DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1896
Ashfolds , Horsham Road, Rusper, West Sussex, RH12 4QX

DESCRIPTION:

Erection of extension and alterations to barn style garage to form 1 no new dwelling. Demolition of annexe and erection of 1 no detached dwelling.

RELEVANT PLANNING HISTORY:

DC/20/1608	Demolition of existing garages and construction of a replacement 3 bay garage and workshop with a home office above and installation of an external staircase.	Application Permitted on 26.10.2020

DESCRIPTION OF THE SITE

The application site is located on the western side of Horsham Road. The main property is a two-storey detached dwelling situated within a large plot. There are several outbuildings sited within the plot, to the north of the main dwelling there are two ancillary buildings comprising of a detached annexe and a detached triple bay garage. A sand school formed over an old tennis court is situated to the west of the main dwelling with stable and storage block located to the southwest corner of the plot. The site has a crescent shaped driveway accessed from Horsham Road at southeast corner and northeast corner of the site. The site is screened by a combination of mature hedgerow, trees and closeboard fencing.

The application site is situated within the rural countryside and does not fall within a conservation area and nor is the main dwelling a listed building. A public right of way runs parallel along the northern boundary between the site and Dial Post Cottage.

DESCRIPTION OF THE APPLICATION

The proposal seeks planning permission for the sub-division of a residential garden of Ashfolds to create 2 no. additional self-contained dwellings with associated residential curtilages. The proposal would consist of the demolition of an existing annexe, the erection of a single storey rear extension to an existing garage block, alterations to enclose existing open car ports and conversion of this garage to create two bedroom dwelling and the erection of a detached two bedroom dwelling with associated access.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Neighbourhood Plan:
Rusper Neighbourhood Plan 2018 – 2031
Policy RUS1 – Spatial Plan
Policy RUS3 - Design

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

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 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 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking

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 Environmental Health: Conditions recommended

Natural England: Further Information Required to Determine Impacts on Designated Sites

As submitted, the application could have potential significant effects on Arun Valley Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA), as well as Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

In order to mitigate these adverse effects and make the development acceptable, robust information demonstrating how the proposed development will not result in increased levels of abstraction within the Sussex Water North Supply Zone is required.

Ecology Consultant: *Requires further information on European Protected Species (bats and Hazel Dormouse).*

Southern Water: Comment

Southern Water has looked at the evidence submitted for the above application and can confirm that not the statutory supplier for Foul/Surface water sewerage at this address.

Thames Water: No Comment

WSCC Highways: Comment

The site is located on Horsham Road, a C-classified road subject to a speed restriction of 40 mph. There are no proposed changes to the existing access points onto Horsham Road. The proposals would not be anticipated to give rise to a material intensification of use of the existing access points.

An inspection of data supplied to WSCC by Sussex Police over a period the past five years reveals that have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access points are operating unsafely or that the proposal would exacerbate an existing safety concern.

A new internal access road is proposed providing access within the site. It is noted that the proposed 3m width of this driveway may be too narrow for two cars to pass one another. The applicant may wish to widen the driveway to 4.2m or include passing places along the internal access route. However, given the small scale of the proposed development, the LHA anticipates that the chances of vehicular conflict will be low.

An open double-bay garage will be lost as part of the proposals. However, it should be noted that the existing garage does not meet the minimum internal specifications for double-bay garages of 6m x 6m as outlined in Manual for Streets (MfS). Therefore, the LHA would not consider the existing garage for parking provision, so no concerns are raised over the loss of parking provision.

Additionally, a single-bay garage will reduce in size as part of the proposal. So, it would no longer meet the MfS minimum internal specifications for single-bay garages of 3m x 6m. Therefore, this garage would no longer be considered for parking provision.

The applicant proposes seven car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least seven car parking spaces. Therefore, the LHA is satisfied with the proposed level of parking provision.

From inspection of the plans, the proposed parking areas are suitably sized and on-site turning appears achievable. No details of cycle parking have been provided. The LPA may wish to request that secure cycle parking provision be provided to promote sustainable transport methods.

The site is situated in a rural area that lacks access to immediate services, amenities, and regular public transport links. The nearest town is Horsham, approximately 6km south of the site. In addition, Horsham Road lacks footways and street lighting – as such, residents may have a reliance on the private car. Cycling is an option for confident cyclists.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

WSCC Rights of Way: No Objection

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal.

PUBLIC CONSULTATIONS:

Representations:

There were no responses received from neighbour consultation.

Parish Comments:

Rusper Parish Council: No Objection

Request that a condition is considered so the water usage is measured before and after to support the water neutrality report. The council request a condition to ensure it is used for the applicant's family occupation only.

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 proposal would involve the erection of extension and alterations to an existing barn style garage to form 1 no. new dwelling and the demolition of an annexe and erection of 1 no. detached dwelling. It is however noted that the annexe is located outside of the red line defining the development site. As a result, 2 no. additional residential units would be introduced in this location.

Policy 2 of the Horsham District Planning Framework (HDPF) states that sustainable growth of the District will be met by focusing development in and around the key settlement of Horsham and allowing for growth in the rest of the District in accordance with the identified settlement hierarchy. This includes continuing to support in principle the sustainable development of settlements through an appropriate scale of development which retains the existing settlement pattern over the plan period, and managing development around the edges of existing settlements in order to prevent the merging of settlements and to protect the rural character and landscape.

Policies 3 and 4 of the HDPF direct growth within the District and define the settlement hierarchy. Policy 3 outlines 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 characteristics and function of the settlement in accordance with the settlement hierarchy. Policy 4 directs the growth of settlements outside of the built-up areas, and states that the expansion of settlements will be supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing need; 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 the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

In addition, Policy 26 of the HDPF outlines that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition, meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character in which it is located.

Policy RUS1 of the Rusper Neighbourhood Plan defines the Built-Up Area Boundary of Rusper. The policy acknowledges that Horsham District Council is exploring the introduction of a further mechanism by which some development could take place, through the identification of 'secondary settlement' boundaries. In its LPR Issues and Options – Employment, Tourism and Sustainable Rural Development paper of April 2018, it identifies an initial recommendation that the existing unclassified settlements of Ifield and Faygate are designated as such. This would allow a small amount of infill development. Additionally, it may also explore the possibility of including Ifield as part of Crawley's built-up area boundary. It has so far dismissed the possibility of Lambs Green being designated as a secondary settlement, due to its nature as a very small hamlet of less than 20 properties. Nonetheless, residents in Lambs Green identify it as a hamlet in the parish of Rusper and RPC is mindful of the types of sustainable development currently provided for in planning policy and development pressures in and around the parish.

The site has not been allocated for development within the Made Neighbourhood Plan. Consequently, the proposal would fail to comply with Policy 4 of the HDPF as well as Policy RUS1 of the Rusper Neighbourhood Plan.

Paragraph 83 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

Paragraph 84 of the NPPF continues 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 dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 125 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. The application site is located outside of the settlement boundary and the proposal would therefore be in conflict with paragraph 125 of the NPPF.

The term “isolated” is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 84.

The proposed development would be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF and Policy RUS1 of the Rusper Neighbourhood Plan. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF.

Whether there are other material considerations that would outweigh the conflict as outlined above, will be addressed within the Planning Balance and Conclusions section below.

Design and Appearance:

Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

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.

Policy RUS3 of the Rusper Neighbourhood Plan aims to maintain that new development, including extensions to existing buildings, must be of the highest design standards, and will be required to reflect the character and scale of surrounding buildings. Moreover, the proposals should satisfactorily take into account, where appropriate, the significance of its setting in defining the rural character of the Parish and how the proposal will sustain and enhance that significance.

Policy RUS10 of the Rusper Neighbourhood Plan seeks to ensure that all development proposals should be designed to minimise the occurrence of light pollution. The Parish Council will expect such schemes to employ energy-efficient forms of lighting that also reduce light scatter and comply with current guidelines established for rural areas by the Institute of Lighting Professionals (ILP).

The proposal seeks to subdivide the residential garden of the host dwelling, Ashfolds, to create two additional dwellings, with one resulting from the conversion as well as an extension of an existing garage. The proposal suggests the removal of the existing annex and replacement with soft landscaping, however it is noted that this is located outside of the defined red line of the development site, where no mechanism to secure the demolition has been put forward.

The proposed garage conversion and extension would consist of extensive glazing and an awkward crown roof addition including roof lantern as well as solar panels above. The proposed extension and alterations are considered to result in a bulk, mass and form that would be unreflective of the proportions and built character of the existing building. Whilst it is recognised that the existing building is of standard rural design, the introduction of the proposed extension, with the level of glazing proposed, would fail to appropriately reflect the characteristics and features of the host building, with the excessive amount of glazing conflicting with Rusper's dark skies status. The proposal fails to sustain and enhance the significant rural characteristic of the application site. Furthermore, it is considered that the resultant amenity space for Plot 1 would be disproportionate in size to the dwelling it would serve, resulting in a somewhat cramped development.

With regards to the proposed new dwelling, it would be positioned in a prominent location within the open undeveloped area of the application site facing the surrounding agricultural fields. The bulk, mass and scale of the development would be highly visible from surrounding vantage points. The proposed design would fail to reflect similar characteristics within the immediate surroundings, with the scale, bulk and mass of the dwelling considered to compete with the principal frontage dwelling of Ashfolds. The proposed new dwelling would be of substantial size which also features extensive level of glazing. The proposal, due to its scale, bulk, massing, and design, would fail to reflect the built character and proportions of the nearby dwellings and the hierarchy of the site.

Overall, the proposal would form dominant additions due to the bulk/massing which would appear incongruous to this rural setting. It is not considered that the proposals would sympathetically integrate with the character of the rural surroundings or raise standards of design in the vicinity. The proposals, therefore, would be considered contrary to the requirements of HDPF policies 25, 26, 32 and 33 in addition to Policy RUS3 and Policy RUS10 of the Rusper Neighbourhood in respect to the local character and appearance.

Residential Amenity:

Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The proposed development is considered of a layout and scale which would not result in unacceptable harm to the amenities of nearby occupiers/users of land. The proposed sub-division of the application site would ensure that the new dwellings would be positioned sufficient distance away from one another and well screened by proposed boundary treatment. However, the proposed amenity space for Plot 1 would be disproportionate in size to the dwelling it would serve therefore further consideration would be required to amend the size of Plot 1's site boundary. Nonetheless, overall, it is not considered that the proposals would result in an unacceptable loss of natural light and/or privacy to nearby occupiers/users of land.

Highways Impacts:

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

The proposed dwellings would be served by the existing access point onto Horsham Road. However, it is noted that a new internal access road is proposed to provide access within the site. The 3m width of the driveway is considered to be too narrow for two cars to pass one another. The Local Highway Authority recommends that the driveway widen to 4.2m or include passing places along the internal access route. The submitted details indicates that there would be seven car parking spaces for the development which would be in accordance with WSCC Car Parking Demand Calculator which indicates that a development of this size in this location would require at least seven car parking spaces.

It is acknowledged that the site is situated in a rural area that lacks access to immediate services, amenities, and regular public transport links. The nearest town is Horsham, approximately 6km south of the site. In addition, Horsham Road lacks footways and street lighting – as such, residents may have a

reliance on the private car. Cycling is an option for confident cyclists. Therefore, it is considered that the site is an unsustainable location for new housing and would not be acceptable in this regard.

Ecology:

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

Following consultation with the Council's Ecologist, it is considered that there is insufficient ecological information for the site to fully assess the impacts of the proposal. It is recommend that details of survey results for bats and information on Hazel Dormouse are provided prior to determination.

The submitted Preliminary Ecological Appraisal (Simlaw Ecology, September 2024) recommends that Building B2 (garage studio) and Building B3 (annex) should be subject to further dusk bat emergence surveys between May to August. This is because Building B2 has high bat roost suitability and Building B3 has moderate bat roost suitability. The results need to be submitted to the LPA prior to determination in order to inform any mitigation requirements or the need for further surveys in accordance with Government Standing Advice.

It is noted that Hedgerow 1 on the north and west boundaries provides suitable habitat for Hazel Dormouse and is connected to suitable woodland habitat 250m to the southeast (Preliminary Ecological Appraisal (Simlaw Ecology, September 2024). Although Hedgerow 1 is not due to be impacted by the works, the Council's Ecologist recommends that justification should be provided as to why surveys or precautionary measures for Hazel Dormouse are not required (Government Standing Advice).

The survey results for bats and further information for Hazel Dormouse are required prior to determination in accordance with paragraph 99 of ODPM Circular 06/2005. In the absence of sufficient information, the proposal would be considered contrary to the requirements of HDPF policies 31 for that reason.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The submitted water neutrality statement lacks details on the following matters:

- The existing fittings survey fails to provide an explanation of the methodology used to calculate the flow rates of the existing fixtures and fittings.
- It is unclear from the submitted photo whether the existing toilet is single flush or dual flush.
- It is unclear why the figure 30.086 has been used within Appendix B Part G water usage calculation.

In the absence of a detailed strategy setting out how the applicant intends to demonstrate water neutrality, the Local Planning Authority is not currently in a position to ascertain whether or not the proposal would result in an adverse impact on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects.

With the above in mind, there is no certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 185 and 186.

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 Applicant has failed to provide Biodiversity Net Gain details on demonstrating 10% net gain would be achievable on site.

Other Matters

It is noted that the annexe, subject of proposed demolition, is located outside of the red line defining the application site. The demolition of this building could not therefore be controlled by condition, and no mechanism has been offered to secure this. Should the application have been considered favourably, an amendment to the red line would have been required to incorporate this building.

Conclusions and Planning Balance:

The proposal seeks planning permission for the subdivision of the residential garden of host dwelling, Ashfolds, to create two additional dwellings with one resulting from the conversion as well as an extension of an existing garage and the removal of an existing annex. Due to the site not being allocated for development within the HDPF or a made neighbourhood plan, as the site is located outside of the built-up area boundary, the principle of the development is unacceptable in contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 48 of the NPPF and Policy 1 of the Rusper Neighbourhood Plan.

The Council published its Authority Monitoring Report (AMR) in December 2023. Chapter 3 of the AMR revealed that the Council currently benefits from a deliverable supply of housing sites of 2.9 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance.

NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 under this paragraph refers to development relating designated sites such as those listed under NPPF paragraph 187 (including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar sites).

Subsequent to the receipt of the Natural England position statement, and in the absence of the applicant demonstrating water neutrality (as above), the proposal would result in an increase in water abstraction, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. Therefore, the Local Planning Authority are of the view that in instances where Water Neutrality cannot be demonstrated, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i)). As such, this adverse impact on protected sites disengages the presumption in favour of sustainable development in the 'titled balance' to its default position.

In the absence of demonstrating water neutrality, the proposal would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. This adverse impact on these protected sites is afforded significant weight, as approving such a scheme without demonstrating water neutrality would (cumulatively) result in irreversible harm to and loss of habitats and protected species. In such circumstances the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 185 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

The granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and Policy 1 of the Rusper Parish Neighbourhood Development Plan. This conflict with the development plan is afforded significant weight, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic process of selecting sites within Neighbourhood Plans. There are no other benefits that would arise from the granting of this permission.

The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet all of the criteria:

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

In addition, the proposed design of the development, due to it's scale, bulk, massing, and form, would fail to reflect the build characteristics, proportions, and character of the rural locality, and this would detract from the overall of the rural locality. The proposal would therefore fail to reflect the character and appearance of the site and surroundings, and would detract from the overall quality of the immediate surroundings.

While the current housing shortfall is a material consideration of significant weight, the site does not adjoin any settlement edge. The contribution of two market dwellings would bestow socio-economic benefits in the form of housing delivery, nonetheless the benefit arising would be moderate. The proposed development would result give rise to conflict with the development plan where the development would not be demonstrably outweighed by the benefits arising from the negligible contribution of the dwellings to the Council's housing supply. Therefore, the proposal would not benefit from the provisions of the FAD as above. The material benefits are not therefore considered to outweigh the harm identified above, and the proposal is therefore recommended for refusal.

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	358	116	358
		Total Gain	
		Total Demolition	**116**

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

Reason(s) for Refusal:

1. The proposed development would be sited within an inappropriate 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 land housing 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).

2. Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015).

3. Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed 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 193 and 194 of the National Planning Policy Framework (2024), 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 & Species).

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/24/1896

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

Plan Type	Description	Drawing Number	Received Date
Location & Site plan	Site Location Plan	NJA010 / 01 REV P2	17.12.2024
Site plan	Proposed SIte Plan	NJA010 / 04 REV P1	06.12.2024
Site plan	Existing Site Plan	NJA010 / 02 REV P2	06.12.2024
Site plan	Demolition	NJA010 / 03	06.12.2024
Elevation plan	Plot 2 - Existing Elevations	NJA010 / P1 / 02 REV P1	06.12.2024
Floor plan	Plot 1 - Existing Floor Plans	NJA010 / P1 / 01 REV P1	06.12.2024
Elevation plan	Plot 1 - Proposed Elevations	NJA010 / P1 / 04 REV P1	06.12.2024
Floor plan	Plot 1 - Proposed Floor Plans	NJA010 / P1 / 03 REV P1	06.12.2024
Elevation plan	Plot 2 - Proposed Elevations	NJA010 / P2 / 02 REV P1	06.12.2024
Floor plan	Plot 2 - Existing Floor Plans	NJA010 / P2 / 01 REV P1	06.12.2024
Elevation plan	Plot 2 - Proposed Elevations	NJA010 / P2 / 04 REV P1	06.12.2024
Floor plan	Plot 2 - Proposed Floor Plans	NJA010 / P2 / 03 REV P1	06.12.2024
Supporting Docs	Existing Fittings Survey by cgs civils dated 07 August 2024	C3290	06.12.2024
Supporting Statement	Water Neutrality Statement by cgs civils dated 30 October 2024	C3290	06.12.2024
Supporting Statement	Preliminary Ecological Appraisal by Simlaw dated 24 September 2024	SE24-8131 V.01	06.12.2024

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 24.02.2025

Authorising Officer sign/initial Tamara Dale Date: 24.02.2025