DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0835
Willow Pond House , New Hall Lane, Small Dole, West Sussex, BN5 9YH

DESCRIPTION:
Erection of a two storey detached dwelling (Retrospective).

RELEVANT PLANNING HISTORY:

DC/19/0532	Erection of a two storey detached dwelling with associated parking.	Permitted on 15/08/2025

DESCRIPTION OF THE SITE
The residential amenity space to the rear of the application site lies outside of the Built up area boundary. The Application site lies to the north of New Hall Lane and is a detached dwellinghouse set back from the streetscene such that there is some limited parking provision in advance of the dwelling. The dwellinghouse itself is within the built up area boundary.

DESCRIPTION OF THE APPLICATION
The application seeks permission for a dwellinghouse which is retrospective in nature. It would involve the subdivision of the property to the west known as Jandola. The dwellinghouse would be detached and have 4 bedrooms. The proposal would incorporate a number of traditional elements and would feature a barn-end roof, brick and tile hanging elevations, a clay tile roof and side chimney.

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental 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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

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 4: Horsham Town
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 12: Air Quality
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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

Parish Design Statement:

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:
Natural England: Standing Advice issued.

Southern Water: General comment
[Summary]
Details of foul drainage should be sent to Southern water.

WSCC Highways: The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations:
No comments received in the form of representations

Parish Comments:
Comment disappointment that this building went ahead without satisfying the pre-conditions set by HDC on sewage and wastewater. Since that time the need to satisfy Water Neutrality has been introduced.

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

Background:

A dwellinghouse on this site was approved under application ref: DC/19/0532. This permission was subject to a number of conditions; however, pre-commencement conditions were not discharged prior to the commencement of development. These were considered conditions precedent, such that the permission was not lawfully implemented. This current application therefore seeks to regularise the dwellinghouse which has been erected on the site.

Principle of Development:

Policies 2 and 3 of the HDPF state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. The policies state that development within built-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised. Infilling needs to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement.

The dwellinghouse is sited within the built-up area of Small Dole which is identified as a smaller village, with limited services, facilities, social networks but with good accessibility to larger settlements (e.g. road or rail) or settlements with some employment but limited services facilities or accessibility. The siting of the dwelling within the BUAB would accord with Policy 3 of the HDPF and one additional

dwelling would be in keeping with the scale and function of the settlement. The development has not created any encroachment beyond the built-up area boundary which did not already exist, with the curtilage formed of what was previously associated with Jandola, to the west. The principle of the development is therefore considered acceptable.

Design and Appearance:

Policies 32 and 33 of the HDPF promote development which is of high quality and design and is sympathetic to the distinctiveness of the building and surroundings.

The application site forms the edge of Small Dole and the transition into open countryside with this section of Hall Lane formed of properties of variable size, plot width and design. In this context the subdivision of the existing plot would not appear cramped or result in any harmful loss of openness or character. It is considered that the dwelling is of a siting and design which is appropriate to the size of the plot and which would not be out of keeping with the character of the area in terms of materials or scale. The visual impact of the proposal is considered acceptable and in accordance with the above policies.

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 siting of the dwelling and the separation from adjoining properties is considered sufficient to ensure no unacceptable impacts on neighbouring properties, with no representations received as part of the application process. The proposal is considered to accord with the above policies.

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 site is accessed by a privately maintained lane which is also a Public Right of Way (PROW). The site layout would provide a sufficient area of hardstanding to accommodate 3 vehicles and allow for turning space. There is no evidence to suggest that the dwelling and associated demand for travel has resulted in any adverse impact on the highway network or highway safety, with the Local Highway Authority raising no objections to the proposal. The development is considered to accord with the above policies.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through

their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

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. The application is retrospective and therefore exempt from mandatory BNG requirements.

Other Considerations:

It is noted that the application form states that foul water would connect to the mains sewer, with a soakaway for surface water drainage. No further details have been provided in this respect. It is though noted that the dwelling benefits from Building Regulations oversight and that this process would have ensured appropriate means of disposal for foul and surface water. This separate process is considered sufficient in this instance to ensure no further details are necessary as part of this retrospective application. It is noted that the dwelling is not located on land at risk of flooding (including surface water flooding) and there is no evidence to suggest its construction has increased risk of flooding to residents of the site or of adjoining properties and land.

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**: Within 3 months of the date of this permission hereby granted details of access and car parking to serve the development shall be submitted to the Local Planning Authority for its approval in writing. The access and parking details shall be provided within 1 month of such approval being given in accordance with the approved plans and details. The provision for access and parking facilities shall thereafter be retained for use at all times.

Reason: To provide safe access and car-parking space for the use in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policies 31 and 37 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

4 **Regulatory Condition**: Within 3 months of the date of this permission details of landscaping shall be submitted to the Local Planning Authority for its approval in writing. The approved landscaping scheme shall be implemented in the first planting season following such approval being given. Should any plants within the approved landscaping scheme, within a period of 5 years, die, be removed, or become seriously damaged or diseased these shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted details of the boundary walls / fences shall be submitted to the Local Planning Authority for its approval in writing. The boundary walls / fences shall be erected within 1 month of such approval being given, in accordance with the approved plans and details. The boundary walls / fences shall thereafter be retained as such.

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

6 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted cycle parking facilities serving it shall have been provided within the garage or side or rear garden. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. 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).

8 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order) no development falling within Classes A, 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 due to the constraints of the site in accordance with Policy 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/25/0835

(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
Location plan		2196-9	20.05.2025
Block plan		2196-8	20.05.2025
Elevation plan	As proposed	2196-6 REV 2	20.05.2025
Floor plan	Ground, and First, as proposed	2196-5 REV 1	20.05.2025
Supporting Statement	Planning	P-027b REV 1	20.05.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 4th December 2025

Authorising Officer sign/initial Guy Everest Date: 04.12.2025