Horsham District Council

PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	19th November 2024
DEVELOPMENT:	Erection of 1No. dwelling (in the alternative to permission granted under DC/22/0435 - Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1no. dwellinghouse).
SITE:	South House Farm, Marringdean Road, Billingshurst RH14 9HH
WARD:	Billingshurst
APPLICATION:	DC/24/0862
APPLICANT:	**Name:** Robert Van Den Burgh **Address:** C/O Agent Melton Lodge Rusper Road Newdigate RH5 5BX

REASON FOR INCLUSION ON THE AGENDA: The proposal would represent a departure from the development plan if approved.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission to erect one dwelling as an alternative to a prior notification for the change of use of an agricultural building to residential. A two bed dwelling is proposed to the rear of the site in the same location as the existing agricultural building. The dwelling would have a maximum height of 5.645m, a width of 24m and a maximum depth of approximately 7m. The dwelling would be single storey with a clay tile pitched roof, black horizontal weatherboard and facing brinks. The fenestration would be black aluminium. There would be space at the front (west) of the dwelling for a garden area.

1.3 A private road serves the site as existing, with agricultural machinery moving across the site before reaching this road. The site would be accessed from the maintained highway at Marringdean Road using an existing access.

DESCRIPTION OF THE SITE

1.4 The application site is set within the countryside surrounded primarily by fields and away from the maintained highway. It is located outside of the Built-Up-Area Boundary of Billingshurst, to the north-west of South House Farm. The existing building is located a short distance north of the Grade II Listed Buildings of Old Stable Cottage and South House Farm.

To the west of the site lies a group of glasshouses and from the Officer visit this and the land is used for the growing of plants.

1.5 The site is within the bat sustenance zone. This is a consideration for ecological impacts for developments related to The Mens Nature Reserve and Ebernoe Common Nature Reserve, which are both classed as Special Areas of Conservation, within the district of Chichester. One of the special qualities of these areas is that they host protected species, including the Barbastelle and Bechstein's bats, which use the bat sustenance zone.

1.6 As existing an agricultural building is located within the site. The Design and Access Statement confirms the building to be a plant and machinery store. It was previously a chicken barn. The barn is currently set within a field; however, there is access via a gate to the road serving the dwellings at South House Farm.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

2.5 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).

2.6 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.

2.7 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

2.8 **Horsham District Local Plan (2023-40) (Awaiting examination)**
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 37: Housing Provision
Policy 40: Improving Housing Standards in the District

2.9 **Billingshurst Neighbourhood Plan (2019-2031)**
Policy Bill 1: Billingshurst Built-Up Area Boundary
Policy Bill 2: Housing Design and Character
Policy Bill 3: Energy Efficiency and Design
Policy Bill 14: Residential Parking Provision

2.10 Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.11

DC/20/0037	Prior notification for change of use of agricultural buildings to dwellinghouses.	Prior Approval Required and REFUSED on 03.03.2020

DC/20/0677	Prior approval for the change of use from an agricultural building(s) to dwellings (C3 Use class)	Prior Approval Required and REFUSED on 28.05.2020
DC/20/1238	Prior notification for change of use of agricultural buildings to single dwellinghouses (Class C3)	Prior Approval Required and PERMITTED on 07.09.2020
DC/21/1054	Erection of 1 x new build dwelling in the alternative to permission granted under DC/20/1238 (Prior Approval of Proposed Change of Use of Agricultural Building to form 1 dwellinghouse).	Application Refused on 29.04.2022
HRA/21/0002	Regulation 77 of the conservation of habitats and species Regulations 2017 in respect of Prior Approval DC/20/1238.	Application Refused on 29.04.2022
DC/22/0435	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1no. dwellinghouse.	Prior Approval Required and PERMITTED on 12.04.2022
DISC/22/0356	Approval of Details Reserved by Condition 1(A) to approve application DC/20/1238	Application Permitted on 06.02.2023
DC/23/0674	Erection of 1 x new build dwelling in the alternative to permission granted under DC/20/1238 (Prior Approval of Proposed Change of Use of Agricultural Building to form 1 dwellinghouse).	Application Refused on 19.07.2023
HRA/23/0021	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/22/0435	Application Permitted on 10.05.2024

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

3.2 **HDC Archaeology:** No Objection

The site is adjacent to an Archaeological Notification Area DWS8925 South House Farm 17th Century Historic Farmstead, Billingshurst. The proposed location of the new building is further to the north of the area of archaeological interest and is partly within the footprint of the existing barn which will have impacted upon any buried archaeological deposits. It is therefore considered unlikely that the development will disturb buried archaeological remains and so we have no archaeological concerns regarding the development proposal.

3.3 **HDC Ecology:** No Objection (summarised)

- Recommended Approval subject to attached conditions.
- Approval is subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment.

3.4 **District Newt Licensing Officer:** Comment (summarised)

- It is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.
- Should the developer wish to minimise all risk associated with the development, they can obtain a licence to undertake works.

3.5 **Natural England:** No Objection (summarised)

- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- Natural England concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such:
- Natural England have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

3.6 **Environmental Health:** Comment (summarised)

- The application does not include any information in respect to contamination risks and it is unclear if the applicant is relying on previously submitted reports. If the application is approved the EH Officer would recommended that the ground contamination conditions are attached.
- The water neutrality strategy confirms that rainwater will be used to supply the washing machine. Water used for laundry purposes is considered water for sanitary purposes under the Water Act 2003 and therefore water supplied to the washing machine will require treatment. If the application is approved it is recommend conditions are attached.

3.7 **WSCC Fire Officer:** Updated Comment (summarised)

Following the provision of additional information, satisfied suitable access is provided for the new dwelling, the additional information previously requested has been provided.

3.8 **Southern Water:** Comment (summarised)

- The proposed rainwater harvesting system should be designed, installed and maintained to current British Standards to ensure that measures are in place to protect the public water supply and avoid cross contamination. A condition has been requested to be attached to any planning consent in relation to the rainwater harvesting system.
- The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
- The applicant has not provided details of the proposed means of disposal of foul/surface water drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as the relevant information is provided.

3.9 **HDC Conservation:** No objection, conditions recommended (summarised)

3.10 **WSCC Highways:** Advice (summarised)

The proposal is not anticipated to generate an increase in traffic movements when compared with the potential that could arise from the existing agricultural use. WSCC in its role as LHA has therefore considered the proposal on that basis. Consequently, in line with Paragraph 115 of the NPPF, no highways safety concerns would be raised to the proposal.

PUBLIC CONSULTATIONS

3.11 **Billingshurst Parish Council:** No objection

3.12 No representations have been received from any adjacent properties.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

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

6. PLANNING ASSESSMENTS

Principle of Development

6.1 The site is located outside of the built-up area and is not allocated within Horsham's development plan, which comprises the Horsham District Planning Framework and Billingshurst's Neighbourhood Plan. As a result, residential development in this location would conflict with the requirements of Policies 2 and 4 of the HDPF. In addition, the proposed development is not considered to be essential to countryside location and would conflict with the Policy 26 of the HDPF.

6.2 Part a and b of Policy Bill 1 in the Billingshurst Neighbourhood Plan states that " d*evelopment in Billingshurst parish shall be focused within the proposed built-up area boundary of Billingshurst village as shown on the Policies Maps in Section 12*."

6.3 The policy goes on to state "development proposals outside the proposed built-up area boundary will only be supported where:

i. it is in accordance with the development plan policies on appropriate uses in the countryside; or
ii. it relates to necessary utilities; or
iii. it represents the appropriate provision of tourism facilities, accommodation, attractions and activities, where it meets the requirements of Policy BILL11; or
iv. it is on sites allocated for those uses in the Horsham District Planning Framework or its successor."

6.4 It is recognised that the proposal would be contrary to Policy Bill 1. As such, given the conflict with the HDPF and Billingshurst Neighbourhood Plan, this proposal is classed as a departure.

6.5 In relation to the principle of development, the submitted Design and Access Statement advises that the current proposal is submitted as an alternative to an extant prior approval consent for the conversion of the barn to one dwelling (DC/22/0435). This prior approval consent has had most of the pre-commencement conditions discharged and also benefits from an approved Regulation 77 application (HRA/23/0021). The Regulation 77 application demonstrates that the prior approval scheme can be delivered as water neutral. Consequently, there are no barriers to the extant prior approval consent being built out. This represents a viable fallback to the current application proposal.

6.6 The presence of a viable fallback permission for the conversion of the barn to one dwelling is a significant material consideration, and in effect establishes the principle of housing on this site. It is therefore the case that refusal of the current application would not prevent a residential development being delivered on the site. It is therefore considered that the principle of the development on site for a replacement dwelling has been established.

Character and Appearance

6.7 Policy 25 of the HDPF, The Natural Environment and Landscape Character, sets out that proposals will be required to protect, conserve, and enhance the landscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.

6.8 Policy 32 of the Horsham District Planning Framework states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

6.9 Policy Bill 2: Housing Design and Character from the Billingshurst Neighbourhood Plan states that: *"Development proposals should be guided by the Billingshurst Parish Design Statement and, where practicable, should incorporate the following features into the overall design of development:"*

i. Soft landscaping and other boundary treatments to provide active frontages
ii. Courtyard layouts
iii. Varying style of housing
v. Staggered layouts rather than uniform lines of properties
vi. Off road parking provision
vii. Housing constructed around green space.
viii. Accessible and attractive public open spaces, incorporating opportunities for 'natural play' in line with BILL4 and creative use of Sustainable Drainage Systems in line with Policy BILL16.
ix. Footways that allow for safe access for all persons.
x. Required to reflect the scale and local vernacular of the surrounding buildings.
xi. Use materials that are in keeping with those used in existing buildings in the immediate locality.
xii. Preserve and sensitively incorporate existing natural features such as trees and hedgerows within the site, with the aim of delivering a net environmental benefit for local people and wildlife.

6.10 The proposal would not extend significantly beyond that permitted under DC/22/0435 and the overall form of the building remains similar. The proposed building would be located

approximately 5m north and 2m west of the existing agricultural building. The building would retain its linear single storey appearance and pitched roof. The proposed weatherboarding would reflect the existing wooden build, albeit appear more domestic in appearance. The dimensions would extend in height 0.2m beyond the existing building, with the width decreasing on the proposed by approximately 0.45m. The proposal would formalise an existing pitched roof shelter area and encompass it within the design. At ground level facing bricks are proposed which along with the clay tile roof and fenestrations give the property the sense of the proposed domestic use. The design, albeit more domesticated, generally sites within the scale of the existing building and the limited overall structural changes help ensure the proposal appropriately reflect its rural setting.

6.11 The development would be contained within the existing site boundaries which surround the agricultural building and there would be no harmful encroachment into the open fields which adjoin to the north, east and west. There is potential for new landscaping across the site, including to add planting along the east (rear) and southern (side) boundaries of the site, with further details sought through condition.

6.12 As set out above, the current scheme provides an opportunity to secure and deliver landscaping enhancements across the site, which could not be conditioned as part of a prior approval.

6.14 It is therefore considered that implementation of the existing prior approval, which would retain a utilitarian agricultural building of no particular merit, would not be preferable to the current scheme, which would create a new-build development which (as amended) would respond sensitively to the rural setting of the site. Overall, the density and layout of the site is considered acceptable, and subject to a condition regarding materials to ensure that they reflect the appearance and quality of the local vernacular, and details of landscaping, would not harm the character of the area. The visual impact of the proposal is therefore considered acceptable and in accordance with the above policies.

Amenity Impacts

6.15 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33(2) of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.

6.16 Old Stable Cottage and South House are located directly south and south east of the site. The proposed units on site are not considered to give rise to any unacceptable neighbour amenity issues due to the distance between this development and the nearest residential neighbours. Additionally, it is considered that the relationship between the proposed dwellings would be acceptable, with no part of the built form resulting in an unacceptable outlook or limited degree of daylight/sunlight. The proposed dwellings are considered to provide adequate internal space to provide a good standard of living space for future occupiers.

Highways Impacts

6.17 Policies 40 and 41 of the HDPF states that development should provide safe and adequate parking, suitable for all anticipated users.

6.18 A new driveway is proposed to link onto the existing driveway and entrance of South House Farm. Two parking spaces to the west of the dwelling are proposed at the end of the driveway. Electric vehicle charging and cycle parking details are to be secured by recommended conditions.

6.19 WSCC have been consulted during the course of the application and have raised no concern with regards to parking provision, access or other highways safety concerns.

Ecology

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

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

6.22 The Council's Ecology consultant and the Great Crested Newt Officer both initially raised temporary holding objections. These have now been resolved following the provision of additional surveys and conditions have been recommended to secure compliance with the relevant mitigations.

Biodiversity Net Gain

6.23 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.24 The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

6.25 Following confirmation on the change in developer from the agent the development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Heritage Impact:

6.26 Policy 34 of the HDPF relates to Cultural and Heritage Assets and states that applications should make a positive contribution to the character and distinctiveness of the area, and ensure that development in conservation areas is consistent with special character of the area.

6.27 Section 66 of the Listed Buildings Act and paragraph 205 of the NPPF (2013) also stress the importance and great weight attributed to the desirability of preserving listed buildings or their settings.

6.28 Following consultation with HDC's Conservation Officer it is considered that while the proposal would be within close proximity to the listed South House Farm, given the distance and relationship between the properties, the proposal would not be considered to be detrimental to the character, appearance and setting of the listed building.

Climate Change

6.29 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions which can be secured by way of condition:

- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points (Nb these are now required as standard under Part S of the Building Regulations)

6.30 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy. It is acknowledged that the proposal would be compliant with policy 35, 36 and 37 of HDPF and chapter 14 of the NPPF.

Water Neutrality:

6.31 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

6.32 An advice note from Natural England (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.33 Natural England have been consulted during the course of the application in response to the Water Neutrality Statement submitted. A response was received confirming that strategy was acceptable, raising no objection.

6.34 The Water Neutrality Statement (12th of August 2024) demonstrates that through rainwater harvesting and the fitting of water efficient fixtures and fittings at the proposed dwelling, South House Farm and a cottage. These dwellings are all within the red line. The proposed development would comprise a water demand of 172.94 l/d. Through the use rainwater harvesting, the proposed water demand would be reduced to 107.76 l/d. This is proposed to be offset against retrofitting at South House Farm where the water usage would be reduced by 128.99 l/d. Further offsetting is then proposed at the cottage where rainwater harvesting and water efficient fixtures and fittings are proposed resulting in a reduction of 70.74 l/d of water usage. The overall water savings would be 199.73 l/d. The Water Neutrality Statement has taken into account the potential for the one bedroom cottage to be converted were planning permission granted.

6.35 An Appropriate Assessment has been undertaken which concludes that subject to the mitigation measures proposed, which would be secured by condition requiring that the development be carried out in strict accordance with the water strategy, the development would result in no significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, Paragraph 186 of the NPPF, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

6.36 Regarding drainage a condition has been added to the application to secure a drainage strategy prior to the commencement of any development.

6.37 WSCC Fire Services have provided a comment on the application. Following the provision of additional information on the traffic that use the road, road width and photos the Fire Officer has confirmed the proposal would have an acceptable access.

Conclusion and Planning Balance:

6.38 The application site benefits from an extant Prior Approval for the conversion of the existing barn on the site to one dwelling. This extant permission is considered to represent a realistic fallback which establishes the principle of residential development on this site. The proposed development would improve the quality of accommodation and would offer improvements in energy efficiency and sustainability, as well as design. The proposal would reflect a traditional housing vernacular anticipated within a rural location and is considered to relate sympathetically to the character and built form of the wider surroundings.

6.39 The proposal would result in no adverse harm to the amenities of nearby residential properties and would not have a detrimental impact on the safety and function of the public highway network. Having been through the Appropriate Assessment process, the proposal can demonstrate water neutrality.

6.40 For these reasons, the development is recommended for approval as a departure from the development plan, subject to the conditions listed below and the completion of the legal agreement to secure the water neutrality offsetting.

7. RECOMMENDATIONS

7.1 To approve full planning permission subject to the conditions set out below:

1 **List of the Approved Plans**

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason**:** To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-commencement Condition:** Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:
(a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
(b) evidence of site registration by an individual registered to use a Bat Mitigation Class Licence;

(c) or a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

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

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

5 **Pre-Commencement Condition:** No development, other than the demolition of the existing building, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

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

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

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

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

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

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

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

6 **Pre-Commencement Slab Level Condition:** No development above ground floor slab level shall commence until the following details shall have been submitted to and approved in writing by the Local Planning Authority. The relevant works must not be executed other than in complete accordance with these approved details:

- Specifications of external materials and surface finishes.

Reason**:** As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced,

thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

7 **Pre-commencement Slab Level Condition:** No development above ground floor slab level shall commence until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:

- Detail on the likely contaminants associated with the rainwater harvesting system,

- Detail on the type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.

- Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.

- Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any reactivation
of the system after it has been out of use due to lack of rainfall/use.

- Details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit

- Detail on the continuity of supply during dry periods extending beyond 35 days.

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

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the 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), Paragraph 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

8 **Pre-commencement Slab Level Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Technical Advice note 1, received 12th of August 2024) have been submitted to and approved in writing by the 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).

9 **Pre-commencement Slab Level Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity

Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives;
- Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- Persons responsible for implementing the enhancement measures; and
- Details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for the dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

11 **Pre-occupation Condition:** No part of the development hereby permitted shall be first occupied until 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 treatments
- Details of all external lighting

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 or retained 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).

12 **Pre-occupation Condition:** No part of the development hereby permitted shall be occupied until A lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for

bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

13 **Pre-Occupation Condition** The dwelling hereby permitted shall not 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 (including the off-setting measures to South House Farm) have been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 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).

14 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with the submitted plans. These facilities shall thereafter be retained for use at all times.

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

15 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

16 **Regulatory Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Technical Advice note 1, received 12th of August 2024). No unit 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 unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District

Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

17 **Regulatory Condition** The new roof junctions at ridge, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges, and hogs back or half round ridge tiles.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby reserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition** The new windows fitted in the building hereby permitted shall have metal framed casements.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

19 **Regulatory Condition** Any roof lights shall be metal framed and sit flush with the roof slope.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition** All new and replacement rainwater goods shall be cast iron or cast aluminium or cast effect plastic.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

21 **Regulatory Condition:** All mitigation and compensation measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Survey Report (Sylvatica Ecology, September 2024) and Preliminary Ecological Assessment (Sylvatica Ecology, July 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-licensed Precautionary Method Statement for Hazel Dormouse in Section 6.12 and the Non-licensed Precautionary Method Statement for Great Crested Newt in Section 6.16 of the Preliminary Ecological Assessment (Sylvatica Ecology, July 2024). This avoids impacts on European Protected Species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

22 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

23 **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 and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015).

24 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015).