Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1219
The Vineries Nurseries, The Cabin, Lambs Green, Rusper, West Sussex, RH12 4RG

DESCRIPTION:
Erection of a replacement dwelling.

RELEVANT PLANNING HISTORY:

DC/04/2499	Mobile home and storage of caravans (Lawful Development Certificate – Existing)	Permitted on 12.05.2005
DC/13/1998	To build a chalet style mobile home to replace existing mobile home	Permitted on 27.08.2014
DC/25/1442	Erection of a replacement (workshop) outbuilding.	Under consideration

DESCRIPTION OF THE SITE
The site lies to the north of Lambs Green Road and there is an existing mobile home on site with large area of hardstanding on site. To the north, east and west of the site are open fields with the immediate surrounds around the red and blue line boundary to the west being a row of trees. The site lies outside of the Built-up area of Rusper and is therefore in a countryside location.

DESCRIPTION OF THE APPLICATION
There is existing parking provision on site, refuse and storage provision would remain. The existing building is a three bedroom mobile home and would be removed from site and replaced with a three bedroom dwelling.

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 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
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 40 - Sustainable Transport
Policy 41 – Parking

Rusper Neighbourhood Plan
Policy RUS3: 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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 1 year. 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 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
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
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

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:
Nature Space: No Objection. The proposed development is not considered to be relevant to the District Licensing Scheme in this case there would be no likely impact on great crested newts or their habitats.

Ecology Consultant: Request further information. Note the low potential of bat roosts within the buildings on site, however have requested further information in regards to a dawn re-entry survey to be undertaken between May and August as recommended within the Preliminary Ecological appraisal.

Natural England: Standing Advice:-

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

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

Southern Water: Comment, building control should be consulted if making new connections to soakaways or surface water.

West Sussex Highway Authority: No Objection. 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:
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:

Policy 28 of the Horsham District Planning Framework (HDPF) supports the development of replacement dwellings outside of defined built-up areas, provided that they are appropriately located within the curtilage of the existing dwelling. The policy allows for replacement on a one-for-one basis, contingent on the existing property not being derelict. Additionally, any replacement dwelling should not be disproportionate in size compared to the original structure and should remain in keeping with the scale and character of the existing building.

The existing dwelling on the site was permitted under ref: DC/13/1998 and this followed a lawful development certificate for a mobile home to the south of the current siting (ref: DC/04/2449). The proposal entails demolition of the exiting single-storey dwelling with the erection of a replacement chalet bungalow on the same siting. There would be no net increase in the number of dwellings on the site, with the replacement sited in the established existing curtilage. While there would be in increase in height the footprint would not be disproportionate to the existing with the location of the site and size of the curtilage such that the presence of a bungalow would not be harmfully disproportionate to the existing.

In principle, the replacement dwelling is considered to accord with the above policy, subject to detailed considerations. As the replacement dwelling is on the same site as the existing, no conditions requiring its removal are necessary.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote high-quality and inclusive design that is sympathetic to local distinctiveness and integrates well with its surroundings. These policies further ensure that the scale, massing, and appearance of new developments reflect the character of the surrounding landscape and built environment.

Policy 4 of the NP states that proposals for new development must be of the highest design standards, and will be required to reflect the character and scale of surrounding buildings.

The dwelling would be sited in the same location as the existing and would not encroach into the wider surrounding countryside. The scale and design is modest and unassuming and would not appear inappropriate in this location, which is largely isolated from surrounding development. There are no changes being proposed to the wider site, and no further landscaping is considered necessary to make the development acceptable. The visual impact of the proposal is therefore considered acceptable and in accordance with the above policies.

Residential Amenity:

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

It is considered that the location of the replacement dwelling and the resulting relationship with surrounding properties and land would be sufficient to prevent any unacceptable impacts on neighbouring amenity, in accordance with the above policy.

It is noted that demolition and construction activities have potential to result in short-term impacts. The scale of the development is though modest, and it would not be expected that these impacts would result in unacceptable harm, with the site of a sufficient size to allow for on-site contractor parking and material storage. A condition is recommended to control working hours with this sufficient to protect neighbouring amenity.

Highways Impacts:

Policies 40 and 41 of the HDPF state that development should provide a safe and adequate access, suitable for all users.

The development would make use of existing access arrangements with sufficient space provided on the site for parking and manoeuvring. There are no reasons to believe the proposal would adversely impact on highway safety or the wider highway network, with the transport impacts of the proposal acceptable.

Ecology:

Policy 31 of the HDPF states that the proposed development is required to enhance existing biodiversity and retain significant nature conservation features.

The application is accompanied by a Preliminary Ecological Appraisal which found that the potential for roosting bats was low and recommended a further Bat Emergence Survey. This survey has been undertaken, and while bat activity was recorded in the immediate surrounds no bats were observed to emerge from the building. There are no reasons to dispute the methodology or findings of the assessment, and demolition of the existing building would not be expected to adversely impact on protected species. The proposal does not indicate any alterations to the wider site, and no impact on surrounding habitat would therefore be expected to result from the scheme.

The assessment(s) sets out precautionary advice with regards to lighting and the provision of bat boxes, and these would be secured through condition. This approach is considered sufficient to ensure the proposal is acceptable in respect of ecology considerations.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development, which would not result in an increase in the number of bedrooms or potential occupancy of the site, would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Electric vehicle charging point

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). The proposal entails a self-build dwelling which would be exempt from BNG.

Conclusions:

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. The development in this instance is CIL exempt, being a self build dwelling with a new footprint of not more than 100square metres. To claim an exemption the applicant would have to claim the exemption before commencing the development.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement (Slab Level) Condition:** No new-build 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 building has been submitted to and approved by the Local Planning Authority in writing. 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).

4 **Pre-Installation (Lighting) Condition**: No external lighting shall be installed until a lighting design scheme for biodiversity, based on Guidance Note: 08/23 (Institute of Lighting Professionals), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

5 **Pre-Occupation Condition**: Prior to the first occupation of each dwelling, 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 shall be provided to the premises.

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

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

7 **Pre-Occupation Condition**: No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided within the curtilage of the dwelling hereby permitted. The facilities shall thereafter be retained for use at all times.

Reason: To provide alternative travel options to the use of the car in accordance in accordance with Policy 40 and 41 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the curtilage of the dwelling hereby permitted. The facilities shall thereafter be retained for use at all times.

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

9 **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: 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).

10 **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 (dated 23.06.2025) and the Bat Emergence Survey Report (dated 14.07.2025).

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

11 **Regulatory Condition**: All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

12 **Regulatory Condition**: All site clearance and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste. No burning of demolition, construction, site clearance or other materials shall be undertaken on site.

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

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.

NOTE TO APPLICANT
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation.

Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

It would be recommended that all works be carried out in accordance with the following measures:

- Any trenches left overnight should be covered or provided with ramps to great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.

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/25/1219
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Application Form	NONE	25.07.2025
Block plan		PBP REV B	25.07.2025
Elevation & Floor plan	Proposed	MS01	25.07.2025
Location plan		NONE	25.07.2025
Elevation plan	Proposed section	PEV REV B	25.07.2025
Floor plan		PFP REV B	25.07.2025
Supporting Docs	Preliminary Ecological Appraisal	NONE	17.09.2025
Supporting Docs	Bat Emergence Survey Report	NONE	17.09.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 27th October 2025

Authorising Officer sign/initial Guy Everest Date: 30.10.2025