Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1272
Oakfield, Cox Green, Rudgwick, West Sussex, RH12 3DD

DESCRIPTION:

Variation of Condition 1 of previously approved application DC/21/2209 (Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land) Amendments to building envelope and Air Source Heat Pump to side (NorthEast) elevation.

RELEVANT PLANNING HISTORY

There is extensive planning history for this site, relevant applications are:

DC/21/2209	Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land. Application Permitted on 29.04.2022
DC/24/1103	Non-Material Amendment to previously approved application DC/21/2209 amendments to window and chimney positions. Application Refused on 13.08.2024
DISC/24/0148	Approval of details reserved by conditions 3 4 and 5 to approved application DC/21/2209. Application Permitted on 30.08.2024

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25- Strategic Policy: The Natural Environment and Landscape Character
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 41- Parking

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 9: Water Neutrality
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking

Rudgwick Neighbourhood Plan
RNP2: Housing Mix
RNP5: Housing Density

RNP17: Green Infrastructure and Trees

Rudgwick Parish Design Statement

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Arboricultural Officer: No Objection, the amendments to the location of the windows or to the chimney will have an adverse impact on any trees at the site.

HDC Environmental Health Officer: No Objection.

Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
21.11.2024 Objection: -

Whilst noting the location of the Air Source Heat Pump is now shown on the elevation for the approved chimney position, there are no details provided, as yet, of the type of enclosure to be provided for the pump. All other points of objection (as per RPC consultation response submitted 30th September 2025) remain.

30.10.2024 Objection: -

- Location of required Heat Pump not shown in any submitted plans. Moving the chimney could affect the positioning of said Heat Pump. This is a Material Consideration which must be satisfactorily addressed to prevent affect on the neighbours' (at Marloes next door, off site) quiet enjoyment of their home.
- Condition should be applied to equate with other homes on the Oakfield development site, (see Condition 7 of approved application DC/23/0235) re siting and enclosure of heat pump.
- Condition 10 (obscure glass and restricted window opening) of previously approved application DC/21/2209 requires amending to refer to the latest plans.
- No mention in planning statement or plans of how application will provide Part O compliance - home owners preference referred to.
- This is a retrospective application and that fact should be noted in the application.
- The reorientation has the potential effect of reducing the gap between the development and neighbouring Marloes, due to protrusion of the chimney stack. It is not clear what this reduction will be, but given that this gap is also the vehicular access to the separate garage block at the rear, the case officer should ensure that it is adequate and also that will not have a detrimental impact on the tree with RPA shown in this area on the submitted plans

Representations:

1 representation received, objecting for the following reasons: -

- Position of chimney and emissions encroaching on property
- Position of air source heat pump could cause noise pollution

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

This application seeks permission for amendments to the planning permission DC/21/2209 which involved the demolition of an existing outbuilding at Land Adjacent to Oakfield, Cox Green, Rudgwick, and the construction of a new dwelling. This application seeks approval for alterations to the window positions and the relocation of the chimney from the north-eastern (side) elevation to the opposite south-western (side) elevation, with a proposed ASHP to the north-eastern(side) elevation.

- Chimney Relocation: The proposed relocation of the external chimney as detailed in the submitted plans relocate the external chimney from the north-eastern (side) elevation to the opposite south-western (side) elevation; the design and dimensions of the relocated chimney would reflect the existing permission.

- Window Position Changes: The amendments also include adjustments to the siting of ground and first-floor windows.

- ASHP to the north-eastern(side) elevation of the dwelling (facing away from Marloes). The description of the application has been amended to include the ASHP and the application reconsulted.

Character and Appearance

Policies 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The chimney will be moved to the opposite side of the dwelling resulting in a visual change in appearance. This would not increase the amount of built form at the site and the revised chimney location would not create a discordant relationship with surrounding properties, which would continue to benefit from sufficient separation from the host building. Similarly, the additional protrusion is considered modest and would not impinge upon access or surrounding vegetation.

The changes to fenestration would not create any additional openings beyond those of the original permission, with the resulting layout considered appropriate within the character and context of the dwelling.

THE ASHP represents a modest addition which would be set back from the street frontage and would not appear unduly prominent or discordant in views from adjoining properties and land. It is not considered necessary to require any screening to mitigate the visual impact of the unit.

The proposed amendments are therefore considered to be of a design, form and scale which is appropriate to the character and appearance of the dwelling, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Impact on Neighbouring Amenity

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

It is considered that the proposed siting of the chimney, windows and heat pump and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

The noise data provided in respect of the ASHP indicates that while there would be a risk of impact on the adjoining (new) dwelling it is unlikely that any habitable rooms or amenity spaces would experience unacceptable harm. It is not considered that any mitigation or further details are required in respect of the ASHP, the amenity impacts of which are considered acceptable.

Water Neutrality

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would 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 not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain

In accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all householder applications are current exempt from the statutory requirement to demonstrate a 10% net gain in biodiversity.

Conclusion

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 Not used.

3 **Regulatory Condition**: The development shall take place in accordance with the schedule of materials and finishes approved under application ref: DISC/24/0148 on 30.08.2024.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The Biodiversity Enhancement Strategy for Protected and Priority species shall be implemented in accordance with the details approved under application ref: DISC/24/0148 on 30.08.2024. The development shall be retained in that manner thereafter.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include details 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 boundary treatments to include the front gate

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until such time as a vehicular access serving the adjacent development at Oakfield has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development shall be first occupied until the car parking and manoeuvring space has been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To provide car and cycle parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided.

Reason: To provide sustainable travel options in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied until the first-floor windows to the side (north-eastern and south-western) elevations have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

11 **Pre-Occupation Condition**: Prior to the first occupation of the dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be 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).

12 **Regulatory Condition**: All mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the Ecological Appraisal Updated report (The Ecology Co-op, August 2021) and the Bat Survey Report Update (The Ecology Co-op, August 2021)

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement/Plans, prepared by Treeline Services Ltd, Dated 16.08.2020. (Received 07.09.2020).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition**: The means of foul and surface water drainage shall be executed as per the drainage site plans submitted 24.09.2021.

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).

15 **Regulatory Condition**: Other than 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 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).

16 **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 Policy 33 of the Horsham District Planning Framework (2015).

17 **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, B, or E of Part 1 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 and due to the nature of the development and constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTES TO APPLICANT:

Highways
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/

Southern Water
The exact position of the public foul sewer must be determined on site by the applicant in consultation with Southern Water.

- The foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: www.southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to

ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: www.southernwater.co.uk or by email at: developerservices@southernwater.co.uk.

Ecology
The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: equiries@bats.org.uk, http://www.bats.org.uk/.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Environmental Health
If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1 st October 2017. **This development constitutes CIL liable development**.

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1272
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	ASHP Date Sheet	NONE	16.12.2024
Elevation plan	Proposed - Updated	P450.01 042.1	16.12.2024
Floor plan	Proposed floor & roof - Updated	P200.01 042.1	16.12.2024
Site plan	Proposed - Updated	P100 042.1	16.12.2024
Floor plan	Existing roof	042.1	21.08.2024
Supporting Statement	Planning	NONE	09.09.2024
Location plan		NONE	24.09.2021
Elevation & Floor plan	Proposed Garage	1828.13d	24.09.2021

Supporting Statement	Energy and Sustainability Statement	NONE	24.09.2021
Plans	Tree Protection plan	TPP03	24.09.2021
Supporting Statement	Drainage Statement	NONE	24.09.2021
Supporting Statement	Transport	NONE	24.09.2021
Supporting Docs	Bat Survey	P3302	24.09.2021
Supporting Docs	Preliminary Ecological Appraisal	P3302	24.09.2021

DELEGATED

Case Officer sign/initial Steve Astles Date: 23.12.2024

Authorising Officer sign/initial Guy Everest Date: 15.01.2025