Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0239
Pennthorpe School , Church Street, Rudgwick, West Sussex, RH12 3HJ

DESCRIPTION:

Retention of earth bank adjacent to all-weather sports pitch (Retrospective)

RELEVANT PLANNING HISTORY:

DC/19/0510	Removal of existing hard surface tennis courts and a replacement with multi sport astro turf pitch.	Withdrawn Application on 02.07.2019
DC/19/2573	Removal of 2no. existing tennis courts and creation of an all-weather sports (AWS) pitch.	Application Permitted on 03.08.2020
DC/20/1314	Surgery to 2 x Trees	Application Permitted on 28.09.2020
DISC/22/0019	Approval of details reserved by conditions 3, 4 and 5 to approved application DC/19/2573.	Application Permitted on 21.04.2022
DC/24/0232	Retention of earth bank adjacent to all-weather sports pitch (Retrospective)	Application Refused on 17.09.2024
DISC/24/0093	Application for Approval of Details Reserved by Conditions 6, 7 and 8 to approved application DC/19/2573	Split Decision on 20.09.2024
DC/25/0240	Variation of condition 12 of previously approved application DC/19/2573 (Removal of 2no. existing tennis courts and creation of an all-weather sports (AWS) pitch) to revise the hours during which the facility will be available for community use.	Pending Consideration
DISC/25/0052	Application for Approval of Details Reserved by Conditions 6, 7 and 8 to approved application DC/19/2573	Pending Consideration

DESCRIPTION OF THE SITE

The application relates to the existing and established Pennthorpe Preparatory School located on the western side of Church Street within the built-up area of Rudgwick. The site is made up of various single and two storey buildings with a staff and visitor parking area to the east adjacent to Church Street. Access to the school is via Orchard Hill to the south of the main school building. The site also benefits from a large playing field located to the west of the school buildings which is accessed via a pedestrian pathway leading from east to west. The playing field consists of an existing concrete playground area/sports courts with metal mesh fencing surrounding it, which are proposed be replaced as part of this application. The existing concrete playground area/sports courts measures approximately 70m in length and 18m in width.

The playing fields also consist of various grass sports pitches as well as a sports pavilion. It is noted that the playing fields are located just outside of the built-up area boundary. The playing fields are bounded by mature and extensive trees and foliage to the north, east and western boundaries. The extensive woodland to the east of the application site, drops down to a water course which runs from

north to south. The surrounding area consists of residential properties located to the south and east of the site with open fields located to the north and west.

DESCRIPTION OF THE APPLICATION

This is a retrospective planning application which seeks permission to retain an earth bank formed during the construction of a wider, all-weather astro turf pitch that replaced tennis courts. The excavated earth was used to create a bank to the east, providing access and a buffer to the watercourse. The bank has been replanted with various saplings, addressing the removal of planting along the school's eastern boundary. Cross-sections show changes in slope due to the bund's construction, with the bank remaining stable.

A previous application was submitted and refused (DC/24/0232), because it did not demonstrate that the landscape management and maintenance plan would adequately mitigate the visual harm caused by the removal of woodland. It also failed to show that the development would protect existing habitats and biodiversity features or provide sufficient measures to avoid harm to protected and priority species.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:
Rudgwick Parish Neighbourhood Development Plan
- Designated (Regulation 7)

Parish Design Statement:
Rudgwick Parish Design Statement 2009

Horsham District Local Plan (2023-40) (Regulation 19):
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
Policy 28: Community Facilities, Leisure and Recreation

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 Arboricultural officer: No Objection - Subject to the Landscape team advising and approving of a suitable scheme of landscape mitigation, re-planting and appropriate aftercare/establishment of trees in the area affected, raise no arboricultural concerns.

HDC Landscape Architect: No Objection - Satisfied that our concerns raised under DC/24/0232 have largely been addressed, however given the lack of clarity in regard to what level of retrospective planting has taken place and/or failed, wish to highlight the requirement of a biodegradable stabilisation blanket alongside future planting. Subject to conditions.

OUTSIDE AGENCIES

Ecology Consultant: No Objection – The Preliminary Ecological Appraisal confirms that, although site clearance occurred under a previous permission without prior bat surveys, no significant impacts on designated sites or protected species were identified. The site lies within the wider conservation area for two Special Areas of Conservation, but no nearby records of key bat species were found. While trees were removed, the replacement planting of 620 whips and proposed planting of additional native trees are supported and should be secured by condition. No artificial lighting was introduced, which is important for bat conservation. Sufficient ecological information is available to determine the application (except for Great Crested Newt, on which NatureSpace Partnership will advise), and with appropriate biodiversity compensation and enhancement measures secured by condition, the development can be made acceptable.

Nature Space: No Objection - The type of application 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. I therefore have no comments to make at this time.

PUBLIC CONSULTATIONS:

Representations:

1 letter of Objection has been received from 1 address, objecting to the application on the following grounds:

- The removal of trees and bushes between Pennthorpe School's MUGA and the neighbouring property, carried out without permission or an ecological assessment, has caused significant issues, including the loss of wildlife habitat, increased noise and overlooking, and reduced garden security.
- The resulting open strip of land is now frequently used as an informal path by students, staff, parents, and even the Head Teacher, leading to a loss of privacy.
- Additionally, the lack of planting has caused bank erosion, narrowing the adjacent watercourse.
- Concerns remain that planting large trees on the raised bank will block evening sunlight and distant views; lower-growing, denser vegetation is preferred, and urgent action is requested to stabilise the bank.

Parish Comments:

Rudgwick Parish Council: No Objection - This is the 2nd Retrospective application to regularise the creation of an unapproved earth bank adjacent to the all-weather sports pitch, which appeared during/following the construction of the new sports pitch. The first application (DC/24/ 0232) was refused by HDC last year. It is regrettable that this is a retrospective application and that trees, vegetation and possibly habitats were lost during construction, as can be evidenced using Google Earth Historical Imagery, and that RNP Policy 17 was not considered in the process.

However, providing that the HDC Arboricultural Officer, Landscape Architect and Ecology expert are satisfied that this submission has sufficient measures in place to mitigate the losses and harm already caused, stabilise the bank, prevent slippage affecting the water course, and preserve the integrity and viability of existing habitats and biodiversity features, Rudgwick Parish Council would have no objection to an approval of the application.

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

Principle of Development:

Section 8 of the NPPF relates to promoting healthy and safe communities. Paragraph 96 of the NPPF states that – *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*

b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and*

c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."*

In addition, Paragraph 98 of the NPPF states that – "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Furthermore, Policy 43 of the HDPF relates to Community Facilities, Leisure and Recreation and states that – *"The provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of Green Infrastructure. In addition to supporting facilities or services located in accordance with the*

Development Hierarchy and Strategic Development locations, sites located outside built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists".

Planning permission is sought for the retention of earth bank created during the construction of the permitted all-weather sand based astro turf sports pitch which was given permission under planning Ref: DC/19/0510. The all-weather pitch is the same length as the tennis courts it replaced (70m) and is approximately double the width at 35m, extending further to the west. Due to the sloping nature of the site, it was necessary to excavate a significant amount of earth to accommodate the new sports pitch. The proposal in principle terms would adhere to the requirements of the above policies and would promote health, wellbeing and activity, as well as providing a community facility.

Landscape Character and Visual Appearance:

Policies 25, 32, and 33 of the Horsham District Planning Framework (HDPF) seek to ensure that new development protects, conserves, and enhances the landscape character and local distinctiveness of the district. Development should be designed sympathetically, contributing positively to a sense of place through careful attention to scale, massing, appearance, and layout, while integrating effectively with its surroundings. Similarly, Chapter 15 of the National Planning Policy Framework (NPPF) (2024) emphasises the importance of protecting and enhancing the intrinsic character and beauty of the countryside, valued landscapes, and recognising the wider benefits that natural capital and ecosystems provide.

The proposal seeks retrospective consent for the retention of an earth bank created during the construction of an all-weather sports pitch approved under planning reference DC/19/0510. The earth bank has been formed by redistributing excavated soil to the east of the pitch, resulting in a low bund beyond which the terrain continues to slope towards a culverted watercourse. Cross-sectional plans demonstrate that, although the slope is now steeper than the pre-construction topography, it remains stable.

The development incorporates a landscaping scheme involving the planting of native saplings to reinforce the stability of the earth bank and to provide ecological and visual enhancements. While the pitch's construction resulted in the loss of some vegetation, this has been appropriately mitigated through new planting, which will, over time, restore and enhance the site's visual and acoustic screening for neighbouring properties.

The Council's Landscape Architect has raised no objection to the proposal, noting that previous concerns have largely been addressed. A biodegradable stabilisation blanket has been recommended to ensure the successful establishment of planting and slope stability. Subject to a condition securing the completion and maintenance of the planting scheme, the development is considered to have an acceptable impact on the landscape character and visual appearance of the area, aligning with Policies 25, 32, and 33 of the HDPF and Chapter 15 of the NPPF (2024).

Residential Amenity:

The proposed development is considered to be of a nature and siting that does not result in any significant harm to neighbouring amenity.

Ecology:

Policies 25 and 31 of the HDPF seek to conserve and enhance the natural environment, protecting biodiversity and ecological networks. Proposals are encouraged to avoid harm to protected species and habitats and to deliver opportunities for biodiversity enhancements wherever possible.

A Preliminary Ecological Appraisal has been submitted with the application, confirming that although clearance works took place previously without bat surveys, no significant impacts on designated sites or protected species have been identified. The site falls within the wider conservation area for two Special Areas of Conservation (SACs); however, no records of key bat species were found locally.

Importantly, no artificial lighting has been introduced in association with the development, thereby avoiding potential disturbance to nocturnal species such as bats.

Replacement planting of 620 native whips has already occurred, and further native tree planting is proposed as part of the landscape mitigation measures. The Council's Ecology Consultant has confirmed no objection to the proposal, stating that sufficient ecological information has been provided and that, subject to securing biodiversity compensation and enhancement measures by condition, the development can be made acceptable. NatureSpace, who advise on Great Crested Newt impacts, have also confirmed that the application does not raise concerns in relation to this protected species.

Furthermore, the Council's Arboricultural Officer has raised no objection, subject to the approval of an appropriate planting and maintenance scheme by the Landscape team, and the Council's Landscape Architect has confirmed that their concerns have largely been addressed.

Accordingly, with appropriate conditions to secure the proposed planting, aftercare, and ecological enhancements, the proposal is considered to comply with Policies 25 and 31 of the HDPF, the objectives of Chapter 15 of the NPPF (2024), and relevant ecological consultation advice.

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.

The nature of the development is not considered to generate a need for water. There is no clear or compelling evidence to suggest the nature and scale of the development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 194 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 is retrospective.

Conclusions:

The retrospective application for the retention of the earth bank associated with the approved all-weather sports pitch is considered acceptable in planning terms. The development complies with the relevant policies of the Horsham District Planning Framework (HDPF) and the National Planning Policy Framework (NPPF) (2024) by protecting the landscape character, enhancing visual amenity, and contributing positively to the natural environment.

The earth bank has been sensitively integrated into the site's existing topography, with a comprehensive landscaping scheme that promotes ecological enhancement and restores visual screening for neighbouring properties. The proposed planting will reinforce slope stability and improve the site's landscape quality over time.

The ecological impacts of the development have been fully assessed, with no significant harm identified to designated sites or protected species. Appropriate mitigation and biodiversity enhancements, including the planting of native species, have been secured and are supported by consultation responses from ecological, arboricultural, and landscape specialists.

Subject to conditions ensuring the successful implementation and maintenance of the landscaping and ecological measures, the proposal is considered to represent a sustainable form of development. It aligns with Policies 25, 31, 32, 33, and 43 of the HDPF and the wider environmental and community objectives of the NPPF (2024). It is therefore recommended that planning permission be granted.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: Within three months of the date of the permission hereby granted, a Biodiversity Compensation and Enhancement Strategy for protected and Priority or threatened species, to include requirements of the LPA's Bat HRA Appropriate Assessment (April 2025), prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

a) purpose and conservation objectives for the proposed compensation and enhancement measures;
b) detailed designs or product descriptions to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
d) persons responsible for implementing the compensation and enhancement measures; and
e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To ensure a satisfactory development that is sympathetic to the landscape and 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).

3 **Regulatory Condition**: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Phlorum Limited, September 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved
details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework (2015).

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/25/0239
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Layout plan	Proposed Planting Plan	02-897-125 revision A	18.02.2025
Section plan	Sections A & B Illustrating: Existing and Proposed Levels	02-897-300 revision A	03.03.2025
Tree plan	Tree pit detail	02-897-400 REV A	03.03.2025
Details plan	Landscape Maintenance Plan	02-897-600	18.02.2025
Location plan	Site Location Plan	02-897-05 revision A	18.02.2025
Site plan	Block Plan	02-897-06	18.02.2025
Layout plan	Existing Landscape Plan Section A-A	02-897-110 revision A	18.02.2025
Supporting Statement	Landscape Management and Maintenance Plan by EnPlan dated Feb 2025	01-523-700	18.02.2025
Supporting Statement	Preliminary Ecological Appraisal by Phlorum dated September 2024	13104 PEA V3	18.02.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 28.04.2025

Authorising Officer sign/initial Tamara Dale Date: 28.04.2025