to demonstrate water neutrality. The proposal would therefore have a significant impact on the Arun Valley SAC, SPA and Ramsar sites. The grant of planning permission would therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 185 and 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

If the proposal were considered supportable an informative would be added recommending the applicant consult Southern Water on the connection of the sewer and SuDS.

The County Archaeologists has raised concerns about the potential archaeological remains to be present at the site. If the proposal were supportable a condition would be added to secure a programme of archaeological works and an investigation.

Conclusions:

The proposed development would be located within the built-up area of West Chiltington, and would be within walking distance to a number of amenities, facilities and services, as well as public transport nodes. The proposal would make a contribution to the housing needs of the District, but would provide a 4-bed unit that would not necessarily contribute to the diversity and availability of the housing stock within the Parish, where smaller units are more in demand. The proposal is however considered to result in social and public benefits that are of weight in the planning balance.

The Council published its Authority Monitoring Report (AMR) in December 2023. Chapter 3 of the AMR revealed that the Council currently benefits from a deliverable supply of housing sites of 2.9 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 under this paragraph refers to development relating designated sites such as those listed under NPPF paragraph 187 (including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar sites).

The proposed development would create a situation that would result in harm to the character of the streetscene and historic setting of the proposed Wells Conservation Area, and overall development pattern of this part of West Chiltington. While it is recognised that the Council are currently unable to demonstrate a 5-year housing land supply, where the titled balance under paragraph 11(d) applies, the planning policies in respect of townscape character and settlement characteristics are considered to be in compliance with the NPPF and of full weight in the planning assessment. As identified above, the proposed development is considered to result in significant and demonstrable harm to the townscape character and settlement pattern. These matters are of significant weight and are considered to outweigh the benefits of providing 1no. dwelling as proposed.

Subsequent to the receipt of the Natural England position statement, and in the absence of the applicant demonstrating water neutrality to the satisfaction of the Local Planning Authority (as above), the proposal would result in an increase in water abstraction, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. Therefore, the Local Planning Authority are of the view that in instances where Water Neutrality cannot be demonstrated, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i)). As such, this adverse impact on protected sites disengages the presumption in favour of sustainable development in the 'tilted balance' to its default position.

In balancing the material considerations, the proposed development is considered to result in significant harm to the townscape character when assessed against the policies as a whole. It is also considered to adversely impact the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. This adverse impact on these protected sites is afforded significant weight, as approving such a scheme without demonstrating water neutrality would (cumulatively) result in irreversible harm to and loss of habitats and protected species. It is therefore considered that the harm identified would significantly and demonstrably outweigh the benefits to the housing supply within the District. The application is therefore recommended for refusal.

Recommendation: Application Refused

Reasons for Refusal:

1 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 historic 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).

2 The proposed development would create a dwellinghouse which fails to sufficiently incorporate and reflect locally distinctive features of existing development in the immediate locality, particularly to the front elevation. The development would represent an incongruous addition to the street scene which would appear out of character with the design and appearance of the area. The proposal is therefore contrary to policies 32,33 and 34 of the Horsham District Planning Framework (2015) and paragraph 135 of the National Planning Policy Framework (2023).

3 Notwithstanding information submitted, the applicant has not demonstrated 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 are 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).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0660

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		P-PL1	29.04.2024
Floor plan	Proposed Ground and First	P-PL2	29.04.2024
Elevation plan	Proposed Elevations	P-PL3	29.04.2024
Tree plan	Tree Protection Phase 1	none	29.04.2024
Tree plan	Tree Protection Phase 2	none	29.04.2024

DELEGATED

Case Officer sign/initial	Alice Johnson	Date:	11/06/2024
Authorising Officer sign/initial	RHERMITAGE	Date:	24.06.2024