Horsham District Council

Mr Kyle McCracken
Berkeley Homes (Southern) Ltd
Berkeley House
Bay Tree Avenue
Leatherhead
Surrey
KT22 7EU

Application Number: DC/25/0878

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of:

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the following development, that is to say:

Variation of Condition 1 (Approved Docs) to previously approved application DC/17/0164 (Variation of Condition 1 to previously approved application DC/15/0499 (Erection of 208 No. dwellings (southern site Phase 1) with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)) Updated housetype drawings), to allow the submission of water neutrality information to be secured under Condition 1 to demonstrate Phase 9 is water neutral.

Highwood Land East of A24 Worthing Road Horsham

to be carried out in accordance with Application No. DC/25/0878 submitted to the Council on 27/05/2025 and subject to compliance with the plans/documents and conditions specified hereunder.

Biodiversity Net Gain Condition
Please note the requirement within the Environment Act 2021 for development to deliver a minimum of 10% net gain in biodiversity may be applicable to your development. In the event your development is required to achieve a minimum 10% net gain in biodiversity then a Biodiversity Net Gain Condition (separate to the main list of conditions) will appear on your decision notice requiring the submission of a Biodiversity Gain Plan for approval prior to development commencing.

Emma Parkes
Head of Development and Building Control

Date: 26/08/2025

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Plans	Southern Site Masterplan Phase 9 Plan	S783/SSPP9	27.05.2025
Supporting Docs	S73 Water Neutrality Strategy Highwood, Phase 9 V.4 Updated Final 16.05.2025 by Hodkinson Consultancy	NONE	27.05.2025

Reason: For the avoidance of doubt and in the interest of proper planning.

2 **Pre-Commencement Condition**: No development shall commence within Phase 9 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 Water Certification 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 or Phase 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 phase 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) and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

3 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied unless and until the provision of facilities for the parking of cycles within that sub-phase, as identified on the plan approved pursuant to Condition 1 above, has been made within the site, in accordance with the plans hereby permitted, and retained as such thereafter.

Reason: To ensure there is adequate provision for the parking of cycles in accordance with Policy 41 of the Horsham District Planning Framework (2015) and HB12 of the Horsham Blueprint Business Neighbourhood Plan (2022).

4 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins within that sub-phase, as identified on the plan approved pursuant to Condition 1 above, has been made within the site in accordance with the hereby approved plans and retained as such thereafter.

Reason: To ensure the adequate provision of refuse/recycling facilities in accordance with Policies 33 and 37 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Strategy (S73 Highwood, Phase 9 V.4 Updated Final 16.05.2025 by Hodkinson Consultancy), unless otherwise agreed in writing by the Local Planning Authority. 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, as detailed in the approved water neutrality strategy, shall be retained as such thereafter, unless otherwise agreed in writing by Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species) and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

6 **Regulatory Condition**: The development hereby permitted shall be carried out in accordance with the approved sub-phasing plan as agreed under application DC/17/2594.

Reason: To enable the Local Planning Authority to control the development in detail and to ensure compliance with the National Planning Policy Framework.

7 **Regulatory Condition**: Materials and finishes, and colours to be used for external walls, and roofs of the buildings so approved under application DISC/17/0466 shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3 and HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

8 **Regulatory Condition**: The approved hard and soft landscaping schemes for each sub-phase shall be implemented in full accordance with approved details, including timetabled planting to be carried out, under application references DISC/17/0242 and DISC/22/0113. Any plants which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

9 **Regulatory Condition**: All underground trenching requirements for soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities and ground excavations shall be carried out in accordance with the following plans approved under application DISC/15/0440: o Utility design sheet Drwg no. 2798-SA-INFRA-UD-101 A Received: 18.12.2015 o Utility design sheet Drwg no. 2798-SA-INFRA-UD-102 A Received: 18.12.2015 o Utility design sheet Drwg no. 2798-SA-INFRA-UD-103 A Received: 18.12.2015 o Utility design sheet Drwg no. 2798-SA-INFRA-UD-104 A Received: 18.12.2015.

Reason: To protect roots of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

10 **Regulatory Condition**: The Landscape Management and Maintenance plan approved under application DISC/17/0242 shall be implemented in full and in accordance with the agreed details and timings.

Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4, and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

11 **Regulatory Condition**: The approved design and public art for the central open space approved under application DISC/19/0058 shall be implemented in full accordance with these details.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3 and HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

12 **Regulatory Condition**: No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

- All required arboricultural works within each sub-phase, as identified on the plan approved pursuant to Condition 2 above, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing are to be completed and cleared away;
- All trees within each sub-phase and associated buffer, as identified on the plan approved pursuant to Condition 2 above, targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). Once installed, the fencing shall be maintained during the course of the development works for that sub-phase and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

13 **Regulatory Condition**: No existing trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be removed as part of this permission, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development herby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

14 **Regulatory Condition**: No trenches or pipe runs for services, drains, or any other reason shall be excavated anywhere within the root protection area of any tree or hedge targeted for retention on or off the site without the prior written approval of the Local Planning Authority.

Reason: To protect roots of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

15 **Regulatory Condition**: The development hereby permitted shall be carried out in accordance with the following approved foul and surface water drainage and sewerage disposal plans, as approved under application DISC/15/0440:

- Slope gradients and section locations Drwg no. 2798/SA/D/109 C Received: 18.12.2015
- Proposed contours sheet Drwg no. 2798-SA-INFRA-RP-101 A Received: 18.12.2015
- Proposed contours sheet Drwg no. 2798-SA-INFRA-RP-102 A Received: 18.12.2015
- Proposed contours sheet Drwg no. 2798-SA-INFRA-RP-103 A Received: 18.12.2015
- Proposed contours sheet Drwg no. 2798-SA-INFRA-RP-104 A Received: 18.12.2015
- Longitudinal sections sheet 1 Drwg no. 2798-SA-INFRA-RP-106 A Received: 18.12.2015
- Details plan - Longitudinal sections sheet 2 Drwg no. 2798-SA-INFRA-RP-107 A Received: 18.12.2015
- Layout plan - drainage sheet Drwg no. 2798-SA-INFRA-D-101 B Received: 18.12.2015
- Layout plan - drainage sheet Drwg no. 2798-SA-INFRA-D-102 A Received: 18.12.2015
- Layout plan - drainage sheet Drwg no. 2798-SA-INFRA-D-103 B Received: 18.12.2015
- Layout plan - drainage sheet Drwg no. 2798-SA-INFRA-D-104 B Received: 18.12.2015
- Details plan - drainage profiles sheet Drwg no. 2798-SA-INFRA-D-108 A Received: 18.12.2015
- Details plan - Drainage profiles sheet Drwg no. 2798-SA-INFRA-D-109 A Received: 18.12.2015
- Details plan - Drainage profiles sheet Drwg no. 2798-SA-INFRA-D-110 A Received: 18.12.2015

Reason: To ensure a satisfactory development that is properly drained in the interests of amenity and to prevent the increased risk of flooding in accordance with Policies 33 and 38 of the Horsham District Planning Framework (2015) and HB3, HB4 and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

16 **Regulatory Condition**: The development shall be implemented in accordance with the approved details under application references DISC/17/0242 and DISC/22/0113 and no dwellings/flats shall be occupied until such boundary treatments associated with them have been erected. Thereafter, the boundary treatments shall be retained as approved and maintained in accordance with the approved details.

Reason: In the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

17 **Regulatory Condition**: The parking, turning and access facilities approved under application references DISC/17/0242 and DISC/22/0113 shall be provided and retained as such thereafter solely for that purpose in connection with the development.

Reason: To ensure adequate parking, turning and access is available to serve the development in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and HB12 of the Horsham Blueprint Business Neighbourhood Plan (2022).

18 **Regulatory Condition**: The development hereby permitted shall be carried out in full accordance with the approved ASE Written Scheme of Archaeological Investigation (dated February 2015) under application reference DC/17/0164 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that archaeological features, deposits and artefacts revealed are adequately recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015).

19 **Regulatory Condition**: The finished floor levels of the development shall be completed in accordance with the approved details under applications references DISC/17/0242 and DISC/22/0113.

Reason: To control the development in detail in the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

20 **Regulatory Condition**: The development hereby permitted shall be carried out in accordance with the submitted ecological details and Reptile Translocation Strategy V2 from Derek Finnie Associates dated February 2015 and amended July 2015 under application reference DC/17/0164.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015) and in accordance with the National Planning Policy Framework and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

21 **Regulatory Condition**: To avoid the risk of harm to potentially nesting birds, the removal of any buildings, trees and/or shrubs should be undertaken between September and the end of February when birds have ceased nesting. If this is not possible, and clearance is required between March and August, an Ecologist should check for active bird nests no more than seven days before works commence, and any active nests found should be protected as advised by the Ecologist until the birds have finished nesting.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015) and in accordance with the National Planning Policy Framework and HB10 of the Horsham Blueprint Business Neighbourhood Plan (2022).

22 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: In order to safeguard the character and visual amenity of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

23 **Regulatory Condition**: Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, AA, B, C, D, E, F, G or H of Part 1 of Schedule 2 to the order shall be erected, constructed or placed within the curtilage(s) of the dwelling(s) hereby permitted so as to enlarge, improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

24 **Regulatory Condition**: The following windows shall at all times be glazed with obscured glass and shall be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor level of the room in which the window is installed:

- windows at first floor level in the southern elevation of the dwelling on plot 8;
- windows at first floor level in the southern elevation of the dwelling on plot 19;
- windows at first floor level or above in the eastern elevation of the dwelling on plot 21.
- windows at first floor level in the south western elevation of the dwelling on plot 30;
- windows at first floor level in the southern elevation of the dwelling on plot 37;
- windows at first floor level or above in the eastern elevation of the dwelling on plot 68;
- windows at first floor level or above in the eastern elevation of the dwelling on plot 82;
- windows at first floor level or above in the western elevation of the dwelling on plot 88;
- windows at first floor level in the eastern elevation of the dwelling on plot 94;
- windows at first floor level in the southern elevation of the dwelling on plot 117;
- windows at first floor level in the eastern elevation of the dwelling on plot 163;
- windows at first floor level or above in the eastern elevation of the dwelling on plot 173.
- windows at first floor level or above in the northern elevation of the dwelling on plot 204.

All plot numbers are those shown on the drawings approved under condition 1 above.

Reason: To protect the amenities and privacy of the adjoining properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and HB3, HB4 of the Horsham Blueprint Business Neighbourhood Plan (2022).

25 **Regulatory Condition**: No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

26 **Regulatory Condition**: No burning of materials shall take place on the site.

Reason: In the interests of amenity and in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

27 **Regulatory Condition**: The development hereby permitted shall be carried out in accordance with the plans and details listed on this decision notice and those listed on separate decision notices set out below. Where there is conflict, the development approved under the most recently determined decision notice shall prevail.

DC/17/0164
DISC/17/0242
DC/17/2594
DISC/17/0466
DISC/19/0058
DISC/22/0113
DC/22/0563

Reason: In the interests of proper planning.

Note to Applicant
The applicant is advised of the comments below from West Sussex County Council Principal Rights of Way Officer

Having consulted the online documents it seems that this area of land is subject to an agreement to dedicate a new route under S.25 of the Highways Act 1980 subject to a historical extinguishment and creation of a permissive path whilst the development was being built out and the new route dedicated being accommodated.

Looking at the plan provided the proposed s.25 route historically agreed does not appear available therefore would like to lodge a holding objection and would appreciate further engagement to make sure that this route is suitably accommodated as part of this ongoing development.

Note to Applicant:
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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions
The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre-Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the

standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance
Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.