PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	06 January 2026
DEVELOPMENT:	Erection of a two storey detached dwelling with new vehicle access from Kerves Lane.
SITE:	Garden House, Kerves Lane, Horsham, West Sussex, RH13 6ES
WARD:	Denne
APPLICATION:	DC/24/1923
APPLICANT:	**Name:** Ms P Gowing **Address:** C/O Agent

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

RECOMMENDATION: To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the erection of a detached three-bedroom dwelling on land to the south of Garden House, Kerves Lane, Horsham. The site, currently part of the residential curtilage of Garden House, will be accessed via a newly created vehicle entrance from Kerves Lane, requiring the removal of a section of hedgerow. The proposed dwelling features a contemporary design with pitched roofs, timber cladding, and facing brickwork, with a grey slate roofing. It is positioned near the northern boundary of the subdivided plot, with dedicated parking and turning space, while the existing Garden House retains a substantial garden and its original access.

DESCRIPTION OF THE SITE

1.3 The application site is located to the south of Garden House, a substantial two-storey detached dwelling situated on the eastern side of Kerves Lane, south of the defined built-up area boundary of Horsham. Garden House occupies a spacious and well-landscaped

plot, with mature hedgerows, trees, and fencing enclosing the property. The site proposed for development forms part of the private garden of Garden House and is similarly enclosed by established vegetation, providing a natural screen from the surrounding area.

1.4 The surrounding area is semi-rural in character, with a mix of detached residential properties dispersed along Kerves Lane. To the south lies Amiesmill House, while other residential dwellings are located to the north and northeast. Although the site is technically within the countryside, it is in close proximity to the built-up area of Horsham and visually relates to the existing settlement pattern.

2. INTRODUCTION

STATUTORY BACKGROUND

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 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 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
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 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 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

The Horsham Blueprint Neighbourhood Plan (2022):
Policy HB1 – Location of Development
Policy HB3 – Character of Development
Policy HB4 – Design of Development
Policy HB5 – Energy Efficiency and Design
Policy HB12 – Encouraging Sustainable Movement

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 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District

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

Planning Advice Notes:
Shaping Development in Horsham District (SDPAN)
Biodiversity and Green Infrastructure

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 **Ecology Consultant:** No Objection, conditions recommended.

3.3 **Southern Water:** No Objection.

3.4 **WSCC Highways:** Comment. 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 116), and that there are no transport grounds to resist the proposal.'

3.5 **NatureSpace (District Newt Licencing Scheme):** No Objection. The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats.

PUBLIC CONSULTATIONS

3.6 Representations:
2 letters of Objection have been received from 2 separate addresses, objecting to the application on the following grounds: -

- Overdevelopment in a countryside location
- Water neutrality proposals unconvincing

- Ecological report redacted
- Increased traffic in the area
- Increased risk of road accidents
- Loss of landscape and green corridor

3.7 Parish Comments:
None received

3.8 Member Comments:
None received

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 ASSESSMENTS

Principle of Development:

6.1 The site is located some 40m south of the defined built-up area of Horsham, and is therefore considered to be located within a countryside location. Accordingly, Policies 4 (Settlement Expansion) and 26 (Countryside Protection) apply.

6.2 Policy 4 states that *the growth of settlements across the District will continue to be supported in order to meet identified local housing, employment and community needs. Outside built-up area boundaries, the expansion of settlements will be supported where;*

1. *The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.*
2. *The level of expansion is appropriate to the scale and function of the settlement type.*
3. *The development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services.*
4. *The impact of the development individually or cumulatively does not prejudice comprehensive long-term development, in order not to conflict with the development strategy; and*
5. *The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.*

6.3 Policy 26 states that *outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:*

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

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including;

1. *The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;*
2. *The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and*
3. *The landform of the area.*

6.4 Policy HB1(B) of the Horsham Blueprint Neighbourhood Planning Document (NPD) states that *'development proposals outside the proposed built-up area boundary will not be permitted unless:*

i. *it is in accordance with the development plan policies on appropriate uses in the countryside; or*
ii. *it relates to necessary utility infrastructure; or*
iii. *it is on sites allocated for those uses in the Horsham District Planning Framework or its successor.'*

6.5 Though the site is located close to the established built-up area boundary, the site remains within a countryside location and therefore retains a semi-rural character. As the proposal represents development for a private, residential market dwelling, none of the above criterion of Policy 26 would be met. In terms of Policy 4, the Shaping Development in Horsham District (SDPAN) document is a material consideration and sets out the Council's aspirations and the weight that can be given to current policy within the context of current legislation, national policy and guidance. This is considered further elsewhere in this report.

Design and Appearance:

6.6 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

6.7 Policy HB3 of the NPD states that *'the design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area.'*

6.8 Policy HB4 continues, stating *'development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings, meets the changing needs of residents and minimises the impact on the natural environment.'*

6.9 The proposed dwelling would be located within the residential curtilage serving Garden House, Kerves Lane, some 20m south of the main part of the host dwelling, which would be subdivided to create separate amenity garden areas. The dwelling would be located centrally within the newly create plot, benefitting from its own access from Kerves Lane, with new hardstanding to provide for parking to the front, and a rear grassed curtilage.

6.10 The dwelling would stand at two-storeys in height, hosting a varied plan form with front to rear open gabled roof elements with a maximum ridge and eaves heights of 7.3m and 5.5m respectively. Single storey elements would be set below the main ridge of the dwelling between 1.7m and 2.5m to the front and rear, with a front porch set 3.5m below. The maximum width of the dwelling measures 9.5m and depth at 14m.

6.11 Kerves Lane is a 2.5km long local road (classified C Road) that joins Brighton Road (A281) to the north and Coltstaple Lane (classified C Road) to the south. The first 320m of the lane lays within the built-up area boundary to the north, whereas the remainder sits outside of it, and therefore within the countryside. Travelling south from the north, the lane is characterised by a clearly defined ribbon of development in the north, which thins out as it approaches the site. Traveling further south to Coltstaple Lane, the land becomes increasingly rural in character with sporadic forms of development formed of small clusters of residential and agricultural buildings. This characterisation is commonplace in the District, with a denser clustering of development along country roads closer towards the built-up area, which dissipates travelling into the countryside.

6.12 As above, the site and host dwelling are situated outside of the built-up area boundary, by some 40m and 9.5m respectively. A vacant parcel of land between the site and neighbours to the north (Little Meadow and Watersfield House), which is laid to grass with established boundary planting to the highway, is the break between the built-up area and the countryside- it would appear that this undeveloped parcel would be the reasoning as to why the application site and its neighbour to the south (Amiesmill House) were excluded from the built-up area, in addition to their significantly larger curtilages.

6.13 The existing dwelling, as existing, benefits from a generous curtilage, and though the proposal seeks to subdivide the curtilage to accommodate the dwelling, it would still continue to benefit from a more than reasonable curtilage, comparable to (and in some cases, larger) than existing properties on Kerves Lane to the north. As such, the plot's subdivision would appear largely consistent with the prevailing scale of residential development to the north, and would thus replicate an existing pattern of development along the lane. Officers are therefore of the view that the siting of a dwelling in this location would not appear at odds with the prevailing character of the area.

6.14 The proposal incorporates a contemporary design that departs quite significantly from the existing appearance of the dwelling on the site, and indeed other dwellings further north on Kerves Lane. Kerves Lane comprises a variety of dwellings, and the surrounding area in general, is mixed in character, composed mainly of detached dwellings- some bungalow / chalet bungalows, but mostly two-storey. Style varies dwelling to dwelling, mostly made up of early-mid 20th century styles, with some more contemporary examples of gentrified properties (such as Denne View, granted under DC/21/2453) and contemporary replacement dwellings (Applegarth DC/18/1730). As such, there is no discernible uniformity on the street, and there exists some examples of contemporary appearing dwellings on Kerves Lane.

6.15 Whilst the design of the proposed dwelling departs from the existing dwelling, Paragraph 135(c) of the NPPF states that *Planning policies and decisions should ensure that developments:*

> *c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, <u>while not preventing or discouraging appropriate innovation or change</u> [<u>emphasis</u> added]*

6.16 Whilst it is acknowledged that surrounding area lacks a discernible uniformity, the area is predominantly characterised by dwellings with pitched roofs of varying heights. In this context, HPDF Policy 33(3) and (4) states that development will be required to:

> *'Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant <u>relates sympathetically with the built surroundings</u>, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views…*
>
> *Are locally distinctive in character, <u>respect the character of the surrounding area</u> (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of the recommendations/policies of the relevant Design Statements and Character Assessments;' (<u>emphasis</u> added)*

6.17 The design represents an appearance that respects the context of the surrounding area, incorporating a pitched roof element, whilst also incorporating contemporary features (such as the irregular footprint, varied roofline, materials, and fenestration detailing) which supports the spirit of encouraging 'innovation or change', as per Paragraph 135 of the NPPF.

6.18 The submitted plans indicate that the dwelling would be composed of a mix of materials, including timber cladding, brick facing, slate roof and grey windows / doors. The proposed material make up is considered typical of contemporary development, as such there is no objection to the principle of this material choice. A condition is attached to ensure the quality and finish of the proposed materials would appear acceptable in this location.

6.19 With the above in mind, no objection is raised with regards to the design, appearance, and scale of the proposed replacement dwelling, and is considered to accord with Policy 33 of the HDPF and Policies HB3 and HB4 of the NPD.

<u>Residential Amenity:</u>

6.20 Policy 33(2) of the Horsham District Planning Framework 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.

6.21 The dwelling would be set some 20m south of the host dwelling, Garden House and 41m north of Amiesmill House, both of which are substantial two-storey dwellings set on generous plots. No dwellings are sited immediately to the east and west of the proposal site.

6.22 Though the proposed dwelling would stand at two-storeys, and includes two windows to the first floor facing south (towards Amiesmill House), there remains sufficient distance between the application site and its two nearest neighbours to not warrant concern in terms of overlooking or overshadowing. As no windows are proposed to the first floor facing north, the proposal would not result in any opportunity of overlooking to the existing

dwelling on the site. Whilst no details of the proposed boundary planting have been detailed, Officers are satisfied that this can adequately be addressed by way of condition.

6.23 To the south, a substantial buffer between the proposed dwelling and the southerly neighbour would be retained, formed of planted garden areas and established tree planting (cypress). In any case, in the absence of boundary planting, a distance of 40m would be well in excess of the Council's guidance of 21m separation between windows serving habitable rooms. Given the site's northerly siting to Amiesmill House, coupled with the existing boundary planting and retained 40m distance, no impact by way of overshadowing or overbearing is envisaged.

6.24 With the above in mind, the proposal would not be considered to amount to adverse amenity harm, and therefore accords with Policy 33(2) of the HDPF.

Highways Impacts:

6.25 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.

6.26 Policy HB12 (Encouraging Sustainable Movements) of the NPD promotes development that supports safe, inclusive, and sustainable travel. It requires new developments to connect with existing walking and cycling networks, especially those identified in the Horsham Local Cycling and Walking Infrastructure Plan. The policy protects and enhances historic pedestrian routes and encourages permeability for pedestrians, cyclists, and mobility users through features like traffic-free paths, accessible design, and clear signage. It discourages the loss of public rights of way unless alternatives are provided and supports reducing road traffic and pollution. New parking areas must include secure cycle storage and accessible electric vehicle charging infrastructure.

6.27 The proposed development involves the erection of a two-storey detached dwelling with a new vehicular access onto Kerves Lane, a classified C road with a 30 mph speed limit. The site is located on the edge of Horsham town, within walking and cycling distance of local amenities and well served by public transport, including regular bus services and proximity to Horsham Train Station. The new access will be subject to a licence and constructed to a specification agreed with the local Highway Area Engineer, ensuring compliance with safety standards despite initial concerns about visibility at the access point.

6.28 In terms of parking, the applicant proposes two car parking spaces, which meets the requirements identified by the WSCC Car Parking Demand Calculator for a dwelling of this size and location. The proposed parking area is appropriately sized, and on-site turning is achievable, allowing vehicles to enter and exit in a forward gear. However, no details of cycle parking have been provided. The Local Highway Authority (LHA) recommends the inclusion of secure cycle parking to support sustainable transport, in line with Policy 40 of the HDPF.

6.29 Overall, the proposal aligns with Policies 40 and 41 of the HDPF by providing safe access and adequate parking. The LHA has confirmed that the development would not result in an unacceptable impact on highway safety or severe cumulative impacts on the road network. Therefore, the proposal is not contrary to paragraph 116 of the National Planning Policy Framework (NPPF), and there are no transport grounds to resist the application.

Ecology:

6.30 Policy 31 of the HDPF states that Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

6.31 The Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd., November 2024) has been assessed by the Council's Ecological Consultant and was found to provide sufficient information for determination. The appraisal concludes that no further bat surveys are required due to the low roost potential of the buildings and trees on site. However, as mobile protected species such as reptiles and hedgehogs may be present, the implementation of a Precautionary Method Statement is recommended and should be secured by condition. It is therefore advised that, with appropriate mitigation measures in place, the development can proceed without significant ecological harm.

6.32 Overall, the proposal aligns with the objectives of Policy 31 by incorporating mitigation and enhancement strategies that protect and promote biodiversity. Subject to the recommended conditions—covering ecological mitigation, biodiversity enhancements, and sensitive lighting design—the development is considered acceptable in ecological terms. These measures will enable the Local Planning Authority to meet its statutory biodiversity duties under the NERC Act 2006 and other relevant legislation, while supporting the creation of ecological networks and green infrastructure as encouraged by local and national policy.

Water Neutrality:

6.33 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.

6.34 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.

6.35 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. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations

2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

6.36 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.

6.37 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 Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Climate Change:

6.38 Policy 37 of the HDPF (Sustainable Construction) requires development proposals to enhance sustainability by incorporating measures such as maximizing energy efficiency, using renewable and low-carbon energy, limiting water consumption to 110 litres per person per day, and designing for resilience to flooding and heatwaves. Developments should also promote natural lighting and ventilation, support sustainable transport options, minimize construction waste, use low-impact materials, and be adaptable for future use. Enhancing biodiversity, providing integrated waste and recycling storage, and ensuring access to high-speed broadband and future technologies are also essential components of sustainable design under this policy.

6.39 Policy HB5 (Energy Efficiency and Design) of the NPD promotes the highest standards of sustainable design in all developments to reduce energy consumption and mitigate climate impacts. It encourages features such as optimal building orientation for solar gain, use of thermally efficient materials, energy-saving installations (like insulation and double glazing), and on-site renewable energy generation. Water efficiency through rainwater harvesting and greywater systems is also supported, along with low-carbon design strategies and infrastructure for electric vehicle charging. The policy also supports retrofitting existing and historic buildings to improve energy performance and strongly encourages community-owned energy projects that help reduce fuel poverty and support a low-carbon future. Where full compliance isn't feasible, developers must provide a clear justification.

6.40 The proposal advocates a commitment to sustainable construction, incorporating high levels of thermal insulation and is intended to meet the latest Building Control standards for energy efficiency. The submitted Design and Access Statement also indicates the potential inclusion of renewable energy technologies and an electric vehicle charging point, supporting the transition to low-carbon living. The orientation and layout of the dwelling are designed to maximize natural light and passive solar gain, reducing reliance on artificial lighting and heating.

6.41 As above, the Water Neutrality Statement confirms that the dwelling will achieve water neutrality through the use of water-efficient appliances, rainwater harvesting systems, and retrofitting of the existing dwelling. Any remaining water demand will be offset through the purchase of water credits. This approach aligns with Policy 37’s requirement to limit water use to 110 litres per person per day and demonstrates a proactive response to regional environmental constraints.

6.42 The proposal also addresses broader sustainability aims by making efficient use of previously developed land within a residential curtilage, thereby minimizing land take and preserving the surrounding countryside. The design includes measures to protect existing landscape features and enhance biodiversity, with ecological enhancements and a wildlife-sensitive lighting strategy proposed. The development is also reasonably located in terms of access to sustainable transport options, including walking, cycling, and public transport

links. Overall, the scheme reflects a comprehensive and integrated approach to sustainable construction and climate resilience, in accordance with Policy 37.

Biodiversity Net Gain (BNG):

6.43 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.

6.44 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.

6.45 The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

6.47 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide (Zone 1)	144.3m2	0m2	144.3m2
		Total Gain	**144.3m2**
		Total Demolition	**0m2**

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

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

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

Conclusions and Planning Balance:

6.51 Planning permission is sought to erect a two-storey detached dwelling within the curtilage of an existing dwelling (Garden House, Kerves Lane) set some 10m outside of the defined built-up area boundary. As the site is not allocated for development with the HDPF or a made neighbourhood plan, owing to the site's location outside of the built-up area boundary, the principle of the development is resisted under Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.

6.52 The Council published its Authority Monitoring Report (AMR) in April 2025. Chapter 3 of the AMR revealed that the Council currently benefits from a deliverable supply of housing sites of 1 year. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

6.53 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 187 (including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar sites). In this instance, Officers are of the view that no circumstances under Footnote 7 would be triggered, and therefore the balance weighs in favour of granting the proposal.

6.54 As per the preceding sections of this report, the granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and Policy HB1 of the Neighbourhood Plan. This conflict with the development plan is afforded significant weight, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic process of selecting sites within Neighbourhood Plans. However, given the weight attributed to this harm would be tempered by the age of the HDPF, and the Council's current five-year housing land supply position. ***Moderate*** weight is therefore applied to this conflict.

6.55 No other material harm or conflicts have been identified as assessed above.

6.56 As above, the Council are not currently able to demonstrate a five-year housing land supply. The need to provide housing within the District is therefore afforded significant weight in the favour of granting housing applications. However, the proposal seeks permission for one market housing unit. As such, the granting of consent would provide for a negligible contribution to reinstating the housing supply. Therefore, this significant benefit is tempered to ***moderate***.

6.57 The remaining benefits are identified as economic benefits. The financial generation expected as a result of the development from CIL would not amount to tangible public betterment, rather its purpose is to mitigate the impacts of the development. In all other respects the financial generation and temporary construction job creation identified is not unique to this proposal as it would be derived from any other housing proposal. These benefits therefore carry ***limited*** weight in favour of the proposal.

6.58 With the above in mind, the ***moderate*** conflict with the development framework would be outweighed by the ***moderate*** weight applied to the housing contribution, and ***limited*** weight applied to the economic benefits of the proposal, especially when considering that the tilted balance ***weighs in favour*** of granting permission. The application is therefore considered acceptable ***on balance***.

6.59 In addition to the above, the Shaping Development in Horsham District (SDPAN) document was endorsed at Full Council on 17.09.2025. The SDPAN recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet all of the criteria:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

6.60 As above, the site is located adjacent to the built-up area boundary and is therefore considered to satisfy the first requirement of the FAD. Furthermore, the proposal seeks permission for one dwelling along a relatively uniform ribbon of development on Kerves Lane, which would demonstrate that the level of expansions is appropriate in this location. As identified above, there is an acute need for housing in the District, thus the provision of one market housing would meet and identified need. The site also does not perform any strategic value in terms of facilitating future allocated development, thus the granting of consent would not prejudice future development. And finally, the dwelling would be located within the curtilage of an existing dwelling with a well-established and defined boundary. With the above in mind, Officers are satisfied that the proposal would benefit from and accord with the provisions of the FAD.

6.61 Officers acknowledge that the applicant seeks planning permission to erect the dwelling as a means to live closer to their elderly parents, which would benefit the family in terms of meeting future care needs. Whilst this is noted, this is not a reason standalone to warrant approval of the application. Regardless, and as set out above, the creation of a new dwelling in this location close to the built-up area, and especially when considering the Council's current five-year housing land supply and the provisions of the FAD, Officers are of the view that a development of this scale would be acceptable in this location. Accordingly, it is not considered reasonable to condition the dwelling for ancillary or linked usage to that of the existing dwelling on the site (Garden House), as the identified policy considerations as above would (in this instance) provide for sustainable and appropriate development.

6.62 With the above considerations in mind, whilst Officers have identified a conflict with the proposal in terms of its location, the benefits of the proposal would outweigh this harm, and would therefore be acceptable on balance. It is therefore recommended to members that the application is approved subject to the below list of conditions and the completion of the legal agreement to secure the purchase of the offsite water neutrality mitigation credits.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions, and the completion of the legal agreement to secure off-site BNG.

1 **A List of the Approved Plans**

2 **Regulatory (Time) Condition**: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition**: No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished

floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement (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 to be used for external walls, windows and roofs of the approved dwelling 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 amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd., November 2024) has been submitted to and approved in writing by the local planning authority.

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

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

9 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until full details of all hard and soft landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all existing trees and planting to be removed and retained
(b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
(c) Details of all hard surfacing materials and finishes
(d) Details of all boundary treatments
(e) Details of all external lighting

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 landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan SP02 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

12 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until details of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities 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).

13 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd., November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile species on pages 21-23 of the Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd., November 2024), which avoids impacts on protected species.

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

14 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application (notwithstanding the details approved under condition 11(e)).

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition:** The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority 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).

Note to Applicant - Highways
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

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

Note to Applicant – Biodiversity Net Gain Condition
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.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

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.