PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	15th October 2024
DEVELOPMENT:	Demolition and replacement of existing barn and erection of a single storey two bedroom dwelling utilising the existing shared access.
SITE:	Gess Gates Farm, Stane Street, Adversane, West Sussex, RH14 9JR
WARD:	Billingshurst
APPLICATION:	DC/24/0345
APPLICANT:	**Name:** Mrs Sally Wieland **Address:** Gess Gates Farm Stane Street Adverseness West Sussex RH14 9JR

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1 **THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Full planning permission is sought for the demolition of the existing barn and the erection of a single storey two-bedroom dwelling with covered car parking area.

1.3 The dwelling is proposed to be finished in vertical cedar boarding and grey brick splash course with a raised seam anthracite pitched roof and solar panels. The windows and doors will also be finished in anthracite grey and will be double/triple glazed. A covered area for car parking is proposed off the eastern elevation and is also proposed to be finished with steel anthracite posts and raised seam anthracite roof. The proposed dwelling measures 17.1m in length, 9m in width and 6.3m in total height. The covered area extends out by 3.4m along the length of the dwelling and has a total height of 3.7m. Access would be via the existing site access via a track off the east side of the A29 Stane Street.

DESCRIPTION OF THE SITE

1.4 The application site comprises of an existing barn to the south-east of the main dwelling, Gess Gates Farm.

1.5 The barn comprises a timber and steel frame, with an open lean-to extension to its eastern elevation. The barn is clad with metal cladding to the side elevation and the roof of the lean-to addition, and cement fibre cladding to the rear (western) elevation and roof to the main barn.

1.6 The barn is sited within a courtyard of existing agricultural buildings and is current used for the storage of machinery / equipment. Other surrounding barns are used for storage, garage / workshop, log store, and a stable.

1.7 The surrounding area is wholly rural in character, composed predominantly of open fields with sporadic residential and agricultural uses. The site is located to the east of the A29 and to the west of the Arun Valley rail line. The application site has an existing access off Stane Street (A29) via a private road shared along which Public Footpath 1320 runs.

2 INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

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 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 20 - Rural Workers Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Billingshurst Parish Neighbourhood Plan 2021 (BPNP)
Policy BILL 1: Billingshurst Built-Up Area Boundary
Policy BILL 2: Housing Design and Character
Policy BILL 3: Energy Efficiency and Design
Policy BILL 12: Protection and Enhancement of Key Movement Routes
Policy BILL 14: Residential Parking Provision
Policy BILL 16: Multi-Value Sustainable Drainage Systems

Horsham District Local Plan (2023-40) (Regulation 19):
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 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District

Supplementary Planning Guidance:
Design Statement for the Parish of Billingshurst
West Sussex County Council Guidance on Parking at New Developments 2020

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

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only limited weight in decision making.

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

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/22/0025	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1no. dwelling house with associated operational development.	Prior approval required and granted on 31.03.2022.
HRA/22/0013	Application under Regulation 77 of the Conservation Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/22/0025.	Refused on 01.06.2022.
HRA/22/0025	Application under Regulation 77 of the Conservation Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/22/0025.	Permitted on 31.07.2023.

3 OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect**: Advice.
[summary] The Landscape Architect has undertaken a desktop review of the application site and note the existing trees to the west and south of the existing building. The Landscape Architect recommends that these be assessed and included within the proposed plans in order to accurately assess any impacts on these landscape features. They also suggest that an Arboricultural survey and impact assessment should be submitted. They state that the assessment should be undertaken in accordance with BS 5837:2012 Trees in relation to design demolition and construction recommendations and should provide details on trees and hedgerows to be retained and/or removed, the impact on them and any constraints. The Landscape Architect also comments that the proposals should seek to reference the surrounding landscape character, using materials that are sympathetic to the rural farm surroundings.

3.3 **HDC Environmental Health**: No Objection.
[summary] Initially, Environmental Health raised concerns with potential noise impacts to future occupants due to the proximity of the railway line. Following the submission of the Noise Impact Assessment, Environmental Health have confirmed their concerns have been addressed. Environmental Health have no concerns with regard to contaminated land.

OUTSIDE AGENCIES

3.4 **WSCC Highways**: No Objection.
[In full] WSCC Highways (LHA) responded with advice and made the following comments:

'Access to the site is achieved via a private access track maintained as Public Footpath no. 1320, which adjoins Stane Street to the west. No alterations are proposed to this existing access arrangement. The proposed development would not be anticipated to give rise to material intensification of use of the existing access point.

Vehicular parking will be accommodated on existing hardstanding to the front of the proposed dwelling. From inspection of the plans, there appears to be suitable space to provide parking provision in line with WSCC Parking Standards for a dwelling of this size and location. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

Whilst not demonstrated in the plans, the Design & Access Statement states that secure cycle parking provision can be accommodated on-site. The LHA would request the cycle parking provision be provided in line with WSCC Parking Standards to promote sustainable travel.

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.

If the LPA are minded to approve the application, the following condition should be applied:

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.'

3.5 **Place Services - Ecology**: No Objection.
[summary] Place Services as the HDC Ecological consultant raises no objection subject to Natural England's formal comments on the Water Neutrality Appropriate Assessment, and recommended planning conditions to secure the mitigation measures within the Preliminary Ecological Appraisal and Roost Assessment, a Biodiversity Method Statement, Wildlife Sensitive Lighting Design Scheme, and Biodiversity Enhancement Layout.

3.6 **Southern Water**: No Objection.
[summary] Initially Southern Water raised concerns with the proximity of the site to a Wastewater Treatment Works. To address this, the applicant submitted an Outline Odour Assessment. Following a review of the Outline Odour Assessment, Southern Water have confirmed that there is a very low issue with regard to the Wastewater Treatment Works and Odour and therefore withdraw their previous objection.

3.7 **WSCC Rights of Way**: No views received.

3.8 **Natural England**: No Objection.

3.9 **WSCC Fire Officer**: No Objection subject to conditions.

3.10 **NatureSpace Partnership**: No Objection subject to informative.

PUBLIC CONSULTATIONS

3.11 **Billingshurst Parish Council:** No Objection.

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 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main district settlements. Policy 3 of the HDPF directs development within existing settlements which have defined built-up area boundaries (BUAB). Policy 4 states that development will be permitted outside BUAB via the expansion of settlements where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. These policies are reflected in Policies 2 & 3 of the submission Horsham District Local Plan. The site is outside of the nearest defined BUAB and is not allocated in the HDPF, whilst the Billingshurst Parish Neighbourhood Plan (BPNP) does not make any site allocations. Accordingly, the proposed development does not accord with HDPF Policies 2, 3 and 4 in this regard.

6.2 Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. The four criteria are: (1) supporting the needs of agriculture or forestry; (2) enabling the extraction of minerals or the disposal of waste; (3) providing for quiet informal recreational use; or (4) enabling the sustainable development of rural areas. The erection of a dwelling is not considered to be essential to its countryside location, nor does it meet any of the other criteria set out in Policy 26, therefore this proposal does not accord with Policy 26.

6.3 The application site has however been subject of a Class Q Prior Approval consent under planning reference DC/22/0025 which was approved on 31st March 2022. This gave Prior Approval for the change of use of the existing agricultural building on the site to a two-bedroom single dwelling. The Pre-Commencement condition imposed on the approval has been discharged, a Section 106 Agreement is in place to secure Water Neutrality and an application under Regulation 77 of the Conservation Habitats and Species Regulations 2017 in respect of the Prior Approval consent has been approved. Further, confirmation has been received that the extant Prior Approval consent would be implemented if the current application is not approved. This extant Prior Approval consent is therefore considered to represent a realistic and implementable fallback position.

6.4 The scale and footprint of the proposed dwelling is slightly smaller than the existing barn, therefore the current proposal for the same number of bedrooms and a decrease in GIA would provide for a similar scale of development that would not result in a greater visual impact than the extant fallback position.

6.5 On the balance of these considerations, the proposal is considered acceptable in principle despite its conflict with Policies 2, 4 and 26 of the HDPF, subject to all other material considerations.

Design and appearance

6.6 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

6.7 Policy BILL 2 of the Billingshurst Parish Neighbourhood Plan 2021 (BPNP) states that proposals should be guided by the Billingshurst Parish Design Statement and incorporate features such as off road parking provision, scale that reflects the local vernacular, materials in keeping with immediate locality, and preserve existing natural features.

6.8 Strategic Policies 19 and 20 of the submission Horsham District local Plan (HDLP) require high-quality, beautiful and inclusive design which conserves and enhances the natural and

built environment, and reflects the local, physical, social, economic, environmental and policy context. In particular, Strategic Policies 19 and 20 support development which, inter alia, is: attractive, functional, safe and adaptable; compliments and respond to locally distinctive characters; contributes to a sense of place; makes efficient use of land; provides a good standard of amenity for existing and future occupants; is of a sympathetic scale, massing and appearance; uses high standards of building materials and landscaping; allows sufficient space for general waste and recycling provision; and makes a clear distinction between public and private spaces.

6.9 The proposed dwelling is to be finished with vertical cedar board and raised seam roofing in anthracite grey. The windows, doors and covered area are also proposed to be finished in the same anthracite grey. The Council's Landscape Officer states that the proposal should seek to reference the surrounding landscape character, using materials that are sympathetic to the rural farm surroundings. Officers consider that this design and the proposed finishing materials respect and reflect the rural and agricultural setting of the site and existing barn, which it would replace, in accordance with policies 25, 32 and 33 of the HDPF and policy BILL 2 of the BPNP.

6.10 The proposed dwelling measures 17.1m in length, 9m in width and 6.3m in total height. The existing barn measures 19m in length, 10m in width and 7m in total height, therefore the proposed dwelling comprises a slight reduction in floorspace and height albeit while maintaining the proportions of the barn. The existing covered area also extends out farther and taller than the proposed covered area. Accordingly, Officers are satisfied that the proposed scale of the building is in keeping with the surrounding area and would result in a slight decrease in massing, in accordance with the requirements of policies 25, 32 and 33 of the HDPF and policy BILL 2 of the BPNP.

Residential Amenity Impacts

6.11 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

6.12 Strategic Policy 11 of the submission HDLP requires development proposals to minimise lighting impacts on neighbouring sites. Strategic Policy 20 of the submission HDLP requires development to be designed to avoid unacceptable harm to the amenity of existing and future occupiers or users of nearby property and land, for example due to overlooking, over dominance or overshadowing, light pollution, traffic generation, and general activity, noise, odour and/or vibration.

6.13 The proposed dwelling would be located approximately 21m from the nearest residential property, Gess Gates Farm. The two dwellings would be separated by some bushes and trees and a fenced enclosure associated off the existing Gess Gates Farm residential building. Given this relationship, it is not considered the proposal would result in unacceptable harm to the nearby residential properties through overlooking, loss of light, or privacy. The proposed development is therefore considered to accord with Policies 32 and 33 in this regard.

6.14 The proposed dwelling would be located within close proximity to existing agricultural buildings and approximately 50m from the Arun Valley rail line. As the proposed dwelling will be an agricultural worker dwelling, it is accepted that the future occupants of the site will not be adversely impacted by the site's proximity to the agricultural buildings and activities, namely noise and odour. In regard to noise from the railway line, the applicant has provided a Sound Level Assessment which confirms that the bedroom windows would be positioned on the northwest facing elevation and the sitting room/dining room windows within the

southwest facing elevation so that neither are facing towards the railway line. The Environmental Health Officer (EHO) has reviewed the Sound Level Assessment and confirmed that the proposed development will not result in adverse amenity impacts to future occupants from noise from the rail line.

6.15 Overall, officers satisfied that the proposed development will not result in adverse amenity impacts to nearby residents or future occupants of the new dwelling in accordance with policies 32 and 33 of the HDPF.

Highways, traffic and access

6.16 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the HDPF that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

6.17 Policy BILL 12 of the BPNP supports development which makes provision for safe cycling and pedestrian access. Policy BILL 14 pf the BPNP requires compliance with the West Sussex Parking guidance on car parking provision.

6.18 Strategic Policy 24 of the submission HDLP supports residential development which minimises the need for travel and priorities the ability of residents to safely and conveniently walk and cycle to meet their day-to-day neds. Strategic Policy 25 of the submission HDLP requires adequate, safe and secure, off-street vehicle and parking provisions.

6.19 The proposed development would utilise the existing site access via a private road off Stane Street which is a shared Public Footpath. WSCC Highways raises no objection to the utilisation of the existing access arrangements and does not consider that the proposed development would give rise to a material intensification of use of the existing access point. No views have been received from the WSCC Rights of Way team however it is not considered the development will adversely impact on the Right of Way.

6.20 The private road services two other residential properties, including another farm, on the other side of the level crossing, therefore there is limited existing traffic along the private road. Furthermore, the distance between Stane Street and the site access along the private road only measures approximately 80m and while the private road is single lane, there are grass verges on both sides. Therefore, officers consider that the small increase in vehicle movements resulting from the proposed development would not result in an adverse impact to users of the Public Footpath or impact to highway user safety in accordance with policy 40 of the HDPF and policy BILL 12 of the BPNP.

6.21 The proposed development includes a covered area over hardstanding to accommodate car and cycle parking. WSCC Highways raises no objection to the proposed parking provision and considered there to be suitable space to provide parking provision in line with WSCC Parking Standards for a dwelling of this size and location. WSCC Highways also confirms that on-site turning appears achievable, allowing cars to exit the site in a forward gear. Officers are also satisfied that the proposed parking provision and on-site turning space is sufficient and in accordance with policy 41 of the HDPF. WSCC Highways recommends a condition to secure the cycle parking provision in line with WSCC Parking Standards to promote sustainable travel.

Water neutrality

6.22 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

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

6.24 As part of the previous submissions on the site (ref DC/22/0025 and more notably HRA/22/0025) it was found that rainwater harvesting could be utilised from the converted barn and existing Gess Gates Farm dwelling to offset the increase in water consumption that would be generated from the new dwelling.

6.25 An updated Water Neutrality Strategy with appendices has been submitted as part of this planning application. This proposes the same approach of using rainwater harvesting to offset the increase in water consumption. A new Appropriate Assessment has been undertaken, which concludes that sufficient information has been provided to demonstrate that rainwater harvesting will provide sufficient mitigation for the increase in water consumption on the site and therefore ensure that water neutrality is achieved for this development. Natural England have reviewed the Appropriate Assessment and confirm no objection.

6.26 Accordingly, the development is considered to demonstrate that it would not result in a 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 therefore not adversely affect the integrity of these sites and accords with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change

6.27 Policies 35, 36 and 37 of the HDPF 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. Policy BILL 3 of the BPNP supports development which maximises design principles for energy efficiency and sustainability, such as by incorporating high quality, thermally efficient building materials, energy efficiency measures, solar panels, and reducing water consumption.

6.28 The proposed development includes thermal efficiency and air tightness, water efficient appliances, low energy consumption fixtures, solar panels, and rainwater harvesting to reduce energy consumption and build resilience to climate change and reduce carbon emissions. Officers consider these measures accord with the requirements of policies 35, 36 and 37 of the HDPF and Policy BILL 3 of the BPNP can be secured through planning condition.

Other matters

6.29 The proposed development will utilise the existing developed agricultural building land and existing site access. The HDC Ecological consultant has reviewed the proposal and raises no objection subject to recommended planning conditions. The HDC Ecological consultant concurs with the applicant's mitigation measures, biodiversity enhancements and recommendation for a low impact lighting strategy and recommends securing these by condition. The HDC Ecological consultant also supports the recommended best practice measures during construction and considers a biodiversity method statement for demolition and construction should be secured by planning condition. Officers concur with the HDC Ecological consultant's condition recommendations and accordingly, Officers are satisfied that subject to these conditions, the proposal will not result in harm to ecology or biodiversity on the site.

6.30 The proposed development does not propose the removal of any trees on the site. The Landscape Officer has reviewed the proposal and based on a desktop study, recommends that an arboricultural survey and impact assessment be undertaken and submitted. Officers have visited the application site and confirm that the barn is approximately 5m from the nearest tree and is located outside of the trees' root protection areas. Accordingly, Officers consider that there is sufficient distance between the existing trees to the west and south of the existing building such that the demolition of the barn and construction of the dwelling is unlikely to result in any adverse impacts to trees on site and accordingly a tree survey and impact assessment is not required prior to the determination of this application.

6.31 Officers recommend the inclusion of a planning condition to secure the protection of the existing trees and consider this is sufficient to ensure the trees will not be impacted as part of this proposed development. Accordingly, Officers are satisfied that the proposal will not result in any changes to trees.

6.32 The applicant has submitted a Contaminated Land Intrusive Investigation, which confirms that there is not any unacceptable soil contamination beneath the surface of the site where the new dwelling is proposed and therefore is a suitable location for residential development. The EHO has confirmed they are satisfied with the submitted information on contamination and that the proposed development will not result in adverse contamination impacts to future occupants.

Conclusion

6.33 The proposed development is located outside of the BUAB, where residential development would result in conflict with the strategic spatial strategy of the development plan as outlined within HDPF Policies 2, 3 and 4 and the provisions of HDPF Policy 26 in seeking to prevent development unessential to a countryside location.

6.34 However, as Officers have identified earlier within this report, the application site has been subject of a Class Q Prior Approval consent under planning reference DC/22/0025 and this extant Prior Approval consent is considered to represent a realistic and implementable fallback position. Furthermore, the proposed dwelling would be the same, indeed slightly smaller, scale and footprint than the existing barn and would not result in a greater visual impact.

6.35 The Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the latest published Authority Monitoring Report (January 2024) confirming a 2.9-year supply against the objectively assessed target. Paragraph 11(d) to the NPPF establishes that where development plan policies are absent or the most important policies to determination are out-of-date, including where an Authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless there is a clear reason to refuse planning permission, through the exercise

of policies in the Framework which protect areas/assets of particular importance, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits where assessed against the provisions of the Framework as a whole.

6.36 Paragraph 14 of the NPPF is clear where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. Billingshurst Parish Council does not contain housing allocations. Therefore, paragraph 14 of the NPPF does not apply in this case.

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

6.38 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites The application site benefits from realistic and implementable fallback position and the proposed scheme would not result in a greater visual impact than the existing barn. The proposal is considered acceptable in principle, subject to all other material considerations.

6.39 Officers consider that the proposed development is an appropriate design, including in terms of scale, finishing materials, and massing within the site. Officers are satisfied that the proposed development respects and reflects the rural and agricultural setting of the site and existing barn. Officers therefore consider that the proposed development would not result in adverse design, appearance, or neighbouring amenity harm in accordance with the requirements of Policies 25, 32 and 33 of the HDPF and Policy BILL 2 of the BPNP.

6.40 WSCC Highways and Officers are satisfied that the proposed development would not unacceptably impact upon highway safety, vehicle parking and on-site turning space would be sufficient, and cycle parking can be secured through planning condition, in accordance with Policies 40 and 41 and Policies BILL 12 and 14 of the BPNP.

6.41 Natural England and Officers are satisfied that the proposed rainwater harvesting measures and submitted Water Neutrality Strategy demonstrate that the proposed development would not result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects and therefore granting this application would not adversely affect the integrity of these sites and accords with policy 31 of the HDPF, NPPF paragraphs 185 and 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

6.42 Officers are satisfied that proposed energy efficiency measures accord with the requirements of policies 35, 36 and 37 of the HDPF and Policy BILL 3 of the BPNP can be secured through planning condition. The HDC Ecological consultant, NatureSpace Partnership and Officers consider that the proposed development is acceptable with regard to its anticipated effects upon protected and priority species and their habitats, the Mens Special Area of Conservation, and existing green infrastructure, and capable of delivering biodiversity enhancements subject to appropriate mitigations and conditions. Environmental Health have confirmed they have no concerns with regard to noise or contamination in regard to future occupants' amenity.

6.43 Under NPPF 11(d)i and Footnote 7, where a development impacts on a habitats site and constitutes a clear reason to refuse planning permission, the presumption in favour of sustainable development (tilted balance) does not apply. As detailed above, Natural England

and Officers are satisfied that the proposed development would not result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites. The 'tilted balance' under paragraph 11(d) of the NPPF is therefore engaged in the consideration of this application. In the context of paragraph 11(d) being engaged and the corresponding reduced degree of weight to be assigned to conflict with Policies 2, 4 and 26 of the Horsham Development Plan Framework and the moderate weight assigned to the application site's benefit of a realistic and implementable fallback position and that the proposed dwelling not result in a greater visual impact in regards to scale or footprint of the existing barn, and the limited benefit of this singular dwellings contribution to housing land supply, and the absence of any other material harm, it is considered that a departure from the provisions of the development plan is justified.

6.44 It is, therefore, recommended that planning permission be granted, subject to the conditions specified below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	154	170	0.00
		Total Gain	**0.00**
		Total Demolition	**0.00**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7 RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

1 **Approved Plans**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun 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:** No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species (Bats, Barn Owl, reptiles, and nesting birds) and pollution control measures for the Upper Arun SSSI, has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);
g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve 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), s40 of the NERC Act 2006 (as amended) and s17 Crime Disorder Act 1998.

4 **Pre-Commencement Condition:** No development 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 shall commence until details showing the proposed location of one fire hydrant or stored water supply (in with the West Sussex Fire and Rescue Guidance Notes) has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Commencement Condition (Slab Levels):** A Biodiversity Enhancement Layout for biodiversity enhancements listed in Preliminary Ecological Appraisal and Roost Assessment report v 1.0 (arbtech, July 2024) shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:

a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a lighting design strategy for biodiversity in accordance with Guidance

Note 08/23 (Institute of Lighting Professionals) has been submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated hat areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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 Local Planning Authority 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).

8 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement received 27 June 2024 and appendices). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures 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), 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).

9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and 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).

10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces (including garages where applicable) for vehicles has 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)

11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development 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 approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

12 **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 of 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).

13 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and Proposed Dwelling Coloured Elevations 04a Rev A 22 November 2023.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition:** 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 hereby permitted. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

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

15 **Regulatory Condition:** The development hereby approved shall be carried out in accordance with the mitigations set out in the Preliminary Ecological Appraisal and Roost Assessment report v 1.0 (arbtech, July 2024).

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework.

16 **Regulatory Condition:** The development hereby approved shall be carried out in accordance with the mitigations set out in Chapter 8 of the Sound Level Assessment May 2024.

Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17 **Regulatory Condition:** The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.