# Draft RPC submission to appeal PINS:APP/Z3825/W/24/3353984 – Arundene Orchard

Rudgwick Parish Council (RPC) objected strongly to the refused application DC/24/0933, citing no need for development in the countryside in an unsustainable location outside the settlement boundary (conflict with HDPF); the emerging HDLP allocation of housing on suitable, sustainable sites meeting local needs; promotion of reliance on vehicular transport owing to distance and safety of pedestrian access of essential services and facilities; the parish traffic monitoring measures implemented on the Loxwood road and the road's unsuitability for pedestrians; the theoretical, rather than actual, evidence produced for assessment of whether the development can achieve water neutrality.

In addition, the council requests the Inspector to take the following submission into account during the appeal deliberations.

The Inspector of the previous 2023 appeal on the same development site dismissed the appeal citing the reasons as:

1) the proposal conflicted with the development plan (this was despite HDC being unable to demonstrate a 5-year land supply, as is also the case now, and the HDLP only being at Regulation 18 stage in 2023)

2) it was not possible to conclude that the proposal would not adversely affect the integrity of the Arun Valley sites (Water Neutrality).

**Conflict with Development Plan.**

Rudgwick Neighbourhood Plan (2020-2031) Policy RNP1 states that outside of the defined built-up areas, new residential development will only be supported on allocated sites or where they accord with the residential exception policies in the Horsham District Development Plan.

The Horsham District Local Plan (HDLP) is now 'at examination' with hearings commencing on the 10th of December 2024. The HDLP has two sites that are set to be allocated in Bucks Green, Rudgwick, for at least 66 homes (Strategic Policy HA14), in sustainable locations **adjoining the Built-Up Area Boundary (BUAB**), with housing expected to meet local need (including policy compliant affordable housing) and providing Biodiversity Net Gain (BNG).

This proposal is sited in the Tismans Common area (south of Bucks Green) which was evaluated in the HDC Local Plan Review (Background paper - Secondary Settlement Review – November 2023). In this review Tismans Common failed to be designated as a Secondary Settlement noting:

*Tismans Common lies to the south-west of Bucks Green, Rudgwick. It consists of three separate clusters of houses, one public house and a church. There are also a number of horticultural nurseries. However, the settlement is disjointed in nature, with no clear sense of place and the lack of sustainable transport makes residents reliant on private vehicles. Do not designate as a secondary settlement.*

The proposed site is in clear breach of policy protecting the countryside and so presumably approval is being attempted under the tilted balance - see Applicant's Statement of Case (SoC) para.6.3. Hence the efforts of the applicant to achieve water neutrality as, without it proven, the tilted balance should not be operative - see SoC paras. 3.6 & 3.7.

Regarding self-build developments (see SoC paras 5.8 & 5.9), without any departure from the Development Plan HDC has, in the last few years, granted approval for six such plots in sustainable locations **within or immediately adjacent to parish BUAB** – 3 at the Oakfield site (DC/20/1689, DC/21/2211, DC/23/0235) all currently under construction; Sailtops (DC/24/0462); 2 at Boreham (DC/19/1229). A seventh (Pilgrims Rest – DC/24/1715, also within BUAB) is awaiting determination. Some 6 out of the 7 plots concerned were advertised on the open market as potential self-build opportunities.

**Water Neutrality**

RPC notes that HDC has now accepted the development as Water Neutral. Subsequently, RPC requested a copy of HDC's Appropriate Assessment in this regard in order to ascertain if any supporting evidence had been provided, in particular to justify the existing property occupancy. (Please note RPC has submitted this Assessment document to the Planning Inspectorate, in advance of this submission, as the document is still not appearing on the HDC planning portal).

RPC's understanding is that reasonable certainty of Water Neutrality is necessary to meet the required regulations. In particular, baseline water neutrality calculations require robust evidence information to be supplied, but RPC cannot locate any.

Therefore, RPC respectfully requests that the Inspector does consider the Water Neutrality question as part of the Appeal, despite the fact that HDC has not included those grounds in its refusal of the latest application.

Below follows the points that RPC would like to be considered in a review to address its concerns and consequently determine if the development is truly Water Neutral:

- There are no issues with the water usage calculations for the proposed new property.
- No water bills have been furnished to help establish the baseline water use of the existing property, even if only to show that the property is unmetered.
- Savings from the retro fitting of the existing dwelling necessarily involve the actual occupancy plus savings per person per day. In the previous application and subsequent 2023 appeal all calculations were done with average theoretical occupancy based on number of bedrooms.
- HDC pointed this out in the 2023 appeal stating that average theoretical occupancy numbers should only be used where the property is unoccupied, and no evidence had been supplied to show that the existing dwelling was unoccupied. No actual occupancy was apparently declared at that time.
- The latest application appears to have given up on attempting to use theoretical occupancy and changed to actual occupancy, which is now declared as 5 persons.
- RPC cannot confirm or deny the actual occupancy of the existing property. All it can note is the above change in approach and that the parish electoral roll shows the following:
  2022 – 2 persons registered at Arundene Orchard
  2023 – 2 persons registered
  July 2024 – 3 persons registered
  August 2024 – 4 persons registered
  October 2024 – 5 persons registered
- The Water Neutrality FAQs on the HDC website indicate that normally baseline evidence is considered using 3-year averages. Should this apply to actual occupancy?

Given the actual occupancy is a critical parameter for calculating the baseline water consumption of the existing property there is, arguably, some doubt that there is sufficient objective evidence to conclude with reasonable certainty that this development will be water neutral.

**Conclusion**

RPC requests that the appeal be dismissed. If the Inspector concludes that the development is water neutral, RPC remains of the view that the harm arising from this substantial departure from the Development Plan would still significantly and demonstrably outweigh the benefit of a single new dwelling. Although the new build is technically 3 bedroomed, it would not meet wider local need nor (in a small way) address the imbalance of housing stock in Rudgwick Parish (see Neighbourhood Plan Policy RNP2 and the referred Housing Matters paper).

END