Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1736
Bowood, Bashurst Copse, Itchingfield, West Sussex, RH13 0NZ

SITE LOCATION & DESCRIPTION:

The application seeks permission for the demolition of the existing dwellinghouse and the construction of a replacement dwelling with a detached garage/garden room. Solar panels are proposed to the south-east elevation.

The site is located along Bashurst Copse, set outside of the built-up area boundary. The rear of the site, extending further to the south is an area of ancient woodland (AW). The site is also at risk of surface water flooding and an amber zone for great crested newts.

RELEVANT PLANNING HISTORY:

DC/17/0985	Erection of replacement 6 bed dwelling and detached garage (resubmission of DC/14/0420)	Application Permitted on 23.06.2017
DC/14/0420	Erection of replacement 6 bed dwelling and garage to include addition of a basement and utilise living accomodation in the roof space. (Renewal of DC/11/0418)	Application Permitted on 14.05.2014
DC/11/0418	Renewal of unimplemented permission DC/08/1517 (Amendment to Condition 13 to previously approved application DC/08/0240 for a replacement dwelling).	Application Permitted on 21.04.2011
DC/08/0240	Amendment to previously approved application DC/07/2135 for replacement 4-bed dwelling and garage to include addition of a basement and utilise living accommodation in the roofspace.	Application Permitted on 31.03.2008
DC/07/2135	Replacement 4- bed dwelling and garage	Application Permitted on 09.01.2008
DC/07/0952	Replacement dwelling (Outline)	Application Refused on 25.06.2007
DC/06/2758	Demolition of existing house and construction of a new detached dwelling	Application Refused on 30.01.2007

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 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 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

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

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

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 41: Rural Exception Homes
Policy 45: Replacement Dwellings and House Extensions in the Countryside

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

Parish Design Statement:

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:

HDC Arboriculture Officer:
I recommend that the Veteran tree and Ancient woodland (AW) at the site are appropriately plotted and consideration given to design that gives planned space to limit both direct and potential indirect impacts of property re-development.

Moving the position of the dwelling E as proposed, further into the site to accommodate the desires for a modern home and associated infrastructure places greater future pressure on the conservation of the irreplaceable habitats that are present within the rear amenity area.

HDC Conservation:
The existing dwelling reflects a domestic revival style of architecture. By the time Bowood was constructed in 1939 the domestic revival style had had its heyday. Bowood does not reflect the best of the examples of this movement and appears to be the work of a speculative builder rather than a local architect. I am satisfied it is not so significant that it should be considered a heritage asset. I do not object to the demolition.

The replacement dwelling is an uninspired and uninspiring example of a generic suburban architecture more often associated with the home counties. It is not reflective of a provincial style that might be expected in this part of West Sussex. My view is that we should be expecting a replacement dwelling that reinforces a sense of place either through reimagining a local vernacular for the twenty first century or creating a dwelling that inspires.

WSCC PROW:
No objection. Conditions recommended.

WSCC Highways:
The Local Highway Authority does not consider that the 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.

Should planning consent be granted, the LHA advise conditions securing parking and cycle parking to be secured alongside it.

Nature Space:
Thank you for consulting me on the above planning application. 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. I therefore have no comments to make at this time. If the proposal changes, then please seek further advice from me if necessary.

Natural England:
No objection, subject to appropriate mitigation.

Southern Water:
A formal application to connect the public sewer would need to be made. A condition relating to rainwater harvesting has been recommended.

Ecology: (summary)
The Bat Survey Report (Arun Ecology, September 2024) concludes that bats are likely absent from Building B1, with other site buildings and trees showing negligible bat roost potential. No further bat surveys are needed. The site includes eight buildings, woodland, grassland, and a stream. Three trees will be removed, but habitat connectivity and ancient woodland buffers will be maintained, ensuring no adverse effects on bat SAC integrity.

A project-level HRA Screening Report is recommended. Precautionary measures for protected species like hedgehogs and a 15m buffer for ancient woodland should be conditioned. Sufficient ecological information supports the application, with no objections except for Great Crested Newt, left to NatureSpace Partnership.

Mitigation measures, a Wildlife-Friendly Lighting Strategy, and biodiversity enhancements should be conditioned to avoid light impacts on bats and secure net biodiversity gains, aligning with statutory biodiversity duties.

PUBLIC CONSULTATIONS:

Representations:
None received

Parish Comments:
No Objection

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:

The application comprises a revised proposal of the development approved under planning reference DC/17/0985. While the HDPF has not been amended since this approval the NPPF has been amended on a number of occasions.

Policy 28 of the HDPF states that outside built-up area boundaries, replacement dwellings will be supported where the development can be accommodated appropriately within the curtilage of the existing dwelling. In addition, replacement dwellings will only be supported on a one for one basis, and if it can

be demonstrated that the building is not derelict. Replacement dwellings should not be disproportionate to the size of the existing dwelling.

The application site has fairly extensive history and a replacement dwelling, be it a different design as proposed under this application, has been permitted previously.

Design and Appearance:

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.

The proposed dwelling would be of an imposing appearance, large in nature, extending over two storeys with a single storey element to the side and rear. The dwelling would be very dominant in nature exceeding the area of dwelling approved under DC/17/0985 by approximately 80m^2 and approximately 49m^2 larger than the average dwelling in the area (as calculated from the location plan). Including the retained and proposed garage the total approximate built area of the site would be 342m^2, 104m^2 larger than the total area permitted under DC/17/0985.

The above demonstrates the proposal would be considerable in size, beyond that typically expected of the area and of that permitted under DC/17/0985, failing to retain the proportionality expected under Policy 28(2). The overall size of the dwelling renders it dominant in nature a significant shift from the existing dwelling.

Policy 26 of the HDPF expects proposal to be or a scale appropriate to its countryside character and location. Policy 45 of the emerging local plan expect replacement dwellings to be in keeping with the scale and character of the existing dwelling and of the surrounding area.

The proposed dwelling would be of a generic suburban design, often associated with the home counties. The width of the property, its pitched roof and fenestrations give it a manor house look. This design combined with the significant size of the property extend considerably beyond the existing small scale thatched roof property, failing to reflect the provincial style expected in this area of West Sussex.

The proposals significant size and design would not be reflective of the immediate area, nor the provincial style expected in this area of West Sussex. Policy 26 along with the direction of the local plan, as shown by the emerging plan, demonstrates a desire for replacement dwellings to be of suitable scale and design for the area, as well as in keeping with the existing dwelling. The proposal is therefore considered to be contrary to Policies 26 and 33 of the HDPF as well as Policy 45 of the emerging local plan.

Trees and Ecology:

The proposal seeks to move development, in the form of a dwelling, further into the site. It is noted that the Ecologist considers a 15m buffer zone with the Ancient Woodland (AW) would be retained; however, the LPA do not consider this to be the case. The proposal would cause greater pressure on the AW, an irreplaceable habitat, to the rear of the property.

Policy 33(6) of the HDPF states that development shall be required to presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

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

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

Paragraph 193(c) of the NPPF states that "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons[70] and a suitable compensation strategy exists"* and "*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

The Local Planning Authority are aware that some deterioration has occurred in areas of the AW, through the building of houses in the area and the usage of domestic property curtilage. Nevertheless, AW is an irreplaceable habitat and the NPPF is clear that development resulting in it's a loss of denudation should be refused, unless for wholly exceptional reasons. The deterioration that has occurred over the years is not considered by the LPA to justify any further potential denudation, but to demonstrate the harm development can have on these irreplaceable habitats.

A replacement dwelling is not considered by the LPA to be a wholly exception reason to allow further built form closer to the AW. The LPA recognise that previous permissions have been granted for replacement dwellings at the site and nearby. They would like to highlight that since 2017 the protection of irreplaceable habitats has become more of the forefront in planning considerations. As supported by the retainment of paragraph 193 in the December 2024 NPPF. In addition, the proposed dwellings location would be larger and closer to the AW than previous permissions.

Limited information has been provided as to the impacts on specifics of the proposals impact on the AW. The LPA had therefore been unable to determine whether the proposal would cause deterioration or loss of the AW.

Given the emphasis the NPPF places on any loss or deterioration of the AW the LPA consider they have been given insufficient information to ascertain the impacts of the proposal on the AW. As such the LPA deem the proposal warrants refusal on the grounds that insufficient evidence has been provided to demonstrate that no harm to the AW will result from the proposal. Whilst the Council acknowledges that previous proposed were granted in a similar location, this does not overwhelmingly override the material national planning policy revisions in the subsequent years from the previous approvals.

In relation to ecology and protected species the relevant conditions, as recommended by the ecologist would be secured, were the application supportable in all other matters.

Impact on Neighbouring 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.

The panels and plant room would be set within the site for Architectural Plants. It is considered that the siting and layout of the proposed and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Following consultation with WSCC Highways it is considered that the number of parking spaces is considered acceptable. No changes are proposed regarding the access to the road.

The proposal is not considered to have unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

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.

Through a mixture of water efficient fixtures and fittings accompanied by rainwater harvesting the proposal has reduced the water usage to levels below the existing properties water usage.

Natural England were consulted on the water strategy following the carrying out of an Appropriate Assessment by officers, and raised no objection, subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality. The information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would be water neutral. Appropriate mitigation measures have been demonstrated and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

Other Matters:

Public Rights of Way:

The PROW Officer has recommended conditions which would be attached to the application, were it considered supportable.

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:

Were the proposal supportable on all other grounds a condition would be recommended securing suitable and relevant measures.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions)

Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

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

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

Conclusions:

Whilst the principle of the development is accepted, owing to its replacement of an existing dwelling the proposal has not suitably demonstrated or justified resultant landscape harm or loss of AW. The proposal is therefore contrary to Policies 30 and 33 of the HDPF and Paragraphs 193 of the NPPF.

The proposed development is considered to be of a scale and proportion that would significantly differ from the existing building, detracting from the defined character of the street scene, resulting in a dominant built form that would appear at odds with the build pattern and character of the street scene. The proposal would have an overbearing impact on the street scene and would result in overdevelopment of the site. As such, the proposal is considered contrary to Policies 26, 32 and 33 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide (Zone 1)	186m^2	540m^2	354m^2
		Total Gain	354m^2
		Total Demolition	186m^2

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

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

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

Recommendation: Application Refused

Reasons for Refusal:

1 The significant scale of the proposed development and its generic suburban design would result in overdevelopment of the site, being of a scale, height, proportion, and siting that would have an overbearing impact upon the visual amenities of the street scene, detracting from recognised build pattern and character of the wider street scene. In addition, the design of the proposed dwelling would vary greatly from the existing dwelling. The proposed development would

therefore be contrary to Policies 26, 32 and 33 of the Horsham District Planning Framework (2015).

2 Insufficient information has been provided to demonstrate the proposal would not cause a loss or deterioration of the ancient woodland. This is particularly pertinent given the proposed location of the dwelling, within the 15m buffer area for the ancient woodland. Furthermore, insufficient justification for any loss or deterioration has been provided. This lack of demonstration is contrary to Policies 31 and 33 of the HDPF and paragraph 193 of the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1736

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

Plan Type	Description	Drawing Number	Received Date
Supporting Statement		Water Neutrality Statement	11.11.2024
Supporting Statement		Bat Survey	08.11.2024
Site plan	Proposed	01	08.11.2024
Floor plan	Proposed Ground	02	08.11.2024
Floor plan	Proposed First	03 REV E	15.11.2024
Floor plan	Proposed Second	03a	08.11.2024
Roof plan	Proposed	03b	08.11.2024
Elevation plan	Proposed	04	08.11.2024
Section plan	Proposed	05	08.11.2024
Tree plan		STC-TRPP-BW-01 REV C	15.11.2024
Elevation plan	Proposed Garage	G01	08.11.2024
Section plan	Proposed Garage	G03	08.11.2024
Section plan	Existing and Proposed Site	SS01	08.11.2024
Section plan	Proposed	SS01a	08.11.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 09/01/2025

Authorising Officer sign/initial RHERMITAGE Date: 10.01.2025