Horsham District Council

Mr Oguzhan Denizer
MME Planning Services
C/O Agent
3 Bowness Close
Ifield
Crawley
West Sussex
RH11 0SN

Application Number: DC/24/1225

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr and Mrs Spencer-Smith

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Erection of 1no detached dwelling, creation of new access, erection of a detached 2-bay garage and associated works.

Jandola New Hall Lane Small Dole West Sussex

as shown on Plan and Application Number DC/24/1225 submitted to the Council on 14/08/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The development would enable a residential use within a countryside location outside of the built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy 1 of the Henfield Neighbourhood Plan and the National Planning Policy Framework (2023).

2 The scale, siting and layout would relate unsympathetically with the existing pattern of development and would represent overdevelopment of a backland setting. The proposal would result in a loss of the open rural character to the rear of the application site and would be in terms of scale and appearance, visually incongruous with the dwellings within the locality. Given the harm arising from the proposal, the development would be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its

duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

4 Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 180 and 186 of the NPPF

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning	Great Crested Newts	14.09.2024
Supporting Statement	Preliminary Ecological Assessment	Preliminary Ecological Statement	14.08.2024
Supporting Statement		Water Neutrality Statement	14.08.2024
Floor plan	Proposed first	2404JA_R4_201	14.08.2024
Floor plan	Proposed ground	2404JA_R4_200	14.08.2024
Block plan	Proposed	2404JA_R4_100	14.08.2024
Location plan		2404JA_R4_000	14.08.2024
Elevation & Floor plan	Proposed garage	2404JA_R4_205	14.08.2024
Elevation plan	Proposed	2404JA_R4_204	14.08.2024
Elevation plan	Proposed	2404JA_R4_203	14.08.2024
Roof plan	Proposed	2404JA_R4_202	14.08.2024

Note to Applicant – Community Infrastructure Levy (CIL):
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**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note To Applicant:
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.

Emma Parkes
Head of Development and Building Control

Date: 09/10/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.