



PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 20th January 2026

DEVELOPMENT: Outline planning application for up to 45 dwellings (including affordable homes) with all matters reserved apart from access

SITE: Land to the West of Shoreham Road, Small Dole

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/25/1019

APPLICANT: **Name:** Wates Developments Limited **Address:** C/O Agent

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.

By request of Councillor Noel and Councillor Crocker.

RECOMMENDATION: To approve outline planning permission subject to appropriate conditions and subject to the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

- 1.1. To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2. Outline planning permission is sought for the erection of up to 45 dwellings with all matters reserved except for access. Vehicular access would be secured off the A2037 (Shoreham Road) where there is currently an unmade field access. The submitted details are supported by a Transport Statement (TS), which includes a TRICS assessment. Details included in the TS show the provision of pedestrian access at the same site access point, along with new footways along the western side of Shoreham Road, linking north to New Hall Lane, and south to link into the existing footway which currently stops outside of Greenacres, along with the provision of new tactile paving and dropped kerbs (which are off-site highways works).

- 1.3. The Indicative Site Plan shows two residential blocks of development located within the southern part of the site, with public open space, 'micro' allotments, footpaths and swale (drainage) features focussed in the northern and to the western areas of the site. The indicative estate footpaths would connect New Hall Lane (PRoW_2775) through a narrow spur of land to the north.
- 1.4. The Indicative Site Plan also shows the estate footpaths leading around a SUDS pond in the south-western corner of the site, adjacent to a children's play space (LAP), and then along the southern boundary and back up the eastern side, forming a circular route within the site, and a second LAP in the south-eastern corner.
- 1.5. Although the precise housing mix is still currently reserved, the indicative mix within the Planning Statement sets out a split of 29 x open market homes and 16 x affordable homes (35%), the latter of which would include a 70:30 split between affordable rented and intermediate housing.
- 1.6. The Design and Access Statement proposes a mix of traditionally designed detached, semi-detached and terraced dwellings, all of which would be two-storey, including a two-storey apartment building adjacent to the site's entrance. Parking is envisaged to be provided primarily by way of a tandem arrangements to the larger dwellings, with a number of detached garages within the western portion of the development parcel, and a parking court to serve the apartments.
- 1.7. Additional details have been received dated 22nd October to address officer comments, resulting in the orchard being removed, the micro allotments being relocated to the northern side of the site and visitor parking spaces being relocated away from the transition with the open space. In addition, a parameter plan and a height parameter plan have been provided which define the developable area being up to 2-storeys in height.

DESCRIPTION OF THE SITE

- 1.8. The application site comprises an existing single field which adjoins the A2037 (Shoreham Road) corridor along its eastern side, and the rear garden boundaries of the properties along New Hall Lane to the north side. The western side adjoins what appears to be a small land-holding / paddock. The southern site boundary is defined by a vegetated stream / river corridor, to the south of which lies a public right of way (FP_2774/1).
- 1.9. There are no designations which cover the site: conservation areas, listed buildings, archaeological notification areas (ANA), ancient trees, tree protection orders, or flood zones. However, there are two local Wildlife sites in the locality (Hoe Wood some 200m north-east and Tottington Wood some 200m south-east), an ANA (New Hall Farm / Historic Farmstead) some 200m to the west, and ancient woodland some 400m to the south-west.
- 1.10. The site is located in the south-eastern corner of Henfield Parish, the boundary of which runs along the southern and eastern side of the application site. Land to the eastern side of Shoreham Road and to the south of the site lies within Upper Beeding Parish.
- 1.11. The Small Dole Built Up Area Boundary excludes the application site, with the boundary including most of the development along New Hall Lane to the north, and development to the eastern side of Shoreham / Henfield Road (A2037). Furthermore, the South Downs National Park boundary lies to the east of the site, separated by a distance of some 215m and the intervening residential development off Tottington Drive and Sands Lane.

2. INTRODUCTION STATUTORY BACKGROUND

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 (Dec 2024)

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 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 41 - Community Facilities, Leisure and Recreation

Henfield Neighbourhood Plan (2021):

Policy 1: Spatial Plan for the Parish
Policy 4: Transport, Access and Car Parking
Policy 5: Utility Infrastructure
Policy 10: Green Infrastructure and Biodiversity
Policy 12: Design Standards for New Development

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 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 16: Protected Landscapes
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 27: Inclusive Communities, Health and Wellbeing
 Policy 28: Community Facilities, Leisure and Recreation
 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)

Design Statements:

Henfield Parish Design Statement (Dec 2008)

Planning Advice Notes:

Shaping Development in Horsham (SDPAN – Sept 2025)
 Biodiversity and Green Infrastructure (Oct 2022)

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/0353	Erection of 60 dwellings (outline).	Refused 22 nd May 2015
HF/36/89	Erection of 42 dwellings (outline).	Refused 26 th May 1989
HF/44/89	Erection of 42 dwellings, new vehicular and pedestrian access and closure of existing access (outline).	Refused 26 th May 1989
HF/45/90	Residential development with new accesses and public open space (32 dwellings).	Refused 13 th July 1990

BACKGROUND TO PREVIOUS REFUSED APPLICATION DC/15/0353

- 2.1 In February 2015, an outline planning application was submitted for up to 60 dwellings on the same site, with all matters reserved except for access off Shoreham Road. At the time, the emerging HDPF was subject to a paused examination until June 2015 to enable the Council to demonstrate to the Inspector how the annual housing provision could be increased to provide for a minimum of 750 dwellings per annum. On account of the submission status at the time, the HDPF was considered to carry considerable weight in the planning determination process.
- 2.2 Therefore, whilst the application was acknowledged to contribute to the district's housing land supply at the time, it was located outside the defined BUAB, and was noted that the site was not allocated for development in emerging HDPF or the emerging Henfield NP, indicating a lack of local need for a development of the scale proposed.
- 2.3 The application was refused permission for the reasons including the location being outside of the defined built up area boundary and subsequent harm to open and rural landscape character, failure to reflect the development in the vicinity and urbanisation of the site, alongside being considered to be in an unsustainable location, remote from local services and centres and leading to a heavy reliance on the use of the private car. A second reason involved the lack of securing affordable housing by way of a s106 agreement.

1. *The proposed development is located in the countryside, outside of the defined built-up area boundary. The proposed amount and layout of development would result in harm to the open and rural landscape character of the area, would not respect or reflect the pattern of rural development in the vicinity, integrates poorly with the existing settlement, and would result in the urbanisation of the site, to the detriment of the character of the landscape and visual amenities of the site and wider area and harming the character of the settlement. Furthermore, the site is in an unsustainable location, remote from local services and centres, conflicting with the aims of sustainable development, the need to minimise travel, and the ability to reduce the reliance on the private car. The proposal therefore represents an unacceptable form of development in the countryside contrary to Policies CP1, CP3, CP5 and CP19 of the Horsham District LDF Core Strategy and Policies DC1, DC2, DC9 and DC40 of the Horsham District LDF: General Development Control Policies, Criteria 2, 3, 6, 7, 11, 14 and 17 of the Facilitating Appropriate Development SPD, Policies 1, 2, 3, 4, 25, 26, 32, 33 & 40 of the Horsham District Planning Framework Proposed Submission, Policies 1, 2, 12 & 13 of the draft Henfield Neighbourhood Plan 2015-2035 and paragraphs 7 and 64 of the National Planning Policy Framework (2012).*
2. *Policy CP12 requires provision of 40% affordable units on developments involving 15 units or more or on sites of 0.5 hectares or more. Policy CP13 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policy CP12 and CP13 of the Horsham District Local Development Framework Core Strategy (2007), to the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document, and to the NPPF, in particular paragraph 50.*

- 2.4 As part of the subsequent Planning Appeal, a draft legal agreement was received to overcome reason for refusal 2. The Appeal was to progress as an Inquiry, but was then withdrawn in January 2016 prior to the Inquiry commencing.

3. OUTCOME OF CONSULTATIONS

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

- 3.1 **HDC Strategic Planning:** Advice
(summary - 01.09.2025) The emerging Horsham District Local Plan 2023-40 proposed allocation of the application site, therefore satisfying the criteria set out under HDPF policy 4 in that the site adjoins the existing settlement edge as defined by a BUAB, is of a level of expansion appropriate to the scale and function of the settlement the proposal relates to, would meet local housing needs, does not cumulatively or individually prejudice comprehensive long-term development, and is contained within a defensible boundary, and therefore the principle of development is supported. Small Dole is considered to be a smaller village in the settlement hierarchy Site has a strong relationship to the SDNP. In principle, the development of the site was supported by the draft local plan, subject to meeting the particular requirements listed in policy HA16
- 3.2 **HDC Arboricultural Officer:** No Objections
(20/08/2025) Conditions advised

3.3 **HDC BNG Ecology:** No Objection

(summary 07.01.2026) Additional Information has been received and reviewed, and now addresses most of the previously raised comments. A few minor points will be resolved at the time of the submission of the Biodiversity Gain Plan (*as part of the BNG condition*). It is also advised that an informal kick around area be included within the site, which will need to be reflected in the HMMP (as modified grassland)

(summary - 03.12.2025) More Information

24.89% (+6.22 units) net gain in area habitats and 10.12% (6+0.31 units) net gain in watercourse units. There are still outstanding comments pertaining to provision for protected species (and habitats) through habitat protection measures and enhancements, allocating areas of habitat for informal recreational use as modified grassland, confirmation on loss of Category U trees, accounting for installation of a headwall in the metric, and minor points regarding the draft HMMP. It is requested that the points relating to species/habitat protections and category U trees is resolved prior to grant of planning permission.

(summary - 17.09.2025) More Information

The submitted metric indicated a net gain of 18.36% (+4.52 units) in area habitats and a 10.62% (+0.31) in watercourses = significant on-site BNG to be secured by way of a legal agreement.

3.4 **HDC Environmental Health:**

(Air Quality – 03.10.2025) No Objections – conditions advised

(Noise – summary - 30.10.2025) More Information, noting the RSK Technical Note (24.09.2025)

- Appreciate that the 39dB and 54dB (internal noise) levels quoted are below the levels quoted in Approved Document O (in the bedrooms on the worst affected facade facing the road) and compliant with the Approved Document O requirements for bedrooms at night when controlling peak summer overheating, but these are not considered to be suitably protective of sleep disturbance and will likely require windows to be kept closed and mechanical ventilation will be needed to the plots adjacent to the A2037.
- No daytime noise figures quoted
- Although the application is in outline only with no available internal layouts available, the view is that the proposal does not present good acoustic design (as detailed in the PROPG – Planning and Noise) and there seems to be more than enough space to move the footprint of the development slightly to the west to avoid the easternmost plots being located in the noisiest part of the development.

(Water Neutrality – summary - 30.10.2025) More Information required, noting the additional information to address comments dated 03.09.2025 by way of appendices to the Groundwater Investigation Report and borehole logs:

- Missing cyanide results
- Potential impacts on drinking water supply in relation to landfill site to the south not provided

(Land Contamination – summary - 03.09.2025) Conditions advised

- Geo-Environmental Services Limited Ground Appraisal Report, dated 02.04.25 has been reviewed and the preliminary assessment for ground contamination is acceptable. However, it is advised that further testing is carried out within an area that is identified for a community orchard (W3 and W4). Whilst further testing on the site is required, it is considered that this can be suitably conditioned.

3.5 **HDC Housing:** More details

(summary - 31.12.2025) Support for the Housing mix provided

Concerns over delivering AH in this rural location given that only 16 AH units. Understood that 2 RPs are interested, further reassurance is required that these are willing to proceed to deliver the AH units on site and the mix as proposed.

3.6 **HDC Waste & Recycling:** No Comments received

OUTSIDE AGENCIES

3.7 **Ecology Consultant:** No Objections

(summary 07.01.2026) Submitted Ground Level Tree Assessment for Potential Roost Features (PRFs) has been reviewed, finding none of the trees to be removed possess potential roosting features. Proposed mitigation measures and biodiversity enhancements for protected, threatened and priority species should be secured by way of appropriate conditions.

(summary - 26.11.2025) Insufficient ecological information remains to inform a determination at this stage, following receipt of additional details to address comments dated 26.09.2025 and 16.09.2025:

- Ground Level Tree Assessment for Potential Roost Features (PRFs) for bats still needs to be undertaken.

3.8 **Landscape Consultant:** No Objections

(summary - 27.11.2025) 'Technical Note: Landscape Response' has been reviewed to address comments dated 26.09.2025. Parameter plan welcomed and acceptable. The design changes to the illustrative layout are also welcomed. However, we refer to the importance of appropriate materiality and planting to ensure the proposals are assimilated successfully into the site and wider landscape.

3.9 **Southern Water:** Comment

(14.08.2025) Conditions advised. There is sufficient capacity to facilitate foul water sewerage water run off disposal to service the proposed development. Conditions and informatives advised

3.10 **WSCC Highways:** No Objection

(27.08.2025) A 'Highways Response Note' has been provided to address previous comments dated 27.08.2025:

- Tracking provided as requested
- Later Reserved Matters applications would explore PRow linkages from the site
- Beneficial to provide a pedestrian / cycle link from the SE corner of the site to the proposed footway - It is considered that commitment to this at this stage forms part of the principle of acceptable *safe and suitable access for all* and applicant should consider this and update plans accordingly.
- Potential / beneficial for pavement to be set within the verge alongside the A2037 back from the carriageway edge
- Conditions / s106 to secure:
 - Car Club (parking space can be agreed at RM)
 - Travel voucher for each new dwelling of £150 towards sustainable travel (part of welcome pack)
 - Nominated Travel Plan co-ordinator prior to occupation
 - TPS monitoring fee £1,695

3.11 **WSCC Lead Local Flood Authority:** No Objection

(summary – 28.11.2025) Conditions Advised following receipt of additional information to address comments dated 01.09.2025.

3.12 **WSCC Rights of Way:** No Objection

(12.11.2025) More information received, No Objections maintained

(29.08.2025) PRoW 2775 (north) and 2774_1 (south of the southern boundary) are outside of the development area and neither are crossed by any proposed access road

3.13 **WSCC Education:** No Objection

(11.11.2025) Education provision will be covered by CIL

3.14 **WSCC Fire & Rescue:** Comment

(11.08.2025) Condition for new fire Hydrant requested

3.15 **WSCC Minerals & Waste:** No Objection

(31.10.2025) Given the application site's location within the mineral safeguarding consultation buffer zone and the relatively minor scale of the site, it is unlikely that any significant deposits of the safeguarded mineral resource would be recoverable from the site prior to the commencement of the non-mineral development (especially when implementing the 250m standoff as proposed).

3.16 **Archaeology:** No Objection

(29.08.2025) Heritage desk based assessment by Pegasus Group has been reviewed as the site is large and close to Archaeological Notification Area DWS8976 - New Hall Farm Historic Farmstead and DWS8725 Hardham to Barcombe Roman Road. To clarify the nature, extent and significance of any archaeological deposits that may be present, the report considers that further investigations may be required. I can confirm that this is correct and that in the first instance an archaeological field evaluation of the site would be appropriate which enable suitable mitigation measures to be developed for the site should significant archaeology be discovered.

Condition advised

3.17 **South Downs National Park Authority:** Comment

(18.09.2025) Lighting and proximity to Dark Skies Reserve, better focussed development along eastern side to reflect Small Dole Pattern of development which is already within the setting of the NP

3.18 **Local Policing Service Improvement & Engagement Department:** Comment

(11.08.2025) No detailed comments at outline stage, but the applicant is advised to consider advice and guidance at www.securedbydesign.com where the Secured by Design Residential Guide for 2025 (formerly known as the Homes Guide)

PUBLIC CONSULTATIONS

3.19 Representations:

To date, letters of representation have been received from 39 different address points, objecting to the application on the following grounds [summarised]:

Infrastructure:

- Lack of infrastructure in Small Dole / no facilities
- No offer of investment into Small Dole
- No facilities for teenagers in Small Dole
- Foul drainage can't cope / use of drainage ponds and open / stagnant water not appropriate for a housing site built on clay and so near to a floodplain

Highways / Traffic:

- Increased Traffic / no suitable public transport / unsustainable location / potentially add 90 cars to small village / 4 x fatal accidents in the village / previous speed survey showed 80% of cars going over 30mph limit / increased risk of accidents / frequent speed checks in Small Dole
- Visibility of access poor to north on account of the brow of the hills

- Limited parking with 1 space per dwelling, so 50 cars trying to find parking elsewhere
- No consideration given to use of Hassocks train station which has 4 – 6 trains per hour – only Pulborough and Shoreham considered, but no buses to Hassocks
- Questionable traffic data as surveys carried out before schools returned after summer holidays
- Access into the site just below brow of the hill
- Proposed disruption
- Loss of a beautiful piece of land that can be seen from lots of walks in the village
- Overlooking of houses on Downsvie, Wood Lane, Shoreham Road and New Hall Lane
- Promise of a community orchard / more open space is redundant for anyone already living in the countryside in Small Dole

Policy conflict:

- Conflict with Henfield NP / site protected by NP / outside of BUAB / over-allocation – NP is in date and carries significant weight
- only development in Small Dole identified as Oxcroft Farm for 60 homes, together with this site would increase population by 20-25% (2021 census data = 786)
- conflict with local democracy by the site being allocated in Horsham Local Plan – limited weight as it has been rejected by the Planning Inspectorate
- Previous refusal in 2015 – reasons still stand
- Local refusals for smaller developments upheld at appeal with Inspectors considering unacceptable harm to the character and appearance of the area

Biodiversity / Ecology:

- Harm to wildlife / stream / habitat / lack of reference to owls, nightingales, buzzards, sparrowhawks, slow worms and hedgehogs, foxes, a cuckoo, bats, deer rabbits
- Habitat connectivity must be maintained
- Bat report undertaken in 2022 – new one needed
- Proposed watering of whips for 2 weeks compared to recommendations that new trees are watered each week for 3 years

Harm / Amenities:

- Harm to dark skies in South Downs National Park – potential for new lighting / streetlights
- Para 11d presumption in favour of development does not apply where protected assets are harmed – in this case the setting of the SDNP
- Para 14 outweighs presumption in favour if a Neighbourhood Plan is made within 5 years
- Use of boreholes to provide water neutral solution is debateable - what happens if boreholes dry up / use of boreholes is questionable as close to former landfill
- Potential flooding by increased areas of hard-standing
- Loss of privacy and security on account of proposed access – loss of outlook as new planting proposed to rear
- Expense for residents to upkeep their roads as estate roads would not be adopted
- In the event of an approval, the northern part should be protected from future 'Phase 2' development

3.20 Parish Comments:

Henfield Parish Council: Objection

'The Committee felt that this application threatened the integrity of the Neighbourhood Plan made in May 2021 and objects on the following basis:

Policy 2 - it is not a nominated site in the Neighbourhood Plan

Policy 3 - it is not within the existing built-up area

Policy 10 - it does not contribute to diverse and sustainable farming enterprises or promote recreation

Policy 23 - vehicular access could be unsafe to the site

Policy 24.3 as it does not maintain quality of water courses and prevent possible contaminated run-off of surface water

Policy 30 as there will be damage to natural landscapes and views

Policy 40 as it does not improve the existing transport system in an area where there is very limited public transport.'

Upper Beeding Parish Council: Objection

'The Parish Council object to this development as there is another site which was chosen under the agreed Neighbourhood Plan.

Previous historic refusals, recent refusals by the Inspector and the fact that the field is recognised as grade II agricultural land.

Access to this site needs to be improved and this would include the need for a cycle and pedestrian walkway to be included, in order to allow access to the local amenities. The developer needs to reference the walking and cycling plan which is being created.

If the council decide to approve the plan, the following need to be included.

- i. The existing line of mature trees that shield the field should be left to minimise the visual impact of 45 houses being built.*
- ii. The South Downs National Park 'Dark Skies' policy should be supported by minimum intrusive lighting.*
- iii. Should this Outline be approved then there is an opportunity to create a development that blends into the existing community.*
- iv. The wildlife has enjoyed clear access to the field for years and there needs to be considered.'*

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

- 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

- 6.1. Outline planning permission is sought for the development of the site for up to 45 dwellings. The proposal includes the detailed access to the site for vehicles and would include access for cycles and pedestrians. Matters relating to scale, appearance, layout and landscaping are reserved for subsequent reserved matters applications. Therefore, all details in relation to the site's layout, open spaces, dwelling types and sizes, are shown for indicative purposes only to establish the ability of the site to accommodate the proposed development.

Background:

- 6.2. The 2015 planning application on this site for 60 dwellings is fully acknowledged, along with the reasons for refusal, referring to the site's location outside of the defined BUAB and not being allocated for housing in a made local or neighbourhood plan at the time. Importantly, it is acknowledged that at the time of the previous application, the advanced status of the HDPF was considered to carry considerable weight in the planning balance, noting that the strategic approach to locating appropriate housing growth under the plan was to concentrate these within the main settlements of the District, namely Horsham, Billingshurst and Southwater.
- 6.3. Since the previous determination, the NPPF has been updated on a number of occasions, and the Council's Local Plan (HDPF) is now over 5 years old. Furthermore, both the Henfield Neighbourhood Plan and the Upper Beeding Neighbourhood Plan have been formally made (both in 2021), both of which allocate sites to meet their identified housing needs. In addition, the South Downs Local Plan has been formally adopted as of 2019 and is currently being reviewed (Reg 18 stage).
- 6.4. More recently, the Council's own Local Plan Review has been subject to a further response from the Examining Inspector, acknowledging the Government's intended change to the 'Duty to Cooperate', and the formal withdrawal of Natural England's Position Statement on Water Neutrality. Therefore, the Emerging Local Plan (eLP) remains a material consideration in the determination of the application, albeit having limited weight.

Principle of Development:

Current Development Plan Policy and 5 year housing supply position

- 6.5. The development plan relevant to the proposed development comprises the Horsham District Planning Framework (HDPF, 2015) and the Henfield Neighbourhood Plan (HNP, 2021). The West Sussex Joint Minerals Local Plan (2018) is also relevant to this proposal, on account of the underlying Brick Clay (northern area) and Soft Sand strata (southern area). In accordance with planning law, these documents are the starting point for the assessment of the development proposals. Whilst the site sits on the southern edge of the Henfield Parish boundary, and falls within the defined Henfield Neighbourhood Plan (2021) area, the physical attributes of the site relate more readily to the settlement of Small Dole, the majority of which sits to the south and east within the defined Upper Beeding Neighbourhood Plan (2021) area.
- 6.6. The site lies outside of the defined built up area boundary (BUAB) of Small Dole, and therefore remains located within the countryside in policy terms, with the wider characteristics of the site being predominantly of an open and undeveloped rural location, albeit one with built development immediately to its northern side and the A2037 road corridor to its east, where the site adjoins the BUAB of Small Dole. The site is not allocated for development within the Horsham District Planning Framework (HDPF), or the Henfield Neighbourhood Plan (HNP). As a result, residential development on this greenfield site would conflict with the requirements of Policies 2 and 4 (Settlement Expansion) of the HDPF. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location. Consequently, the proposed development of this site for housing conflicts with the adopted development plan for the District.
- 6.7. However, it is acknowledged that the HDPF is now over 5 years old, and furthermore, the Council is unable to demonstrate a five year housing land supply, with the calculated housing land supply currently at 1.7 years, according to the latest AMR (published Dec 2025). The NPPF Paragraph 11d 'tilted balance' is therefore engaged in the determination of this application. Notwithstanding this, it is recognised by Officers that in the context of the Council's 5-year housing supply position, the benefits that would arise from the delivery of extra housing carries very significant weight in the determination of the proposal. The

consequence of this for the consideration of this application is addressed in the Planning Balance section below.

Henfield Neighbourhood Plan

- 6.8. The Henfield Neighbourhood Plan (2019-2031) was made in June 2021 and forms part of the development plan for the District. This plan includes relevant policies that must be considered when assessing the acceptability of this site. The relevant policy in the plan in relation to principle of development is as follows:

Policy 1: A Spatial Plan for the Parish

P1.1 The Neighbourhood Plan defines the Built Up Area Boundary of Henfield (see page 23) and Small Dole (see page 24). Development proposals located inside these boundaries will be supported, provided they accord with the other provisions of the Henfield Neighbourhood Plan and the Horsham District Planning Framework (HDPF).

P1.2 Development proposals outside of these boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside.

P1.3 Development proposals within or affecting the South Downs National Park should conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

- 6.9. As Policy P1.2 above controls development in the countryside by reference to HDPF policy, it follows that the identified conflict with Policies 2, 4 and 26 of the HDPF also means the proposal fails to accord with Policy 1 of the Henfield Neighbourhood Plan.
- 6.10. As Paragraph 11d 'tilted balance' is to be engaged in the determination of this application (subject to the Footnote 7 matters), then Paragraph 14 of the NPPF also needs to be considered. Paragraph 14 states that '*in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).'*

- 6.11. It is the Council's view that at present, the above criteria are all met. The Henfield Neighbourhood Plan was formally made in June 2021, so it will remain 'in date' until June 2026, thereby satisfying part (a). The Henfield Neighbourhood Plan was supported by a Housing Needs Assessment and includes housing allocations to meet its identified need. Therefore, part (b) of Paragraph 14 is also met. Given the identified conflict with Policy 1 of the Henfield Neighbourhood Plan, the protections afforded by Paragraph 14 are therefore relevant when considering this application. This addressed in the overall Planning Balance at the end of this report.

Upper Beeding Neighbourhood Plan

- 6.12. Although it is recognised that the site does not fall within the Upper Beeding Neighbourhood Plan, the application site is physically linked to the wider settlement of Small Dole, which lies within the Upper Being Neighbourhood Plan area. This is referenced only insofar as demonstrating that this Neighbourhood Plan is also considered to meet its housing needs as identified by its Housing Needs Assessment, with the NP allocating sites to provide for

around 109 new homes over the plan period, including the following site allocation in Small Dole:

- Land at the southern end of Oxcroft Farm (around 20 houses) – *An application for Permission in Principle is under consideration for 9 dwellings (DC/25/1506)*

6.13. The Upper Beeding Neighbourhood Plan notes:

“Small Dole straddles two Neighbourhood Plan areas (Upper Beeding and Henfield). Small Dole is identified as a ‘Smaller Village’ in the HDPF. This means it is a village with limited services, facilities, social networks but with good accessibility to larger settlements. Both Parish Councils have discussed the impact of new development on the village and agreed that this needs to take into account the sustainability and size of the settlement. The two Neighbourhood Plans must not ‘over-allocate’ sites for Small Dole with the result being that too much new development with large sites coming forward in both plans will have a detrimental impact on the village. It is for this reason, the yield for the site is at the lower end of the AECOM proposed range.”

Horsham District Local Plan

6.14. Whilst the Examining Inspector’s Interim Findings letter dated 4 April 2025 recommended that the Regulation 19 Horsham District Local Plan 2023-2040 be withdrawn, the Council did not withdraw the draft Local Plan and has since written to the Inspector with a request to re-open the hearings given a number of material changes which are relevant to the examination. At the current time therefore, the draft remains a ‘post-submission’ document, with ‘emerging’ status. The policies within the emerging Local Plan (eLP) are therefore deemed to carry limited weight. Further, the background evidence base to support the eLP also carries some limited weight given the Examining Inspector’s comments at paragraph 95 of his Interim Findings letter. This background evidence base includes the site assessments that informed the proposed site allocations within the eLP.

6.15. This application site was actively promoted during the plan preparation period on behalf of the landowners (site SA505), and forms one of the draft allocations within the eLP under Strategic Policy HA16: Small Dole Housing Allocations, for at least 40 homes. Policy HA16 sets out the following expectations for any prospective proposals on this site:

- a) *Are limited to the eastern end of the site with a significant proportion of the site (western and northern parts) given to public open space and recreation use;*
- b) *Deliver sustainable drainage systems (SuDS) along the southern boundary;*
- c) *Are designed to take account of the rural character around the site, and incorporate measures to mitigate against any harm to the landscape character; and*
- d) *Deliver access from the A2037.*

The following sections identify that the proposed development is able to satisfactorily accord with these requirements.

Shaping Development in Horsham Planning Advice Note (SDPAN)

6.16. In recognition of the status of the HDPF being over 5 years old and the Council being unable to demonstrate a five-year housing land supply, the Council has updated the ‘Facilitating Appropriate Development’ (FAD) document (August 2022) to refer to the sites allocated within the eLP. The revised document, Shaping Development in Horsham Planning Advice Note (SDPAN) was formally endorsed by Cabinet in Sept 2025, and sets out support in principle of residential proposals coming forward on site allocations, subject to wider planning considerations.

6.17. The SDPAN also acknowledges that applications will come forward on unallocated sites which lie outside of the defined BUAB, such as the application site, and that such applications will be considered positively, and in light of the Council’s 5 year housing land supply, provided all of the following criteria are met:

- *The site adjoins the existing settlement edge as defined by the BUAB;*
- *The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;*
- *The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;*
- *The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and*
- *The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.*

- 6.18. Officers note that the site adjoins the BUAB along the northern side, and, separated only by the A2037 corridor along its eastern side. The Census data of 2021 places the population of Small Dole at 786, with an expected occupancy across this site leading to a likely 13% increase on that number. This is considered to be an appropriate level of expansion. The provision of additional housing, including a policy-compliant affordable mix, would meet local housing needs. Finally, delivering housing on this site would not impact on the strategic allocation set out within the made Upper Beeding Neighbourhood Plan, whilst the site is contained within clear and defensible boundaries with proposals to retain and enhance landscape features.
- 6.19. As a consequence, Officers advise that the location of this site accords with the SDPAN, a matter that should be afforded some limited positive weight in the overall planning balance given the SDPAN is a guidance document only and not a policy document.

Conclusion on principle

- 6.20. The proposed development therefore conflicts with the current development plan as the site lies outside of the defined BUAB and has not been allocated for development in either the HDPF or the Henfield neighbourhood plan. The principle of development would therefore be contrary to Policies 2, 4, and 26 of the HDPF and Policy 1 of the Henfield Neighbourhood Plan. The weight to be attributed to the conflict with these policies in light of the Council's five-year housing land supply position, is discussed in the overall planning balance at the end, along with the weight to be attributed to other material considerations including the broad compliance with the SDPAN.

Housing Mix and Affordable Housing:

- 6.21. Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 also requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure. This would amount to 15.75 dwellings being required to be affordable. The proposal seeks to deliver 16 units as affordable housing in compliance with Policy 16.
- 6.22. The Council's Housing Team has commented that the Housing Register in Upper Beeding / Small Dole currently has 114 households waiting for housing, of which 30 households (26%) are in need of a 1-bedroom unit, 16 households in need of a 2-bedroom unit (14%), 45 households (39%) in need of a 3-bedroom unit, and 23 households (21%) in need of 4 or more bedrooms, indicating a local increased need for 3+bed dwellings. This outline application recognises that a tenure split is required (at a 70/30 split between affordable rent and intermediate housing) but offers no further commitment on the breakdown of unit sizes, and no reference to a registered provider (RP) at this stage.
- 6.23. The provision of affordable units, within the respective affordable rented and shared ownership splits are set out within an e-mail (dated 15th Sept) as follows, alongside the Council's expectation based on the current Strategic Housing Market Assessment (SHMA):

Affordable Rented	SHMA 2019 (11 units)	Proposal (11 units)	Over / under supply
1-bed	35% (3.85 dwellings)	4 dwellings	=
2-bed	30% (3.3 dwellings)	4 dwellings	=
3-bed	25% (2.75 dwellings)	2 dwellings	=
4+ bed	10% (1.1 dwellings)	1 dwellings	=

Shared Ownership	SHMA 2019 (5 units)	Proposal (5 units)	Over / under supply
1-bed	25% (1.25 dwellings)	2 dwellings	=
2-bed	40% (2 dwellings)	2 dwellings	=
3-bed	25% (1.25 dwellings)	1 dwellings	=
4+ bed	10% (0.1 dwellings)	0 dwellings	=

- 6.24. Officers note that any associated s106 agreement would secure an appropriate housing split as part of later details (reserved matters) and that the final housing mix would be secured under the subsequent reserved matters stage.
- 6.25. In terms of market housing, the proposal is for up to 29 market units. No unit mix has been provided at this outline stage, but officers refer to the recommended open market housing mix set out in the Council's current Strategic Housing Market Assessment (SHMA, 2019):

Open Market	SHMA 2019 (29 units)
1-bed	5% (1.45 dwellings)
2-bed	30% (8.7 dwellings)
3-bed	40% (11.6 dwellings)
4+ bed	25% (7.25 dwellings)

- 6.26. As this application is being made in Outline only, officers advise that the final housing mix would be agreed at the reserved matters stage taking into account the latest housing market assessment and local requirements at the time.
- 6.27. In the event that planning permission is granted, a Section 106 legal agreement would need to be provided to secure the on-site affordable provision and tenure as per the requirements of HDPF Policy 16 and the accompanying Planning Obligations and Affordable Housing SPD.

Landscape Impact:

- 6.28. As part of the previously refused outline planning application for up to 60 dwellings on this site, it is noted that the parameter plan submitted with DC/15/0353 covered a larger site area, and included a diagonal 'view cone' through the site from the north-western corner to the south-eastern corner of the site, which allowed for views of Truleigh Hill along the elevated South Downs Way.
- 6.29. Comments from the Council's Landscape Officer at the time raised concerns over the site's visibility from the elevated section the South Downs Way and the South Downs escarpment, and the resulting impact on the setting of the National Park. Further concerns were expressed on the earlier scheme with regard to retaining views of the elevated Downs from the application site itself.
- 6.30. As part of the current application, officers noted from the site visit that views of the elevated South Downs escarpments were available from the site, both to the south-east (Tottington Hill direction) and to the south-west (towards Chanctonbury Ring), with these being more prevalent from the northern part of the site. In response to this, a parameter plan has been

receive, which commits the development height to being up to 2-storeys, along with a land use parameter plan showing the developable area of the site focussed in the southern part of the site. The current proposal omits the previous central view cone and retains the upper slope free from development with retained views towards the elevated South Downs.

- 6.31. Consultation comments from the South Downs National Park Authority acknowledge the intentions of the development proposal to minimise the impact on the setting of the National Park, but that the development of Small Dole already forms part of the established setting of the of the National Park in this area. Therefore, for the proposed development to respect the local settlement character, it may have been better to locate the development along the eastern side of the site closer to Henfield Road, thus forming a continuation of the existing settlement pattern, and that the quantum of development may need to be reduced so that the rising land and sensitive viewpoints can be retained.
- 6.32. The policies in the NPPF which consider the impacts of development on landscapes, begin at para 135(c), which requires that decisions should be *'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'*.
- 6.33. Chapter 15 (Conserving and enhancing the natural environment) of the NPPF at para 187(a) sets out that planning decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes, site of biodiversity or geological soils (in a manner commensurate with their statutory status or identified quality in the development plan)*. At para 189, the NPPF goes on to consider that the National Parks, the Broads, and National Landscapes (formerly AONBs) have the highest status of protection in relation to landscape protection. Whilst Officers confirm that this site does not comprise a 'valued' landscape, the proximity of the site to the South Downs National Park (SDNP) boundary, and the level of elevation affording views of the site, results in the application site lying within the 'setting' of the SNDP.
- 6.34. Paragraph 187(b) requires that planning decisions *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from the natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'*.
- 6.35. Locally, Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 26 states that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Policy 31 of the HDPF sets out support for development proposals that demonstrate that it maintains and enhances the existing network of green infrastructure, as well as requiring proposals to enhance existing biodiversity, and create and manage new habitats where appropriate. Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment, developments shall be required to ensure that the scale and massing of development relates sympathetically within the built surroundings, landscape, open spaces and routes within the adjoining site. These policies seeks to preserve the character of the undeveloped rural area of the district.
- 6.36. As has already been established, the application site is currently an open and undeveloped parcel of land, but lies directly adjoining the developed edge of Small Dole along its northern and eastern edges, with development also present to the south and west. Visually, the existing vegetated field boundaries provide the site with a sense of enclosure when viewed from the south and east sides. A very narrow view is available into the site from the northern PRoW along New Hall Lane, where a spur of land leads between the two adjacent residential properties.

- 6.37. Further to receipt and assessment of the parameter, land use and height limit plans, the Council's Landscape Consultant notes the limited presence of built development in the views from the within the site to the elevated escarpments of the South Downs. Therefore, the use of appropriate materials will assist in the development responding appropriately to the proposed change to the landscape setting that will occur as a result of the proposal. These material choices and the resulting external appearance and design of the development will be determined at Reserved Matters stage.
- 6.38. Some concerns are still maintained by the Council's Landscape Consultant in relation of the resulting impact on potential views created within the site from the Public Open Space towards the south-eastern corner where the apartment block is sited. Given the proposal to accommodate a number of flats within this block, it is likely to appear larger than an average pair of semi-detached dwellings, with a deeper footprint. Officers consider that the elevational treatment of this block, along with the final layout, design and massing that will come forward under the subsequent reserved, is capable of being suitably treated to avoid adverse harm.

Conclusion on Landscape

- 6.39. It has been acknowledged by the Council's Landscape Consultant that the indicative layout of the site as presented, along with the rural location of the site relative to the existing built-up edge of Small Dole, would result in a Major / Moderate (negative) effect on landscape character. Comments in respect of the proposed layout along the southern part of the site have also been noted from the South Downs National Park Authority, considering that this layout deviates from the established settlement pattern of Small Dole, and might therefore exacerbate the visual impact when seen from the elevated views within the South Downs National Park.
- 6.40. The current layout has been proposed in order to mitigate the identified landscape impacts, and comments derived from the earlier application under DC/15/0353, which, by focussing the built development along the southern lower slopes of the site, would set the development against a backdrop of vegetation and leave wider views available through and across the site towards the elevated South Downs escarpments.
- 6.41. The resulting development is acknowledged to lead to a change in the character of the landscape and setting of the application site, thus raising a conflict with HDPF policies 2, 25, 31, 32 and 33 and NPPF paras 135 and 187. However, notwithstanding the identified landscape impact and harm that would inevitably occur by way of the development of what is currently a rural site, officers consider that the parameter plans seek to suitably mitigate the harm to landscape character. Detailed matters of design, appearance and landscape would be secured by way of Reserved Matters. Accordingly, Officers consider that the landscape harm does not weigh significantly against the proposal, considering the site allocation and compliance with draft policy HA16 of the eLP.

Site Masterplan and Parameters (including open space and trees):

- 6.42. Policy 25 of the HDPF seeks to protect the townscape and landscape character of the District, including the landform and development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.43. Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

- 6.44. Although the details of the site layout are reserved for approval at a later date, the submitted Design and Access Statement and Indicative Site Layout provide an indication of how the development is anticipated to be laid out. The current details, as submitted, show the development focussed along the southern part of the site, stopping short of the eastern side boundary, and arranged in two blocks of outward facing dwellings, with perimeter cul-de-sac estate roads and circular pathways around the site. The northern section would be retained as public open space, with the provision of micro allotments, two Local Areas of Play (LAP) and a view point in the north-west corner. A new pumping station is indicated alongside the southern boundary and the surface water attenuation pond, where the submitted FRA and Drainage Strategy indicate the outfall into an existing drainage ditch.
- 6.45. A Parameter Plan has now been submitted providing fixed parameters for the Reserved Matters applications to comply with. The final details of the scale, layout, landscaping and appearance of the development would be considered under future reserved matters application(s). At this stage, therefore, the main consideration is whether the quantum of development proposed is acceptable taking into account the submitted parameter plan and having regard to matters such as amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation.
- 6.46. Officers are of the view that the proposal suitably demonstrates that up to 45 units on this site including appropriate orientations, amenity space, play areas, parking, landscape buffers, open space, internal linkages, and water attenuation - can be satisfactorily accommodated on the site without causing unacceptable harm to the wider landscape character or local amenity, as discussed in the preceding section.
- 6.47. The indicative layout has taken into consideration the key site constraints which is welcomed. The key sensitivities of this site include the rising topography towards the northern edge, where the site adjoins linear residential development of New Hall Lane. the proximity of the A2037 road corridor to the east, the transition to the rural edge to the south and west, and long-range views to the south, south-east and south-west, towards the elevated South Downs escarpment. The proposed play areas are located where they would be accessible for all future occupants as well as being accessible by neighbouring residents within Small Dole.

Open Space

- 6.48. According to the latest Open Space, Sport and Recreation Review (OSSR 2021), Upper Beeding and Henfield have deficiencies in parks and gardens and amenity greenspace, whilst Upper Beeding has further identified shortfalls in natural and semi-natural, and multi-functional green spaces. Henfield also has a shortfall of allotments.
- 6.49. The on-site provision for two Local Areas of Play (LAP) are included within the current application. These play spaces are generally smaller (100sq.m) and cater to younger children, up to the age of 6, and are located within a 100m walk of dwellings (close to home). The indicative masterplan shows that these areas would be located to the eastern side, and connected to the wider area of public open space, and to the south-eastern corner, connected to the perimeter paths around the development, where they could be provided with the advised 20m buffers to the nearest residential dwellings. Officers note that the settlement of Small Dole does not appear to be provided with any play spaces at the current time, although there is a skate park noted.
- 6.50. Additionally, Officers note the following open space typology derived from the Council's 'Open Space, Sport & Recreation Review 2021 (OSSR)' guidance document, and to comply with HDPF policy 43. The plan should identify the various categories of open space (parks and gardens, which should include kick about area, amenity space, natural and semi-natural, play areas, allotments) and areas measurements and also demonstrate that accessible standards and distance buffers are achievable. An indicative land budget plan has been

provided within the Design and Access Statement, demonstrating that the development would exceed the suggestions of the OSSR for all but youth provision:

<i>Landscape Type</i>	<i>Suggested area (sq.m) - OSSR</i>	<i>Proposed (sq.m)</i>	<i>Area above guidance (sq.m)</i>
<i>Parks and Gardens</i>	1,490	10,968	+9,478
<i>Amenity Green Space</i>	626	7,987	+7,361
<i>Natural and Semi-Natural</i>	2,624	12,028	+9,404
<i>Children (Play)</i>	54	200	+146
<i>Youth</i>	22	0	-22
<i>Allotments</i>	194	3,060	+2,866

- 6.51. Accordingly, officers consider that the proposed development would accord with the expectations of HDPF policies 32, 33 and 43, and would be capable of incorporating open space and play facilities appropriate to the scale of this development and its context, the details of which would be secured at a later Reserved Matters stage with its management secured via a s106 agreement. The deficit with youth provision is acceptable in this instance, as Small Dole, being the settlement to which the proposal is most closely connected, already provides for youth facilities (skate park).

Trees

- 6.52. Aligned with wider policies which seek to ensure the landscape qualities of the district can be secured, maintained and enhanced, Policy 31 of the HDPF sets out support for development proposals that demonstrate that it maintains and enhances the existing network of green infrastructure, as well as requiring proposals to enhance existing biodiversity, and create and manage new habitats where appropriate. The illustrative masterplan shows the potential for a new community orchard to be delivered on site, which indicates that there is capacity within the site to deliver new tree planting, subject to conditions.
- 6.53. It is noted that more detailed landscape proposals remain to be considered under subsequent Reserved Matters stage(s).
- 6.54. The Council's Arboricultural Officer notes that the proposed development would necessitate the removal of a section of vegetation removal along the eastern side to facilitate access, but that this could be appropriately mitigated by replacement planting and landscape enhancements to be delivered as part of the wider scheme. The only foreseeable tree removals within the indicated masterplan appear to be invasive field margin species (principally willow).
- 6.55. The indicative masterplan allows for a perimeter access road and internally-facing rear gardens, which is considered to be arboriculturally preferable for greenfield schemes, as this allows for a buffer to be maintained between residential plots and retained boundary trees. Furthermore, this tends to reduce future pressure to fell of existing landscape features. Officers advise that the final landscape design layout would be suitably resolved at Reserved Matters stage.

Conclusion on site parameters and masterplan

- 6.56. In summary, subject to an appropriately designed detailed layout and landscaping plan at Reserved Matters stage, it is considered that the development on this site is capable of incorporating a layout that incorporates the required open space, children's play space, allotments, and landscaped buffers, as set out in the Council's Open Space, Sport and Recreation Review (June 2021). Furthermore, officers are satisfied that the detailed site layout which would come forward at Reserved Matters stage, is capable of being designed in such a way so as to ensure sufficient space is maintained to the retained trees, incorporating the principles established locally under HDPF policies 32 and 33, and nationally under NPPF para 135.

Highways Impact, Access, Parking and Active Travel:

- 6.57. HDPF Policy 40 states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport. HDPF Policies 40 and 41 promote development that provides safe and adequate access, suitable for all users.
- 6.58. Nationally, paragraph 115 of the NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.
- 6.59. Furthermore, paragraph 117 of the NPPF requires applications to:
- 'a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*
- 6.60. Paragraph 118 requires that all developments generating a significant amount of vehicular movements not only provide a travel plan, but also that applications *'be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored'*.

Vehicular Access

- 6.61. Detailed approval is sought under this application for the means of access to the site, which would be by way of a new bellmouth junction off Shoreham Road, a busy A-road. Pre-application advice was sought from the WSCC Local Highways Authority (LHA) in 2023 for a potential development of 40 homes.
- 6.62. The proposed access arrangements to the site from Shoreham Road have been assessed by the WSCC LHA, noting that swept path tracking for refuse and emergency vehicles have been provided with turning heads within the site. It is noted that the new access corner radius of 10m has been implemented to reduce the extent of encroachment onto the carriageway (A2037).
- 6.63. Revised plans demonstrate that the access can accommodate two passing cars / refuse collection vehicle without obstructing movement of car travelling southbound on A2037. Also shown that a refuse collection vehicle can pass a car within the access. Whilst larger vehicles do require crossing the centre line of the access when entering it is considered that these manoeuvres would be infrequent and the radius of the proposed bellmouth access is considered sufficient. A larger radius could result in higher entry speed into the development.

Trip Rate Generation / A4 junction capacity

- 6.64. The quantum of development is anticipated to generate some 23-24 AM/PM peak movements, using the standard TRICS methodology which the Local Highways Authority has assessed as being an acceptable methodology. This would result in an extrapolated average

of one additional vehicular movement every 2-3 minutes within the local highway network during peak hours

- 6.65. This is assessed against the ATC traffic survey of existing traffic movements along Shoreham Road (A2037) of 636 AM peak, and 633 PM peak movements. Accordingly, the Local Highways Authority does not consider this to lead to a 'severe' impact on the existing nearby highway capacity.

Active Travel / Inclusive Mobility (pedestrian and cycle links)

- 6.66. In June 2024, a requirement was introduced for developments over 150 units to include Active Travel England as a statutory consultee, with a view of prioritising walking, wheeling and cycling to be seen as the most convenient, desirable and affordable way to travel, as well as facilitating access to public transport. Although officers recognise that the proposed development quantum of this application falls below the consultation threshold, the principles of Active Travel are currently embedded within local and national planning policies, including LTN 1/20 'Cycle Infrastructure Design', which sets out the expectations for development to incorporate inclusive and accessible design for cycle infrastructure with a view that this is no longer seen as merely a leisure activity, but a viable means of transport in itself. Furthermore, the provision of safe access for all users is embedded in NPPF paragraphs 115 and 117, with further advice set out in the document 'Inclusive Mobility' (Dec 2021) on the advised widths of footpaths.
- 6.67. The proposal looks to create links from the site to the north to PRoW_2775 along New Hall Road, with further details to be secured under Reserved Matters. Officer sought clarification over the potential to secure a further pedestrian link from the southern corner of the site to the new footpath alongside Henfield Road, and or connect with PRoW_2774_1, facilitating a more direct transit to the south-bound bus stop.
- 6.68. The applicant is unable to provide the link to the south-eastern corner of the site as there is land which lies outside of the applicant's ownership / control, but that additional works would be secured under the s106 agreement to ensure a connection is made between the new footpath alongside the western side of Henfield Road and the PRoW to the south FP_2774 (Drawing ITS19321-GA-002 Rev).
- 6.69. The site is located around 150m north of the nearby convenience store (with Post Office) in Small Dole, and around 250m from the village pub. Furthermore, the Mackley Industrial Estate is located some 430m to the south of the application site, and presents employment opportunities for prospective residents. The local shop (and Post office), pub and industrial estate are considered to lie within an easy walk from the application site, facilitated by the proposed new pavement which the applicant is committed to installing on the western side of the A2037.
- 6.70. Aside from the facilities already mentioned, wider facilities in Small Dole are limited, with no medical services or schools. Residents are therefore reliant on neighbouring larger towns and settlements, such as Henfield to the north, and Upper Beeding and Steyning to the south, for wider day-to-day needs. There is a bus route which stops a short walk from the site's southern boundary connecting a number of local settlements to larger towns and villages, including Horsham and Burgess Hill, which operates near hourly services during weekdays with a more limited service on weekends.
- 6.71. The proposed development looks to include a number of sustainable travel benefits (Travel Plan, July 2025), including a £150 Sustainable Travel Voucher per dwelling (at first occupation), and a car club scheme.
- 6.72. In line with para 111(d) of the NPPF, officers note that the site lies in a location that is well-related to the existing settlement of Small Dole and its single shop and pub. The location of the site would also offer alternatives to car-based travel.

Parking

- 6.73. Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users, with HDPF policy requiring safe, convenient and visually attractive areas for parking vehicles and cycles without dominating a development.
- 6.74. As the proposal is for outline permission, details regarding the layout and exact numbers of proposed parking spaces, cycle parking spaces, and EV provision, is not indicated in this application, and would be fixed once the exact dwelling quantum and layout is resolved at subsequent Reserved Matters stage. Indicative plans show that parking could be delivered to all properties by way of a mix of tandem spaces, garages, car-ports, and parking courts (for the flats), and that therefore, there is no reason to believe that sufficient onsite parking for vehicles and cycles could not be provided.

Conclusion of Access, Parking and Active Travel

- 6.75. Officers acknowledge that the location and geometry of the proposed access (from Henfield Road) has been found to be acceptable to the Local Highways Authority, and that the site is in principle, capable of incorporating a suitable parking quantum to serve the development, subject to the consideration of more detailed design at reserved matters stage.
- 6.76. The proposal would also deliver sustainable access links to the existing settlement in accordance with the guidance set out in 'Inclusive mobility', Active Travel, para 111(d), and 115 - 118 of the NPPF, thus ensuring that the site is capable of providing viable alternative non-car modes of transport by which prospective residents can access what are noted to be limited local services, and nearby local public transport (Bus stops).
- 6.77. Paragraph 116 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Based on the information submitted and subject to conditions, and a suitable s106 legal agreement (to secure Travel Monitoring), WSCC LHA are satisfied that the development would not result in any unacceptable safety or otherwise severe impacts, and would provide for appropriate sustainable transport choices in compliance with Paragraphs 111(d), 115, 116, 117 and 118 of the NPPF.

Residential Amenity:

- 6.78. Policy 33 of the HDPF requires that development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land. Paragraph 135(f) of the NPPF seeks to ensure that development '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*'. Policy 32 of the HDPF, further, seeks to ensure that development provides an attractive, functional, accessible and adaptable environment.
- 6.79. The proposed development would be sited where minimum distances of 50m would be achieved to the nearest established dwellings, therefore not giving rise to any adverse impact on existing neighbouring amenities insofar as loss of light, outlook or privacy.
- 6.80. The indicative site layout plan demonstrates the maximum quantum of development could be accommodated within the developable area whilst providing for a good standard of amenity for all future occupants of land and buildings of the proposed development (including distance between nearest dwelling from locally equipped play area). A landscape buffer has been provided to all sides of the proposed development, further separated by established intervening vegetation and trees.

- 6.81. Within the development itself, the indicative masterplan demonstrates that a back-to-back separation of a minimum 21m could be achieved, with finalised details and layouts submitted at the reserved matters stage.
- 6.82. Officers note that an Acoustic Report has been carried out, concluding that the properties along the eastern side in proximity to the A2037 would lie within an area of the site subject to increased noise levels (Plots 1-8, and 28 and 29), where a nighttime noise environment to bedrooms along the eastern side would be anticipated around 41dB, which is over the expectations for a habitable room within a rural location. Officers note that this identified issue presents itself mainly during the summer months when windows might be open to control temperatures within the rooms.
- 6.83. Officers acknowledge that mechanical ventilation may offer a solution to these expressed noise concerns, as would the eventual layout and room orientation of these properties to the eastern side. Further to this, officers note that more details would be required at reserved matters stage, when the eventual site layout becomes fixed. Therefore, officers are satisfied that at outline stage, the submitted details provide an indication that noise-related mitigations would be necessary, and would need to be suitably demonstrated as having been addressed as part of any finalised scheme.
- 6.84. It is, therefore, considered that future occupiers would benefit from a sufficient standard of amenity so as to satisfy the provisions of NPPF paragraph 135(f) and HDPF policy 32, with conditions secured to ensure a satisfactory scheme can be implemented for the control of noise and ventilation to protect residents from adverse road noise.

Drainage and Flood Risk:

- 6.85. The updated Environment Agency flood maps show that the application site is located within Flood Zone 1, indicating that it is at a very low risk from river flooding. In terms of surface water flood risk, the EA mapping data shows a medium and high surface water flood risk along the lowest points of the site along the southern boundary, which is an existing river corridor, with climate change predictions modelling a comparable impact to the current situation. The developable portion of the site would not encroach into these areas of surface water flood risk, and furthermore, the proposal incorporates flood risk and surface water drainage mitigations which the Local Lead flood Authority have reviewed and accept as appropriate. As a result, and applying para 175 of the NPPF and the accompanying PPG guidance, Officers consider that no sequential test for flooding is required in this instance.
- 6.86. The Local Lead Flood Authority (LLFA) has reviewed the additional information submitted which sought to address the comments raised previously by the LLFA, and finds the details are now satisfactory to demonstrate how the surface water can be adequately managed on site and that the development will be safe for its lifetime and will not increase flood risk elsewhere, in accordance with NPPF Paragraphs 181 and 182.
- 6.87. Appropriate conditions are therefore recommended to ensure that the measures to ensure the surface water drainage measures, including SuDS, are fully implemented. Subject to these conditions the proposal accords with policy 31 of the HDPF and Chapter 14 of the NPPF.

Biodiversity / Ecology:

- 6.88. HDPF policy 31 sets out the principles of maintaining and enhancing existing networks of green infrastructure, biodiversity, and woodland, along with introducing compensatory ecological mitigation measures where appropriate. The mandatory national requirement in relation to delivering a 10% BNG applies to this application, and it is noted that the current proposal is seeking to incorporate biodiversity net gains over and above the pre-existing

baseline well in excess of the 10% national requirement. This is discussed in more detail later on in this report.

- 6.89. Paragraph 193a of the NPPF indicates that when determining planning applications local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Developments resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient, or veteran trees) should be refused, unless there are wholly exceptional reasons (such as infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists (para 193c).
- 6.90. Following comments from the Council's Ecological Consultant, a number of documents and additional reports have been revised, or provided so that the Council can ensure it has considered all the likely impacts arising by way of the proposal, and that with appropriate mitigation, to be secured by way of planning conditions, the proposed development can be made acceptable.
- 6.91. Accordingly, the proposal meets the criteria set out under HDPF policy 31, and would contribute towards the enhancement of existing biodiversity, and would retain and / or enhance significant features of nature conservation.

Biodiversity Net Gain (BNG)

- 6.92. Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.
- 6.93. The Applicant has submitted a Biodiversity Metric as part of this application, which has been revised to address the Council BNG Ecologist's comments. Overall, it is noted that the Metric demonstrates that the proposed enhancements to be delivered within the site as part of the proposal would achieve an 24.89% net gain in habitat units, and a net gain in watercourse units of some 10.62%. Officers are therefore now satisfied that the proposal would demonstrate significant on-site BNG enhancements, including SuDS ponds and swales and watercourse habitat, and provision for protected species and habitats.
- 6.94. In the event the application is approved, it is a condition of the planning permission that a Biodiversity Net Gain Plan be submitted and approved in writing by the Local Planning Authority. This would show how the development will achieve BNG and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. The long-term management, maintenance and monitoring of the significant on-site enhancements for the required minimum 30 years will be secured within the s106 Legal Agreement.

Water Neutrality

- 6.95. 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.
- 6.96. 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.

- 6.97. 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.
- 6.98. 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 1st November 2025, will not exceed 3,240,000 litres per day.
- 6.99. 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.

Other Matters

Heritage Impacts:

- 6.100. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. Chapter 16 requires decision-makers to consider whether a development proposal would lead to 'substantial' or 'less than substantial' harm to a designated heritage asset, and if so, describes how decisions should be steered in order to preserve the asset whilst allowing some flexibility for change, where appropriate.
- 6.101. The site does not adjoin or contain any designated heritage assets, nor are there any conservation areas adjoining the site. The submitted Heritage Desk-Based Assessment does consider the wider impact on the nearby Grade 2 listed building New Hall and its garden wall and Bee Boles some 280m to the west, and separated by intervening development and paddock lands, concluding that the site no longer forms a legible connection to the heritage asset and its retained land and setting. Additional listed buildings lie within the wider area but are separated by land features and development.
- 6.102. Furthermore, the proximity to Archaeological Notification Area DWS8976 - New Hall Farm Historic Farmstead, and DWS8725 - Hardham to Barcombe Roman Road, is noted. The submitted Heritage Desk-Based Assessment concludes that further investigations would clarify the nature and significance of any archaeological deposits that may be present on the site, and therefore a condition is suggested. Accordingly, no heritage harm would occur by way of the proposal.

Contaminated Land:

- 6.103. The Council's Environmental Health team has reviewed the submitted Geo-Environmental Services Limited Ground Appraisal Report, dated 02.04.25, and acknowledge the preliminary assessment of the risks from contamination to future site users. However, given the sampling

records detected made ground, and locations of sampling, it is considered that further chemical testing of soils is carried out to confirm the full range of ground conditions across the site. Officers are satisfied that these testing details can be requested as an appropriate pre-commencement condition, which would satisfy the requirements of NPPF para 189 and HDPF policy 24.

Air Quality:

- 6.104. The application site is not located within or close to any of the district's defined Air Quality Management Areas (AQMAs), however, on account of the quantum of development, comprising a 'major' development, an Air Quality Assessment (AQA) has been submitted.
- 6.105. The revised Air Quality Assessment (AQA) arrives at a total damage cost arising from the proposed development over 5 years as £5,680. The submitted AQA states that:
"Road traffic impacts associated with the operation of the Proposed Development can be considered as having an 'insignificant' effect on local air quality. As such, long-term scheme-specific mitigation measures in relation to operational effects arising from road traffic emissions are therefore not considered to be necessary."
- 6.106. To address the damage cost calculations, a number of post-development mitigation measures are embedded into the accompanying Travel Plan:
- Travel vouchers per dwelling at initial occupation (£150 per household = £6,750)
 - Provision of a car club (estimated at £36,000)
 - Travel Plan initiatives (estimated at £25,000)
- 6.107. Although the suggested travel plan initiatives are a policy compliant element, Officers consider that an appropriate planning condition can be secured to specify the total damage cost and to secure appropriate mitigation measures, such as the vouchers. A suggested condition is therefore considered appropriate as an acceptable mechanism to mitigate air quality impacts arising from the proposed development, as required under HDPF policy 24

Climate Change:

- 6.108. Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following embedded measures to build resilience to climate change and reduce carbon emissions:
- Air Source Heat Pumps (to houses) and Exhaust Air Heat Pumps (to flats)
 - Potential PV panels – to be confirmed during RM process
 - Efficient building fabric
 - Water efficiency measures to reduce the standard consumption to 84.45 l/p/d
- 6.109. Under Part S of the Building Regulations, each new dwelling is expected to be provided with an active EV charge point.
- 6.110. It has therefore been sufficiently demonstrated that local plan policies requirements related to energy use and sustainable construction (HDPF Policies 36 and 37) have been complied with, and appropriate measures could be secured by planning condition.

Minerals Safeguarding:

- 6.111. Under the West Sussex Joint Minerals Local Plan (JMLP July 2018) the two Minerals Safeguarding Areas overlap across the site: some 3.1ha of land to the northern part fall within the Brick Clay (Weald Formation) area, whilst a larger area of around 5.1ha fall within the Soft Sand area. A Minerals Resource Assessment has been submitted to identify whether

economically viable mineral resources are present on site, and whether prior extraction is practicable.

- 6.112. Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible. It is acknowledged that there is a relative abundance of Brick Clay in the south east, therefore its safeguarding is a lower priority than other more scarce minerals such as Horsham Stone. In this instance, the application site in its entirety presents a potential site for extraction. However, given the location of the resource it may present planning-related constraints such as noise or transport movements.
- 6.113. In terms of Soft Sand, it is recognised that this is in relatively short supply, and that a number of sites for extraction have been strategically allocated to ensure demand can continue to be met and indeed, safeguarded.
- 6.114. The submitted Minerals Resource Assessment sets out potential extractions of the Brick Clay or Soft Sand would be limited by a number of factors, notably the required 'stand-offs' (buffers) to residential properties, PRoW, roads, power lines and natural features such as woodland and hedgerows.
- 6.115. WSCC Minerals Officer acknowledges the applicant's Mineral Safeguarding Assessment, which broadly concludes that the site would be unsuitable for prior extraction, given the proximity of residential receptors, damage of ecological features that would otherwise be retained as part of the proposed development proposal.
- 6.116. Furthermore, the Council's housing supply position at present means that the need for more housing units carries significant weight in decision making. The proposal therefore satisfies the requirements of Policy M9 (iii) of the West Sussex Joint Minerals Local Plan.
- 6.117. Therefore, in this instance, the safeguarding of the brick clay resource is considered a low priority. Whilst the extraction of soft sand has been strategically planned for across the wider county, whilst the need for housing within the district can be adequately demonstrated. The proposal therefore satisfies the requirements of Policy M9 (b) (iii) of the West Sussex Joint Minerals Local Plan.

Community Infrastructure Levy (CIL) and S106 Heads of terms

S106 Heads of Terms:

- 6.118. In the event that planning permission is approved, HDPF Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. The provision of affordable housing must be secured by way of a Legal Agreement, as would contributions to infrastructure and off-site improvements including sustainable transport commitments and air quality mitigation measures.
- 6.119. A s106 legal agreement to secure the obligations necessary to make this application acceptable in planning terms is currently being drafted. The headline obligations are to include the following:
- 35% Affordable Housing (16 units)
 - Travel Plan Monitoring fee £1,695,
 - £150 Sustainable Travel Voucher per dwelling
 - Securing Public Open Space, LAP, Micro allotments and SuDS
 - Access from the north of the site to the PRoW_2804
 - New 2m wide footway along western side of Henfield Road / A2037

- New connection form new 2m wide footpath along western side of A2037 / Henfield Road connecting to PROW 2774_1,
- Dropped kerb/tactile paved crossing of New Hall Lane, dropped kerb/tactile paved crossing of A2037
- Biodiversity Net Gain

Community Infrastructure Levy (CIL):

- 6.120. Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. This development constitutes CIL liable development. In the case of outline applications, the CIL charge will be calculated at the relevant Reserved Matters stage. This would comply with expectations of HDPF Policy 39.
- 6.121. Community Infrastructure Levy (CIL) funds raised by the new development shall be used to support the delivery of projects identified in the District Council's Infrastructure Delivery Plan (IDP) (July 2024). The IDP is identified as a key document forming part of the evidence base in Local Plan preparation that assesses the quality and capacity of infrastructure within a local planning authority area and sets out the infrastructure likely to be required to support new development across Horsham District. This includes emergency services such as the Sussex Police Service (current provision/ planned provision/ key issues and future considerations). No evidence has been submitted to indicate a requirement for the mitigation of impacts on other forms of local infrastructure, such as education or healthcare facilities.

Conclusions and Planning Balance

- 6.122. The Council's housing land supply position stands at just 1.7 years which represents a significant shortfall and means the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, the Local Plan policies which are the most important for determining this application are deemed out of date and the presumption in favour of sustainable development in Paragraph 11 d) ii is engaged. The presumption requires the granting of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.123. The proposal would meet identified local housing needs by delivering a sizeable contribution to the supply of market and affordable housing (policy compliant 35%), which attracts significant weight in favour. This housing quantum will be delivered on a site well located on the edge of an existing settlement (Small Dole), which is a fourth-tier settlement on the Council's development hierarchy, as set out within the HDPF, noted to have limited services and facilities, but with good accessibility to larger settlements (such as Henfield). Occupiers of the development would have a choice of transport modes to access local services and employment opportunities, noting that there is a bus route along Henfield Road.
- 6.124. The highway network has not been evidenced to be severely impacted by way of the proposal. The proposal would also bring economic benefits, including spend and employment in the construction phase, which are attributed moderate weight in the overall planning balance.
- 6.125. The application has demonstrated that the scheme is capable of meeting and, in the provision of child play spaces in the form of two LAPs, exceeding, relevant Council guidance, whilst providing a satisfactory standard of amenities. Further provisions of open space typologies, including on-site allotments, would exceed the minimum recommended areas derived from the OSSR and should be afforded appropriate weight.
- 6.126. The introduction of housing into this countryside location beyond the settlement boundary would inevitably result in a degree of visual harmful intrusion and irreversible change. Whilst

the submitted parameter plans demonstrate mitigations to reduce the landscape harm, there will still be residual impact that would cause harm to the character and appearance of the area, noting the proximity of the site to the South Downs National Park, and available intervisibility. Nonetheless, given the localised nature of these visual and landscape character harms, and the mitigations achieved by way of the parameters, this represents only moderate negative weight. Much of this moderate harm to the character and appearance of the area would be to the site itself, which will be an inevitable consequence when countryside sites are allocated for housing, as is necessary to deliver the required local housing development.

- 6.127. Harm is also considered to arise by way of the conflict with HDPF Policies 2, 4 and 26, and Policy 1 of the Henfield Neighbourhood Plan, as the site falls within the countryside on a site not allocated for development in either a Local Plan or the Henfield Neighbourhood Plan. However, given that the Council is unable to demonstrate a 5 year housing land supply, the 'tilted balance' at Paragraph 11d of the NPPF is engaged meaning the policies of the Local Plan attract diminished weight in decision making. Given that the Henfield Neighbourhood Plan is less than 5 years old, reference to para 14 of the NPPF is to be had, which states:

*"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is **likely** to significantly and demonstrably outweigh the benefits..."* (emphasis added)

In this instance, Officers refer to the draft allocation of the site in the emerging Horsham District Local Plan (eLP) and the associated evidence supporting this allocation in the background documents, to be found in the eLP under Strategic Policy HA16: Small Dole Housing Allocations. Further note is to be made that the Henfield Neighbourhood Plan ceases to benefit from the protections under paragraph 14 of the NPPF in June 2026.

- 6.128. The proposal would be in broad compliance with eLP draft Policy HA16 (site allocation SMD1), and the SDPAN 'Shaping Development in Horsham' (Sept 2025). Compliance with the SDPAN attracts only limited weight given its status as guidance only.
- 6.129. The Local Highway Authority (LHA) has assessed the proposal and raised no objection, subject to the provisions of highway access and offsite works. Your Officers see no reason to disagree with the LHA in respect of this and are satisfied it has been sufficiently demonstrated that the proposal would not be prejudicial to highway safety, nor would a severe impact on the capacity of the local highway network arise.
- 6.130. Environmental Protection impacts (such as of construction noise and air pollution) including on the living conditions of residents, would be appropriately managed through mitigation secured via planning condition or at the appropriate time (Reserved Matters). Planning conditions which deal with protected and priority species and habitat, and flood risk from surface water and drainage, would secure appropriate mitigation of impacts on these matters. Specialist consultees, including the Local Lead Flood Authority, have assessed the proposal and raised no objection. The proposal would satisfy the statutory requirement for a minimum 10% net gain in biodiversity (HDPF Policy 31), but this is legislative compliance thereby attracting only neutral weight.

Overall Planning Balance

- 6.131. Drawing all conclusions together, in applying Section 38(6) and the material considerations detailed above, Officers conclude the site would be a suitable and a sustainable location on the edge of an existing settlement for the quantum and type of development proposed, which would meet identified housing need. In addition, it is found that occupiers of the development would have some choice of transport modes to access local facilities and services in Henfield and local employment opportunities, indicating that the site is sustainably located. In applying

the Paragraph 11d presumption in favour of sustainable development, officers advise that the identified adverse impacts of granting permission identified above would not significantly and demonstrably outweigh these benefits when assessed against the policies in the NPPF when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 6.132. The protections afforded by Paragraph 14 of the NPPF are a significant and important matter in the consideration of this application. These protections are not though absolute as Paragraph 14 states that *'the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits'* (emphasis added). Paragraph 14 therefore allows for situations where material considerations may point to the grant of planning permission despite conflict with an 'in date' neighbourhood plan. Officers consider this is one of those rare situations for three combined reasons. First, the site comprises a draft allocation within the eLP; second, the protections afforded by Paragraph 14 expire in less than 6 months (June 2026) when the Henfield Neighbourhood Plan will be over 5 years old; and third, given the Council's weak housing land supply position of just 1.7 years. In this combined context, Officers advise that even though the site allocation in the eLP attracts only limited weight given the eLP remains at examination stage, the adverse impact of allowing this development in conflict with the Henfield Neighbourhood Plan spatial strategy would not significantly and demonstrably outweigh the benefits when considering the application and its policy framework as a whole.
- 6.133. Officers therefore recommend that this application be approved.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission, subject to the completion of the legal agreement and conditions set out below:

1. Approved Plans Condition

2. Outline Permission:

(a) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for each phase shall be submitted to, and approved in writing by, the local planning authority before any development takes place on the relevant phase and the development shall be carried out as approved.

(b) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

(c) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. Submission of Reserved Matters:

The submission of reserved matters applications pursuant to this outline approval shall demonstrate substantial compliance with the following Parameter Plans submitted as part of the Outline approval to fix the development principles:

23088 - C107C Land Use Parameters Plan

23088 - C108C Building Heights Parameters Plan

23088 - C111A Green Infrastructure Parameters Plan

Reason: To enable the Local Planning Authority to control the development in detail to ensure Reserved Matters compliance with development principles fixed at outline and to comply with Section 92 of the Town and Country Planning Act 1990.

4. **Pre-commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
- (a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
 - (b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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).

5. **Pre-commencement Condition:** As part of each reserved matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved and revised Flood Risk Assessment/Drainage Strategy BR31013-JNP-XX-XX-RP-C-1001 P05 dated 16/10/2025. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:
- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
 - Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
 - Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. During site clearance, preparation and construction the dust and Air Emission Mitigation measures described in Appendix B of the Air Quality Assessment report (RSK, March 2025) shall be adopted. The details shall be limited to the following measures:
- (a) Details of site management contact details and responsibilities;
 - (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
 - i. location of site compound,

- ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - iii. site offices (including location, height, size and appearance),
 - iv. location of site access points for construction vehicles,
 - v. location of on-site parking,
 - vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
- (c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
- (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination All demolition and construction activities shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015)

- 7. Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, (including any demolition, ground works, site clearance) a Biodiversity Method Statement for protected and Priority species (Badger and reptiles), shall be submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Where appropriate timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Where appropriate details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan (2021).

- 8. Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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) in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan (2021).

- 9. Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 25, 32, 33 of the Horsham District Planning Framework (2015).

10. Pre-commencement Condition:

- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015)

- 11. Pre-Commencement Condition:** No development shall commence, including works to construct the access, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- a) A plan shall be submitted to show all trees on the relevant part of the site to be retained as well as those off-site whose root protection areas ingress into the relevant part of the site, such trees shall be fully protected by tree protective fencing affixed to the ground and robust ground protection measures as necessary, in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- b) Once installed and inspected and approved by the Local Planning Authority Tree Officer, the barrier fencing and any other ground protection measures shall be maintained during the course of the development works for that phase or sub-phase and until all machinery and surplus materials have been removed from the site.
- c) Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree

protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policies 25, 31, 32, 33 of the Horsham District Planning Framework (2015).

- 12. Pre-commencement Condition:** No development shall commence unless and until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The submitted details shall have regard to the requirement for a non-habitable zone around the adoptable pumping station and suitable access arrangements. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any dwelling shall take place until the approved works required to facilitate that dwelling have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 13. Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of all underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show coordination with the landscaping strategy and proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 25, 31, 32, 33 of the Horsham District Planning Framework (2015).

- 14. Pre-commencement (slab level) Condition:** As part of each reserved matters application and prior to development above slab level, a Biodiversity Enhancement Strategy for Protected and Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs or product descriptions to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) Persons responsible for implementing the enhancement measures; and
 - e) Details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 15. Pre-Occupation Condition:** No dwelling shall be first occupied until an updated Air Quality Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £5,680 and include (but not be limited to) the measures detailed in the 'Response to Comments on Air Quality Assessment/ Emission Mitigation Assessment for Proposed Residential Development at Land West of Shoreham Road, Small Dole From Horsham District Council' (RSK, September 2025). The details shall

have regard to the Council's latest Air Quality & Emissions Reduction Guidance document (Sussex Air quality and emissions mitigation guidance). The Air Quality Mitigation Plan so approved shall be implemented in full accordance.

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).

- 16. Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the contamination remediation scheme required and approved under the provisions of condition 4 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4, unless otherwise agreed in writing by the Local Planning Authority.

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).

- 17. Pre-Occupation Condition:** As part of each reserved matters application and prior to the first occupation of any dwelling, a Landscape and Ecological Management Plan (LEMP) must have been submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures and future maintenance responsibilities and prescriptions for all areas of land including a plan showing parties responsible for the maintenance of different areas and their contact details including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured and the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and the development shall thereafter be maintained in accordance.

Reason: To 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) in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan (2021).

- 18. Pre-Occupation Condition:** As part of each reserved matters application and prior to first occupation of any dwelling, a Lighting Design Strategy for Biodiversity for the site, in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- Identify those areas/features on site that are particularly sensitive for Hazel dormouse and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To 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 in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan (2021).

- 19. Pre-Occupation Condition:** Prior to the first occupation of any dwelling/unit forming part of the proposed development the developer will, at their own expense, install the required fire hydrants in locations to be submitted to and approved by the Local Planning Authority to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

- 20. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until full details of all hard and soft landscaping works have been submitted to and approved, in writing, by the Local Planning Authority for that phase, and, in respect of the details in proximity to public apparatus, should be in consultation with Southern Water. 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; and to adhere to the following specifications to tree sizes at key corridors/important links and to reinforce street hierarchy:
 - Details of all hard surfacing materials and finishes;
 - Details of all boundary treatments;
 - Landscape details in proximity of public apparatus (in order to ensure appropriate long-term protection and in accordance with Southern Water's guidance)

The approved soft 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 or in accordance with a phased timetable to be agreed in writing by the local planning authority. The approved hard landscaping shall be fully implemented as approved following first occupation of the development.

Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site (other than those within private gardens) shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning

Authority until 30 years after completion of the development. Any proposed or retained planting outside of private gardens, which, 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 character of the surroundings and in the interests of visual amenity in accordance with Policies 30, 31, and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan (2021).

- 21. Pre-Occupation Condition:** No dwelling shall be first occupied until the necessary inbuilding physical infrastructure and necessary external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabytes per second through full fibre broadband connection serving the respective dwelling has been provided.

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).

- 22. Pre-Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i) A phased timetable for its implementation,
- ii) Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- iii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015).

- 23. Pre-Occupation Condition:** The development hereby approved shall not be first occupied until a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015).

- 24. Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (The Ecology Partnership, June 2025) 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. Any deviation to be approved in writing by the local planning authority, following submission of appropriate justifications from a consultant ecologist.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 10 of the Henfield Neighbourhood Plan (2021).

- 25. 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).

- 26. Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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).

- 27. Regulatory Condition:** The dwellings 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).

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.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)

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.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

The earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Highways Agreements Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

INFORMATIVE

The applicant is advised that the existing watercourses are cleared of all silt, vegetation and debris to hard bed level, to ensure optimum capacity and fall gradient. This should be completed in compliance with the Land Drainage Act 1991.