Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1853
Oreham Manor Farm, Oreham Common, Henfield, West Sussex, BN5 9SB

DESCRIPTION:
Prior notification for the demolition of existing workshop building (Class B1(c)) and construction of new dwellinghouse (Class C3).

RELEVANT PLANNING HISTORY:

DC/20/2360	Prior notification for the demolition of existing workshop building (Class B1(c)) and construction of new dwellinghouse (Class C3).	Prior Approval Required and REFUSED on 21.01.2021
DC/21/1388	Application to confirm use as a self-contained dwelling, at 'The Stables', for a period of four continuous years previous (Lawful Development Certificate - Existing).	Application Permitted on 10.11.2021
DC/21/2039	Prior notification for the demolition of existing workshop building (Class B1(c)) and construction of new dwellinghouse (Class C3).	Prior Approval Required and PERMITTED on 11.02.2022
HRA/22/0014	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/21/2039.	Application Refused on 01.06.2022
DC/22/2092	Removal of existing dwelling known as 'The Stables' and other buildings on site and erection of a replacement single storey dwelling.	Application Permitted on 01.06.2023
HRA/23/0001	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/21/2039	Application Refused on 03.07.2023
HRA/23/0022	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/21/2039	Application Permitted on 23.07.2024
DISC/23/0202	Approval of details reserved by conditions 1,2,3 and 4 to approved application DC/21/2039	Split Decision on 19.09.2024
DISC/23/0203	Approval of details reserved by condition 3,4 and 5 to approved application DC/22/2092	Split Decision on 19.09.2024
DISC/24/0299	Approval of details reserved by condition 3 to approved application DC/22/2092	Under Consideration

SITE AND SURROUNDINGS:

This notification relates to a concrete framed barn building to the near south-west of Oreham Manor. This building first appears on the 1970s Ordnance Survey record and is conjoined to a lesser timber framed structure to its west that would appear to have been formerly detached, with the conjoined structure overall occupying a 'H' shaped footprint. The barn is of a varied construction, with a variety of external fabrics giving the impression of incremental replacements or repairs. To its northernmost face the building hosts overlapping timber weatherboard, though, to its other elevations the building comprises of a mixture of profiled cement cladding, concrete blockwork and a small section of brickwork. The roof is of a profiled cement type, typical to mid/late 20th century agricultural buildings.

The application site is found to the south of Oreham Common and a distance of ~1km east of the settlement of Small Dole. The building subject of this application is clustered with various former agricultural structures. To the rear of the building materials and hardcore has been stored.

The site is found in a rural context with land to the south and east possessing an undeveloped and mainly open character. The site is found in close proximity to the South Downs National Park, which is located at distance of ~35m east and ~90m south of the application site respectively.

DETAILED DESCRIPTION:

This notification seeks prior approval under Class ZA, Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to form a single dwellinghouse in replacement of an existing commercial building.

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:

South Downs National Park: (summary)
The application site lies close to the boundary of the National Park, making it integral to the park's setting. The application is a prior notification, requiring the Local Planning Authority to assess compliance with the Town and Country Planning (General Permitted Development) (England) Order 2015, with no specific comments from the SDNPA. Under Section 245 of the Levelling-up and Regeneration Act 2023, local authorities must uphold the National Park's statutory purposes, emphasizing the conservation and enhancement of natural beauty, wildlife, and cultural heritage. Development within or near the park must be limited, sensitively designed, and consistent with these purposes. Additionally, the site's impact on the International Dark Night Skies Reserve should be considered, advocating for lighting designs that minimize light pollution.

Lead Local Flood Authority:
Due to the scale, location and nature of the proposal we have no formal comments to make on this occasion. As an advisory we would highlight that there is an area of increased surface water flood risk as per the Environment Agency modelling data on the eastern side of the building.

WSCC Public Right of Way:
It is understood that vehicular access to the application site is proposed to be along the access road that carries Public Footpaths 2742 and 2742_1. Where public rights and private rights coexist, there is the potential for conflict between the public using the footpath and vehicular traffic. The applicant should consider how this potential conflict can be mitigated and the Local Planning Authority should consider the requirement for a traffic management plan for the proposed development. It is recommended that this include a 10mph for site related construction and demolition traffic with signage to instruct site traffic to give way to pedestrians using the public right of way, and informing the public to be aware of construction traffic.

It is understood that the application does propose any alteration to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

WSCC Highways:
In summary, 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.

Parish Comments:
None received

Representations:
None received

EQUALITY AND HUMAN RIGHTS:

Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application.

Consideration of Human Rights and Equalities forms part of the planning assessment below.

PLANNING ASSESSMENT

The main issues pertinent to this application are, firstly, whether the proposal can be deemed a form 'permitted development' with reference to the relevant restrictions and limitations contained within Class ZA of Part 20, and secondly, whether the prior approval of the Local Planning Authority is required as to the matters set out at paragraph ZA.2(2) of Class ZA.

Class ZA: Demolition of buildings and construction of new dwellinghouses in their place.

Permitted Development:

ZA.

(1) Development consisting of works for the demolition of one or other of—

(a) any building comprising a single purpose-built detached block of flats, and
(b) any other single detached building, comprising premises established—
(i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,
(ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or
(iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,
or for any combination of them,
existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

Yes, the purposes of ZA.(1)(b) the building subject of this application was previously noted to be in commercial use in connection with the Authority's determination of ref: DC/15/0088, and further observed to be in use as a carpenters workshop on 15.10.2020 during a visit by a Case Officer for the LPA. It is considered that the building was in a qualifying B1(c) use on the relevant date of 12th March 2020, and that therefore, the proposal is compliant with paragraph ZA.(1) in this regard.

(2) The building in question is to comprise one or other of—
(a) a purpose-built detached block of flats, or
(b) a purpose-built detached dwellinghouse.

Yes, the submitted documents refer to the proposal comprising of a dwellinghouse and the block plan demonstrates the building would be detached.

(3) The operations in question are—

(a)operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;
(b)works for the removal of plant servicing the old building;
(c)works for the disconnection of services from the old building;
(d)works for the removal of any means of access to and egress from the old building;
(e)works for the removal of storage and waste from the old building;
(f)works for the installation of plant to service the new building;
(g)works for the installation of services to be connected to the new building;
(h)works to enable access to and egress from the new building, including means of escape from fire;
(i)works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
(j)the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—
(i)starting with their installation no earlier than one month before the beginning of those operations, and
(ii)ending with their removal no later than one month after the completion of those operations.

It is not considered that the proposal would exceed a scope of works permitted by ZA(3).

Development not permitted

ZA1. Development is not permitted by Class ZA—

(a) if land covered by, or within the curtilage of, the old building—
(i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
(ii) is or forms part of article 2(3) land;
(iii) is or forms part of a site of special scientific interest;
(iv) is or forms part of a listed building or land within its curtilage;
(v) is or forms part of a scheduled monument or land within its curtilage;
(vi) is or forms part of a safety hazard area;
(vii) is or forms part of a military explosives storage area; or
(viii) is within 3 kilometres of the perimeter of an aerodrome;

The Design and Access Statement submitted with the application confirms the above are not relevant to the site. It is therefore considered that the site is not occupied under an agricultural tenancy, nor forms a constituent part of any of the designations referenced under ZA.1(a).

(b) if the old building was constructed after 31 December 1989;

The building subject of this enquiry first appears on the 1970s Ordnance Survey record. The proposal, therefore, is deemed compliant with ZA.1(b).

(c) if the footprint of the old building exceeds 1,000 square metres;

On the basis of the plans currently available to the Local Planning Authority the existing building is shown to occupy a footprint significantly below 1000m^2, as such, the limit at ZA.1(c) is not exceeded.

(d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;

On the basis of plans currently available to the Local Planning Authority the existing building is shown to be provided to a ridge height of 4.8m. As such, the limit at ZA.1(d) is not exceeded.

(e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;

This notification was provided to the Local Planning Authority on the 2nd of December 2024, accordingly the building of this application, by virtue of ZA.1(e) must have been vacant since the 2nd of June 2024. As observed during the officers site visit on the 20th of December 2024 the building did not appear to be occupied. The agent has also confirmed that the building has be vacant since 2021.

(f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);

The building subject of this application does not appear to be structurally unsound or in a condition which would render the building unsuitable for the ongoing commercial use as observed during the officers site visit. The limits at ZA.1(f), therefore, are not considered exceeded in this instance.

(g) if the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);

The application site is not within a Conservation Area, nor would the works of demolition comprise of 'relevant demolition'.

(h) if any of the footprint of the new building falls outside the footprint of the old building;

Based on the plans submitted the proposed building sits within the existing footprint. ZA.1(h) has not been exceeded.

(i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;

On the basis of the plans currently available to the Local Planning Authority the new building would not exceed the footprint of the existing building. The new building, therefore, would not be located closer to the highway than the building which it would replace. The limit at ZA.1(i), therefore, is not exceeded.

(j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—
(i)7 metres above the height (not including plant) of old building; or
(ii)18 metres,
above ground level;

The maximum height of the proposed building is approximately 5.3m in height. The limit at paragraph ZA.1(j)(i) and (ii) would not be exceeded.

(k) if the new building has more than X + 2 storeys, where "X" is the number of storeys in the old building;

The existing building is single storey, the proposed is also single storey. The total number of storeys featured to the new building, therefore, would not exceed the limit at ZA.1(k).

(l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—
(i)the floor to ceiling height, measured internally, of any storey in the old building; or
(ii)3 metres; or

By virtue of the barn style construction of the existing building this does not possess an interior ceiling element.

(m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

The submitted plans do not indicate the provision of plant to the new building, as such, the limit at ZA.1(m) is not deemed relevant to the proposed development.

Conditions

ZA.2.—(1) Development under Class ZA is permitted subject to the following conditions.

(2) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

Oreham Manor Farm benefits from a pre-existing access onto Oreham Lane, which itself is a privately maintained metalled track which connects to the publicly maintained highway at Horn Lane ~540m north of the application site.

The pre-existing access serves the dwelling of Oreham Manor Farm, together with various commercial buildings (including that subject of this application). The pre-existing light industrial use would give rise to a number of vehicle movements, with the proposal to replace the existing building and commercial use not deemed to represent a significant intensification of use. Oreham Lane is a single-track lane, though, adequately serves a number of existing dwellings. It is not considered that the proposal would unacceptably impact upon highway safety or severely impact on the operation of the highway network in a manner contrary to the National Planning Policy Framework (NPPF) (2024).

(b) contamination risks in relation to the new building;

The submitted documents provide insufficient information to detail on the what remedial works and associated validation/verification works will be undertaken.

It is considered that a site specific risk assessment, together with a scheme of remediation and verification, can be adequately secured by means of an appropriately worded condition, subject to which, contamination risk would be deemed acceptable.

(c) flooding risks in relation to the new building;

The site lies within an area of surface water flooding risk. The Lead Local Flood Authority has been consulted on the application and have not provided any formal comments. A drainage strategy for DC/21/2039, which proposed an identical proposal to that proposed here provided a drainage strategy identical to that submitted as part of this application under DISC/23/0202. The strategy submitted under DISC/23/0202 was supported and the condition discharged. As such compliance with the strategy has been secured by condition.

(d) the design of the new building;
(e) the external appearance of the new building;

The proposed building would be constructed within the footprint of the existing building; however, it would exceed the height of the existing building.

The existing barn, by virtue of its existing height and the elevated nature of surrounding yard to the east and south, does not prominently feature within the landscape with long-views of the building limited to the roof of the existing building. This building, therefore, has a limited impact upon the character of its surrounding beyond its immediate surroundings within Oreham Manor Farm.

The building does possess an unassuming 20th century utilitarian character reflective of its former agrarian use, which, although of no individual architectural or design merit, does not appear as an unexpected form of development in the context of the grouping of former agricultural buildings at Oreham Manor and the rural character of the surrounding landscape.

While higher, at a maximum height of 5.3m the proposed dwelling would remain at a single storey level. The timber cladding would reflect the existing agrarian appearance of the building and the proposed clay tile roof is typical of dwellings in the area.

The proposed building would not prominently feature within the landscape, with long-views of the building limited to the roof, and seen in the context of the adjacent buildings. The proposal, therefore, would have limited impact upon the character of its surroundings, beyond its immediate surroundings. It is therefore considered that the proposal would be of an appropriate design and would satisfy the requirements of ZA.2(d) and (e).

(f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;

As defined at paragraph C(1) of Part 20, habitable rooms mean any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, laundry rooms, hallways or utility rooms.

As shown on the submitted plans, each bedroom and primary living space provided within the new building would benefit from access to natural light, being served by at least a single exterior facing window. Future occupiers would benefit from sufficient access to natural light. It is considered, therefore, that the proposed arrangement is acceptable with reference to access to natural light in relation to ZA.2(f).

(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;

The site would be in close proximity to The Stables, a dwelling granted lawful under DC/21/1388. The proposed dwelling height would exceed the height of the existing dwelling. Due to the location and orientation of the site and setback (from the existing footprint) in the south east corner it is not expecting that any overshadowing or loss of light would be significantly above and beyond the existing situation. The fenestration at ground floor level, on the southern elevation, would likely cause some overlooking for The Stables. Given the site is set to the north of The Stables the dwelling is of single storey in nature the opportunity to look into private areas of The Stables is limited. On balance while there is likely to be some loss of amenity by way of overlooking, particularly in the rear garden, this is not considered significant enough to warrant refusal.

The new dwelling would be set some distance from Oreham Manor Farm and other accommodation within the site. Given that the new building would not significantly exceed the height of the existing building, and would be contained within its footprint, it is not anticipated the proposed dwelling would result in any unacceptable impacts on neighbouring amenity.

Due to the location and orientation of the proposed dwelling it is not expected that the occupiers of the new building would experience unacceptable impact on their amenity.

Overall, therefore, it is considered the proposal would maintain and provide a high standard of amenity to existing occupiers or future occupants of the proposed dwelling, and would comply with the requirements of ZA.2(g).

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;

The applicant has not sought to provide the Local Planning Authority with a comprehensive description of the use of surrounding buildings comprised within Oreham Manor Farm in connection with this notification in order to inform assessment in relation to (h) and (i) or professionally conducted noise-impact assessment.

As previously identified by the Inspector in connection with ref: APP/Z3825/W/16/3149973 at paragraphs 13 and 14, the various buildings at Oreham Manor Farm were in use for long-term storage to third parties, and with a single building partly in use by a blacksmith, in addition to the applicants own use of the building subject of this application in association with his own building business. The only distinct commercial use was considered by the Inspector to be that associated with the blacksmith business. It is not known whether these activities continue to persist at the site, though, any degree of commercial activity would appear to be low-key and or a nature unlikely to materially influence a residential occupancy, or be adversely affected by an increase in residential use in this location.

(j) the impact of the development on heritage and archaeology;

The application site is located at a distance of 140m east of the Grade II Listed Building of Little Oreham Farm. This building is separated from the new building by an intervening paddock and established vegetation flanking right of way 2742. By virtue of the height of new building it is anticipated that a minimal degree of mutual inter-visibility may arise between these buildings. With regard to the degree of intervening distance and presence of intervening vegetation, it is considered that the proposed building would be more readily appreciated as a component of the landscape surrounds of Little Oreham Farm, as opposed to an integral component of the significance that this building was deemed to possess. The proposed development would not materially influence public views of Little Oreham Farm from right of way 2742, being located to the opposite side of this footpath, and clearly positioned at a distance from this heritage asset. It is, therefore, not considered that any increased degree of domesticity would not be deemed to materially detract from an understanding of Little Oreham Farm as a 17th century farmhouse.

The application site does not contain any archaeological designation, as such, no adverse effect upon the integrity of known archaeological remains would be envisaged in this instance.

(k) the method of demolition of the old building;

The demolition and construction management plan indicates the site prep, demolition prep, demolition, sorting of recyclables, measures to control dust and dirt during construction, waste management plan, waste storage and removal and waste management procedures to be followed. These have all been indicated on the site plan, as well as where the construction vehicles will enter the site. The work should therefore be undertaken in accordance with the submitted CMP.

(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and

The new building would be provided to a lesser extent and footprint as the old building, with a limited amount of area beyond the built footprint of the proposed dwelling which could serve as soft/hard landscaping. The Local Planning Authority has not been provided with detailed plans describing soft/hard landscaping proposals, though, such details are considered capably secured by means of an appropriately worded condition and are not deemed fundamental the Authority's assessment as to the effects of the proposed development on local character and appearance in this instance.

(m) any—
(i)air traffic and defence asset impacts of the development, and
(ii)impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State,
unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

The application site is not located in proximity of an aerodrome, defence asset, nor within a protected vista, as such, no adverse impact in this regards is considered in this instance.

Other Matters:

Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. This above process is administered under separate specific legislation, and is therefore distinct from the scope of this prior notification. It is not therefore necessary to consider the issue of water neutrality further as part of this application. An informative is instead recommended to advise that the presence of a prior approval does not confirm that a development is permitted under the GPDO, and that further written notification is required from the Local Planning Authority under Regulation 77 of the Regulations.

Conclusion:

The proposal has been considered to comply with all relevant conditions and limitations relevant to Class ZA of Part 20, Schedule 2, Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Recommendation: Prior Approval Required and PERMITTED

1 **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) An intrusive site investigation scheme, based on the Contamination Risk Assessment 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.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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).

2 **Pre-occupation Condition**: Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse(s) hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Existing and proposed lands levels
- Ecological and Biodiversity Enhancements

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site 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. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes 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 that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

4 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 2(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 2(b), unless otherwise agreed in writing by 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).

5 **Regulatory Condition:** All demolition and construction activities shall be carried out in accordance with the details and measures set out by the 'Condition No.3' document submitted to the Local Planning Authority, received 22nd of January 2025.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Classes A, AA, B, C and E of Part 1 or Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: Prior to the first occupation of any dwelling/unit forming part of the proposed development, the owner/occupier will, at their own expense, install a fire hydrant in accordance with the West Sussex Fire and Rescue Guidance Notes and to BS 750 standards or

stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy HDPF Policies 33 and 39 and in accordance with The Fire & Rescue Service Act 2004.

8 **Regulatory Condition**: The means of foul and surface water drainage shall be strictly undertaken in accordance with the approved details under application DISC/23/0202 unless otherwise agreed to and approved in writing by the Local Planning Authority.

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).

NOTE TO APPLICANT

Public Rights of Way

1. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

2. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

3. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

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

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

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

7. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

8. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

9. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

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

11. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

12. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

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

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

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

Water Neutrality

The applicant is advised that this decision relates solely to whether the Prior Approval of the Local Planning Authority is required, it does not confirm that the proposal represents Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site “must not be begun” until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. Following this an application must be made to the Local Planning Authority for its approval. No development must be begun until the developer has received written notification of the approval of the local planning authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (general development orders).

The applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017 would be in breach of the GPDO and would be subject to potential future enforcement action.

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/24/1853

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Condition 3- Demolition/Construction Management Plan		22.01.2025
Supporting Statement	Condition 4 - Materials		02.12.2024
Location plan		201123_R1_000_r.0	02.12.2024
Block plan		201123_R1_001_r.0	02.12.2024
Elevation plan	Proposed North and South	201123_R1_208_r.0	02.12.2024
Elevation plan	Proposed East and West	201123_R1_209_r.0	02.12.2024
Floor plan	Proposed	201123_R1_206_r.0	02.12.2024
Roof plan	Proposed	201123_R1_207_r.0	02.12.2024
Supporting Statement	Drainage report	none	02.12.2024
Supporting Statement	Contamination Risk Assessment	none	02.12.2024
Supporting Statement	Preliminary Contamination Risk Assessment	none	02.12.2024
Supporting Statement	Remediation Method	none	02.12.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 23/01/2025

Authorising Officer sign/initial RHERMITAGE Date: 24.01.2025