Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1112
Thistledown Cottage , Harbolets Road, West Chiltington, West Sussex, RH20 2LG

DESCRIPTION:

Demolition of existing buildings and erection of 2 x new build dwellings (in the alternative to permission granted under DC/23/1906 Prior Approval of Proposed Change of Use of Agricultural Building to form 2 dwellinghouses).

RELEVANT PLANNING HISTORY:

DC/23/1158	Prior notification for the demolition of non agricultural outbuilding	Prior Approval Not Required on 07.07.2023
DC/22/0672	Erection of a two storey rear extension and first floor side extension over existing single storey extension. Construction of a new front porch and replacement of gated entrance to front.	Application Permitted on 23.12.2022
DC/21/2391	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1No. dwelling with associated operational development.	Prior Approval Required and REFUSED on 15.12.2021
DC/21/1473	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1no dwelling with associated operational development.	Prior Approval Required and REFUSED on 09.08.2021
PE/21/0035	Erection of a two storey rear extension with accommodation in the roof & first floor extension over single storey side extension	Pre-Application Advice Given on 26.04.2021

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport
Policy 41 - Parking

West Chiltington Neighbourhood Plan (WCNP) 2016 - 2032:
The West Chiltington Neighbourhood Plan is in progress. West Chiltington Parish submitted their Submission draft plan to Horsham District Council on 19 November 2018. In accordance with legislation, the Council is in the process of considering whether the plan meets the Basic Conditions and can progress to Regulation 16 consultation and formal examination.

Policy H2 – Quality of Design

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

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

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 4: Horsham Town
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 15: Settlement Coalescence
Strategic Policy 16: protected Landscapes
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
Policy 22: Shop Fronts and Advertisements
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 26: Gatwick Airport Safeguarding
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
Policy 33: Equestrian Development
Strategic Policy 34: Tourism Facilities and Visitor Accommodation
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach
Strategic Policy 36: Town Centre Uses
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District
Policy 41: Rural Exception Homes
Policy 42: Retirement Housing and Specialist Care
Strategic Policy 43: Gypsies and Travellers
Policy 44: Rural Workers Accommodation
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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:

INTERNAL CONSULTATIONS

HDC Environmental Health: *Comment* [*01/08/2024*]

- Recommend that the condition attached to DC/23/1906 with respect to land contamination is applied.
- Water Neutrality Report refers to the conversion of the existing building and not the construction of two new dwellings. Recommend a technical note is provided by a competent person which demonstrates the assumptions in the report remain valid for the revised development proposal.
- Additional condition recommended with respect to provision of water supply for the development.

Landscape Architect: Supportive *Subject to Condition* [*04/09/2024*]

Generally, no major landscape concerns with regard the principle of development on this site, but the acceptability of the proposal will be subject to detail regarding any proposed landscaping, surfacing materials and boundary treatment.

Require further detailed information on the proposed landscape scheme including species, quantities and location for the new planting.

The Proposed Block Plan (Dwg. 2404TH_R0_002) shows 3no. trees proposed to be removed to allow for access. However, there is no information provided to assess the condition of the existing trees and how the retained trees will be protected during demolition and construction works.

The proposal includes large areas of hardstanding at either side of the existing access and a new access track to the field to the west. The DAS says that driveways will be gravelled and patios and walkways with permeable paving. Whilst this is appropriate in principle, would seek the submission of a plan to indicate locations and proposed materials palette.

Concerns over the potential impact of the new access track to the field to the west on the existing trees. An Arboricultural Impact Assessment and Method Statement will be required to include details of the proposed surfacing material and construction methods.

Based on the proposed arrangement to the site entrance and eastern boundary as indicated in the Proposed Block Plan (Dwg. 2404TH_R0_002), the proposal fails to demonstrate that the street scene will be improved. Existing planting along Harbolets Road must be improved and strengthened through new planting to filling gaps in the existing hedge and through appropriate management. Any hard fencing fronting Harbolets Road must have planting (fronting onto the road) to enhance visual amenity. Would not be supportive of removal of vegetation along Harbolets Road and any proposed hard fencing should be positioned behind existing vegetation. There are good examples of soft boundary treatment to property entrances along Harbolets further to the south (The Cabin). We would expect the development to adopt a similar approach.

OUTSIDE AGENCIES

Natural England: *No Objection* [*07/10/2024*]

Concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such:

No objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

West Sussex Fire and Rescue: *Comment* [*01/10/2024*]

Having viewed the plans for the planning application no DC/24/1112 for the Demolition of existing buildings and erection of 2 x new build dwellings (in the alternative to permission granted under DC/23/1906) the nearest fire hydrant for the supply of water for firefighting is 265 metres away, 90-metres further than the 175-metre distance required for a domestic premises. If an alternative water supply for firefighting is to be considered it will need to conform with the details identified in Approved Document—B (AD-B) Volume I: B5 section 14 and agreed with West Sussex Fire & Rescue Service.

Southern Water: *Comment* [*15/08//2024*]

Our records indicate that there is no existing public sewer in the vicinity of the development. Under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection. The applicant is advised to investigate the feasibility of this connection or examine alternative means of foul sewage disposal in consultation with the appropriate authorities.

No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

West Sussex County Council Local Highways Authority: *Comment* [*13/08/2024*]

The site is located on Harbolets Road, a C-classified road subject to a speed restriction of 40 mph in this location. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The applicant proposes to utilise the existing vehicular access point on Harbolets Road, and no alterations are proposed to this arrangement. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing vehicular access point. In addition, the proposals are not anticipated to give rise to a significant material intensification of use of the existing access point.

There would be a benefit for the existing access point to be formalised by means of implementing a vehicle crossover, and the LHA would request that this is sought by the applicant. Such works would be subject to a licence obtained though the local WSCC Highway Area Office and constructed to a specification agreed with the local WSCC Highway Area Engineer.

Each dwelling will be provided with parking space for at least three cars, and this would be in accordance with WSCC Parking Standards for a development of this size and location. In addition, the site exhibits suitable space for on-site turning to be achievable, allowing cars to exit the site in a forward gear. In addition, cycle parking provision has been demonstrated for both dwellings in

accordance with WSCC Parking Standards. The applicant should ensure that cycle parking provision is covered and lockable.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Representations:

None received

Parish Comments:

West Chiltington Parish Council: *Objection* [*07/08/2024*]

- Sizes of the proposed new houses are undesirable in this location leading to more concentrated development which is undesirable in this unsustainable location.
- The site is outside of the BUAB, remote from local services and facilities and with restricted access to safe and sustainable pedestrian travel options.
- Any proposed dwellings would therefore be contrary to Policies 26 and 40 of the Horsham District Planning Framework (2015). Since the site is also not allocated within the Development Plan, and, further, not deemed to represent a form of development essential to this countryside location, any development would also be contrary to the overarching spatial strategy and hierarchy approach of concentrating development within defined settlements and advocating a planned approach to settlement expansion, contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).

Member Comments:

None received

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 is for the Demolition of existing buildings and erection of 2 x new build dwellings (in the alternative to permission granted under DC/23/1906 Prior Approval of Proposed Change of Use of Agricultural Building to form 2 dwellinghouses) at Thistledown Cottage, Harbolets Road, West Chiltington. The application site is to the north of Thistledown Cottage, contained to a small yard with existing agricultural building and shed structure with log store. There is existing hardstanding also to the front of these buildings. The application site is located outside of any built-up area, and within the countryside in policy terms.

The application follows a prior notification application DC/23/1906 (Prior Notification for change of use from an agricultural building to 2 dwellings (C3 Use class) that was approved 08/12/2023.

Principle of Development:

Policy 2 of the HDPF sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

HDPF Policies 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built-up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either a Local Plan or within the Southwater Neighbourhood Plan. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.

Policy 26 of the HDPF requires development in the countryside be of a scale that is appropriate to its countryside character and location and not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside. It also needs to be essential to its countryside location and to meet one of the following criteria:

- Support the needs of agriculture or forestry;
- Enable the extraction of minerals or the disposal of waste;
- Provide for quiet informal recreational use; or
- Enable the sustainable development of rural areas.

Paragraph 84 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 84 which would allow such developments is as follows –

'e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

The application is not being justified against the above criteria, and while the design (which is considered in detail later in this report) would represent an enhancement when compared to the existing utilitarian barn building it would not be truly outstanding or innovative. The proposal could not therefore be justified under NPPF Paragraph 84.

The proposed development is for two dwellings as an alternate to the approved two dwellings in the existing brick agricultural building approved under Class Q Prior Approval reference DC/23/1906. The Prior Approval is subject to a Pre-Commencement condition stating:

1 ***Pre-Commencement Condition:*** *Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:*

a) A preliminary risk assessment which has identified:
- *all previous uses;*

- *potential contaminants associated with those uses;*
- *a conceptual model of the site indicating sources, pathways and receptors;*
- *potentially unacceptable risks arising from contamination at the site.*

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is appropriately addressed in accordance with the National Planning Policy Framework.

This condition has not yet been discharged and the approved development could not be commenced until this condition has been formally discharged, Furthermore, no HRA application to address water neutrality has been approved for the development under DC/23/1906, and no legal agreement has been entered into to secure the water strategy. For these reasons, the development approved under reference DC/213/1906 could not be lawfully commenced at this stage and is not therefore considered to represent a realistic and implementable fallback position.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.

In this countryside location, the proposal is also considered against Policy 26 ‘Countryside Protection’ which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development would not meet any of this criteria, nor is it considered to be essential to the countryside location.

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3,4 and 26 of the HDPF and would therefore be unacceptable in principle.

Design and Appearance:

Policy 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.

WCNP Policy H2 seeks to ensure that proposals be of high quality and that the design reflects the local character of the area. It should ensure development and the use of materials respect the character of the location and be sustainable in design and construction.

The approved barn conversion represents a busy design to the front elevation with six windows to the front elevation and 4 roof lights within the front facing roof plane. An additional window is present on the north west elevation. The barn itself is 17m in width, 5m in depth and 4.85m in height. The existing barn and the shed to be demolished are not considered to be of any architectural or historic merit with the design of the approved barn conversion as semi-detached, single storey building with two dwellings not thought to be of particularly high aesthetic quality.

The two chalet bungalow style properties mark an improvement in design over the barn conversion, with each dwelling being modestly and sensitively designed with half hipped roofs. The gardens are considered ample with a patio area also indicated on the proposed site plan. The properties themselves are 10.2m (at widest, exc. patio) in width, 8m in depth and 6.95m in height. Whilst not considered particularly large properties in abstract, they are sizable additions in context of the existing site and would be notable additions considering the relatively diminutive size (heightwise) of the existing agricultural building and accompanying shed. The proposed dwellings would however sit comfortably within the site and wider surroundings, and are considered to be of a design and form that would reflect the local vernacular.

Whilst it is recognised that the proposed hardstanding along the frontage would result in a relatively large expanse, it is not considered that this would result in significant harm to the visual amenity and character of the locality and wider surroundings.

The proposed development would be compatible with the existing character of the site and character of the surrounding area. The development would not therefore result in unacceptable harm to the built character and visual amenity of the surrounding area, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Ecology, Trees and Landscaping:

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

The Ecologist commented on the application that there and generally no major landscape concerns with regard the principle of development on this site, but the acceptability of the proposal will be subject to detail regarding any proposed landscaping, surfacing materials and boundary treatment.

It is noted that additional information, in the form of a Landscape Plan and Arboricultural Report, was submitted to the Council. Given the principle objections to the proposal, further consultation was not undertaken.

Amenity Impacts:

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 would be considered that there would be little amenity impact owing to the development being well distanced from neighbouring properties. Though it is possible there could be some noise disruption to Thistledown Cottage during the construction period, it would not be considered to result in significant harm to the amenities of neighbouring properties. It is considered the dwellings themselves are set apart from each other with no anticipated further amenity impact when dwellings are occupied.

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

Highways Impacts:

Policy 41 seeks to find the right balance between ensuring that adequate parking is provided and that it is suitably located and does not conflict with other uses. It should be of good urban design and be appropriate to ensure highway safety. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

The original barn conversion creates accommodation for two, 1 bedroom dwellings. This development outlies the development of two, 3 bedroom dwellings. As such, it would be considered that there would be additional traffic movements, tantamount to a doubling of vehicular movements from the present approval. The development creates two large driveways capable of housing 3 vehicles and a bike store for each property. It would be considered that the development is considered to be satisfactory in terms of highways impacts and provides ample parking provision for the proposed. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

It is therefore considered that the development would abide by the policy laid out above.

Water Neutrality

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

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

A water neutrality report was submitted to the Council with the strategy proposing to use an offsetting site at an HMO (House of Multiple Occupancy) in Crawley. The scheme was reviewed and sent to Natural England for comment who did not object to the proposal. The mechanism for securing water neutrality is to be secured via a legal agreement which has been drafted. As of present this has yet to be finalised and agreed by the relevant parties. As such, while the scheme is considered water neutral, it is considered the scheme fails to demonstrate a secure mechanism that ensures so in pertuity. As at present, it is not considered the proposal is water neutral by way of lack of mechanism to show so.

As such and at present, it is considered the development fails to demonstrate that it would not result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would therefore 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 (BNG):

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

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

The development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Planning Balance and Conclusion

The Council cannot currently demonstrate a five-year supply of deliverable housing sites therefore for the purposes of decision making the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies.

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 under this paragraph refers to development relating designated sites such as those listed under NPPF paragraph 181 (including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar sites).

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3,4 and 26 of the HDPF, however as concluded within the recent appeal decisions, these policies are not fully compliant with the NPPF. In addition, given the housing shortfall as identified in these appeals, the conflict with these policies must be afforded a reduced weight. The proposed development would contribute to the identified housing need of the District, and given the identified need, the benefits arising from this would be of significant weight in the planning balance. However, it is recognised that the proposal would contribute only 2no. dwellings to the housing supply, and would therefore make only a moderate contribution in this regard.

In the absence of a secure mechanism to achieve water neutrality (as set out above), the proposal would result in an increase in water abstraction, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. Therefore, the Local Planning Authority are of the view that in instances where Water Neutrality cannot be demonstrated, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i)). As such, this adverse impact on protected sites disengages the presumption in favour of sustainable development in the 'titled balance' to its default position.

In addition, the proposal would entail a layout and form of development which fails to respond appropriately to the existing character of the site and surrounding area, appearing unduly suburban and representing an incongruous form of development which would fail to preserve or enhance the character and appearance of this rural location, contrary to policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

While the proposal would confer modest benefits, as derived from residential development, it would not be of a nature which would outweigh the policy conflict set out above, with the application therefore recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	248.63		248.63
		Total Gain	
		Total Demolition	**136.25**

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

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

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

Recommendation: Application Refused

Reason(s) for Refusal:

1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).

2 In the absence of a mechansm to secure the offsetting measures, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

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/24/1112
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	2404TH_R0_000 Rev 000	19.07.2024
Supporting Statement	Water Neutrality Report by cgs civils dated 03.10.2024	C3114 REV P	19.07.2024
Block plan	Proposed Block Plan	2404TH_R0_R002	19.07.2024
Floor plan	First Floor Plan	2404TH_R0_101 Rev 000	19.07.2024
Roof plan	Roof Plan	2404TH_R0_102 Rev 000	19.07.2024
Elevation plan	North	2404TH_R0_103 Rev 000	19.07.2024
Elevation plan	East	2404TH_R0_104 Rev 000	19.07.2024
Elevation plan	South	2404TH_R0_105 Rev 000	19.07.2024
Elevation plan	West	2404TH_R0_106 Rev 000	19.07.2024
Floor plan	Ground Floor Plan	2404TH_R0_200 Rev 000	19.07.2024
Floor plan	First Floor Plan	2404TH_R0_201 Rev 000	19.07.2024
Roof plan	Roof Plan	2404TH_R0_202 Rev 000	19.07.2024
Elevation plan	North	2404TH_R0_203 Rev 000	19.07.2024
Elevation plan	East	2404TH_R0_204 Rev 000	19.07.2024
Elevation plan	South	2404TH_R0_205 Rev 000	19.07.2024
Elevation plan	West	2404TH_R0_206 Rev 000	19.07.2024
Elevation & Floor plan	Section & Bin Store	2404TH_R0_300 Rev 000	19.07.2024
Layout plan	Partial Topo Survey	EX01	19.07.2024
Site plan	Existing Survey	2404TH_R0_001	19.07.2024
Floor plan	Ground Floor Plan	2404TH_R0_100 Rev 000	19.07.2024
Supporting Statement	Flood Risk & Drainage Strategy Report by Dixon Hurst dated 15.05.2023	61135 Issue No 1	11.10.2024
Supporting Statement	BS:5837 Arboricultural Report Arboricultural Survey, Impact Assess & Method Statement by Duckworths Arboriculture Ltd dated	AIA/AMS 06503/2024	11.10.2024

	September 2024		

DELEGATED

Case Officer sign/initial JBurrowes Date: 09/12/2024

Authorising Officer sign/initial TDale Date: 11/12/2024