Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0605
Yew Tree Cottage, Bines Road, Partridge Green, Horsham, West Sussex, RH13 8EQ

DESCRIPTION:
Change of use of agricultural land to garden land and the installation of a ground-mounted solar panels.

RELEVANT PLANNING HISTORY:

DC/22/1825	Demolition of existing garage and outbuilding and erection of a replacement detached outbuilding, comprising of garage, home office, and storage (Householder Application).	Application Permitted on 26.05.2023
DC/22/1826	Demolition of existing garage and outbuilding and erection of a replacement detached outbuilding, comprising of garage, home office, and storage (Listed Building Consent).	Application Permitted on 26.05.2023

DESCRIPTION OF THE SITE AND APPLICATION

Yew Tree Cottage is a Grade II listed, two-storey dwelling situated to the south of the built-up area boundary of Partridge Green, and for planning purposes, is considered to be in a countryside location. The property sits within substantial grounds, with the application site forming a former agricultural paddock to the east of the dwelling. There is no relevant planning history associated with this plot, and the site is not located within a conservation area, is not subject to any Article 4 Directions, and has no recorded enforcement history.

Historic aerial images indicate that the paddock was once connected to the agricultural land to the east. Between 2001 and 2009, a significant portion of this land appears to have been sold to Yew Tree Cottage and neighbouring properties to the north, with those dwellings removing hedging and incorporating the land into their gardens without formal planning consent. As more than 10 years have passed, these parcels are now immune from enforcement action and are lawfully considered garden land. The paddock to the east of Yew Tree Cottage, however, remained physically separated until April 2019, when the current owners removed the hedging and began using it as garden land. This application therefore seeks retrospective consent for the change of use of this land from agricultural to garden land, along with permission for the installation of 36 solar panels and associated infrastructure within the paddock.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
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

West Grinstead Neighbourhood Plan 2019-2031

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS

HDC Conservation: No Objection {summary)
The solar panels will not harm the setting of the listed building.

PUBLIC CONSULTATIONS:

Representations:
None received

Parish Comments:
West Grinstead Parish Council: Support

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 35 of the HDPF states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the district's carbon reduction targets. Measures which should be used to mitigate the effects of climate change includes improved energy efficiency in new developments, and the use of decentralised, renewable and low carbon energy supply systems.

Policy 36 of the HDPF relates to energy use and stipulates that schemes for renewable energy schemes will be permitted where these do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value. It is considered that the existing policy basis would provide a general presumption in favour of development comprising of photovoltaic panels. Policy 36 of the HDPF notably draws no distinction between the nature of energy generation; being either for agricultural, domestic, or commercial purposes.

Paragraph 163 of the NPPF provides that local planning authorities in determining applications for renewable or low-carbon development should, firstly, not require applicants to demonstrate a need for renewable or low carbon energy, recognising that small-scale projects provide a valuable contribution to cutting greenhouse emissions and, secondly, approve applications if its impacts are (or can be made) acceptable. Paragraph 164 continues that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings.

The use of renewable energy resources is strongly supported by both national and local planning policy, recognising that increasing the use of renewable and low-carbon technologies helps to secure a reliable energy supply and reduce greenhouse gas emissions. The proposed solar panels would reduce the applicant's dependence on centralised, carbon-based energy by introducing a decentralised renewable source, thereby contributing to the efficient and sustainable use of resources. As such, the principle of the development is considered acceptable, subject to all other material considerations.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the countryside from inappropriate development. Proposals must be appropriately scaled, avoid significantly increasing activity, and conserve or enhance the key landscape features, including the area's development pattern, historic and ecological qualities, tranquillity, and natural features such as woodlands, fields, hedgerows, and landform.

Paragraph 012 of the Planning Practice Guidance under “Renewable and Low Carbon Energy” states that factors to bear in mind when considering active solar technology includes: the importance of siting systems in situations where they can collect the most energy from the sun; need for sufficient area of solar modules to produce the required energy output from the system; and the colour and appearance of the modules.

Change of Use to Garden Land

The retrospective change of use extends the garden boundary into the former paddock, aligning with neighbouring garden boundaries to the north. This modest and proportionate change integrates with the established pattern of development and does not result in a harmful loss of openness or an unduly suburban character. Existing boundary screening continues to minimise visual impact, and the change is therefore not considered to adversely affect the visual amenities of the site or the wider countryside setting.

Solar Panel Installation

The scheme proposes 36 ground-mounted solar panels in three rows of 12, spaced 2.9 metres apart and standing 1.5 metres high on a ground screw metal frame. Located around 22 metres southeast of the dwelling and 2.5 metres from the eastern boundary, the panels would be well-contained within the garden. New hedgerow planting, along with existing screening, would ensure the installation remains discreet, and given the height of the panels, they would not be viewable from Bines Road or the private road to the south, and no harm to the setting of the listed building.

The proposal is therefore considered acceptable in scale, design, and layout, and in accordance with the relevant planning policies.

Residential Amenity:

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

It is noted no letters of representation objecting to the scheme have been received. The solar panels would be located approximately 70 metres to the neighbouring property to the north of the site. Given the nature, scale and positioning of the proposal, the development does not raise any concerns in terms of potential impact on neighbouring properties. As such, it is considered that the development does not result in any additional disturbance to neighbouring properties beyond that of what would normally be expected as part of a residential use in this location. As such, it is therefore considered that the application is acceptable on amenity grounds

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore

adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the HDPF, NPPF paragraph 194 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate Change:

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 measures to build resilience to climate change and reduce carbon emissions:

- Installation of renewable energy sources

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool,and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

The retrospective change of use and installation of solar panels are acceptable in principle and design, causing no harm to the setting of the listed building or the character of the area. Consent is therefore recommended for approval, subject to the relevant conditions.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

4 **Regulatory Condition**: The solar panels hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, the panels shall be removed from the framework and the framework be removed, as soon as is reasonably practicable and be no later than six months after the cessation of the panels.

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and to ensure, in the light of changing circumstances the removal of any redundant equipment in the interests of visual amenity

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

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

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

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

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

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

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

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

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

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

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0605
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan	Overview of Site	001 REV B	06.05.2025
Layout plan	Layout Plan	003 REV B	06.05.2025
Elevation plan	Elevation Drawings	005 REV A	06.05.2025
Location plan	Location Plan	NONE	04.07.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 20/08/2025

Authorising Officer sign/initial RHERMITAGE Date: 22.08.2025