Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1697
Springvale Fields, Woodland Lane, Colgate, West Sussex, RH13 6HU

DESCRIPTION:
Demolition of temporary dwelling and erection of permanent two storey rural workers dwelling. Construction of an all weather equestrian sand school.

RELEVANT PLANNING HISTORY:

DC/24/0193	Replacement of the temporary dwelling with a permanent two storey rural workers dwelling and construction of an all weather equestrian sand school	Application Refused on 19.09.2024

DESCRIPTION OF THE SITE

The application site is located on the northern side of Woodland Lane. The main property is a single storey detached dwelling which has gained approval for permanent retention under DC/23/0661 and a stable block positioned opposite was approved under DC/19/1305.

The application site is situated in the rural countryside outside of any defined built-up area boundary and falls within the High Weald Area of Outstanding Natural Beauty. However, the site does not fall within a conservation area and nor is the main dwelling a listed building.

DESCRIPTION OF THE APPLICATION

The proposal seeks planning permission for the demolition of temporary dwelling and erection of permanent two storey rural workers dwelling. Also, the construction of an all-weather equestrian sand school.

The proposed replacement dwelling would be a chalet bungalow with three bedrooms, a home office and would be positioned in the same location with a larger footprint. The proposed dwelling would be timber clad with gabled roof comprising of reclaimed natural grey slate. The western gable end would be glass clad at first floor with a dormer to the northern elevation and solar panels on the roof to the southern elevation. The property would be situated on a slight gradient with the southern elevation being up the hill and the northern elevation being downhill.

The proposed sandschool would be situated to the south of the rural workers dwelling and stables. It would be accessed via new ‘all-weather track’ from the existing driveway along the existing fenceline within the field. The sandschool will be used in conjunction with the existing equine use of the site and would measure 40mx25m and fenced by post and rail fencing. It would be a wax and fibre mix sandschool with no requirement for irrigation/ watering.

The access track would be constructed of limestone under natural looking amber coloured gravel with overgrowing vegetation for screening to be in keeping with the surroundings.

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 4 - Strategic Policy: Settlement Expansion
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 17 - Exceptions Housing Schemes
Policy 19 - Park Homes and Residential Caravan Sites
Policy 20 - Rural Workers Accommodation
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 29 - Equestrian Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

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.

Neighbourhood Plan:
Colgate has not been designated as a Neighbourhood Plan Area

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 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 33: Equestrian Development

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:

Agricultural Consultant: *No Objection, RAC would comment that there has been no change to the details of functional and essential need for a rural worker to live on site at Springvale Stables with this application DC/24/1697 compared to the comprehensive details submitted with the previous refused application DC/24/0193. RAC would conclude that the applicant's planning application is compliant with National and Local Plan Policy.*

High Weald AONB Unit: *We do not wish to provide specific comments on this planning application, but we trust that you will consider the application in the context of the High Weald AONB Management Plan 2024-2029 in particular the various Objectives set out for each of the Key Character Components of natural beauty.*

Ecology Consultant: *No Objection, we are satisfied that there is sufficient ecological information available for determination of this application. We have no objections on ecological matters excluding Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.*

Natural England: *No Objection subject to appropriate mitigation being secured.*

Southern Water: *No Objection, the proposed rainwater harvesting system should be designed, installed and maintained to current British Standards to ensure that measures are in place to protect the public water supply and avoid cross contamination.*

WSCC Highways: *No Objection, WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application DC/24/0193, raising no highway safety concerns. In summary, 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 and that there are no transport grounds to resist the proposal.*

HDC Environmental Health: *No Objection, note the permanent retention of the temporary dwelling was approved under application DC/23/0661.*

The current application proposes the use of rainwater of sanitary purposes and this water will require treatment to ensure the water is safe for use. It is recommended that the details of the rainwater harvesting system as provided are secured by condition.

WSCC Fire Officer: *No Objection, the nearest fire hydrant for the supply of water for firefighting is 210 metres away, 35-metres further than the 175- metre distance required for a domestic premises. If an alternative water supply for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 1: BS section 14 and agreed with West Sussex Fire & Rescue Service.*

Evidence also required to show there is suitable access for a fire appliance to attend the site in the event of a fire to within 45 metres of all points within the dwelling, a turning facility provided to enable a fire appliance to exit without the need to reverse more than 20 metres to make their exit. The access route will need to be capable of supporting 18 Tonne axial weight of a fire appliance, a minimum width

of 3.1metres through any gateway or narrowing and 3.7 metres width for the appliance to be operated when attending a fire situation, as identified in AD- B Volume 1: BS section 13.

PUBLIC CONSULTATIONS:

Representations:
1 no. letter for support has been received supporting the application on the following grounds:
- no objection to this planning application.

Parish Comments:
Colgate Parish Council: *No Objection, no further comments regarding the application.*
However, please can Horsham District Council Planning advise, why the applicant had to provide Biodiversity Net Gain information when the application is a Self Build and therefore exempt?

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:

This application is a resubmission of a recently refused planning permission reference DC/24/0193 for the replacement of the temporary dwelling with a permanent two storey rural workers dwelling and construction of an all-weather equestrian sand school. The reason for refusal was due to the lack of information provided in relation to the Rainwater Harvesting Management Plan.

Since the previous application the National Planning Policy Framework has been revised in December 2024 and Horsham District Council are in the process of drafting a new local plan. However, for the purpose of this application Horsham District Planning Framework 2015 would be applicable therefore the following Policies are still relevant to this application:

Policy 10 of the HDPF affords support to sustainable rural economic development and enterprise in order to provide economic, social and environmental benefits for local communities.

Policy 20 of the HDPF provides that, outside defined built-up areas, new housing for rural workers will be supported provided that there is a functional need for the dwelling and the occupation of the dwelling is in support of an established business use and evidence is provided to demonstrate the viability of the rural business.

Policy 26 of the HDPF seeks to protect the countryside against inappropriate development. This provides that, outside of a defined built-up area, 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.

Policy 29 of the HDPF affords support to equine related development, provided that the re-use of appropriate existing buildings are considered at first instance, the proposal would be appropriate in scale and activity in relation to its natural and built surroundings and, where possible, well related to a bridleway network.

The proposed scheme remains the same as the previous refusal application DC/24/0193 with additional supporting documents accompanying this application. Therefore, the assessment made on the principle of the development on the previous application DC/24/0193 remains the same.

'*The application site benefits from an originally temporary planning permission for the rural worker dwelling located on the site under planning reference DC/19/1305. Permanent planning permission was granted under DC/23/0661 for the 2 bedroomed unit previously approved as a temporary dwelling. Through the granting of DC/23/0661 it has been accepted that there is a continuing established essential need for an on-site resident rural worker to be readily available at most times at Springvale Fields Stables.*

The proposed dwelling replacement is a substantially larger construction but will be viewed in context of the existing stable building and largely occupies the same footprint of the existing house.

It is considered that there is a continuing essential need for a full-time rural worker to live on site to manage and ensure that the welfare requirements of the applicants and clients horses stabled or at grass at Springvale Field Stables are not compromised. The essential need is provided by the Applicant, and it has been demonstrated that the business is sufficiently viable to support a permanent dwelling. As such, the principle of the permanent retention of the rural worker dwellings has been accepted, and the replacement of this dwelling with a larger permanent family dwelling in its place subject to all other material considerations is also accepted.

The sandschool is proposed to compliment and improve the existing equestrian facilities on the site. The presence of a sand school is commensurate with the existing uses on the site with a clear relationship to the adjacent equestrian facilities. No additional stable accommodation is proposed which will remain as existing in the stable building further north.

It is considered, given the nature of the existing use, that the development would not result in an overall increase in activity on the site, or any additional movements from the access over and above the existing arrangement. The principle of development is therefore considered acceptable, subject to detailed considerations.'

It is noted that there has not been any change to the details of functional and essential need for a rural worker to live on site at Springvale Stables with the current application compared to the comprehensive details submitted with the previous refused application DC/24/0193. Therefore, it is accepted that there is an essential need for a full-time rural worker to live on site at Springvale Stables. Consequently, the principle of development still remains acceptable.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development which is of high quality and design, and is sympathetic to the distinctiveness of its surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which it forms part.

The proposed scheme would remain the same as the previous application DC/24/0193. Therefore, the previous assessment made on design, appearance and landscape impact would remain the same for this application. '*The proposal is considered to be appropriately designed and scaled when viewed against and the site, representing an appropriate level of activity within its countryside setting in association with the existing stabling and use of the site. The proposal would not be particularly visible*

from a public vantage point, and it is considered that it would not have a detrimental effect on the appearance or make up of the site or the wider countryside area, in accordance with Policy 26, 29 and 33 of the HDPF.'

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that 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.

The proposal would be situated within the same location as the previous application DC/24/0193. Therefore, the previous assessment made on neighbour amenity impact would remain the same here as well. The proposal would not have a detrimental impact on neighbouring amenity beyond that of the previous application DC/24/0193. Furthermore, this application is accompanied by Rainwater Harvesting Management Plan and full implementation of this plan would be secure by condition to prevent any adverse impact on future occupiers. The amenity impacts are therefore considered acceptable and in accordance with the above policy.

Highways Impacts:

Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. 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 development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

As the proposal remain the same as previous application DC/24/0193, the Local Highway Authority raised no highway safety concerns.

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 proposal seeks to demolish a temporary dwelling and erect a permanent two storey rural workers dwelling. Also, construct an all-weather equestrian sand school. The submitted water neutrality statement details that the proposed development would comprise a water demand of 176.72 (+100.27) l/d. Through the use rainwater harvesting and onsite efficiencies, the proposed water demand would be reduced to 76.45lpd (188.83l/d), which would be lower than the demand from the existing dwelling (1.88 x 125lpd = 235l/d). 34.84lpd (86.05l/d) of harvested rainwater would be required to meet this demand, and the roof has been calculated to harvest an average of 127.87l/d which would meet the needs of the proposed dwelling. A 5000l tank would be provided for the 35 day drought contingency which would be well in excess of the required amount. Harvested water would be used for toilet flushing and washing machines, thus needs to be to a potable standard.

It is considered that subject to conditions securing the strategy as proposed, the approach outlined above would be sufficient to ensure that the proposal need would not result in an increased water consumption at the site. An Appropriate Assessment was undertaken in accordance with the strategy

provided, and Natural England have raised no objection to the above conclusions, with a condition recommended to ensure the agreed strategy is adhered to.

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 applicant has provided a BNG metric that provides the required gain. The applicant's CIL form indicates that the development would benefit from self-build exemption. However, the application form and BNG statement does not mention this exemption. In the event that the applicant confirms that this development would benefit from self-build exemption, there would be no requirement for them to demonstrate BNG. An informative is attached below to reflect this.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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	162.9m2	56.6m2	106.3m2
		Total Gain	**49.7m2**
		Total Demolition	**56.6m2**

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 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 Condition**: Prior to commencement of development full details of the rainwater harvesting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- Detail on the likely contaminants associated with the rainwater harvesting system,
- Detail on the type of treatment that will be installed on the supply, including a bypass mechanism or first flush rainwater and with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- Details, including a plan or schematic, showing the supply - including a site plan and/or schematic showing location of source, chambers, tanks, distribution network including valves, pipes, consumer premises and means to record the total water consumption of each unit.
- Detail on the continuity of supply during dry periods extending beyond 35 days.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

4 **Pre-commencement (slab level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater harvesting system required by the approved water neutrality strategy (received 22.11.2024) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity (at least 3,012l), including details of their location and whether they would be surface mounted or set within the ground, in addition to evidence that their initial fill will be supplied with water from outside of the Water Supply Zone.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority 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).

5 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar improved water performance.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority 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).

6 **Pre-Occupation Condition**: Prior to beneficial use a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., May 2024) shall be submitted to and approved in writing by the local planning authority.

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 and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling (or use). The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: The occupation of the rural workers dwelling hereby approved shall be limited to a person or persons solely or mainly working in association with the use of Springvale Fields Stables, Woodland Lane, Colgate as identified on the approved site location plan, and resident dependents.

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and to comply with policies 20, 26 and 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, AA, B or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to preserve the local landscape character in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Verdant Ecology, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., May 2024), which avoids impacts on protected species.

This will 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 and enhance 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) and Policy 31 of the Horsham Development Framework.

14 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun. \b0

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/24/1697
Schedule of plans/documents **approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Supporting Docs	BNG Statement cover letter	none	13.11.2024
Supporting Statement	Biodiversity Enhancement Strategy and HMMP	none	13.11.2024
Supporting Statement	HMMP	NONE	13.11.2024
Location plan		none	31.10.2024
Site plan	Proposed Dwelling	BG/07a	21.11.2024
Site plan	Proposed Equine Sand School	BG07b	31.10.2024
Floor plan	and Section of Dwelling	BG/01	31.10.2024
Elevation plan	Proposed Dwelling	BG/02	31.10.2024
Elevation & Floor plan	and Section of Existing Dwelling	BG/03	31.10.2024
Roof plan	Existing and Proposed of Dwelling	BG/04	31.10.2024
Elevation plan	Poposed Sand School	BG/05	31.10.2024
Floor plan	Proposed Sand School	BG/05b	31.10.2024
Plans	Landscape, Existing and Proposed - Dwelling	BG/08	31.10.2024
Plans	Landscape, Existing and Proposed - Sand School	BG/09	31.10.2024
Design & Access Statement		none	31.10.2024
Supporting Statement	Landscaping Report - Dwelling	none	31.10.2024
Supporting Statement	Landscaping Report - Sand School	none	31.10.2024
Supporting Statement	Rainwater Harvesting (RWH)	none	31.10.2024

	Management Plan		
Supporting Statement	BNG Metric	none	31.10.2024
Supporting Docs	BNG Cover letter	none	31.10.2024
Supporting Statement	A Potential Roost Assessment and Bat Survey Report	none	31.10.2024
Supporting Statement	Water Neutrality	none	21.11.2024
Supporting Statement	Preliminary Ecological Appraisal and Preliminary Roost Assessment	none	31.10.2024
Site plan	Fire & Rescue Access for Proposed New Dwelling	none	21.11.2024

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 13.03.2025

Authorising Officer sign/initial RHERMITAGE Date: 23.03.2025