

Planning, Design and Access Statement

Proposed Construction of 2 x 3-Bed Dwellings

Land at Thistledown Cottage, Harbolets Road, West Chiltington

Prepared for

Mr and Mrs A Grocott



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Site: **Land at Thistledown Cottage, West Chiltington**
Client: **Mr and Mrs A Grocott**

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1. INTRODUCTION

- 1.1. This Planning, Design and Access Statement is submitted in support of a full planning application for the proposed demolition of existing buildings and the construction of 2 No. 3-bedroom detached dwellings on land at Thistledown Cottage, Harbolets Road, West Chiltington.
- 1.2. The proposed scheme would comprise the demolition of an existing agricultural building and stable, and the construction of 2 No. 2-storey dwellings each providing 3-bedroom accommodation. These would be external faced in brick and timber cladding under a plain tile roof. They would be served by an existing access into the site off Harbolets Road.
- 1.3. The proposed dwellings would be constructed in lieu of the change of use and conversion of an existing agricultural building on the site to 2 dwellings. This was granted Prior Approval by Horsham District Council as the Local Planning Authority (LPA), in a decision notice dated 08th December 2023 (LPA reference DC/23/1906).
- 1.4. This application is submitted following the refusal of planning permission for a similar scheme in a decision notice dated 11th December 2024 (LPA reference DC/24/1112). That application was refused on the grounds that the Prior Approval scheme for conversion of the agricultural building was not, at that time, considered to be an implementable fall-back position and so was not considered a material consideration in favour of the grant of consent; and that measures to ensure the development would achieve water neutral were not adequately demonstrated.
- 1.5. Since that decision, approval of details reserved by condition have been granted in respect of the pre-commencement condition for the conversion of the agricultural building in a decision notice dated 12th May 2025 (LPA reference DISC/25/0067) and a S106 Legal Agreement was signed on 19th June 2025 in relation to that scheme to achieve water neutrality. The conversion scheme is therefore now considered to be an implementable fall-back position.
- 1.6. In addition to this statement, the application comprises the following plans and documents:
 - 2404TH_R0_000 rev 001 - Site Location Plan;
 - 2404TH_R0_002 rev 002 - Proposed Block Plan;
 - 2404TH_R0_001 - Site Survey Plan;
 - 2404TH_R0_100 - Unit 1 - Proposed Ground Floor Plan;
 - 2404TH_R0_101 - Unit 1 - Proposed First Floor Plan;
 - 2404TH_R0_102 - Unit 1 - Proposed Roof Plan;
 - 2404TH_R0_103 - Unit 1 - Proposed North Elevation;
 - 2404TH_R0_104 - Unit 1 - Proposed East Elevation;
 - 2404TH_R0_105 - Unit 1 - Proposed South Elevation;

- 2404TH_R0_106 - Unit 1 - Proposed West Elevation;
- 2404TH_R0_200 - Unit 2 - Proposed Ground Floor Plan;
- 2404TH_R0_201 - Unit 2 - Proposed First Floor Plan;
- 2404TH_R0_202 - Unit 2 - Proposed Roof Plan;
- 2404TH_R0_203 - Unit 2 - Proposed North Elevation;
- 2404TH_R0_204 - Unit 2 - Proposed East Elevation;
- 2404TH_R0_205 - Unit 2 - Proposed South Elevation;
- 2404TH_R0_206 - Unit 2 - Proposed West Elevation;
- 2404TH_R0_300 - Proposed Dwelling Section; Bike and Bin Store Details;
- Tree Survey & Report - December 2024;
- Preliminary Ecological Appraisal - October 2025;
- Biodiversity Net Gain Assessment - September 2025;
- Biodiversity Net Gain Metric - October 2025;
- Bat Emergence Survey Report - June 2026; and
- CIL Form 1.

- 1.7. This Statement details the site and its surroundings; summarises relevant planning background; describes the proposed development; summarises relevant planning policy; and assesses the scheme in accordance with the requirements of the Development Plan and other material considerations, including the National Planning Policy Framework.

2. SITE DESCRIPTION

- 2.1. The application property is located some 2.5km to the north-east of West Chiltington and 700m to the south-east of Broadford Bridge.
- 2.2. It is located on the west side of Harbolets Road (B2133), which travels in a broadly south-east to north-west direction, comprising part of the public highway network that connects Ashington to Billingshurst.
- 2.3. The property comprises a dwelling (Thistledown Cottage), agricultural building, stable building and surrounding agricultural land.
- 2.4. The existing dwelling is a detached property that is externally faced in a mix of brick and tile hanging under a plain tile pitched roof. The property is comprised of accommodation over 2 floors.

It has a ridgeline that runs parallel to the public highway with a main, broadly east to west aspect. The dwelling is surrounded by domestic curtilage which is predominantly defined by hedging and trees. Vehicular access to the property is to the south of the dwelling.

- 2.5. To the north of Thistledown Cottage is a single storey agricultural building. This is constructed in external facing brick under a slate pitched roof, which has a ridgeline that runs parallel to the public highway. The building has opening doors and windows in the front (west) facing elevation and a single window in the side (north) facing elevation. The rear (east) and side (south) facing elevations are blank.
- 2.6. There is a hardstanding area immediately to the west and north of the building.
- 2.7. To the north of the building is a vehicular accessway onto Harbolets Road. This has double opening timber gates set back from the highway edge.
- 2.8. To the north of the access is a stable building. This is constructed with external timber boarding to the walls under a profile sheet roof, with a ridgeline running parallel to the public highway. It has stable style doors and windows in the front (west) facing elevation. There is hardstanding to the south and west of the building.
- 2.9. The agricultural building, associated access, and stable building are set in an area delineated by a hedge and treelined boundary along the public highway. To the west is an area of trees, beyond which is a boundary line with agricultural fields beyond. To the south, the area is delineated by the fence line of the domestic curtilage of Thistledown Cottage. To the north is a grassed area, beyond which is the site boundary, delineated by a fence and hedge line.
- 2.10. To the east of the application site is Harbolets Road, to the south is the domestic curtilage of Thistledown Cottage, to the west is agricultural land, and to the north is the domestic curtilage of Hillside.

3. BACKGROUND

- 3.1. As part of the preparation of this application, the planning applications register held online by Horsham District Council has been inspected. There are a number of planning applications that relate to the property and are relevant to this application proposal. These are summarised below.
- 3.2. DC/21/2391 - Prior Notification Application for the change of use of an agricultural building to residential (C3) to form 1 No. Dwelling with associated operational development - Prior Approval deemed required and refused - 15th December 2021.
- 3.3. APP/Z3825/W/22/3291115 - Associated planning appeal dismissed - 31st May 2023.
- 3.4. DC/22/0672 - Erection of two storey rear extension and first floor side extension over existing single storey extension. Construction of new front porch and replacement gated entrance to front - Approved 23 December 2022.
- 3.5. DC/23/1158 - Prior Notification for the demolition of a non-agricultural building - Prior Approval not required - 07th July 2023.

- 3.6. DC/23/1164 - Prior Notification for the erection of 1 No. Agricultural barn for storage - Prior Approval required and granted - 28th July 2023.
- 3.7. DC/23/1481 - Prior Notification for the change of use from an agricultural building to 2 No. Dwellings (Class C3 use) - Prior Approval required and refused - 22nd September 2023.
- 3.8. DC/23/1906 - Prior Notification for the change of use from an agricultural building to 2No. Dwellings (Class C3 use) - Prior Approval required and granted - 08th December 2023.
- 3.9. DC/24/1112 - Demolition of existing buildings and erection of 2 x new build dwellings (in the alternative to permission granted under DC/23/1906 Prior Approval for change of use of agricultural barn to form 2 dwelling houses) - Refused - 11th December 2024.
- 3.10. HRA/24/0005 - Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/23/1906 - Approved 11th August 2025.
- 3.11. DISC/25/0067 - Approval of details reserved by Condition 1 (Contamination) of DC/23/1906 - Approved - 12th May 2025.
- 3.12. The planning history background to the site is complex.
- 3.13. An initial application for the residential conversion of the agricultural building on the site was submitted under the provisions of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- 3.14. This Prior Notification application (LPA reference DC/21/2391) was refused by the LPA on the basis that it was not satisfied that the application building was solely used for agricultural purposes and it was considered that the development had the prospect of being adversely impacted by adjacent equestrian activities.
- 3.15. This decision was the subject of a planning appeal (PINS reference APP/Z3825/W/22/3291115). In its decision letter, the Planning Inspector concluded that, on the balance of probabilities, the building was solely in agricultural use on the relevant date in March 2013, and that the permitted development rights, set out in Class Q, applied to the building.
- 3.16. Notwithstanding this, the Planning Inspector considered that it could not be definitively concluded that there would be an absence of harmful effects arising from equestrian use on adjacent land. It was also considered that the proposed development had not adequately demonstrated it could be delivered in accordance with the provisions of water neutrality requirements. On this basis, the appeal was dismissed.
- 3.17. In light of this, a Prior Notification application was submitted for the demolition of the equestrian building to the north of the agricultural barn (LPA reference DC/23/1158). The LPA confirmed that prior approval was not required for the demolition of this building.
- 3.18. In parallel with this, an amended Prior Notification application was submitted for the construction of an agricultural barn on land to the northwest of the application site (LPA reference DC/23/1164). The supporting statement set out that the agricultural agricultural holding extended to some 5.18

hectares of permanent pasture and woodland, and it was the applicant's intent to use the barn for hay and agricultural/ woodland machinery.

- 3.19. In determining the application, the LPA concluded that prior approval was required and granted for the building.
- 3.20. The Case Officer's Delegated Report concluded that the building was reasonably necessary for the purposes of agriculture, and was of an appropriate, siting, design, and appearance.
- 3.21. Following these decisions, a revised Prior Notification application was submitted for the conversion of the agricultural building to form two residential dwellings (LPA reference DC/23/1481). This was refused in September 2023.
- 3.22. The Case Officer's Delegated Report set out that, in accordance with the opinion of the Planning Appeal Inspector, the building was solely in agricultural use on the relevant date in March 2013.
- 3.23. It noted that the proposed dwellings would comply with the criteria of the GPDO, and the building was capable of conversion in accordance with the structural and physical limitations and requirements.
- 3.24. It was considered that transport and highway impacts of the development would be acceptable; noise impacts of the development would be acceptable in light of the consent to demolish an adjacent stable building; contamination risks could be addressed through a suitably worded planning condition; the site lies outside of any designated flood zone; that there were no location or siting reasons to withhold the consent; the design of the building was considered to be appropriate and suitable and included the provision of adequate natural light to all habitable rooms; and that the extent of curtilage was in accordance with the GPDO limitations.
- 3.25. Notwithstanding this, it was considered that the proposed layout of the building would result in a floor area of two of the bedrooms that would be below the national prescribed standards. On this basis, prior approval was deemed to be required and refused.
- 3.26. In light of this, a revised Prior Notification application for change of use and conversion of the building to two residential dwellings was prepared and submitted (LPA reference DC/23/1906).
- 3.27. In determining that application, the Case Officer's Delegated Report noted that all other matters in respect of the previous scheme remained satisfactorily addressed, and that the previous reason for refusal had been addressed through the incorporation of the proposed creation of two smaller one bedroom dwelling houses. In light of this, the scheme was considered to accord with relevant space standards.
- 3.28. Condition 1 of the decision notice set out that prior to the commencement of development, contamination risks at the site should be appropriately addressed.
- 3.29. A note attached to the decision stated that, as a result of Section 75 of the Conservation and Habitats and Species Regulations 2017, it was a condition of any planning commission granted by a General Development Order made on or after 30th November 2017 that development, which (a) is likely to have a significant effect on a European site or a European offshore marine site, (either alone

or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77.

- 3.30. It was noted that 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 had issued a Position Statement for applications within the Sussex North Water Supply Zone, which stated 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.
- 3.31. Subsequent to this decision, a full planning application was submitted for the demolition of the existing buildings on the site (the agricultural barn and stable), and the construction of two new detached dwelling houses (LPA reference DC/24/1112). It was noted that these would be constructed in lieu of, and in alternative to, the approved change of use of the agricultural barn to form two dwelling houses approved under DC/23/1906.
- 3.32. In consideration of the application, the LPA Case Officer's Delegated Report noted that condition 1 of DC/23/1906 (in respect of contamination) had not been discharged, and that the approved works could not be commenced until this had occurred. It was also noted that no HRA application to address water neutrality had been approved for the scheme, and no legal agreement had been entered into to secure the water strategy.
- 3.33. On this basis, it was concluded that the development approved under DC/23/1906 could not be lawfully commenced at the stage of determining the application, and that the scheme was not therefore considered to represent an implementable fallback position.
- 3.34. In light of this, and the site's location outside of any defined built up area boundary, it was considered that the scheme would be contrary to the spatial strategy of the Development Plan, and in particular, it would conflict with Policy 2, 3, 4 and 26 of the HDPF, and would be unacceptable.
- 3.35. In consideration of the design and appearance of the building, it was concluded that *"the proposed development would be compatible with the existing character of the site and character of the surrounding area"*.
- 3.36. It was therefore considered that the development would not result in unacceptable harm to the built character and visual amenity of the surrounding area, and so would be in accordance with Policy 32, and 33 of the HDPF.
- 3.37. In respect of ecology, trees, and landscaping, it was noted that the LPA's ecology consultant had considered that there were generally no major landscape concerns with regard to the principle of development, but the acceptability of the proposal would be subject to detail regarding landscaping, surfacing materials and boundary treatment.
- 3.38. The Case Officer's Delegated Report noted that a landscape plan and arboriculture report had been submitted, but given the in principle objections to the proposal, further consultation on these documents had not been undertaken.

- 3.39. In respect of amenity impacts, it was considered that the siting and layout of the proposed development and the resulting relationship with adjoining properties would not result in any undue harm to neighbouring amenity.
- 3.40. With respect to highway impacts, it was considered that the scheme would not have any unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.
- 3.41. In respect of water neutrality, it was noted that the scheme proposed to use an offsetting site comprising a house of multiple occupancy in Crawley. This had been the subject of review by Natural England, who did not object to the proposal. It was noted that a mechanism for securing water neutrality via a Legal Agreement had been drafted, but had not yet been finalised or agreed by the relevant parties.
- 3.42. On this basis, and while the scheme was considered to be water neutral, the application had failed to demonstrate a secure mechanism to ensure this in perpetuity. On this basis, and at that time, it was considered the proposal, in the absence of an appropriate mechanism, had not adequately demonstrated water neutrality. Given this, it not been demonstrated, the scheme would not have an adverse impact on the Arun Valley SAC, SPA, and Ramsar sites.
- 3.43. In light of this analysis, the application was refused on the following grounds:

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

In the absence of a mechanism to secure the offsetting measures, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area, and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus, the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and S40 of the NERC Act 2006, (Priority Habitats and Species).

- 3.44. In light of this decision, an application was prepared and submitted to the LPA in May 2024 under Regulation 77 of the Conservation of Habitats and Species Regulations 2017, in relation to the prior approval consent for the conversion of the agricultural building to create two residential dwellings, (LPA reference HRA/24/0005).

- 3.45. This application was supported by a water neutrality report prepared by CGS Civils (dated 23rd April 2024).
- 3.46. This set out an analysis that the approved residential conversion scheme of the agricultural barn would result in a water demand of 290.4 litres per day, prior to the application of any mitigation measures. It was noted that details for the installation of water efficient fittings and implementation of rainwater harvesting techniques in respect of both the proposed dwellings and in respect of the adjacent existing dwelling (Thistledown Cottage), would facilitate and enable the proposals to achieve water neutrality. This would be via water efficiency measures applied to the proposed two dwellings, reducing consumption of the development to 162.78 litres per day, which would then be offset by efficiency measures applied to Thistledown Cottage, which would achieve a reduction in total water demand in the use and occupation of that property of 202.54 litres per day.
- 3.47. This proposal and water efficiency measures are proposed to be secured via the completion of a legal agreement with the LPA under S106 of the Town and Country Planning Act. The legal agreement was signed on 19th June 2025. Subsequently, on 11th August 2025, the application was approved to confirm that subject to the mitigation measures the scheme would not have an adverse affect on the intercity of the Arun Valley SAC, SPA and Ramsar Sites.
- 3.48. In February 2025, an application was submitted for approval of details reserved by Condition 1 (contamination) of application, DC/23/1906 (conversion of agricultural barn to form two dwellings) (LPA reference DISC/25/0067).
- 3.49. This application was supported by a Preliminary Contamination Risk Assessment (February 2025), prepared by EAS Limited.
- 3.50. This report concluded that subject to precautionary mitigation measures employed during the implementation of the development, there would be no undue contamination risk from implementation of the development, and it could proceed without further detailed investigations and employment of a remediation strategy.
- 3.51. In response to this, the LPA's Environmental Health Officer advised that the first part of the condition had been satisfied, but that it could not be discharged in its entirety until, amongst other things, all asbestos containing materials had been removed in accordance with an appropriate safety and disposal precaution strategy.
- 3.52. In response to this, on behalf of the applicant, it was noted that such works would constitute a commencement of development, and this was not possible unless and until the condition had been discharged. It was submitted that the requirements of the condition was to demonstrate that the permission was capable of implementation, and that this had been adequately demonstrated.
- 3.53. The LPA approved the application in a decision letter dated 12th May 2025.
- 3.54. A note attached to the decision notice states that:

"The applicant is advised that the discharge of condition notice relates only to part (a) of condition 1, and that the remaining parts of the condition, (b-d), will require formal discharge at a later date prior to the occupation of the development should the applicant wish to pursue the permission

stop. Accordingly, the discharge of part (a) only does not inhibit the applicant's ability to commence the development."

4. PROPOSED DEVELOPMENT

- 4.1. The application envisages demolition of an existing agricultural building and a stable building to the north, and in their place, the construction of two detached residential dwellings.
- 4.2. The agricultural building benefits from a Prior Approval consent for its conversion to form two residential dwellings under Class Q, Part 3 of Schedule 2 of the GPDO (LPA reference DC/23/1906).
- 4.3. The stable building to the north benefits from a Prior Approval consent for its demolition (LPA reference DC/23/1158).
- 4.4. The application proposals would be constructed in replacement of these two buildings, and in lieu of the approved conversion scheme.
- 4.5. The application proposals comprise a revised resubmission of a similar scheme that was refused planning permission in December 2024 (LPA reference DC/24/1112).
- 4.6. That was refused planning permission on the basis of concerns that the prior approval conversion application was not, at that time, a viable implementable fallback position, and that it had not been adequately demonstrated that the development would achieve water neutrality. Since that date, applications have been submitted and approved that addressed the two pre commencement conditions (contamination and water neutrality) related to the prior approval for conversion of the agricultural building to two residential dwellings. Furthermore, on 31st October 2025, Natural England withdrew their Position Statement and confirmed that development within the Sussex North Water Supply Zone, is no longer required to be 'water neutral'. Having regard these further approvals and withdrawal of the Position Statement, it is considered that the prior approval consent is now implementable.
- 4.7. This planning application would be delivered in lieu of this implementable residential conversion scheme (LPA reference DC/23/1906).
- 4.8. The application envisages the construction of two detached dwelling houses, either side of the existing vehicular access onto Harbolets Road.
- 4.9. Each dwelling would be of the same design, but handed.
- 4.10. Each dwelling would comprise a kitchen, dining, sitting room area at ground floor, together with a WC, and the provision of three bedrooms at first floor level (one with an en suite), and a family bathroom.
- 4.11. Entrance doors would be located within the roadside (east) facing elevation, with windows and doors to all sides. The rear (west) facing elevation would include opening doors to a patio area.
- 4.12. Each dwelling would be set within, and surrounded by, its own domestic curtilage.

- 4.13. The buildings would be constructed with external facing multi stock brickwork with painted timber weather boarding above to the elevations, under a plain tile roof. The curtilage would be laid to grass and existing trees and soft landscaping would be retained and enhanced.
- 4.14. The existing vehicle access onto the public highway would be retained. The existing hardstanding would be extended to provide parking and turning for a minimum of three cars for each dwelling, together with the provision of bicycle storage and refuse storage area.
- 4.15. New native hedging would be planted and/ or supplemented to all boundaries of the site.
- 4.16. A trackway through the site to the rear (west), would be provided to enable ongoing continued access to the applicant's agricultural land.
- 4.17. The scheme envisages the provision of Biodiversity Net Gain on the applicant's adjacent agricultural land.

5. PLANNING POLICY

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2. The Development Plan, for the purposes of this application, comprises the Horsham District Planning Framework (November 2015).
- 5.3. Material considerations include the National Planning Policy Framework (NPPF), online planning practice guidance, and the emerging West Chiltington Neighbourhood Plan.

6. NATIONAL PLANNING POLICY FRAMEWORK

- 6.1. The National Planning Policy Framework, (NPPF), sets out the Government's planning policies for England and how these are expected to be applied. It was most recently updated in December 2024.
- 6.2. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, made up of the three dimensions of economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (Paragraphs 7 and 8).
- 6.3. Paragraph 10 states that to ensure sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.
- 6.4. Paragraph 11 sets out that for decision-taking this means:
 - Approving development proposals that accord with an up to date Development Plan without delay; or

- Where there are no relevant Development Plan policies or the policies which are most important for determining the application are out of date, granting permission unless:

- (i) The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- (ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination.

6.5. Paragraph 39 sets out that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. It states that decision makers at every level should seek to approve applications for sustainable development where possible.

6.6. Paragraph 48 states that planning law requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It states that decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed with the applicant in writing.

6.7. Chapter 5 sets out the Government's objective of significantly boosting the supply of homes (paragraph 61). In the consideration of 'rural housing' paragraph 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6.8. Chapter 9 seeks to promote sustainable transport. Paragraph 110 states that the planning system should actively manage patterns of growth in support of sustainable transport objectives. It notes however, that opportunities to maximise sustainable transport solutions will

vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 6.9. Paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.10. Chapter 11 seeks to promote the effective use of land.
- 6.11. Paragraph 124 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.12. Paragraph 129 states that planning policies and decisions should support development that makes efficient use of land; and take into account a number of factors, including the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change, and the importance of securing self-designed, attractive and healthy places.
- 6.13. Chapter 12 relates to achieving well designed places.
- 6.14. Paragraph 131 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.15. Paragraph 135 states that planning policies and decisions should ensure that developments, amongst other things:
 - a) Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.16. Chapter 15 relates to conserving and enhancing the natural environment.
- 6.17. Paragraph 187 states that planning decisions should contribute to and enhance the natural environment by a range of measures, including helping to improve local environment conditions, including water quality.
- 6.18. Paragraph 192 and 193 states that in determining planning applications, LPA's should safeguard, amongst others, sites designated for biodiversity importance.

7. HORSHAM DISTRICT PLANNING FRAMEWORK

- 7.1. The Horsham District Planning Framework (HDPF) was adopted in November 2015 and seeks to guide development in the district up to 2031.
- 7.2. The following policies are considered to be of relevance to this application.
- 7.3. **Policy 1: Sustainable Development** - states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. It states it will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved wherever possible and to secure development that improves the economic, social, and environmental conditions in the area. It notes that planning applications that are in accordance with policies in the Development Plan will be approved without delay, unless material considerations indicate otherwise.
- 7.4. **Policy 2: Strategic Development** - sets out the spatial strategy for the district to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment. This includes focusing development in and around the key settlement of Horsham whilst allowing for growth in the rest of district in accordance with the identified settlement hierarchy.
- 7.5. **Policy 3: Development Hierarchy** - states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement.
- 7.6. **Policy 4: Settlement Expansion** - states that the growth of settlements across the district will continue to be supported in order to meet identified housing, employment, and community needs. It notes that outside of built up area boundaries, the expansion of settlements will be supported where it meets a number of criteria. This includes where 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 that development is contained within an existing defensible boundary in the landscape and landscape character features are maintained and enhanced.

- 7.7. **Policy 15: Housing Provision** - states that provision will be made for the development of at least 16,000 homes and associated infrastructure within the period 2011 - 2031, at an average of 800 homes per annum. It notes this will be achieved through a range of measures, including 750 windfall units.
- 7.8. **Strategic Policy 16: Meeting Local Housing Needs** - states that development should provide a mix of housing sizes, types and tenure to meet the need of the district's communities. It goes on to note that the appropriate mix of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.
- 7.9. **Strategic Policy 24: Environmental Protection** - seeks to ensure the high quality of the district's environment is protected through the planning process.
- 7.10. **Policy 25: Natural Environment and Landscape Character** - states that the natural environment and landscape character of the District, including the landscape, landform, and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. It notes that the Council will support development proposals which protect, conserve, and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintain settlement identity.
- 7.11. **Policy 26: Countryside Protection** - states that outside built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. It notes that any proposal must be essential to its countryside location. It states that proposals must be of a scale appropriate to its countryside character and location.
- 7.12. It notes 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 the development pattern of the area, historical and ecological qualities, tranquility and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees, water bodies, and other features; and the landform of the area.
- 7.13. **Policy 28: Replacement Dwellings and House Extensions in the Countryside** - states that outside defined built up areas replacement dwellings will be supported if the development can be appropriately accommodated within the curtilage of the existing dwelling and, amongst other things, is on a one for one basis; the property is not derelict; and the replacement dwelling is not disproportionate in size to the existing dwelling.
- 7.14. **Policy 31: Green Infrastructure and Biodiversity** - states that development will be supported where it can demonstrated that it maintains or enhances the existing network of green infrastructure. It also states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

- 7.15. **Policy 32: Quality of New Development** - states that high quality and inclusive design for all development in the district will be required, based on a clear understanding of the local, physical, social, economic, environmental, and policy context for development. It notes that in particular, development will be expected to provide, amongst other things, an attractive, functional, accessible, safe and adaptable environment, complement the locally distinctive character and heritage of the district, contribute a sense of place in buildings and spaces and the way they integrate with their surroundings, and optimise the potential of the site to accommodate development.
- 7.16. **Policy 33: Development Principles** - states that in order to conserve and enhance the natural and built environment, developments will be required to:
- make efficient use of land and prioritise the use of previously developed land and buildings whilst respect any constraints that exist;
 - ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/ users of nearby property and land, for example, through overlooking or noise, whilst having regard to sensitivities of surrounding development;
 - ensure that the scale, massing, and appearance of the development is of a high standard of design and layout, and where relevant, relates sympathetically with the built surroundings, landscape, open spaces, and routes within and adjoining the site, including any impact on the skyline and important views;
 - are locally distinctive in character, respect the character of the surrounding area (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;
 - use high standards of building materials, finishes, and landscaping;
 - presume in favour of the retention of existing important landscapes and natural features, for example, trees, hedges, banks, and water courses; and
 - ensure buildings and spaces are orientated to gain maximum benefit from sunlight and passive energy unless this conflicts with the character of the surrounding townscape, landscape, or topography where it is of good quality.
- 7.17. **Strategic Policy 35: Climate Change** - states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the district's carbon reduction targets.
- 7.18. **Strategic Policy 36: Appropriate Energy Use** - requires all development to contribute to clean, efficient energy.
- 7.19. **Policy 37: Sustainable Construction** - states that proposals must seek to improve the sustainability of development and that schemes should incorporate a range of measures to achieve this.

- 7.20. **Policy 40: Sustainable Transport** - states that development proposals will be supported where it promotes an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities. The policy also requires development to provide safe and suitable access for all vehicles, pedestrians and cyclists.
- 7.21. **Policy 41: Parking** - states that adequate parking facilities must be provided within developments to meet the needs of anticipated users. It notes that development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for the development overrides loss of parking and, where necessary, measures are in place to mitigate against the impact.

8. WEST CHILTINGTON NEIGHBOURHOOD PLAN

- 8.1. The emerging West Chiltonton Neighbourhood Plan, has been the subject of independent examination, with the final Examiner's Report published on 11th February 2026. In light of this, a Post Examination Plan has been published (eWCNP). The Plan is to be the subject of a referendum on 11th June 2026.
- 8.2. The eWCNP sets out that the Vision for the parish is to ensure that its special, attractive, and valued characteristics, including its rural feel, historic buildings, low density construction, relative tranquility, gardens, wildlife, and relationship with the surrounding countryside are protected and enhanced.
- 8.3. To support this, a number of objectives have been identified. These include that housing should contribute to meeting some of the locally identified housing need and complementing the character, local distinctiveness and cultural heritage of the village. With respect to environment, the objective is to protect agricultural land, protect and enhance green spaces, protect and enhance the parish's biodiversity and rural setting, and minimise flood risk.
- 8.4. **Policy H1 - Spatial Strategy and Built Up Area Boundaries** - states that development proposals will be supported where they comply with a number of criteria. These include that development responds to the individual identities of areas, avoids or minimises any adverse impact on the predominantly open and undeveloped landscape setting of the parish. It notes that land outside of the built up area boundary is identified as countryside and development will only be supported if it is the subject of a specific policy in the neighbourhood plan or can demonstrate a need to be located in the countryside as set out in national and local policies.
- 8.5. **Policy H2: Land for Housing** - states that new residential development should address a number of criteria. This includes:
- New development should attain a Home Quality Mark, minimum 3 to 4 star rating;
 - Innovative approaches to the construction of low carbon homes, which demonstrates sustainable use of resources and high energy efficiency levels will be supported where they do not harm the semi-rural character of the Parish;

- High quality design will be supported;
- Landscape design and green green infrastructure should contribute to a sustainable sense of place and linked biodiversity and wildlife corridors;
- All mature trees, hedgerows, and green corridors within sites are retained unless their removal is essential, and any removal should be minimised and mitigated;
- Where 'Greenfield' development creates a new edge to the parish, the interface between the built edge and surrounding countryside should provide amenity and biodiversity value;
- Where possible, existing hedgerows should be retained and, if necessary, enhanced or replaced; and
- New housing development should include good quality outdoor amenity space.

8.6. **Policy H3: Quality Design** - states that proposals for new housing should be of high quality, be energy efficient, and designed to reflect the local character and reinforce, where appropriate, local distinctiveness.

8.7. **Policy EH3: Protection of Trees and Hedgerows** - states development proposals that result in the loss of, or adverse impacts on, trees or hedgerows of a arboricultural, amenity or historic value should demonstrate that the benefits clearly outweigh the harm or loss. It notes that development proposals, where appropriate, should be designed to retain existing, and plant new trees and hedgerows of suitable quality where practicable.

9. CONSIDERATIONS

9.1. In the assessment of this proposal, it is considered that the main issues are:

- Principle of Development;
- Design and Landscape Effect;
- Ecology, Trees and Biodiversity;
- Amenity;
- Access and Parking; and
- Water Neutrality.

9.2. Each of these is now considered in turn.

Principle of Development

9.3. The application site is located in a rural countryside location for the purposes of applying planning policy.

9.4. Policy 2 of the HDPF seeks to focus development in and around the main settlements of the district, whilst Policy 3 seeks to retain the existing settlement pattern.

- 9.5. Policy 26 seeks to protect the countryside for its own sake and limit development to that for which a countryside location is essential. More generally, proposals must be of a scale and character appropriate to their rural location.
- 9.6. Policy 28 states that outside of defined built up area boundaries, replacement dwellings will be supported on a one for one basis where they can be appropriately accommodated within the curtilage of an existing dwelling, where that property is not derelict, and where the replacement dwelling is not disproportionate in size to the existing.
- 9.7. It is acknowledged that the application proposals are in a location where new residential development would not normally be permitted. On this basis, 'material considerations' are needed to justify a grant of planning permission.
- 9.8. In this respect, the planning history of the site is of key relevance.
- 9.9. The LPA have granted approval for the formation of two dwellings on the site through the change of use and conversion of an existing agricultural building. This consent is extant.
- 9.10. In determining a previous application for a scheme similar to this application, the LPA, at that time, considered that the approved scheme under DC/23/1906 did not represent an implementable fallback position that represented a material consideration in favour of the grant of planning permission.
- 9.11. This was on the basis that the approved scheme was subject to two pre-commencement conditions/ requirements.
- 9.12. The first related to contamination risk. In a decision notice dated 12th May 2025, the LPA approved the pre commencement component of that condition (LPA reference DISC/25/0067).
- 9.13. A note attached to the decision notice acknowledged that the discharge of details was sufficient to mean that the contamination condition no longer prevented the commencement of the development.
- 9.14. An HRA application was submitted to address the pre-commencement requirements in respect of water neutrality. This evidenced the ability to to implement DC/23/1906 and achieve water neutrality through a range of efficiency measures in the conversion of the building, and offsetting measures comprising water efficiency savings to be retrofitted to Thistledown Cottage, (within the applicant's ownership). Assurance of delivery was proposed to be secured through a S106 Agreement.
- 9.15. The Legal Agreement was signed on 19th June 2025, and the HRA application was approved in August 2025. Subsequent to this, in October 2025, Natural England withdrew their Position Statement and confirmed that developments with the Sussex North Water Supply Zone, is no longer required to be 'water neutral'.
- 9.16. In light of the above, it is considered that the conversion of the existing agricultural building to create two residential dwellings approved under DC/23/1906, is now a viable and implementable fallback position.

- 9.17. This current application proposal envisages the construction of two dwellings in lieu of that consent.
- 9.18. It is a well established case law principle, that fallback positions are able to represent a material consideration in the determination of planning applications.
- 9.19. In this instance, the fallback position is viable and implementable, and would be carried out by the applicant. Their commitment to this is evidenced in their securing of the prior approval consent.
- 9.20. It is therefore considered that whilst the application site is in a location where new residential development would not normally be permitted, the scheme is acceptable in principle, having regard to the viable, implementable fallback position. This is on the basis that the development would not result in any net gain in residential units on the site, compared to the alternative consent.
- 9.21. It is therefore considered that the scheme accords with the broad terms of Policy 28 of the HDPF. This supports one for one replacement dwellings subject to meeting certain criteria.
- 9.22. In this respect, the dwellings would be constructed both on the footprint and within the wider grounds of the agricultural building, and nearby stable; and the replacement dwellings are not disproportionate in size to the existing buildings. Whilst they envisage accommodation over two floors, the properties are of modest proportion and would integrate well within their immediate surroundings.
- 9.23. The requirement to determine applications in accordance with the Development Plan, does not mean that applications must comply with each and every clause of all policies. Rather, compliance should be approached on the basis of the Development Plan taken as a whole. This reflects the fact, acknowledged in Case Law, that Development Plans can have broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case, one must give way to another.
- 9.24. In this respect, having regard to the viable fallback position, it is considered that the scheme is in broad accordance with the requirements of Policy 28 of the HDPF and that the material considerations outweigh any perceived conflict with Policy 2 and 3 of the HDPF.
- 9.25. It is therefore considered that the principle of the development is acceptable.

Design and Landscape Effect

- 9.26. All tiers of planning guidance seek development proposals to protect, conserve, and enhance landscape and townscape character.
- 9.27. This is reflected in Policy 25, 26, 32, and 33 of the HDPF. It is also reflected in Policy H2 and H3 of the eWCNP.
- 9.28. The application site comprises two existing buildings and associated hard standing and access.

- 9.29. The approved conversion of the agricultural building to two residential dwellings would render this building previously developed land.
- 9.30. The application proposals envisage demolition of this building, together with a stable building to the north, and the construction of two detached three bedroom dwellings.
- 9.31. The dwellings are of modest proportion, high quality design, and propose the use of traditional external materials, comprising a mix of brick, timber boarding and plain tile.
- 9.32. The dwellings would be contained within their immediate setting, within an area that is characterised by sporadic residential development in a linear arrangement along the public highway.
- 9.33. The development would be served by the existing access without alteration, and the boundary hedging abutting the highway and land to the north and west, would be retained.
- 9.34. Overall, it is considered that the proposals would be sympathetic to the local built form character and would have no undue impact on the wider rural setting.
- 9.35. In the determination of the previous application for a scheme of the same design, the LPA concluded in the Case Officer's Delegated Report that the design and appearance of the buildings would be compatible with the existing character of the site and the surrounding area.
- 9.36. It was considered the scheme was in accordance with relevant Development Plan policy.
- 9.37. It is considered that the same conclusions should be reached in relation to this application.
- 9.38. The application is considered to be in accordance with Chapter 12 of the NPPF, Policy 24, 25, 26, 28, 32, and 33 of the HDPF, and Policy H2 and H3 of the eWCNP.

Ecology, Trees and Biodiversity

- 9.39. The property is set in grounds that are delineated by indigenous hedging and mature trees.
- 9.40. The application proposals would be delivered in conjunction with the retention of existing trees both on the site and around the boundary edge.
- 9.41. These would be supplemented by additional soft landscaping, including strengthening boundary hedge lines.
- 9.42. In consideration of application DC/24/1112, the LPA considered that there were no in principle objections with regard to the development. It was noted that detailed consideration would be required in relation to landscaping, surfacing materials and boundary treatment.
- 9.43. In response to queries raised in consideration of that application, an Arboricultural Survey and Report was prepared and submitted to the LPA.
- 9.44. However, in light of other concerns, this was not the subject of consultation or detailed considerations.

- 9.45. This report accompanies this application. It sets out that the development can take place outside of the Root Protection Area of all mature trees on the site. These predominantly comprise Oaks, together with Ash, Wild Cherry and a Field Maple.
- 9.46. These are located to the north, southwest and west of the application buildings.
- 9.47. The application scheme includes the provision of an access track through the site to serve agricultural land to the rear. The arboriculture report sets out recommendations in the formation of this where it is within the Root Protection Area of trees, via using a no-dig deconstruction.
- 9.48. The report concludes that subject to the employment of precautionary measures, the development would not necessitate the removal of any trees, and the arboricultural characteristics of the site would be unaffected.
- 9.49. Furthermore, it considers that there would not be future pressure for removal or pruning of the trees as a result of the development, in comparison to the existing site layout.
- 9.50. In light of the above, it is submitted that the application proposals can be delivered whilst retaining and protecting existing arboricultural and ecological interest at the site. The provision of supplemental planting would deliver a net benefit in landscape terms.
- 9.51. The application is supported by a Preliminary Ecological Appraisal (PEA), a subsequent Bat Emergence Survey Report and a Biodiversity Net Gain (BNG) Assessment (with Associated BNG Metric).
- 9.52. The PEA concluded that the application building had previously been surveyed with evidence of roosting bats present, and so should be the subject of bat emergence surveys. Precautionary method of works was recommended in relation to prospective impacts on Great Crested Newts, reptiles and amphibians, and protection of surrounding woodland and hedgerow habitat. The report makes recommendations for ecological mitigation and enhancement measures.
- 9.53. The subsequent Bat Emergence surveys were undertaken in May 2026. These confirmed that no bats were observed emerging from the building on the application site, and indicates it is no longer being used as a roost. It notes that an EPS licence would no longer be required in conjunction with the implementation of the development. The report nonetheless makes recommendations for precautionary working methods in relation to demolition, and bat friendly external lighting.
- 9.54. The BNG Assessment sets out that the onsite baseline conditions comprise 0.11 in habitat units and 0.86 in hedgerow units, with no irreplaceable habitats present on site. It concludes that the post development conditions would result in 0.29 in habitat units and 1.16 in hedgerow units. This equates to 0.18 gain in habitat units (+157.96%) and 0.30 in hedgerow units (+34.78%).
- 9.55. The report therefore demonstrates that the scheme can be delivered with well in excess of the requisite 10% gain in biodiversity terms, reliant on land within the applicant's ownership.

- 9.56. Having regard to the above, it is considered that the application proposals are in accordance with Chapter 12 and 15 of the NPPF, Policy 26, 31, 32, and 33 of the HDPF, and Policy H3 and EH3 of the eWCNP.

Amenity

- 9.57. The application site is generally set away from residential properties.
- 9.58. The nearest dwelling is Thistledown Cottage, to the south of the application site, and which falls within the applicant's ownership. That property has a predominant east-west aspect.
- 9.59. The application proposals envisage the nearest dwelling to Thistledown Cottage with a south facing elevation that would contain three windows at ground floor level serving a kitchen, dining room, and living room, and one window at first floor level, serving a bedroom.
- 9.60. The elevation would be located circa 8m from the side party boundary with Thistledown Cottage. That dwelling is located in excess of 20 metres from the party boundary, thus providing an overall spacing between buildings, in excess of 28 metres.
- 9.61. Having regard to this, it is considered that the mutual privacy of both the occupiers of Thistledown Cottage and the southerly application dwelling would be adequately protected.
- 9.62. The proposed northerly dwelling is set in excess of 20m from the side (northern) party boundary of the application site, with the adjoining dwelling to the north (Hillside). That property is located a considerable distance further north of the party boundary.
- 9.63. On this basis, it is considered there would be no undue impact on the residential amenity of occupiers of this adjoining property.
- 9.64. The proposed two dwelling units would be separated by some 20 metres with an intervening access and parking area.
- 9.65. It is considered this spacing and relationship would protect the mutual privacy of future occupiers of the proposed residential units.
- 9.66. On this basis, it is considered that the application scheme would have no undue impact on local residential amenity.
- 9.67. It is noted that this reflects the conclusion reached by the LPA in their determination of the previous application.

Access and Parking

- 9.68. The proposed development would be accessed via a long standing existing vehicular accessway that serves the site on the west side of Harbolets Road (B2133).
- 9.69. This provides access to the agricultural and equestrian buildings that currently occupy the site. It has double gates set back from the public highway, enabling vehicles to pull off the road.

- 9.70. The application proposals envisage the retention of this accessway.
- 9.71. Hardstanding around it would be modified and extended to provide parking and turning for a minimum of three cars to serve each of the proposed units, together with secured parking for two bicycles for each unit.
- 9.72. The application scheme envisages the provision of a track that would facilitate continued access through the site to the agricultural land to the west.
- 9.73. The site benefits from approval for the provision of two residential dwellings. It is considered that the application proposals would be unlikely to generate a material increase in traffic in comparison to this fallback position.
- 9.74. It is noted that in consideration of application DC/24/1112, the LPA's Case Officer's Delegated Report concluded that the scheme would have no undue impact on highway safety, or highway capacity.
- 9.75. On this basis, it is concluded that the scheme would have an acceptable impact on the operation of the local highway network, and makes provision for adequate parking on-site to meet the needs of the development.
- 9.76. The application is therefore in accordance with the requirements of Chapter 9 of the NPPF, Policy 40 and 41 of the HDPF.

10. SUMMARY

- 10.1. This statement supports a full planning application for the demolition of existing buildings and construction of 2 No. detached 3-bedroom dwellings.
- 10.2. The application is proposed in lieu of an extant prior approval consent for the conversion of an existing agricultural building on the site to form 2 residential dwellings (LPA reference DC/23/1906).
- 10.3. This application is a revised resubmission of a scheme, refused planning permission in December 2024 (LPA reference DC/24/1112), on the grounds that at that time, DC/23/1906 was not considered a viable implementable fallback position, and the application proposals had not finalised measures to secure water neutrality.
- 10.4. Since the determination of that application, approval has been granted by the LPA in relation to a pre-commencement condition in respect of contamination affecting DC/23/1906, and in relation to water neutrality mitigation measures in relation to that scheme. Notwithstanding the latter, Natural England have more recently withdrawn their Position Statement and confirmed that development within the Sussex North Water Supply Zone, is no longer required to be 'water neutral'
- 10.5. As such, this application is submitted against the background of an implementable fallback position of the conversion of the existing agricultural building to two dwellings as detailed in DC/23/1906.

- 10.6. The site is located in a rural countryside location for the purposes of planning policy where new residential development is generally resisted. Notwithstanding this, the fallback position of the implementation of 2 residential dwellings on the site represents the necessary material considerations to justify the principle of development of this scheme. The proposals would not result in any net gain in residential development properties on the site compared to the fallback position.
- 10.7. The proposed development is of high quality design, which would replace existing buildings. The development would readily integrate with its surroundings and have no undue impact on its wider landscape character. No concerns were raised by the LPA in determining the previous application for the same scheme design.
- 10.8. The application is supported by an arboricultural report, which evidences that existing trees and boundary treatments can be retained and strengthened in the implementation of the development. There will be no undue soft landscaping impact from the proposed works. The application is supported by ecology reports which demonstrate that the scheme would not have any under impact on biodiversity and would deliver in excess of the requisite +10% enhancements in BNG.
- 10.9. The location of the development and relationship with the nearest residential properties and the 2 application dwellings, means there will be no undue impact on existing or future residential occupiers amenity.
- 10.10. The scheme benefits from an existing long standing highway access onto Harbolets Road. The scheme is brought forward in lieu of consent for 2 dwellings that would utilise this access. In considering the previous application, the LPA concluded this works would have no undue impact on highway safety or capacity, and the development is capable of providing on-site parking to meet the needs arising from the development.
- 10.11. In light of the above, and the LPA's previous determination of the application proposals, it is considered that it has now been evidenced that the conversion of the agricultural building to provide 2 dwellings is evidentially a viable implementable fallback position, and that this is now a material consideration that weighs heavily in favour of the grant of planning permission.
- 10.12. This carries significant weight, having regard to the LPA's current absence of a 5-year housing land supply. This means that the 'tilted balance' set out in Paragraph 11(d) of the NPPF is engaged.
- 10.13. This states that planning permission should be granted unless there is a clear reason for refusing the development or or if there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 10.14. Overall, it is considered that the application is in accordance with paragraph 11 and Chapters 5, 9, 11, 12 and 15 of the NPPF, Policy 24, 25, 26, 28, 31, 32, 33, 35 36, 37, 40 and 41 of the HDPF, and H2, H3, and Policy EH3 of the eWCNP.

- 10.15. It is considered that residual conflicts with the Development Plan, having regard to the spatial strategy, are outweighed by material considerations, in particular the viable, implementable fallback position of DC/23/1906.
- 10.16. It is considered there are no other material considerations that weigh against the scheme, and on this basis, planning permission should be granted.