Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0864
Field Of Dreams , Betley Lane, Henfield, West Sussex, BN5 9QT

SITE LOCATION & DESCRIPTION:
'Field of Dreams' is modest parcel of land located to the west of Betley Lane and to the north of Stonepit Lane. The site comprises a recently created pond with associated planting along the banks. Planning permission is sought for the retention of the wildlife pond.

During the course of the application amendments have been made to reduce the size of the application site, as denoted by the red line on the site location plan. Given the alteration reduces the size of the line a lack of re-consultation is not considered to prejudice any parties.

RELEVANT PLANNING HISTORY:
None relevant

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
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 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision

Henfield Neighbourhood Plan
Policy 12 Design Standards for New Development

Henfield Parish Design Statement

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 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

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: No objection.

HDC Conservation: No objection, the pond will not affect the setting of the neighbouring listed buildings.

Representations:
Six (6) representations have been received (from six (6) addresses), supporting the application on the following grounds:

- Positive impact on ecology/biodiversity/ wetland wildlife.
- Comment from Dragonfly Ambassador for South Downs NP supporting the application as an asset to improve wildlife biodiversity.
- Letter from Sussex Wildlife Trust supporting the pond as they believe it will improve the habitats and connectivity for the site, resulting in net gain.
- Improved drainage.
- Trees and landscaping.

Parish Comments:
Henfield Parish Council: No Objection but question why the block plan had the access route marked in red, causing ambiguity.

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:

The application has links with the Wilder Horsham District (WHD) project, a partnership between Sussex Wildlife Trust and Horsham District Council that has been established in response to pressures on biodiversity. Its main objective is to initiate the development and delivery of the Horsham District Nature Recovery Networks. The pond subject of this application was created as part of this Award scheme to support wildlife.

The presence of a pond and associated landscaping is not inappropriate within a countryside setting and is not incompatible with a quiet recreational use as envisaged by Policy 26 of the HDPF. The principle of the development is therefore considered acceptable.

Character & Appearance:

Policy 25 of the HDPF states that the landscape character of the District, together with protected landscapes and habitats will be protected against inappropriate development. The policy also states that the Council will support development proposals which protects, conserves and enhances landscape character, which maintains and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District and which provides net gains in biodiversity.

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development 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.

Policy 12 of the Henfield Neighbourhood Plan states that development proposals will be supported where their design and detailing meet the relevant requirements of the Henfield Parish Design Statement. In addition, the scale, massing, density, height, landscape design, and materials of development should be of a high quality and reflect the architectural and historic character and the scale of surrounding buildings and street scene.

The application site is in a rural countryside location partly characterised by enclosed fields and sporadic residential and agricultural development. The presence of a pond in a rural location such as this is not unexpected, with the submitted details setting out complementary landscaping within the site boundaries immediately around the pond. The development is considered to assimilate successfully with the surrounding landscape, including the setting of the neighbouring heritage asset, upon which no adverse effects have arisen. The visual impacts of the proposal are therefore considered acceptable and in accordance with the above policy.

Impact on Heritage Assets:

Policy 34 of the HDPF states that *"The Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets."*

To the west of the site are a cluster of Grade II Listed Buildings. The scale, siting and nature of the pond would be set away from these building and would have no adverse effects on the setting of surrounding heritage assets.

Amenity Impacts:

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

Policy 12 of the Henfield Neighbourhood Plan states that development should respect the amenities of occupiers/users oof nearby property and land.

The scale, siting and nature of the pond has not had an unacceptable impact on neighbouring amenity. A condition is recommended to prevent commercial use, and this would ensure a level of activity which would minimise the potential for any future unacceptable harm.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development impacted on mains consumption, with the development making use of existing surface water run-off. The proposal has not therefore necessitated 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, the NPPF 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 development is though retrospective and is not therefore required to evidence Biodiversity Net Gain.

Ecology:

Policy 31 of the HDPF states that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. The policy also states that development proposals will be required to contribute to the enhancement of existing biodiversity, and that the Council will 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.

The pond is sited on historically arable land with the works having limited potential to have caused significant impact on protected species of habitat. The pond has created biodiversity projects and forms part of a wider District project; the benefits derived from the scheme would be supported by the above policy.

Other Considerations:

The comment of the Parish in respect of the red line plan are potential access are noted. The application does not though include any formalised access, with the red line plan instead showing a link to the public highway.

Conclusions:

The proposal is considered to accord with relevant local and national planning policies and is therefore

recommended for approval.

Recommendation: Application Permitted

Conditions:

2. **Regulatory Condition:** The development hereby permitted shall not be used for any commercial purpose(s) without the prior written consent of the Local Planning Authority, by way of a formal application.

Reason: To safeguard the amenities of the local area and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

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/24/0864

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

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Section plan		NONE	06.06.2024
Elevation plan	Existing and proposed	NONE	06.06.2024
Floor plan		NONE	06.06.2024
Block plan	Existing	03 V2	06.11.2024
Location plan		01 V1	06.11.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 07/11/2024

Authorising Officer sign/initial Guy Everest Date: 12.11.2024