Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0336
Land to the South of Horsham Road, Five Oaks, West Sussex,

DESCRIPTION:
Creation of a new Farm access to serve land to the east of Horsham Road, Five Oaks

RELEVANT PLANNING HISTORY:
No planning history for the site.

DESCRIPTION OF THE SITE
The application site is located on the southern side of Horsham Road. The site is associated with the arable land located to the southeast of Horsham Road. It is understood that this land has recently been used to grow wheat. An existing access route is situated to the west of the agricultural land which comprises of a single width residential track across the adjoining landowner. A row of residential properties is positioned along the eastern boundary facing the agricultural field and further residential properties are situated along the western boundary facing the highway. The wider surrounding is predominantly agricultural in nature.

The site is located outside of any defined built-up area boundary in the countryside. However, the application does not fall within a conservation area nor are there any listed buildings situated nearby.

DESCRIPTION OF THE APPLICATION
The proposal seeks planning permission for the creation of a new farm access to serve land to the east of Horsham Road, Five Oaks.

The access proposed would comprise of a bellmouth and would be 5m wide supported by a 3m radii on either side. The access would serve agricultural vehicles used on the land. The proposal would consist of a gate set back 12m from Horsham Road for vehicles to safely pull off the carriageway to open/close the gate. There would be no farm track constructed as part of this application and there would be no increase in vehicle trips via the proposed access.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport

The Billingshurst Parish Neighbourhood Plan 2019 - 2031
Policy Bill 2 Housing design and character
Policy Bill 12 – Protection and enhancement of key movement routes

Billingshurst Parish Design Statement

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 14: Countryside Protection
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 31: Rural Economic Development

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:
HDC Arboricultural officer: No significant arboricultural concerns.

Ecology Consultant: Requires further information on European Protected Species (bats).

WSCC Highways: No Objection.

Representations:
None received

Parish Comments:
Billingshurst Parish Council: A neutral response to this application, in that they saw no objection to the plan as submitted dependant upon the observations of the Highways department for egress onto the busy road.

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 10 seeks to ensure that proposed development contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside.

Additionally, Policy 26 aims to maintain that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

The proposed farm access would serve an existing agricultural enterprise situated on land to the east of Horsham Road, Five Oaks. The current access onto the farm is based upon an informal agreement with a neighbouring landowner allowing passage across their land. The creation of an of independent access would support the need of the established agricultural enterprise. The proposed development is therefore considered to be acceptable in principle, subject to all other material considerations.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development that is of a high-quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

The section of Horsham Road where the new farm access would be created is predominantly screened by field boundary hedges. The proposal would involve the removal of a section of mixed indigenous species rural hedgerow to accommodate a 5m width access plus associated sightline requirements. The creation of the new opening would be visible along the street scene. However, the set back from the highway along with the mitigation planting on either side of the new access would ensure the proposal would appear in keeping with the rural character of the surrounding area. The design of the proposed gate and the setback positioning would maintain the rural characteristic of the street scene. Therefore, it is considered that the development would not result in harm to the prevailing character or visual amenity of the street and wider locality.

Trees and Landscaping:

It is acknowledged that the proposed works are restricted to removal of a section of mixed indigenous species rural hedgerow forming part of the historic field pattern for the area. The proposal would accommodate approximately a 5m access width plus sight line requirements. It is noted that some mitigation planting is indicatively shown either side of the proposed new driveway.

If this application were to have been approved then a scheme of mitigation planting would have been secured by condition as deemed appropriate by the landscape team.

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 considered that the siting and layout of the proposal and the resulting relationship with adjacent properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and suitable access for all vehicles, pedestrians, cyclists, horses riders, public transport and the delivery of goods.

The site is located on Horsham Road, an A-classified road subject to a speed restriction of 40 mph in this location. The submitted TN includes a seven-day ATC survey to ascertain the 85th percentile speeds along Horsham Road in this location.

The Local Highway Authority are satisfied that the visibility splays of 2.4m x 134.9m in the primary direction and 2.4m x 142.1m in the secondary direction have been demonstrated as per Design Manual for Roads and Bridges (DMRB) parameters. The proposed access works will be subject to consent from WSCC to undertake the works within the maintained highway.

Following consultation with the Local Highway Authority it is not considered that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The Council's Ecologist initially considered that the submitted Protected Species Walkover Survey (AEWC, Nov 2024) has insufficient ecological information on bats available for determination of this application. The site lies approximately 6.7km northeast of The Mens Special Area of Conservation (SAC) and is therefore within the 12km Wider Conservation Area for this Habitats site (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). One of the qualifying features for the SACs is Barbastelle bats and in the Wider Conservation Area significant impacts or severance to flightlines for this species must be considered (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The site also lies approximately 11.7km east of Ebernoe Common SAC and therefore lies within the Wider Conservation Area for this SAC.

Following Council's Ecological Consultant's request further assessment was provided of the impacts on Barbastelle and Bechstein's bats from the loss of species rich hedgerow to create a new highways access in an email received on the 02nd May 2025. This additional information provides clear explanation on the unlikelihood of impacts based on the characteristic of the site and the nature of the proposal including mitigation measures. Therefore, based on the additional information it is considered that the proposed works would not have any likely effect of barbastelle or Bechstein's bats in accordance with the above policy.

Water Neutrality:

The proposal relates to the creation of a new farm access. Therefore, 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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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.

During the course of this application process the submitted Biodiversity Metric has been corrected as the Council's mapping system has identified that the application site falls within Biodiversity Opportunity Area The Mens and buffer and associated Barbastelle flightlines. Consequently, the strategic significance tab of the metric has been changed to state 'formally in local strategy' although the correct entry would be 'Location ecologically desirable but not in local strategy', as the stated habitat type is not identified as formally in local strategy. Nonetheless, this is considered minor error given the fact that the development would achieve the required 10% BNG the metric is considered acceptable. The Applicant has submitted a Biodiversity Metric which demonstrates a 18.4% net gain area habitats and 49.9.67% net gain in hedgerows are achievable by way of onsite biodiversity gains.

Conclusions:

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

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 application form and approved plans.

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

4 **Pre-Occupation Condition**: No use of the proposed vehicular access shall take place until such time as the vehicular access serving the site has been constructed in accordance with the details shown on the drawing titled "Access Option 1" and numbered "2024-6758-002 Rev. A".

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework 2015.

5 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Technical Notes Ref: 2024-12-04-TN01-6758, Dated December 2024 and Batcheller Monkhouse Planning Statement Dated February 2025.

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

6 **Regulatory Condition**: Other than agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTES TO APPLICANT

WSCC Highways
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 Highway 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.

Biodiversity Net Gain
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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

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)

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/25/0336
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		none	04.03.2025
Block plan	Proposed	none	04.03.2025

Block plan	Existing	none	04.03.2025
Plans	Proposed Gate	001	04.03.2025
Supporting Statement	Planning	none	04.03.2025
Supporting Statement	Technical note	2024-12-04-TN01-6758	04.03.2025
Supporting Statement	Protected Species Walkover Survey	24-116	04.03.2025
Supporting Statement	BNG Assessment	24-116 V2	14.03.2025
Supporting Statement		AEWC Ecologist Email	02.05.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 09.05.2025

Authorising Officer sign/initial RHERMITAGE Date: 16.05.2025