PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	18th November 2025
DEVELOPMENT:	Proposed redevelopment and change of use of the former public house and outbuildings The Mucky Duck (sui generis Use Class), and the adjacent residential property The Old House (Class C3), to a boutique hotel (Class C1), restaurant and bar (Class E (b).
SITE:	The Mucky Duck, Tismans Common, Rudgwick, West Sussex, RH12 3BW
WARD:	Rudgwick
APPLICATION:	DC/24/1855
APPLICANT:	**Name:** AJW Hospitality Ltd **Address:** Please Refer To Agent, Coles Yard Barn, North Lane, Clanfield, Hampshire, PO8 0RN

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillor Noel.

RECOMMENDATION: To delegate approval to the Head of Development and Building Control subject to appropriate conditions and the consideration of any comments from Natural England in response to the Appropriate Assessment.

1. THE PURPOSE OF THIS REPORT

1.1. To consider the planning application

DESCRIPTION OF THE APPLICATION

1.2. The application site comprises the Mucky Duck, a public house and its ancillary rear outbuildings (known as The Ducklings and Building 3), and the adjacent detached dwellinghouse to the north (known as The Old House). The Mucky Duck and its outbuildings are currently vacant, having been formerly operating as a public house and B&B (Use Class Sui Generis). The Old House is a separate residential dwelling (Use Class C3) and a Grade II listed building.

1.3. Full planning permission is sought for the conversion and extension of The Mucky Duck and its two outbuildings to form a boutique hotel (Use Class C1) and restaurant and bar (Use

Class E(b)) and the conversion of The Old House to additional hotel accommodation (Use Class C1).

The proposal would increase the number of guest rooms on the site from 11 to 18, with the addition of a restaurant (expected to have 60 covers), the provision of a 12 seater bar and lounge bar, and a 'multipurpose' function room for events, linked to the main Mucky Duck building, that would be available for use by the public. In conjunction with the proposed change of use, works applied for include:

Mucky Duck
- Demolition of existing extensions and erection of new extensions, including a two storey and infill extension
- Demolition of single storey outbuilding (Building 3) and removal of existing garage/store
- Replacement of central parking area between buildings with landscaping and courtyard garden, including creation of an outdoor kitchen and alfresco dining area. Pergolas to cover the car parking spaces

The Old House (listed)
- Conversion and rear single storey extension
- Demolition of detached garage to north
- Creation of a walled parking area within rear garden for 36 covered car parking spaces
- Boundary Realignment between The Mucky Duck and The Old House, removal of hedgerow and replacement 2-metre boundary wall
- Replacement fenestrations; replacement of existing rooftiles to match existing; repainting existing brickwork to match existing.

Ducklings
- Refurbishment of existing building and erection of external canopy

Access

1.4. The proposal seeks to reroute the site access, stopping up the existing vehicular access from Hornshill Lane and using the existing access to The Old House as the new main vehicular access to the new rear courtyard car park.

1.5. A linked Listed Building Consent application for the works to the Old House has been submitted (ref: DC/25/1856).

DESCRIPTION OF THE SITE

1.6. The application site relates to 0.45 hectares of land comprising the Mucky Duck and The Old House located at the junction of Hornshill Lane with Loxwood Road at Tisman's Common, southwest of Rudgwick. The site is located outside of Built-up Area Boundary and is therefore located within the countryside in policy terms.

1.7. It is understood from the submitted documents that prior to ceasing trading in September 2023, the Mucky Duck was in Sui Generis use as a public house and B&B, two accommodation blocks (building 3 and Ducklings) and The Old House a dwellinghouse (Class C3).

1.8. To the north of the site lie the residential properties of Westland, Home Barn, Willow Cottage and Meadowview, with Westland being the closest property. The dwellinghouse of Westland is approximately 13.3 metres from the application site boundary and approximately 23.7 metres to The Old House.

1.9. As existing the site is currently accessed from Hornshill Lane, with a former site access from Loxwood Road now blocked off. A previous permission (see RW/67/01) at the site secured the provision of 24 parking and six cycle parking spaces.

2. INTRODUCTION

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:

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
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 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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Rudgwick Neighbourhood Plan (2021):
RNP6 Materials
RNP7 Architectural Style
RNP8 Development Height
RNP9 Streetscene
RNP10 Local Economy
RNP17 Green Infrastructure and Trees

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality

Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)
WSCC Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology

Rudgwick Parish Design Statement

Other Planning Guidance and Advice Notes:
Horsham District Hotel & Visitor Accommodation Study by hotel solutions (July 2016)
Shaping Development in Horsham
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/24/1856	Proposed redevelopment and change of use of the former public house and outbuildings The Mucky Duck (sui generis Use Class), and the adjacent residential property The Old House (Class C3), to a boutique hotel (Class C1), restaurant and bar (Class E (b)) Listed Building Consent)	Recommendation to committee for approval.

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 Arboriculture:** Advice
[Summary]
Final Comment: All concerns addressed.
Previous Comments: From submitted information, several trees to be removed that form a vegetated boundary between pub and old house. Although visible from outside the site, none have special merit, and subject to robust replanting, losses could be compensated for. Tree Constraint Plan (TCP) is a fair assessment of tree stock within site boundaries and within influencing distance of proposal. However, further information requested.

3.4 **HDC Conservation:** No Objection
[Summary]

Final Comment: Satisfied additional information relating to car ports can be requested through condition.

Previous Comment:
Supportive of principle of creating unique selling points for rural pubs so they remain financially viable. Alternative is they are closed and converted to dwellings which is a pattern that has become common. Supportive of ideas to ensure rural pubs remain a valued local resource and facility.

Proposal is courageous but this level of architectural embellishment and creativity is required to ensure pub becomes a destination and somewhere people will be motivated to travel. Potential customers in immediate vicinity is not enough to ensure continued viability of the business. Although design of the extensions do not reflect traditional buildings found in this rural location and contrasting architectural style will be perceived as incongruous, satisfied impact of alteration and extension of pub within setting of the listed building will not be harmful. Although pub a non-designated heritage asset, not so significant the proposed alterations and extensions will result in harm to its local interest.

Accompanying heritage statement describes history of Old House. This had been a public house until the late nineteenth century when present pub was built. Current proposal seeks to draw on this historic relationship and open up the boundaries between the historic pub and the listed building. Satisfied this is acceptable in principle and will allow a greater visual appreciation of the listed building. Proposed extension to replace conservatory not of a design that is particularly supportive, but rationale understood and willing to accept principle. Proposed internal works to listed building will reverse some harmful alterations undertaken in recent past. Heritage statement describes impact of these in relation to the historic phases of the dwelling and concludes that together with the new extension will result in less than substantial harm at the lower end of the scale. On balance, willing to accept the harm is acceptable in order to support business and maintain vibrancy and tradition that this rural public house will provide. Change of use of dwelling to hotel accommodation is reversible and is agreeable in principle.

Part of scheme most cautious about is use of part of garden of Old House for formal car parking area. However, satisfied proposed layout is acceptable. Confident benefits of better revealing listed building and enhancing its setting can be achieved and providing a level of car parking space to support the business.

3.3. **HDC Drainage:** No Objection
[Summary] Following additional information, satisfied subject to condition.

3.4. **HDC Economic Development:** No Objection
[Summary] Aligns with Priority Two of HDC's Economic Strategy to support local businesses, facilitating long-term economic growth. Redevelopment would create some employment opportunities in local area. The Visitor Economy Strategy highlighted need for a wider range of accommodation facilities. The Old House would provide additional facilities for visitors to stay in. This would help improve offer to the catchment population and contribute to attracting tourism, stepping towards increased visitor spend in local area.

3.5. **HDC Environmental Health:** Advice
[Summary]
Final Comments: Important permanent, durable and imperforate boundary treatment is provided to mitigate disturbance from vehicles accessing and leaving car park.
Previous Comments**:** Advice
Main concern is car park access immediately adjacent to boundary with neighbouring residential property, Westland. Given nature of use and rural character of area potential for late night disturbance to be caused to occupiers of Westland by vehicles entering and leaving the car park. As with all licensed premises need to consider impacts from events and

functions as well as extended hours of operation typical of the proposed use. Conditions recommended with respect to hours of operation, venue management plan, kitchen extract ventilation, use of external areas and exterior lighting.

3.6. **HDC Landscape Architect:** No Objection
[Summary] Supportive subject to recommendations and / or conditions.
Previous comments**:** sought additional information.

3.7. **HDC Recycling and Waste:** No Comment

OUTSIDE AGENCIES

3.8. **Ecology Consultant:** Recommend grant permission subject to conditions
Previous Comment: sought additional information.

3.9. **Environment Agency:** No comment

3.10. **Natural England (bats):** No comment

3.11. **Natural England (water neutrality):** No Objection

3.12. **Southern Water:** Advice
[Summary] Council asked to comment on adequacy of soakaways to dispose of surface water. Environment Agency be consulted by applicant regarding septic tank drainage and use of private wastewater treatment works.

3.13. **WSCC Highways:** Advice
[Summary] Change to parking spaces would still provide sufficient parking for the proposal's requirements. Previous comments still stand.
Previous Comment: No objection.

3.14. **WSCC Fire Officer:**
Requirements of fire service access and supply of water for firefighting met.

PUBLIC CONSULTATIONS

Representations:

3.15. 42 letters of Objection received on the grounds set out below. 23 of these letters are from within the district from 18 addresses, with the other 17 letters from outside the district. Of those letters from outside the district, 9 are from addresses locally within the RH14 postcode.

- Not in accordance with Rudgwick Neighbourhood Plan. Overdevelopment. Loss of a residential home. Detrimental impact on other hotel and wedding venues in area as they compete for same customers. Site will be used for AJW group rather than community, for their own guests and employees only. No positive value to community.
- Not in keeping with rural character of area, incongruous, unsympathetic. Detriment to dark sky area through light pollution.
- Detrimental to listed building. The Old House garage incorrectly described and provides a sound barrier and listed.
- Reduction in ecology and habitats. Does not meet 10% BNG gain. BNG information shows a hedge not wall. Calculations incorrect. Impact of wall on the root protection zones of trees. Bat survey out of date.
- Proposed access dangerous. No need for new access. Not enough parking. Geotechnical Report shows more parking. Not safe for deliveries. Transport Statement is not correct and underestimates expected vehicle movements. Visibility beyond applicant's control. Emergency vehicle and bin lorry access blocked. The Group Travel

Note not included. Verge parking and its dangers not considered. Site not accessible by way of walking or cycling.
- Concerns about drainage and flooding as no public sewage system at site. No information on deed of easement for drainage, should be made. Not water neutral. Primary school use not detailed.
- Impacts neighbour's general amenity, privacy, light and noise (late night functions). Noise Impact Assessment does not consider impact on neighbouring properties or external noise. Boundary wall should extend to ensure noise reduction.

3.16. 28 letters of support received on the following grounds, of which 15 letters are from within the district from 14 addresses. Of the 13 letters from outside the district, 8 are from local addresses with the RH14 postcode.

- Good design. In keeping with area and compromise is needed. Would prevent buildings from becoming derelict and eyesore. Outdoor space of good design and well landscaped
- Creation of new jobs and positive economic impact. Pub must evolve to keep in business. Area needs more accommodation.
- Beneficial to have local pub. Shortage of places to drink in the area. Would bring back a sense of community. People can walk to the pub

3.17. 2 letters neither Supporting nor Objecting received from 2 addresses, on the following:

- Prefer to see access moved to Loxwood Road.
- Design not in keeping. Loss of general amenity.
- Access would be prioritised for AJW's clients and guests and meetings.
- High-quality restaurant and bar welcomed and little similar outside of Horsham and Guildford towns.

3.18. **Rudgwick Parish Council**: Comment

Rudgwick Parish Council (RPC) supports retention of the hospitality aspects of this proposal and is in favour of a sympathetic development of the site and the resulting welcome benefits to the local economy from provision of accommodation, dining and other facilities for visitors. However, RPC has objections to the currently submitted proposal, raising queries and issues as follows:

- Architectural Design, Materials and effect on Rural Street scene and Character (RNP Policies 6,7 &9, HDPF Policies 25.1, 26, 32,33,34)
- Parking and traffic.
- Lighting.
- Noise.
- Waste Treatment and Drainage.
- Fire escape provision in the Mucky Duck Building.

3.19. Member Comments:
None

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

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 ASSESSMENT

Principle

6.1. The proposal incorporates several planning uses (C1, E(b)) outside of any settlement boundary and set within countryside. HDPF Policy 26 deals with countryside protection and enhancement and sets out a strict criterion for limiting development that is acceptable in the rural environment. HDPF Policy 43 supports new community facilities and resists the loss of existing premises. Policy RNP1 of the Rudgwick Neighbourhood Plan supports proposals for sustainable development.

6.2. HDPF Policy 10 states that sustainable rural economic development will be encouraged to generate local employment opportunities. Policy 10 requires such development to maintain the quality and character of the area, whilst sustaining its varied and productive social and economic activity. Development should be appropriate to the countryside location and must meet a set of criteria set out in the policy. This requires, amongst other things, that development be contained wherever possible within existing buildings.

6.3. HDPF Policy 11 states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the district. Allied to Policy 11, The Horsham District Visitor Accommodation Study (July 2016) outlines the district is well-placed to capitalise on the projected growth in domestic short break and overseas tourist markets and the increasing demand for family and friend get togethers, celebrations, and weekends away. The study concludes there is insufficient provision of all forms of visitor accommodation in the district, with potential in rural parts of the district to upgrade existing facilities through provision of high-quality holiday accommodation.

6.4. The above policies are consistent with the NPPF at paragraphs 88 and 89, which recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations not well served by public transport.

6.5. At present, the Mucky Duck and its associated buildings comprise an established public house serving the local community and offering overnight B&B accommodation (The Ducklings and Building 3). The proposal seeks to increase this offer through the provision of additional guest rooms, as well as complement it through the addition of a restaurant. A bar area would be retained for community use, with the option of drinking without having food at the restaurant. Given this provision, the proposal would not result in the loss of a community amenity, compliant with HDPF Policy 43.

6.6. Whilst it is recognised that The Old House conversion into a self-contained holiday-let (to operate alongside other guest accommodation proposed) would involve a loss of C3 planning use, and also that the proposal has the potential to increase the level of activity within a

countryside location, the enhancement of the facilities will also likely bring economic and social benefits to the wider rural economy and locality.

6.7. The Council's Economic Development Team agree, confirming the proposal would support a local business start-up and would provide employment opportunities within the local area. The proposal would therefore offer public benefit in this regard.

6.8. Representations have raised the concern of commercial competition between businesses. HDPF Policies do not seek to restrict rural economic development due to the perception of competition, which is consistent with the NPPF. The 2016 Accommodation Study indicates demand for visitor accommodation is not being met in the district. Hotels (with restaurants) are defined as a main town centre use in the NPPF and HDPF Policy 11 applies a sequential test for such tourism development (criteria 2/3) but also, consistent with national policy (NPPF paras 88, 89), supports opportunities associated with rural development initiatives, particularly where there is benefit to the local economy, or enabled retention of buildings contributing to countryside character (criteria 4). Compliant with criteria 4 Policy 11, on its unique merits The Mucky Duck proposals would do both.

6.9. Overall, your Officers are satisfied the submitted evidence is sufficient to demonstrate the proposal is a rural development initiative that would contribute to the long-term sustainability of the heritage buildings on site, which will return to have an active economic and community role, whilst making effective and efficient use of land. As such, the proposal is judged to be sustainable (economic) development in a rural area that is compliant with the strict criterion tests of HDPF Policies 10 and 26.

6.10. HDPF Policy 34 states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials. S.66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to preserving a listed building or its setting. This statutory duty is reflected in the requirements of Chapter 16 of the NPPF which, amongst other provisions, requires that great weight be given to the conservation of a designated heritage asset (para 212) and that any 'less than substantial' harm should be weighed against the public benefits of the proposal (para 215). In respect of development that directly or indirectly affects non-designated heritage assets, NPPF para 216 requires a balanced judgement be undertaken having regard to the scale of any harm or loss and the significance of the heritage asset.

6.11. The Council's Conservation Officer has confirmed the Mucky Duck to be a 'non-designated heritage asset'. The Old House is a Grade II listed building. The Conservation Officer has identified 'less than substantial' harm at the lower end of the scale, including to the listed The Old House and its setting. Detailed specifics to the nature of the works to The Old House and its setting is addressed in the linked listed building consent application DC/24/1856.

6.12. In accordance with paragraphs 215 and 216 of the NPPF your planning officers are required to balance this harm against the public benefits of the proposal. The proposed development to The Old House and within its setting would support the rural development initiative of the wider site including the Mucky Duck and its ancillary outbuildings, supporting the business and the local economy as well as providing additional visitor accommodation and a hireable community space. On balance, officers consider these public benefits outweigh the identified less than substantial harm to this heritage asset that would result.

Design, Character and Appearance

6.13. HDPF Policies 25, 32, and 33 promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should consider development seeking to provide an attractive, functional and accessible environment that complements locally distinctive character. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to surroundings. These local policies reflect national policy at paragraph 139 of the NPPF.

6.14. The RNP provides design guidance for development within Rudgwick Parish. Development should satisfy Policies RNP6; RNP7; RNP8; RNP9. These policies require development of high quality, using materials and architecture seen within the area. Development height should be in scale to its locale and reflective of the wider street scene to retain the rural character of the parish.

6.15. The most notable design elements to the proposals are the two storey extensions to the Mucky Duck, single storey rear extension to The Old House, and addition of canopy space to the Ducklings building. The proposal also includes the demolition of Building 3. Pergolas are proposed to cover the parking spaces. The applicant's Design and Access Statement demonstrates the rationale for incorporation of contemporary design and materials of the proposal whilst retaining existing features of the buildings within the site.

6.16. The contemporary elements are purposely the most striking aspects of the proposed design, including the 'blocky' form and pre-patinated copper cladding of the extensions to The Mucky Duck and The Old House. These are in deliberate contrast to the traditional vernacular characteristic of the site and locality, providing variation in form and texture between the new interventions and the historic fabric, and your Officers judge their scale and massing appropriately proportionate and contextually considered. These elements are uncompromisingly modern and bold to draw attention.

6.17. The 'Ducklings' would retain a traditional appearance; refurbished existing black timber board and traditional clay roof tiles. Other than the rear extension, The Old House building would remain very similar in its existing appearance. Beyond the infill extension the Mucky Duck two storey extension would be a modernised design but in keeping with the existing building. The proposed carpark will be formalised, its appearance softened by the landscaping and detailed by lightweight pergolas, of which details are to be secured by condition.

6.18. The loss of the building 3 and the garage/storage space adjacent to the Mucky Duck Building, given their limited architectural merit, is not considered to be detrimental to the character and appearance of the site. The losses would allow the opening of the site and greater appreciation of The Old House as public benefit. Energy efficiency measures (green roofs and solar panels) are sympathetically integrated into the development design and new landscaping (planting terraces, cottage/herb gardens and improved hedges) would enhance the streetscene of Loxwood Road and Hornshill Lane.

6.19. Officers recognise the contemporary elements adopt a different design approach to that endorsed in the RNP, but the design rationale behind this approach is detailed, and considered to be appropriate in this case. As the Council's Conservation Officer notes, this level of architectural embellishment and creativity is required to ensure the development becomes a destination and somewhere people will be motivated to travel. Potential customers in the immediate vicinity are not enough to ensure continued viability of the business. It is noted the supporting text to RNP7 at paragraph 6.7 *… there are many ways in which historical styles may be reflected in modern form, including variety of roofline and height. Equally, there may occasionally be opportunities for architecture which succeeds in blending the old with contemporary style*. Your Officers consider the Mucky Duck development proposals to be one such occasion.

Trees

6.20. The Council's Tree Officer confirms the submitted information has addressed their concerns and that the scheme would ensure adequate replacement planting through landscaping at the site. Of the 27 trees to be removed, a number are either of poor quality, dead, have signs of dieback, or are ornamental or hedge based and not considered by the Council's Tree Officer to have special merit. A submitted planting plan confirms 95 trees are proposed alongside hedging, and a detailed schedule can be agreed by condition to ensure, as a minimum, no net loss of existing trees or hedges and replacement trees to conform to British Standard BS 3936-1/Standard 10- 12cm girth (as required by Policy RNP17).

6.21. On balance your officers judge the proposal demonstrates sufficient sympathetic details to accommodate the more innovative elements, resulting a design which would be well landscaped into the surrounding area and would not result in significant detrimental impact on the character and appearance of the area, in compliance with relevant development plan policies in these regards.

Residential Amenity

6.22. HDPF Policies 32 and 33 require development is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land. Representations received raise concerns about impact on residential amenity, including on privacy, light and noise.

6.23. In terms of resultant intervisibility, the proposals are located sufficiently distant from the nearest neighbouring dwellings to prevent any unacceptable overlooking and loss of privacy. The scaling and position of the extensions to The Old House, in relation to the neighbouring closest property ('Westland') avoids adverse overbearing and overshadowing. The hotel use will not result in unacceptable additional overlooking above and beyond the existing situation, particularly given its modest size and distance from the site boundary. The proposed boundary wall treatment and improvement of the existing hedge between the Old House and Westland will also help mitigate any overlooking from within the external spaces of the site.

6.24. There would be an increase in activity in the countryside because of the proposed development, albeit this activity would be largely concentrated within the existing site. Your Officers agree with the third-party comments received that it is important existing residential amenities, and rural ambience is safeguarded.

6.25. The proposal is supported by a Noise Impact Assessment and having reviewed this and the proposal, it is noteworthy that the Council's Environmental Health Officer (EHO) has not objected to the application nor are concerns raised on the accuracy of the submitted noise assessment. The EHO has though recommended conditions to limit the impacts on the development necessary to safeguard residential amenity.

6.26. As set out below, limitations are recommended on aspects of the operational phase of the development, including in relation to the opening times of the uses and in restrictions of the use class of the development. Additionally, given the noise sensitivities of the surrounding rural environment, it is necessary to impose controls during the construction phase. Due to the proximity of neighbouring residential properties, hours of construction activities (including deliveries and despatch) should be limited.

Buildings and associated outside space

6.27. The Mucky Duck as it exists is an established Public House and B&B, with its commercial operations unfettered by planning restrictions. This is the existing baseline for noise at the site were the Public House to be brought back into active use.

6.28. For operational phase, the EHO recommends restriction of the external use of the site after 22:00; a customer management plan for the site and for the carpark; details of kitchen fumes

extraction and filtration to ensure odour control; securing the provision of an acoustic assessment for the site and a post installation noise assessment; and submission of lighting scheme. Your planning Officers support these recommendations, with a further reduction in the number of hours for deliveries, taking account of the rural ambience of the locality.

6.29. Whilst the EHO has allowed for the playing of external music, the recommendations within section 6 of the applicant's Noise Impact Assessment prevents amplified music in outdoor spaces. Your planning Officers have recommended a condition in line with the evidence of the submitted Assessment, preventing any external amplified music.

6.30. Whilst Planning Officers note the recommended opening hours by the EHO, the applicant has requested an earlier start from these, from 06:30, to allow for the provision of breakfast for hotel guests. As at that time, most guest activity would be contained within the buildings, planning Officers have accepted this request.

6.31. Planning Officers also note the EHO has requested a condition restricting any events within the curtilage of The Old House. As with the rest of the site, all external amplified music is to be prohibited along with the hours of use for the external spaces restricted, it is not considered necessary to explicitly restrict external events.

Parking area and access

6.32. The proposed access drive would run along the north site boundary leading to a new car park, adjacent to the residential property known as 'Westland'. Further properties are located north of Westland, with the nearest property to the south ('Snowdrift') some 27 metres to the application site boundary and some 71 metres to the Mucky Duck building itself.

6.33. The proposal is supported by a Noise Impact Assessment which includes information on a proposed barrier wall 2metres in height along the north side of the proposed site access drive, and a bonded gravel road surface to reduce tyre noise. The EHO has confirmed such a permanent, durable and imperforate boundary treatment should be provided to mitigate disturbance from vehicles accessing and leaving the car park. Details of the proposed boundary wall are to be secured by condition. Representations have raised concerns about the length of this wall and its inadequacy in providing noise mitigation. The extent of the wall directly correlates with areas in which the access is set within proximity to the dwellinghouse of Westlands. Officers consider the length as proposed to be effective mitigation, and therefore acceptable.

6.34. Subject to the above conditions that secure a suite of measures and mitigations, Officers consider the proposal would not result in unacceptable harm to neighbouring amenity, thereby ensuring compliance with HDPF Policies 24 and 33.

Highways and Parking

6.35. In seeking to support the rural economy, national planning policy recognises that areas may have to be found beyond existing settlements in locations not well served by public transport (NPPF Paragraph 89). Allied to this, HDPF Policies 40 and 41 require development be of a scale appropriate to existing transport infrastructure, including opportunities for sustainable transport, and provides safe and convenient highway access and adequate parking within developments to meet the needs of anticipated users, acknowledging such provision should ensure a balance between good urban design, highway safety and residential amenity.

6.36. The applicant has provided a Travel Plan Statement and a Transport Statement in support of the application. Amendments have been made to the Transport Statement to confirm that 36 car parking spaces are to be provided. Following the provision of traffic data, analysing parking demand and trip generation, West Sussex County Council in its capacity as the Local Highway Authority (LHA) confirm they do not object to the proposal. It is judged there is

sufficient parking provision proposed (compliance with the WSCC parking standards including exceeding the electric vehicle quota), and no objection is raised regarding operation of the new access, which is assessed as safe. Given the use of the existing site the highways officer confirms the proposal is not considered to result in any material change in the character of the traffic in the vicinity of the site.

6.37. Whilst the LHA requested an active travel plan and a S106 obligation to secure its monitoring, your Officers do not judge this necessary or proportionate as the LHA confirm a material change in the character of the traffic to/from the site is not expected given the existing lawful use of the site. Furthermore, the scale and nature of the proposal and rural location of the site, reduces the scope of potential measures beyond those already set out and secured in the applicant's submitted Transport Statement (such as a shuttle service).

6.38. Representations raise concerns about the access, highway safety and inadequacy of parking. However, no compelling evidence has been submitted to convince your planning Officers not to adhere to the professional expert advice of the LHA. Consistent with the LHA, your Officers judge the proposals would not result in unacceptable impacts upon highway safety and/or a cumulative severe impact upon the operation of the highway network in a manner contrary to the requirements of HDPF Policies 40, and 41, and paragraph 116 of the NPPF.

Ecology

6.39. Policies HDPF 31 and RNP17 support development where it is demonstrated that green infrastructure is maintained or enhanced. Development proposals are required to contribute to the enhancement of existing biodiversity and create and manage new habitats where appropriate.

6.40. The Council's Consultant Ecologist has reviewed the Ecological Impact Assessment (Ecology Works, March 2025), Draft Habitat and Management Monitoring Plan (The Ecology Co-op, November 2024), Bat Emergence Surveys (Ecology Works Limited, November 2024) and Bat Scoping Report and Preliminary Ecological Appraisal (The Ecology Co-op, March 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and appropriate mitigation measures. The Consultant Ecologist is satisfied there is sufficient ecological information available for determination.

Bats

6.41. On review the submitted evidence, the Council's Ecology consultant raises no objection and supports the bat mitigation strategy of the Ecological Impact Assessment. The Council's Ecology Consultant confirms due to compensatory planting (tree and hedge) there will be no severance to the flight lines of foraging or commuting bats and bat habitat connectivity within the site will be maintained. As the site lies within the wider Conservation Area for The Mens Special Area of Conservation (SAC) and as Barbastelle bat may use the onsite habitat, the Council's ecologist recommends conditions securing the submission of a bat licence, construction environmental management plan, a biodiversity enhancement strategy, and wildlife sensitive lighting. With the mitigation embedded in these measures secured by condition, the Council's Ecologist is satisfied there will be no Adverse Effect on integrity of The Mens SAC and a project level HRA Appropriate Assessment has been undertaken to record this. Natural England raised no objections when consulted, referring the Council to its standing advice (to which the measures and mitigations recommended by the Council in its Appropriate Assessment adhere).

Newts

6.42. Most of the site is in use as residential or uses in conjunction with the public house/B&B use of Ducklings/The Mucky Duck. In recognition that the rear of the site is set within an amber zone (suitable habitat) for Great Crested Newts, a pre-cautionary informative is recommended.

Biodiversity enhancement

6.43. Mitigation and enhancement measures proposed in the Ecological Impact Assessment include swift brick, nest boxes to improve the nesting and roosting habitat, and a biodiversity enhancement strategy is recommended to be secured by condition.

Summary

6.44. Representations have raised objection to biodiversity loss. However, the Council's Ecologist has reviewed the submitted evidence and is satisfied there is sufficient measures and mitigation to ensure the ecological interests of the site is suitably addressed and enhanced within the submission, in accordance with Policy 31 of the HDPF and Policy RNP17 of the RNP, and the Council has discharged its duties to conserve and enhance Protected and Priority species under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Water Neutrality:

6.45. A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

6.46. On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

6.47. To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline.

6.48. Referencing the applicant's submitted Water Neutrality Statement, Officers have carried out their own calculations of the existing and proposed water consumption rates. These calculations assume 100% occupancy of both the existing and proposed buildings and allow for staff members and a suitably precautionary calculation for washing machine use. Officer calculations result in the existing baseline water consumption being 5,637 l/day and the proposed water consumption being 7,247 l/day, resulting in net increase of **1,609 l/day**.

6.49. Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day. Natural England have been consulted on this Appropriate Assessment and at the time of writing have not responded. The committee will be updated in due course, however given Natural England's withdrawal statement of 31st October 2025, any objection is considered highly unlikely.

6.50. Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with s.70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Flood Risk and Drainage

6.51. HDPF Policy 38 states proposals must incorporate sustainable drainage systems (SuDS) where technically feasible or incorporate water management measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere.

6.52. The submitted Drainage Statement confirms the site is in Flood zone 1 with a small ribbon of low surface water flood risk passing between The Old House and Building 3. Surface water is to be managed via improved site permeability and controlling piped flows to the existing watercourse east of the site. The overall strategy would in effect reduce the overall peak runoff from the site. Following additional information, the Drainage Officer has confirmed the strategy is suitable and raises no objection, subject to a pre-commencement condition securing the location and depths of all the existing drainage infrastructure.

6.53. In respect of foul water, the drainage strategy identifies the site has no connection to a mains sewer, instead using onsite treatment, and that the existing septic tank serving the Mucky Duck buildings and The Old House will be upgraded.

6.54. Representations have raised concerns about drainage and sewage. Neither the Environment Agency nor the Council's Drainage Officer have objected to the proposed drainage strategy, subject to condition. As such planning officers are satisfied with the proposed drainage would comply with relevant local and national plan policy.

Other Matters

6.55. Whilst the Parish Council raise concerns on the proposal's fire escape provision, the County Fire Officer has confirmed the site provisions are adequate.

Biodiversity Net Gain (BNG)

6.56. 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 may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.57. 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.

6.58. The Applicant has submitted a biodiversity metric which demonstrates a 129.34% net gain is achievable by non-significant onsite enhancements and securing offsite biodiversity gains on other land within the applicant's ownership. As offsite intervention is required to achieve 10%, then a legal agreement must be completed (this can be done at BNG condition discharge stage).

6.59. The Biodiversity Gain Plan would be secured by the legal agreement and statutory BNG condition discharge, and this requires submission of an updated statutory biodiversity metric, informed by worked up detailing of post-development habitat and management.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. Whilst this development constitutes CIL liable development, the Council's adopted Charging Schedule (April 2017) applies a 'standard CIL charge rate' of £0 per sq.m for the development type applied for.

Use Description	Proposed	Existing	Net Gain
District Area One	566.2	1,009.7	-443.5
		Total Gain	**-443.5**
		Total Demolition	**-157.1**

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

Conclusions and Planning Balance

Heritage balance

6.60. Because less than substantial harm has been identified to the significance of a designated heritage asset an unweighted balancing exercise of remaining harm against the public benefits provided by the scheme is required first, in accordance with the paragraph 215 of the NPPF, whilst ensuring that great weight has been given to the conservation of the grade II listed building of The Old House (para 212 of the NPPF). Public benefits may include anything that delivers economic, social or environmental objectives. Weight to the less than substantial harm at the lower end of the scale is identified to the significance of the designated heritage asset. However, the public benefits arising from the support to the business and maintenance of vibrancy and tradition to the adjacent non-designated heritage asset that the proposal would provide, along with the other lesser recreational and social benefits, are sufficient to outweigh that harm.

Overall Conclusions and Planning Balance

6.61. The development proposal is considered appropriate diversification of the existing use of the site that utilises land efficiently whilst supporting the rural economy, in accordance with the requirements of countryside development plan policies. The design approach taken to the scheme, which has sought to secure better appreciation of the heritage assets on site as well as sympathetic integration of contemporary additions, is considered an appropriate response to the setting of the heritage asset and wider context.

6.62. Through negotiation with your Officers, various on-site environmental issues have now been resolved so that the development would not adversely impact upon the amenities of neighbouring users/occupiers of land and property, protected and priority species and habitats, and related biodiversity, as well as drainage, subject to conditions.

6.63. The concerns expressed by some third parties in relation to highway safety and increased traffic is acknowledged. However, the local highway authority has assessed these aspects of the development proposal and have concluded that the scheme is satisfactory, including the proposed parking provision. The new access is equally judged satisfactory by the professional highway experts, to be safe.

6.64. For the reasons set out in the preceding paragraphs of this report, it is judged the proposal is in accordance with the current development plan.

6.65. Decision-making on this application is subject to the titled balance and presumption in favour of sustainable development as set out in national planning policy; and the evidence of the Horsham District Hotel & Visitor Accommodation Study 2016 is a shortfall in visitor accommodation in the district. Whilst of some date, the Accommodation Study formed part of the evidence base to the emerging local plan so is a material consideration to be afforded weight. The development plan policies most important for determining this application are judged consistent with the NPPF (HDPF Policy 34 generally consistent), and no strong reason has been evidenced for refusing the development proposal.

6.66. Overall, taking all material considerations into account, any adverse impacts of approving the development proposals would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having regard to key policies for directing development to making effective use of land and securing well-designed places. It is, therefore, recommended that planning permission be granted (as instructed under NPPF paragraph 11d ii), subject to the conditions recommended below.

7. RECOMMENDATIONS

7.1 To delegate approval to the Head of Development and Building Control subject to appropriate conditions and the consideration of any comments from Natural England in response to the Appropriate Assessment.

Conditions:

1 **Approved Plan list**

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**: No development shall commence until details of the precise location and depth of all existing drainage infrastructure, both onsite and offsite to point of connection with surface water highway drains is confirmed by survey or otherwise, and where necessary, updated maintenance easements has been submitted to and approved in writing by the Local Planning Authority. The drainage infrastructure so approved shall be implemented in full accordance with the approved details.

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).

4 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
(a) the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
(b) the provision of wheel washing facilities (if necessary) and dust suppression facilities.

The approved details shall be adhered to throughout the construction period.

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

5 **Pre-Commencement Condition**: No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction) (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.
i) Containment, control and removal of any Invasive non-native species present on site The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority
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) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

6 **Pre-commencement Condition**: Prior to the commencement of any works which will impact the breeding/resting places of bats the local Planning Authority shall be 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) authorising the specified activity/development to go ahead; or
b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
c) 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 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 s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Planning Framework (2015) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

7 **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 or threatened 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:

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

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

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

8 **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 schedule of materials and finishes and colours, and a methodology of implementation, to be used for external walls, windows and roofs of the approved buildings has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of the safeguarding the setting of the listed building and visual amenity and character by endeavouring to achieve buildings of visual quality in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

9 **Pre-Occupation Condition**: Prior to the commencement of the uses hereby permitted details and full specifications of kitchen fume extraction and filtration equipment, with supporting elevational plans and ongoing maintenance plan, shall have been submitted to and approved in writing by the local planning authority. The scheme of filtration shall take account of the odour risk and where necessary shall include supporting external and internal elevational drawings and plans of the proposed ventilation layout. The use hereby permitted shall not commence until the approved details are fully implemented. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: As this matter is fundamental in the interests of neighbouring residential and the sites occupants' amenities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 (or subsequent superseding equivalent) and other relevant measures and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is not greater than 5 dBA less than background. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

11 **Pre-Occupation Condition** Prior to the commencement of the uses herby permitted or the operation of any building services plant, a post-installation noise assessment shall be carried out by a suitably qualified acoustic consultant, including suitable measurements and calculation, to confirm compliance with the approved noise criteria which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and attenuation measures, and they shall be

permanently retained and maintained in working order for the duration of the use and their operation.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants and neighbours of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Pre-Occupation Condition**:

i) Prior to the first use of any part of the development hereby permitted 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.

The submitted lighting design scheme, including a schedule of luminaires to be used, must be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obtrusive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E1 in the ILP document Guidance Notes for the Reduction of Obtrusive Light GN01-21.

ii) Prior to the commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E1 in the ILP document Guidance Notes for the Reduction of Obtrusive Light GN01-21 the validation report shall be submitted to and approved by the local planning authority and the approved details and attenuation measures shall be permanently retained and maintained in working order for the duration of the use and their operation.

iii) All external lighting shall be installed in accordance with the specifications and locations set out in the above approved 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) and Policy 31 of the Horsham Development Framework and to safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

13 **Pre- Occupation Condition:** Prior to the first use of any part of the development herby permitted an operational site management plan shall have been submitted and approved in writing by the local planning authority.

This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from live and amplified music, including screening of events with amplified sound, and minimising the effects of patrons using the external area and car park hereby permitted and causing nuisance for people in the area. The plan must also include details of the person or role responsible for recording and rectifying any significant issues as they are reported and how those details will be publicised and made available to the public.

All complaints shall be logged and recorded in a suitable manner, along with any corrective action carried out to address the matters raised.

The uses hereby permitted shall thereafter be operated in accordance with the approved details and the record of complaints shall be produced on any reasonable request of a suitably authorised officer of the Council.

Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants and neighbours of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Pre-Occupation Condition**: None of the uses of the development hereby permitted shall commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Site Access and Visibility Splay' and numbered ITS19914-GA-0 as shown in the Transport Statement.

Reason: In the interests of road safety to ensure safe access to and from the highway network and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition**: None of the uses of the development hereby permitted shall commence until such time as the existing vehicular accesses points onto Hornshill Lane and Loxwood Road have been physically closed (via a ‘stopping up’ order) in accordance with plans and details 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).

16 **Pre-Occupation Condition**: None of the uses of the development hereby permitted shall commence until visibility splays of 2.4 metres by 54 metres have been provided at the proposed site vehicular access onto Hornshill Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

17 **Pre-Occupation Condition**: None of the uses of the development hereby permitted shall commence until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long-term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To provide electric vehicle car charging provision on site and to mitigate the impact of the development on air quality within the district and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24, 35 & 41 of the Horsham District Planning Framework (2015).

18 **Pre-Occupation Condition**: None of the uses of the development hereby permitted shall commence until a plan showing the layout of the proposed development and the provision of car parking and turning spaces and details of the covered parking space structures for vehicles has been submitted to and approved in writing by the Local Planning Authority. None of the uses hereby permitted shall be 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 and turning of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

19 **Pre-Occupation Condition**: None of the uses of the development hereby permitted shall commence until details of secure and covered cycle parking facilities for the development have been submitted to and approved in writing by the Local Planning Authority. None of the uses of the development hereby permitted shall commence until the approved cycle parking facilities associated with the uses 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).

20 **Pre-Occupation Condition**: Prior to first use of the development herby permitted the below details shall have been submitted to and approved by the Local Planning Authority:

a) Details of the new north boundary wall including confirmation from a competent person that the proposed lintel spanning the Root Protection Zone to T1 and T12 is structurally sound.
b) Evidence that the wall has been erected and completed in line with the details submitted under part a of this condition.

Reason: To safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

21 **Pre-Occupation Condition:** The shop/restaurant use hereby permitted shall not commence unless and until provision for the storage of refuse and recycling has been made for that use in accordance with the details to be submitted to ad approved by the Local Planning Authority. 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).

22 **Regulatory Condition:** The development hereby permitted shall unless the has been implemented in full as specified within the approved TRAVEL PLAN STATEMENT: DS/SG/ITS19914-002 document.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

23 **Regulatory Condition**: No external playing of live or recorded amplified music or other amplified sound, including use of public address systems, shall be permitted at any time.

Reason: To safeguard the amenities of the neighbouring properties and rural amenities and character in accordance with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

24 **Regulatory Condition**: No works of demolition, construction and ancillary activities for the implementation of the development, including deliveries and dispatch, shall be carried except between the hours of:

08:00am-18:00pm of the same day, Monday to Friday
08:00am to 13:00pm of the same day, Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the neighbouring properties and rural amenities and character in accordance with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

25 **Regulatory Condition**: No deliveries or dispatch shall be carried out except between the hours of 08:00am - 18:00pm of the same day Monday to Saturday and at no time on Sunday and public/bank holidays.

Reason: To safeguard the amenities of the neighbouring properties and rural amenities and character in accordance with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

26 **Regulatory Condition**: No customer trade or business shall take place in the restaurant, bar and function space as shown on approved drawing 0010 P03 and those areas shall not be open for the public (including patrons of the hotel) except between the hours of:

06:30am-23:00pm hours of the same day Sunday to Thursday,
06:30am- 00:00pm hours of the same day Friday and Saturday

Reason: To safeguard the amenities of the neighbouring properties and rural amenities and character in accordance with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

27 **Regulatory Condition:** No use of outdoor seating, garden of The Old House or outside function spaces) shall take place except between the hours of 08:00am and 22:00pm of the same day, any day, and emptied of patrons outside of these hours.

Reason: To safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

28 **Regulatory Condition:** Notwithstanding any provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no hard surfaces for any purpose in relation to the development hereby approved shall be created without planning permission from the Local Planning Authority.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

29 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending or revoking and re-enacting the same, the buildings hereby approved shall not be extended or the external appearance altered in any way unless planning permission has been granted by the Local Planning Authority. No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority.

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

30 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall be used for

i) The Mucky Duck and its two outbuildings as boutique hotel (Use Class C1) and restaurant and bar (Use Class E(b))
ii)The Old House as ancillary hotel accommodation (Use Class C1 only);

and for no other purposes whatsoever, (including those falling within Class E as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the location of the buildings under Policies 26 and 33 of the Horsham District Planning Framework (2015).

31 **Regulatory Condition:** The Old House hotel accommodation (Use Class C1) hereby permitted shall be ancillary to The Mucky Duck and two outbuilding boutique hotel (Use Class C1) and restaurant and bar (Use Class E(b)) use and shall not be used as an independent commercial unit.

Reason: To ensure The Old House use is related to The Mucky Duck public house diversification enterprise in the interests of sustainability and rural economic development and the setting of the listed building, in compliance with Policies 10, 26 and 34 of the Horsham District Planning Framework (2015).

32 **Regulatory Condition**: 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 setting of the listed building, landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

33 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Ecology Works, March 2025), Draft Habitat and Management Monitoring Plan (The Ecology Co-op, November 2024), Bat Emergence Surveys (Ecology Works Limited, November 2024) and Bat Scoping Report and Preliminary Ecological Appraisal (The Ecology Co-op, March 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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 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) and Policy 31 of the Horsham District Planning Framework (2025) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

34 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement BS5837 Arboricultural impact Assessment and Method Statement, 05174R, July 2025.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and RNP17 of the Rudgwick Neighbourhood Plan (2021).

Biodiversity Net Gain Conditions

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74- 003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -
(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
(b) the conditions subject to which the planning permission is granted:
(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

The earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

INFORMATIVES

NOTE TO APPLICANT

The applicant is reminded that, under the Conservation of Habitats and Species Regula-tions 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst

other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a pro-fessional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

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 foul drainage associated with this development will require an environmental permit (or variation of an environmental permit) from us under the Environmental Permitting (Eng-land & Wales) Regulations 2016, unless an exemption applies. The applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk for further advice and to dis-cuss the issues likely to be raised. The applicant should be aware that there is no guaran-tee that a permit or variation will be granted. Additional 'Environmental Permitting Guid-ance' can be found at - https://www.gov.uk/environmental-permit-check-if-you-need-one. Where connection to a mains foul sewer is not feasible and a discharge of treated sewage effluent will be made to ground, we expect any new infiltration system to be built to British Standard BS6297:2007 A1:2008 Code of practice for the design and installation of drain-age fields for use in wastewater treatment (or latest version).

Works within the Highway - Area Office Team 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 closure of the site accesses on the public highway.