



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th July 2023

DEVELOPMENT: Erection of 1no detached two-storey dwelling with integral garage and associated access and erection of a detached garden room to the rear.

SITE: Land Adjacent To Oakfield, Cox Green, Rudgwick, West Sussex, RH12 3DD

WARD: Rudgwick

APPLICATION: DC/23/0235

APPLICANT: **Name:** Mr Andrew Jackson **Address:** Oakfield, Cox Green, Rudgwick, West Sussex RH12 3DD

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

The application represents a departure from the Development Plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for erection of a detached two-storey four-bedroom dwelling. The dwelling would comprise an overall width of 13.5m to the ground floor (incorporating a 4.1m attached garage), and a total depth of 13.7m (incorporating a 4.8m rear ground floor projection), hosting a crowned hipped roof with an eaves height of 5.5m and overall ridge height of 7.6m. The dwelling is proposed to be constructed of a stock brick facing, and a clay tiles roof, and would featuring a two-storey front projection with a bay window, a rear ground floor kitchen addition, and an attached garage with a sedum roof. Access to the site would be via a new shared access to the existing property at Oakfield, which is to be redeveloped under planning permission DC/21/2211. Off-street parking would be provided in addition to the garage. The application also proposes the erection of a detached garden room building to the northern corner of the rear garden, which would be composed of a

timber frame and cladding, with extensive glazing, measuring 8m by 4.5m and would host a hipped roof with an overall height of 4.7m.

DESCRIPTION OF THE SITE

- 1.2 The application site comprises the substantial side garden serving Oakfield, between the property and its neighbour to the north, Bankside. The site is currently laid to grass with established boundary planting to the south-east facing the street which includes a specimen TPO Oak Tree (TPO/1534). The site is located outside of, though immediately adjoining, the built-up area boundary of Rudgwick, which includes the host property Oakfield, but not its side garden. The area is characterised by ribbon development large detached residential properties on both sides of the road, which extend more sporadically further north outside of the defined built-up area boundary. Travelling north, the character of the area becomes more rural.
- 1.3 Rudgwick is categorised as a Medium Village under the HDPF Policy 3 hierarchy, defined as having a 'moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.'
- 1.4 The site falls outside of the Sussex North Water Supply Zone.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 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

Rudgwick Neighbourhood Plan (June 2021):

RNP1 – Spatial Strategy
RNP2 – Housing Mix

RNP6 – Materials
RNP7 – Architectural Style
RNP8 – Development Height
RNP9 – Street Scene

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/2209	Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land.	Application Permitted on 29.04.2022
DC/20/1689	Demolition of existing detached garage and outbuilding. Erection of double storey detached dwelling and 2No. detached garages on existing garden land. Creation of new vehicular access.	Application Permitted on 20.11.2020
DC/21/2211	Demolition of existing dwelling and garage and erection of a replacement detached dwelling with new vehicular access, attached garage and associated car parking.	Application Permitted on 18.03.2022

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

HDC Drainage Engineer: No Objection

HDC Arboricultural Officer: No Objection, subject to condition

OUTSIDE AGENCIES

WSCC Highways: No Objection, subject to conditions

Ecology Consultant: No Objection, subject to conditions and successful HRA assessments

Southern Water: No Objection

PUBLIC CONSULTATIONS

Parish Comments:

Rudgwick Parish *objects* to the proposal on the following grounds:

- The proposed development sits outside of the BUAB and is not essential to its location, thereby breaching HDPF Policy 26 and Rudgwick Neighbourhood Plan (RNP) policy 1.1
- The application disregards other policies and documents contained within RNP, a statutory document, RNP policies 2.1 and 2.2a in particular. The overall Oakfield site is in the sole ownership of the landowner, with permission granted for 2 large homes already, and this proposal is for a third large house of 296.4 sqm. It would

seem to be development by stealth, ignoring the Housing Needs Analysis in the Neighbourhood plan process. This identifies (RNP 2.2a) the need for smaller (1, 2 or 3 bedroom) properties, and requiring proposals for 4- bedroom houses on development sites of under 10 houses to demonstrate how they would complement the development of smaller homes on the site.

- The amenity of the property Bankside, situated to the north east of the site, may be affected if permission is granted for this proposal. A single storey bungalow design would have had less impact on the neighbouring property in this location, and would have been more in line with the Housing Needs Analysis contained within the RNP, than a large two storey 3rd house on the site. It would also accord with RNP policy 4 relating to the identified need for homes for older people within the parish. The size and siting of the substantial garden room proposed is also a particular consideration in relation to Bankside.
- The addition of a 3rd dwelling on this site, will increase the traffic movements at this position, an area of concern in regards to safety identified in objections to the previous application DC/21/2211.
- There are several references made by the applicants to potential changes to the BUAB (RW1) and the 'direction of travel of policy' in Reg 19 version of the new Local Plan. This plan process has been paused recently to allow for the consideration of alterations that may need to be made owing to new national planning legislation coming forward. The process will not be resumed until after the local elections in May 2023. However, the outcome of these elections may have a bearing on both the timing and the content of the next stage of the Local Plan. Therefore, this application must be judged on the current status quo and hypothetical assumptions about the direction of travel of the policies of the next district council should not be accorded any weight in regards to this proposal.

Representations:

11 letters of representation received from 9 separate addresses, *objecting* to the proposal on the following grounds:

- the site is located outside of the built-up area
- the site is not allocated for development
- increased traffic within area
- amenity impact to neighbours
- overdevelopment
- uncharacteristic proposals
- dangerous access into / out of site
- loss of rural character
- contrary to local and neighbourhood plans
- adverse impact on TPO tree
- unsustainable development

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 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.
- 4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 Policy RNP1.1 of the Rudgwick Neighbourhood Plan (RNP) states that outside of defined built up areas, new residential development will only be supported on allocated sites or where they would accord with the residential exception policies in the development plan.
- 6.2 The site is located outside of the built-up area and is not allocated within Horsham's adopted development plan (comprising in this case the HDPF and the Rudgwick Neighbourhood Development Plan). As a result, residential development in this location would conflict with the requirements of Policies 2 and 4 (Settlement Expansion) of the HDPF, as well as Policy RNP1.1 of the RNP. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area where the proposed residential development is not considered to be essential to this countryside location and would not meet one of the defined criteria. The site is also not in an isolated location therefore the opportunities afforded by Paragraph 80 of the NPPF do not apply in this instance.
- 6.3 The Council is though currently unable to demonstrate a five-year housing land supply and the weight given to the above policies is therefore limited. The site immediately adjoins a settlement boundary and therefore benefits from access to the related services and facilities, and does not represent an unsustainable location. These factors together with the policy conflict identified above and its relationship with the NPPF are considered further in the Conclusions and Planning Balance section of the report.

Design and Appearance:

- 6.4 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.
- 6.5 The Rudgwick Neighbourhood Plan places a great emphasis on the design, scale, and appearance of all new development. Policy RNP1.2 states that all development should avoid the diminution of a settlement's individual identity and should actively respond to its built pattern. Policy RNP2 states that proposals for new housing development should deliver homes which address local housing needs in the parish as set out in the Housing Matters Paper and the Housing Needs Analysis. RNP2.3 states that irrespective of the number and the mix of houses, proposals for new development should respond positively to the established character and density of its immediate locality. Proposals for the development of 1, 2 or 3-bedroom houses which comply with the spatial strategy of the Plan (Policy RNP1.1) will be particularly supported.

- 6.6 Policy RNP5.1 states that all proposals incorporating new residential units should demonstrate how the scheme reflects the surrounding built density of the immediate locality of the development site. RNP5.2 states that densities which exceed the existing situation may be permitted where:
- a) The development is within Rudgwick Village Centre, as defined on the Policies Map; or
 - b) The housing mix provided is in accordance with RNP2.
- 6.7 Policy RNP6.1 states that development should utilise materials that reflect the common building styles across the Parish. This means that:
- a) Brick should be the main building material complemented by tile hanging on the upper floor where appropriate. Barn style cladding or clapboard is an acceptable alternative to tile hanging in Rudgwick.
 - b) New or reclaimed brickwork should match existing frontages.
 - c) Tiles should be used as roofing material whether traditional handmade or modern.
- 6.8 Policy RNP7.1 states that new development proposals should be designed with reference to the surrounding architecture, paying particular attention to features of the local vernacular and locally characteristic details which may include:
- a) Rooflines with hipped, half hipped with gablets and catslides.
 - b) Chimneys as centrally located ridge stacks and end of gable stacks.
 - c) Sash windows
 - d) Timber fielded panel or more simple plank doors
- 6.9 Policy RNP8.1 states that new developments should reflect the local tradition and be of two storeys in height. Development proposals of more than two storeys in height will be supported where they:
- a) provide an appropriate relationship with existing built development in the local area; or
 - b) are informed by the character and topography of the site and respond positively to their relationship with the site and with other buildings on the site; or
 - c) bring a distinct character to the development by providing variation in form and establishing focal points; or
 - d) are located within Rudgwick Village Centre.
- 6.10 Policy RNP8.2 continues, stating that irrespective of their location, the scale and massing of new developments should respect the character and appearance of the surrounding built and natural environment.
- 6.11 Policy RNP9.1 states that new buildings should be placed to form consistent building lines along streets. RNP9.3 continues, stating as appropriate to their scale, nature and location, proposals for residential, employment and commercial development, of one or more units or which involve a change of use to such uses should establish traditional boundary features as appropriate to the site.
- 6.12 The proposed dwelling would be sited within the side garden to the north of the existing dwelling- the plans illustrate the dwelling in relation to the replacement dwelling on Oakfield as granted under (DC/21/2211), some 5m away. The dwelling would be set some 20m back from the boundary to the highway, approximately 18m behind the existing building line to the existing dwelling, and some 8m behind the replacement dwelling, but would largely continue the staggered building line to the street in an acceptable manner. The proposal would effectively represent infill development between an existing dwelling within the built-up area (Oakfield as existing and as redeveloped), and the neighbour outside at Bankside. As such, visually, the proposed dwelling would appear contiguous within this setting.
- 6.13 With regards to the scale of the proposed dwelling, the Parish and neighbours' concerns on the matter are noted. As existing, Oakfield currently benefits from a generous curtilage- it is

acknowledged that previous proposals have been granted on the site to create a new dwelling to the southwest (DC/21/2209) and also to replace the existing dwelling (DC/21/2211). The further subdivision of the plot would result in the creation of three smaller plots by comparison to the existing arrangement. However, these plots would remain comparable to existing neighbours, and thus would not lead to a cramped appearance out of character with the area.

- 6.14 Whilst policy RNP2 does place an emphasis on the provision of 1-3 bedroom housing, the siting of a single 4-bedroom dwelling in this location is not considered uncharacteristic given the similar scale and character of nearby existing development. It is noted that policy RNP2 does not refer to 4-bedroom dwellings being unacceptable on single sites, rather it seeks to ensure that dwellings of such size complement the development of smaller dwellings on a site. In this case the limited size of the site is such that it cannot cater for more than a single dwelling without appearing significantly out of character with its surrounds, therefore a 4-bedroom dwelling is considered acceptable in this case compliant with policy RNP2 as a whole.
- 6.15 The proposed dwelling would comprise a similar material make up and appearance to the two approved dwellings to the south-west of the site, comprising brick elevations and clay tile roof consistent with the requirements of policy RNP6, and detailed consistent with the requirements of policy RNP7. The overall height would be consistent with the approved neighbouring dwellings and the requirements of policy RNP8. Although the dwelling would be approximately 3.5m taller than the neighbouring chalet bungalow to the north (Bankside), there is a sufficient gap between the two dwellings (16.1m at ground floor; 19m at second floor level) to ensure the visual relationship is appropriate.
- 6.16 The garden room to the rear of the site would be sited within the north-western corner of the garden. The overall scale of the building would be modest, and though it would be set away from the rear-most elevation of the dwelling, it would retain an ancillary relationship to the use of the main dwelling.
- 6.17 The proposal is therefore considered a satisfactory and sympathetic form of development in keeping with the prevailing character of development within the street scene and surrounding area and appropriately sited within the plot, compliant to Policies, 25, 32 and 33 of the HDPF, and policies RNP2, 5, 6, 7, 8 & 9 of the Rudgwick Neighbourhood Plan.

Amenity Impacts:

- 6.18 Policy 33(2) 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.
- 6.19 As above, the proposed dwelling would be sited some 16m from the nearest dwelling to the north (Bankside) at ground floor level, and 19m from the second floor. The first-floor northern elevation of the dwelling hosts two windows, which serve as secondary windows to bedroom 2 and 3. The elevational detail states that these windows would be fitted with obscure glazing with bottom-hung openings as to avoid any potential increased opportunity of overlooking. Given the separation distance between the two dwellings, especially at first floor level, it is not anticipated that the proposed dwelling would result in any adverse harm to neighbouring amenity by way of overbearing or overshadowing.
- 6.20 It is noted that an Air Source Heat Pump would be located to the northern boundary facing Bankside. The location of the pump to this elevation adjacent to a neighbour may result in adverse amenity impacts by way of noise disturbances, depending on the proposed model to be installed, its maintenance, and shrouding (if needed). Officers are satisfied that this detail can be requested and suitable addressed by way of condition.

- 6.21 With regards to the garden room: the neighbour's concerns are noted. However, as above, the building would be modest, comprising a single storey, set approximately 14m from the rear boundary of Bankside. The use of the building would be ancillary to the main dwelling, with infrequent use that would not be unexpected within a street formed of residential uses, the scale of which in this location and orientation in relation to the neighbour would not result in any adverse harm by way of overlooking, overshadowing or overlooking.
- 6.22 The approved replacement dwelling at Oakfield would be set some 5m from the side elevation of the proposed dwelling. The windows to the proposed dwelling's elevation facing the replacement dwelling would host three windows, which serve as secondary windows to bedroom 1 and 4. The elevational detail states that these windows would be fitted with obscure glazing with bottom-hung openings as to avoid any potential increased opportunity of overlooking. The neighbouring replacement dwelling would host a single window facing the proposed dwelling at this level, which would serve a bathroom- again, this would be fitted with similar glazing as above. Therefore, it is not anticipated that the siting of the dwelling in this location would result in any direct overlooking between the two dwellings, or result in any other harmful amenity impacts.
- 6.23 It is appreciated that creating a dwelling in this location would create a perceived increase in activity, in addition to potential overlooking from the rear elevation into neighbouring gardens, however this arrangement is not unusual in a residential environment such as this.
- 6.24 The dwelling would be set some 40m+ from the neighbours on the adjacent side of the street, a distance which coupled with the use of the highway is not expected to result in adverse harm by way of overlooking, overshadowing or overlooking. The dwelling would not directly neighbour any residential uses to the north-west.
- 6.25 With the above in mind, the proposed development would not result in adverse harm to neighbouring amenity, in accordance with Policy 33 of the HDPF.

Highways Impacts:

- 6.26 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.27 The dwelling would be accessed via a proposed access to the replacement dwelling as approved under (DC/21/2211)- the two dwellings would thus share the access with separated gates into each unit. The proposed drive would comprise three off-street parking spaces in addition to a space for a car in the garage, and turning area. WSCC have commented on the proposal, stating that the development would be suitably accessed from the highway, and that it includes an appropriate level of parking and turning areas.
- 6.28 Electric Vehicle Charging and cycle parking provision would be provided as part of the proposal, and could be adequately controlled by way of condition in the event permission were to be granted.
- 6.29 With the above in mind, the Local Planning Authority, in consultation with WSCC Highways, do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are

no transport grounds to resist the proposal, in accordance with Policies 40 and 41 of the HDPF.

- 6.30 It is noted that suitable access to the site is contingent on the implementation of the neighbouring replacement dwelling proposal (DC/21/2211). Therefore, it would not be possible for the applicant to proceed with this proposal without implementing the replacement dwelling proposal.

Other Matters:

Trees:

- 6.31 The new proposed access for the site is to be sited close to the edge of the root protection area of a mature Oak tree at the front of the property which is protected by TPO/1554. Whilst the proposed driveway largely avoids this root protection area, a minor crown lift is required to provide clearance beneath. The Council's Arboricultural Officer has commented on the proposal and has stated that this distance falls within the maximum recommended allowance. The submitted Arboricultural Impact Assessment details sufficient tree protection measures in addition to construction methods for the proposed turning area which falls within the root protection area of the TPO specimen tree. In the event that permission were to be granted, Officers are satisfied that any arboricultural impacts and protection methods can be adequately controlled by way of condition.
- 6.32 A category C Laurel tree is to be removed at the site entrance, alongside the removal of a category U Ash tree in the rear garden for safety reasons due to Ash dieback. The plans also refer to the removal of the category C Holly and Hazel hedge which fronts the site, noting that the removal of this hedge, as well as the Laurel tree, have previously been accepted under application DC/21/2211 for the replacement dwelling at Oakfield. The submitted Arboricultural Impact Assessment also refers to the selective removal of parts of hedge G1 which borders the front/side garden of the adjacent property at Bankside, and states that an Oak tree in the rear garden also requires pruning to allow for the garden room (which will be constructed with a no dig foundation to avoid impacting on the tree's roots). Again these works are acceptable to the Council's Arboricultural Officer.
- 6.33 Whilst the removal of the hedge fronting the site is regrettable, it is necessary to deliver sight lines for the access point and has been previously approved. The site layout indicates a new hedge will be planted along the site frontage and final details of this hedge are required by condition as part of a wider landscape plan. This plan will also require further detail on the works to the hedge G1 alongside Bankside. Subject to the re-planting of the frontage hedge to ensure the rural character of the area is maintained, the impacts on trees and hedges within the site is considered acceptable.

Drainage:

- 6.34 The dwelling will seek to utilise the existing mains sewer that currently runs through the property. Surface water will be dealt with through soakaways to the front and rear areas of the property. A permeable driveway and parking area will be provided to the proposed new entrance to the property, in accordance with the drainage engineer's specification submitted and is to form part of the overall surface water drainage design.

Water Neutrality:

- 6.35 The site is not located within the Sussex Water Supply Zone- therefore, the proposal is not required to demonstrate water neutrality.

Conclusions and Planning Balance:

- 6.36 As the site is not allocated for development with the HDPF or a made neighbourhood plan the development is contrary to Policies 1, 2, 4 and 26 of the HDPF and Policy RNP1.1 of the RNP.
- 6.37 The Council is currently unable to demonstrate a five year housing land supply, with the latest Authority Monitoring Report (December 2022) detailing a supply of 3.0 years. In such instances the Paragraph 11(d)(ii) of the NPPF states that where there are no relevant development plan policies in place, or the policies that are considered most important for the determination of applications are out of date (such as when a five year housing land supply cannot be demonstrated), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.38 In this case the most important policies include policies 2, 4 and 26 of the HDPF and Policy RNP1.1 of the RNP which, given they seek to constrain the location of housing development, must now be afforded reduced weight given the engagement of the 'tilted balance' within Paragraph 11d.
- 6.39 The proposal would provide for one market dwelling. As the Council cannot currently demonstrate a five-year housing land supply the provision of an additional dwelling towards this supply is afforded significant weight, however this benefit would be fairly limited given its negligible overall contribution to the supply shortfall. The dwelling would bestow associated socio-economic benefits in the form of short term construction employment and increased local spend, however the limited scale of development is such that these can only be afforded moderate weight.
- 6.40 The addition of a dwelling in this location would not result in harm to the character of the area, to the wider landscape character of this part of Rudgwick, or to neighbouring amenity, and would appear contiguous with the pattern of surrounding development within safe and convenient walking and cycling distance from local services and facilities. Water neutrality is not required to be demonstrated whilst there is no other harm identified with the proposals. This carries weight in favour of the proposals.
- 6.41 Whilst it is acknowledged that the site falls outside of the defined built-up area boundary of Rudgwick, this boundary effectively splits the application site in two, with the dwelling of Oakfield within the built-up area but a section of the related garden outside this boundary. In this case the application site forms a gap between existing development and does not mark any sort of transition from built-up area to countryside. The proposals are contiguous with the character of surrounding residential development north and south of the site both within and outside the built up area boundary, and are sustainably located in transport terms. Further, no harm to the wider landscape character of the area is identified.
- 6.42 As the site directly adjoins a settlement boundary and therefore benefits from access to the related services and facilities, and would not as a matter of course create undue reliance on private vehicles for day to day needs. The site is not therefore in an unsustainable location and its location is not considered a reason to refuse planning permission.
- 6.43 Considering the application as a whole in the context of the Paragraph 11d 'tilted balance' and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with policies 2, 4, 26 of the HDPF and RNP1.1 of the RNP

(which must be afforded reduced weight applying Paragraph 11d of the NPPF) significantly and demonstrably outweighs the benefit of a new dwelling in this location.

- 6.44 It is therefore recommended that planning permission be granted

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.43 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

- 6.44 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide (Zone 1)	263m ²	0m ²	263m ²
	Total Gain		263m²
	Total Demolition		0m²

- 6.45 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

- 6.46 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

7. RECOMMENDATIONS

- 7.1 Officers therefore recommend to members that the application is approved on balance, subject to the below list of planning conditions.

1 A List of the Approved Plans

- 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:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** Prior to the commencement of the development, a Non-Licensed Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This should contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase. The measures and/works shall be

carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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 (Priority habitats & species).

- 5 **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of the development above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (The Ecology Co-op, November 2022) and the Reptile Survey Report (November 2022) 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 (Priority habitats & species).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of any development above slab level, details of the proposed Air Source Heat Pump shall be submitted to and approved in writing by the Local Planning Authority. The details shall include (but shall not be limited to):

- The manufacturer's specification of the unit (including make and model)
- Details of maintenance and upkeep
- Expected noise levels
- Details of any noise mitigations, including design of any shrouding (if required)

The equipment shall thereafter be installed and maintained in accordance with the approved detail unless otherwise agreed to and approved in writing by the Local Planning Authority

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased 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).

- 9 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be first occupied until a fast charge electric vehicle charging point for the dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number D1828.4L. These facilities shall thereafter be retained for use at all times.

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

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number D1828.4L (received by the Council on 06.03.2023). The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. 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).

- 13 **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 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).

- 14 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment (prepared by Treeline, received by the Council on 20.02.2023).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 15 **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).

- 16 **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 in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 17 **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 (The Ecology Co-op, November 2022) and the Reptile Survey Report (November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 18 **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 and C of Part 1 or Class AD of Part 20 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 protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** The proposed garden building (as shown on plan D1828.4L and D1828.28C) hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the new dwelling and shall not be used as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).