Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0973
Ivorys, Burnthouse Lane, Cowfold, West Sussex, RH13 8DQ

DESCRIPTION:
Installation of solar panels.

RELEVANT PLANNING HISTORY:

DC/24/1618	Change of Use of former squash court to provide new offices (Class E(c)).	Application Permitted on 02.04.2025
DC/25/0463	Prior notification for the erection of Storage Barn and workshop for the agricultural equipment	Prior Approval Not Required on 16.04.2025

DESCRIPTION OF THE SITE

Ivorys lies to the northwest of the settlement of Cowfold and is accessed off a private drive off Maplehurst Road to the west and off Burnthouse Lane to the east. Ivorys is a large country house which dates from the 1920's period. The application site consists of a redundant walled garden to the west of the main house which was originally used to provide fresh produce to the main house when in use as a private residence.

DESCRIPTION OF THE APPLICATION

The application seeks planning permission to install solar panels to reduce energy bills. The proposed solar panels would be located within the redundant walled garden. The proposal would install 168 solar panels to the southern end of the walled garden to generate an estimated 104,290 kWh of electricity a year.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
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 35 - Strategic Policy: Climate Change

Cowfold Neighbourhood Plan:
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

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

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

Consultations:

Ecology Consultant: No Objection subject to conditions [Summary]
We are satisfied that there is sufficient ecological information available to support determination of this application.

The mitigation measures identified in the Ecological Impact Assessment (Alex Rosenfield, May 2025) should be secured by condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

Nature Space: Comment [Summary]
The Avoidance measures on page 18 of the Ecological Impact Assessment (A.Rosenfield, 2025), should be secured via suitably worded condition.

Alternatively, should the application wish to exercise a precautionary approach they may choose to join the Council's district licence.

The development falls within the red impact risk zone for great crested newts. There are 17 ponds within 500m of the development proposal, 9 of which are within 250m of the development site with the closest being c.40m from the southeastern boundary of the site. There are suitable features on site which may be used by great crested newts.

Given the nature of the development, it would be relatively low risk and reasonable avoidance measures would suffice to safeguard GCN.

PUBLIC CONSULTATIONS:

Representations:
None received.

Parish Comments:
None received

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

Policy 37 of the Horsham District Planning Framework (HDPF) states that proposals must seek to improve the sustainability of development. To deliver sustainable design, development should incorporate measures that, among other things, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy. Policies 35 and 36 of the HDPF state that all development will be required to contribute to clean, efficient energy, including the use of decentralised, renewable and low carbon energy supply systems.

Paragraph 168 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure. Paragraph 168 of the NPPF continues that when determining planning applications for renewable and low carbon energy, local planning authorities should: not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

The use of renewable energy resources is favoured within national and local planning policy, where it considers that increasing the amount of energy from renewable and low carbon technologies will help to secure a reliable energy supply, and also help reduce greenhouse gas emissions. It is therefore considered that the principle of the development is acceptable, subject to all other material considerations.

Design and Appearance:

Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture, and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

In addition, Policy 26 of the HDPF states 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 of a scale appropriate to its countryside character and location, and should 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, its historical and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees, waterbodies, and other features; and the landform of the area.

Paragraph 012 of the Planning Practice Guidance under “Renewable and Low Carbon Energy” states that factors to bear in mind when considering active solar technology includes: the importance of siting systems in situations where they can collect the most energy from the sun; need for sufficient area of solar modules to produce the required energy output from the system; and the colour and appearance of the modules.

The proposed solar panels would reduce the applicant’s dependence on centralised and carbon-based energy by introducing the use of decentralised renewable energy, contributing to the efficient and sustainable use of resources. This would be supported by both policies 35 and 36 of the HDPF. The proposal would utilise an existing redundant garden area, within an existing walled garden which cannot be viewed from the surrounding areas. The proposal seeks to install 168 solar panels to the southern end of the walled garden. The array will be installed in 3 banks of around 56 panels, which will be mounted vertically on a ground bearing metal framework to provide an optimum panel angle of 35.9 degrees facing south. The framework will be secured to the ground with either small ground screws or weighed bags to have a minimal impact on the soil and vegetation. The expected height of the panel installation will be circa 3m. All of the existing walls and hedgerows will be retained to provide full screening of the new solar panels. Given the boundary treatments, location and modest height above ground level, the proposal would not appear as an intrusive and unduly dominant addition to the site and would be well-screened from the wider landscape. On this basis, it is not considered that the proposal would result in an adverse impact to the landscape character of the area such that a reason for refusal would be justified.

Residential Amenity:

Policy 33 states development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

It is considered that the proposal would not cause any unacceptable impact on neighbouring amenity due to the location of the proposal, separation distance and screening. The development would therefore accord with Policy 33 of the HDPF, which, amongst other things, requires development to avoid unacceptably harming the amenity of nearby occupiers.

Ecology:

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

The application is accompanied by an Ecological Impact Assessment. The assessment concludes that the site offered low value for roosting bats within the shed and tiled roof of the walls, as well as providing value for foraging and nesting birds, and other animals. No further surveys were required, and no significant effects were anticipated upon designated sites, provided the avoidance and mitigation measures stated within the report were followed. The ecological enhancements as stated within the assessment involves the following: scattered fruit and seed producing trees and shrubs to be planted within the wider landholding, planting of night scented species, altered management of existing modified grassland, provision of nesting boxes, creation of log and compost piles, bat boxes and invertebrate boxes. With the mitigation and enhancements in place, the proposal is not considered to have a negative impact upon designated sites, habitats or protected species. The Ecological Consultant had no objections to the proposed development provided a number of recommended conditions were attached.

Great Crested Newts

The development falls within the red impact risk zone for great crested newts. There are 17 ponds within 500m of the development proposal, 9 of which are within 250m of the development site with the closest being c.40m from the southeast boundary of the site. NatureSpace were consulted and confirmed that there are suitable features on site which may be used by great crested newts. This includes rough grassland on the site and scrub on the site boundaries that may be used as foraging

habitats for GCN. Given the nature of the development, it would be relatively low risk and reasonable avoidance measures would suffice to safeguard GCN. Recommendations and measures are recommended on page 18 of the Preliminary Ecological Assessment, these should be implemented to ensure that there are no impacts on Great Crested Newts.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

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

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

The Applicant submitted a Biodiversity Net Gain Exemption Letter, this detailed that the only habitats to be affected by works would be modified grassland and bare ground. The Modified Grassland is considered to be in poor condition, as it fails two of the seven criteria. The exemption letter states that under 25m2 of vegetated land shall be removed to facilitate works, as the battery storage will take up 6m2 and the trenches for the cabling would equate to 7.2m2. While the solar panels would take up approximately 140m2, these are off the ground and do not remove or degrade vegetated ground. Therefore, the proposed development would qualify as de minimus due to not exceed 25sqm.

Conclusions:

The use of renewable energy resources is favoured within national and local planning policy, where it considers that the amount of energy from renewables and low carbon technologies will help to secure a reliable energy supply, and also help reduce greenhouse gas emissions. It is therefore considered that the principle of the development is acceptable.

Recommendation: Application Permitted

Conditions:

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

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

3 **Pre-Commencement (Slab Level) Condition**: A Biodiversity Enhancement Layout for biodiversity enhancements listed in Ecological Impact Assessment (Alex Rosenfeild, May 2025) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:
a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the Local Planning Authority to discharge its duties under paragraph 187d of the National Planning Policy Framework 2024 and s40 of the NERC Act 2006 (as amended)

4 **Regulatory Condition**: The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated on page 18 of the supporting document; Ecological Impact Assessment (A. Rosenfeld, 2025).

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy 31 of the Horsham District planning Framework 2015, Section 15 of the National Planning policy Framework (2024), Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

5 **Regulatory Condition**: The solar array hereby permitted shall be installed and retained in accordance with the approved details. In the event of the solar array ceasing to be used, it shall be removed and the site made good, as soon as is reasonably practicable and no later than six months after the cessation of their use.

Reason: In the interests of good planning and making best use of resources and in accordance with Policies 33 and 36 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Alex Rosenfeild, May 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

NOTE TO APPLICANT

INFORMATIVE
This development has the potential to impact Great crested newts, a European protected species, as there are ponds and suitable habitat within 500m of the development. If Great crested newts are

discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DC/25/0973

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Biodiversity Net Gain Exemption Letter	NONE	12.06.2025
Supporting Statement	Ecological Impact Assessment	NONE	12.06.2025
Supporting Statement	Design	NONE	12.06.2025
Location plan		25571 / P001	12.06.2025
Block plan	Existing	25571 / P002	12.06.2025
Block plan	Proposed	25571 / P003	12.06.2025
Supporting Statement	Proposed solar panel array	NONE	12.06.2025

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 27.08.2025

Authorising Officer sign/initial ..... Date: .....