Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1933
Delta, Shoreham Road, Small Dole, West Sussex, BN5 9YG

DESCRIPTION:
Outline application for the erection of 7No self-build dwellings with all matters reserved.

RELEVANT PLANNING HISTORY:

DC/24/1912	Outline Application for the demolition of existing dwelling and erection of 4no self-build dwellings with all matters reserved.	Under Consideration
DC/24/1913	Outline Application for the demolition of existing buildings and erection of 2no self-build dwellings with all matters reserved.	Under Consideration

DESCRIPTION OF THE SITE
The application relates to land associated with the dwelling to the front of the site (Delta) sited outside of the built-up area boundary, to the west of Shoreham Road, Small Dole. The site is currently laid to grass and scrub, with sporadic self-seeded tree clusters. The wider area to the south hosts a fairly uniform pattern of development with large, detached dwellings of varying height and style, with less uniform and more sporadic development to the north. The west of the site remains outside of the built-up area, formed of large areas of open fields within planted boundaries.

DESCRIPTION OF THE APPLICATION
Outline planning consent (with all matters reserved) is sought for the erection of 7x self-build dwellings. The site would be accessed via the existing entrance into the site off of Shoreham Road, with a single track spine road adjacent to the eastern boundary of the site providing individual access for each dwelling, with a tuning head at the south of the site. Each dwelling would benefit from off street parking areas to the front of each dwelling with a detached garage and utility buildings. Paragraph 4.3 of the submitted planning statement indicates each dwelling is to comprise two storeys. The submitted Water Neutrality Statement specifies that each dwelling would be supplied with 100% treated harvested rainwater.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (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 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 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

Henfield Neighbourhood Plan (2021):
Policy 1 – A Spatial Plan for the Parish
Policy 2 – Housing Site Allocations
Policy 4 – Transport, Access and Car Parking
Policy 8 – Broadband Infrastructure
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

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.

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 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
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
Policy 42: Retirement Housing and Specialist Care
Policy 45: Replacement Dwellings and House Extensions in the Countryside

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

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:

Natural England: No Objection, subject to appropriate mitigations being secured.

HDC Ecological Consultant: No Objection, suggested conditions.

HDC Arboricultural Officer: No Objection. The submitted tree survey appears to be a fair reflection of the species, size and position of trees present on and immediately adjacent to the site. The mature and early mature trees make a positive contribution to the landscape setting.

If development into the countryside beyond the built up boundary is deemed acceptable in other planning terms, landscape impact, in terms of the extent of tree removal and viable space for mitigation planting, would be dependent on actual layout.

HDC Environmental Health Officer: No Objection, suggested conditions.

HDC Landscape: Object: -

The proposals will give rise to adverse landscape and visual effects, however due to its location and immediate context, it is considered that some form of development could be accommodated within the site, but not of the amount proposed.

This application is not supported by a Landscape and Visual Appraisal (LVA), though in our professional judgement, the indicative layout, due to the scale and density of the proposal which also result in the loss of existing boundary vegetation, will have an eroding and adverse effect on the character of the area, contrary to policies 25 and 26 of the HDPF. There is additional concern that the negligible spacing between the dwellings limits opportunities to introduce planting to mitigate for tree and vegetation clearance.

Therefore if the principle of development is found acceptable, we recommend that the number of dwellings is reduced to allow for a more sympathetic layout, one that is integrated within a landscape framework and provides a design transition to the countryside. Planting will also soften the appearance of the development and retain the verdant character of the area.

NatureSpace (District Newt Licencing Scheme: No Objection, recommend informative and conditions, subject to the site's entry to a licencing scheme.

WSCC Highways: No Objection. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:
18 representations received (from 14 separate addresses) *objecting* to the proposal on the following grounds: -

- The area's infrastructure would not be able to handle the development
- Devaluation of nearby properties
- Hazardous access to Shoreham Road
- Overdevelopment of the site
- The site is outside of the built-up area
- Creeping urbanisation
- Increased traffic in the area from 66 additional cars
- The site is not allocated for development
- Unsustainable location
- Loss of privacy to neighbouring properties
- Approval would set a precedent for further development in the countryside
- Increased noise and light pollution
- Cumulative impact from other applications on the site
- Increased risk of flooding
- Adverse impact on the setting of the SDNP
- Adverse ecological impact
- Water neutrality seems unlikely to be achieved

4 representations received *supporting* to the proposal on the following grounds:

- Additional housing is needed in the area

Parish Comments:
Henfield Parish Council: Object, contrary to the following policies: -

- 1 as it is not a strategic site in the Local Plan
- 2 as it is not a nominated site in the Neighbourhood Plan
- 4 as the site is not allocated in the Local Plan or Neighbourhood Plan, and does not adjoin and existing settlement edge
- 10 as it does not maintain the quality and character of the area; does not contribute to diverse and sustainable farming enterprises; or promote recreation
- 25 as does not protect, conserve or enhance the landscape or townscape character of the District; or as does not protect, conserve or enhance the setting of the South Downs National Park
- 26 as the site lies outside built-up area boundaries and does not support the needs of agriculture or forestry; does not enable the extraction of minerals or disposal of waste; or provide for quiet informal recreational use or enable the sustainable development of a rural area
- 33.2 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings
- 33.3 as the scale and massing and appearance of the proposal is out of keeping and unsympathetic with the built surroundings
- 33.4 in that it does not respect the character of the surrounding area and buildings
- This Committee is concerned that a large number of significant trees would need to be removed from the site to allow for this development. This Committee feels this application should be linked to DC/24/1912 and DC/24/1913.

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:

The site is located outside of the built-up area (save for the access) and does not form part of Horsham's adopted development plan (comprising the HDPF or a 'Made' Neighbourhood Development Plan). As a result, residential development in this location would conflict with Policies 1 and 2 of the HDPF as well as with Policy 4 (Settlement Expansion) and is therefore not considered to be acceptable in principle. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area boundary and as the proposed residential development is not considered to be essential to this countryside location.

The principle of the proposed development is therefore contrary to Policies 1, 2, 4 and 26 of the Horsham District Planning Framework and Policy 1 of the Henfield Neighbourhood Plan (2021). The appropriate degree of weight to be assigned to conflict with these policies is detailed further below.

The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet all of the criteria:

- 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.

The application site, through the location of the proposed housing, does not adjoin the existing settlement edge and would not therefore meet all of the above criteria. The FAD would not therefore lead to a different position in respect of the above policies.

Affordable Housing and Housing Mix

Policy 16(3) of the HDPF states that sites providing 15 or more dwellings, or on sites over 0.5ha, the Council will require 35% of dwellings within the development to be affordable.

Paragraph 65 of the NPPF states that '*provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas'*.

Whilst the application only proposes 7x dwellings, two further applications have been submitted on the wider site to the front, comprising 4 x dwellings under ref: DC/24/1912, and 2x dwellings under ref: DC/24/1913, and 13 dwellings in total. The applications have been submitted by the same applicant and are under the same ownership. As such there is a real prospect of developing the entirety of the site across all three development proposals, and in this respect it is noted that the submitted plans across the three applications label the dwellings as 1-13.

Policy 16(4) of the HDPF states that '*If a development site is sub-divided so as to create two or more separate development schemes one or more of which falls below the relevant threshold, the Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the site'*. Accordingly, a provision of affordable housing would be expected.

Policy 16(3)(a) states that '*On sites providing 15 or more dwellings, or on sites over 0.5 hectares, the Council will require 35% of dwellings to be affordable'*. The site (as a whole) measures over the 0.5ha threshold at 1.36ha- therefore, a provision of 35% would be expected. This equates to the overall provision of 4.55 dwellings (rounded up to 5). Alternately, the provision of 0.55 dwellings can be paid in lieu of on-site provision.

In terms of tenure, a split of 70:30 affordable rent to shared ownership respectively is expected (4 AR and 1 SO, or 3 AR and 2 SO (or 3 AR and 1 SO if the 0.55 is paid in lieu)).

The applicant has confirmed that they are willing to provide the required provision and tenure split as set out above, and that the four units to the front of the site (sought under DC/24/1912) will represent the affordable housing provision.

With the above in mind, the proposal would therefore accord with the provision of Policy 16. However, to date, no legal undertaking has been received by the applicant to initiate the drafting of a Section 106 agreement. Furthermore, a registered provider has not been nominated to maintain the site, which would be required given the relatively small size of the development overall. As such, the Council cannot offer support for the scheme on these grounds.

With regards to housing mix, Policy 16 of the HDPF states that 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 Market Housing Mix study (Iceni Projects ltd., 2019) in order to create sustainable and balanced communities.

Over all three sites, the applications represent the following housing mix:

- One-bedroom dwellings x0 (0%)
- Two-bedroom dwellings x2 (15%)
- Three-bedrooms dwellings x4 (31%)
- Four-bedroom dwelling x7 (54%)

Paragraph 11.31 of the 2019 study details the preferred housing mix of:

- One-bed properties: 5%
- Two-bed properties: 30%
- Three-bed properties: 40%
- Four+ bed properties: 25%

For context, the proposed and compliant housing mix and the difference is illustrated in the table below:

	Proposed		Compliant		Difference	
	no.	%age	no.	%age	no.	%age
One-bed	0	0%	1	5%	-1	-5%
Two-bed	2	15%	4	30%	-2	-15%
Three-bed	4	31%	5	40%	-1	-9%
Four-bed	7	54%	3	25%	+4	+29%

The proposed housing mix therefore fails to provide for a sufficient number of smaller units to meet the identified need of the district as evidenced in the latest SHMA. In particular, the proposal includes an over-provision of larger four-bedroom dwellings. The proposal would not therefore provide for an appropriate mix of housing to meet need the needs of the district's communities, contrary to Policy 16 of the Horsham District Planning Framework (2015).

It is though noted that the application is submitted in outline, with all matters reserved for future approval. The housing mix could therefore be resolved as part of a future approved matters submission on the site.

The appropriate degree of weight to be assigned to conflict with these policies is detailed further below.

Reserved Matters:

As above, matters relating to appearance, landscaping, layout, scale and access have been reserved for later consideration. However, the applicant has provided an indicative layout plan. The Local Planning Authority can provide some commentary on these matters, as the plan (if granted) would form the parameters for the reserved matter proposals.

Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

Policy 12 of the Henfield Neighbourhood Plan states that as appropriate to their scale, nature and location development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement (Appendix C of the Plan). In addition, as appropriate to the site concerned, development proposals should comply with the following criteria:-

a) The design respects the amenities of occupiers/users of nearby property and land.
b) The design achieves satisfactory access without harming the amenities of neighbouring properties and residents.
c) The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, are of a high quality and reflect the architectural and historic character and the scale of the surrounding buildings and street-scene/ landscape.
d) The design preserves or enhances the character or appearance of the Henfield Conservation Area and/or preserves any adjacent listed buildings and its setting.

The following definition of each reserved matter is taken from PPG Paragraph 006 (Reference ID: 14-006-20140306):

Access

'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.'

The indicative layout plan illustrates that access to the site would be served to the site via the existing access off of Shoreham Road. WSCC acknowledge that though this matter has been reserved for future consideration, they note that from an inspection of collision data provided by Sussex Police from a period of the last five years, no recorded injury accidents attributed to road layout within the vicinity of the site. No concerns were raised with regards to visibility from the access. Therefore, there is no evidence to suggest the existing access arrangement has been operating unsafely, or that the proposals would exacerbate an existing safety concern. Furthermore, the proposal would not inhibit users of the pedestrian pavement adjacent to the site any more so than the existing. Works to extend and alter the existing dropped kerb may be required to facilitate a shared access as shown on the indicative plans. These works will be subject to a licence obtained through the local WSCC Highway Area Office.

Though reserved for later consideration, there is no objection to the principle of the proposed access as illustrated in the indicative layout.

Appearance

'the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.'

The application has not indicated the appearance of the buildings. Therefore, this matter will need to be addressed at the reserved matters stage.

Landscaping

'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;'

No detailed landscaping plan has been provided as part of this outline permission. Therefore, this matter will need to be addressed at the reserved matters stage.

Layout

'the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.'

Whilst reserved for later consideration, the application includes an indicative layout plan, illustrating the location of the proposed buildings. The plan illustrates that the dwellings would be set back from Shoreham Road, behind the host dwelling (Delta), and behind the established building line on the street. The proposal affectively represents backland development.

The site's wider landscape context can be described as open countryside, being predominately undeveloped and comprising a well-defined field pattern by hedgerow, hedgerow trees and meandering water courses. Large areas of Ancient Woodland and Woodland can be found to the east, loosely connected to the site via hedgerow and vegetation found on the northern site boundary. Local Wildlife Site, Hoe Wood, forms part of this woodland, which comprises Ancient oak dominated woodland with diverse ground flora.

The proposed site falls within D2 – Henfield and Small Dole Farmlands Landscape Character Area (LCA) as defined by the Horsham District Landscape Character Assessment. It also lies in close proximity to O3 - Steyning and Henfield Brooks. The site and the surrounding contextual landscape is deemed to be representative of the local landscape character area, exhibiting many of the key characteristics of both D2 and O3, including: *small to large size regular and irregular fields with a variable hedgerow pattern; undulating landscape of low ridges and narrow valleys with small streams;*

arable valleysides with fragmented hedgerow pattern and small isolated woodlands; and *largely tranquil undeveloped rural character.*

Key issues for D2 include: *previous and continuing loss of hedgerows through field rationalisation* and *visually intrusive development/suburbanisation on A2037 at Small Dole*. Overall sensitivity to change is high due to the openness of the area and its many intrinsic landscape qualities, however this is moderate in areas that are less widely visible. Planning and Land Management Guidelines for D2 and O3 state to:

- Ensure any new development does not intrude onto visible ridgelines.
- Ensure any appropriate new development responds to traditional local design and materials, including flint/brick and sandstone.
- Carry out native tree and woodland planting around Small Dole to screen housing.
- Conserve and manage existing hedgerows, especially where they surround small scale irregular field patterns.
- Conserve tranquil, undeveloped character.
- Particular care should be taken to ensure that any road widening or new road crossings do not damage the character.
- Ensure any new development on valleysides is small scale, responding to historic settlement pattern, form and building materials.

The application site is physically and visually detached from the built-up area of Small Dole, and would introduce a level of development which would cause inevitable landscape character and visual harm. The proposals would give rise to adverse effects to the rural character of the area as result of introducing domestic and urbanising features which will occupy an otherwise undeveloped field. While acknowledged that this harm would be localised the layout of the development in this location would be contrary to Policies 25 and 33 of the HDPF, which seek to protect, conserve and enhance landscape and townscape character, taking account of setting, townscape features, views and green corridors.

The amount of dwellings proposed within the block plan would appear out of place or dominant within the context of the surrounding landscape and with little scope to provide a landscape framework to help assimilate the development into the landscape.

Whilst the Council accepts that there are some examples of 'backland' development within the vicinity of the site, such as the development granted at The Beeches (DC/06/0633). The Beeches did though represent infilling an area between existing development. A similar approach was taken by the Council in the determination of DC/24/1101 for the erection of two dwellings on New Hall Lane, some 315m south-west of the site:

> *'It is noted that Downley and Highdown (some 98m north-east of the site) is located to the rear of the building line on the northern side of the street. However, the presence of further development to the north (development to the rear of buildings on the western side of Shoreham Road) lends these sites to more infill style of development compared to the present application which extends into the open countryside.'*

It is considered that the application site is not directly comparable to these sites in the wider vicinity of the site, and the presence of such development would not, as a matter of course, justify future development elsewhere in the Small Dole area.

<u>Scale</u>

'the height, width and length of each building proposed within the development in relation to its surroundings.'

Whilst reserved for later consideration, the application includes an indicative layout plan, illustrating the location of the proposed buildings and their relationship to existing built form on the site. The submitted planning statement (at paragraph 4.3) indicates that the dwellings would comprise two-storeys. Again, whilst this matter is reserved for later consideration, the indicative layout plan illustrates the intention to develop the site. Furthermore, the description of the application explicitly seeks the erection of 7x

dwellings- therefore, regardless of the layout, scale, or appearance of the scheme, 7x dwellings are proposed.

As above, Shoreham Road comprises a relatively uniform pattern of development, characterised mainly by larger detached dwellings set back from the street. The further south of Shoreham Road travelled, the grain of development becomes more compact, and two-storey dwellings are more prevalent. Conversely, the further north travelled, the looser the grain becomes, and the dwellings drop in height- most along the immediate ribbon of development leading north towards the site comprise bungalows, or chalet bungalows (1.5 storeys). Further north beyond the site, beyond the built-up area boundary, development becomes more sporadic and sparser, with dwellings set on larger plots of land. These dwellings (Hope Cottage and Hoe Wood Nurseries, for example) maintain the single-storey to 1.5-storey heights. The resultant character of the scale of development in the area therefore reduces further north on Shoreham Road as travelled.

By contrast, the proposal would adopt a two-storey scale which in this location, separated from the built-up area, would appear at odds with the overall character of the surrounds. Though the matter of scale has been reserved for later consideration, the inclusion within the submitted planning statement indicates the intention to develop two-storey properties.

Summary

While reserved matters, it is considered that the proposal would entail development extending beyond the defined settlement boundary into the countryside and would cause localised visual harm to the character and appearance of the area. The proposal is therefore contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015), and Policy 12(c) of the Henfield Neighbourhood Plan (2021).

Other Matters:

Flood Risk and Drainage

Officers note that a Southern Water sewer node appears to be present on Shoreham Road- therefore, it is reasonable to assume that the site could utilise the existing network (notwithstanding detailed information). Though no information has been submitted with regards to drainage or flood risk, given the site's location away from high flood risk areas and its siting in relation to an existing sewage network, Officers are satisfied that this matter could be adequately dealt with by way of condition in the event permission were to be granted.

Ecological Impact

The Council's Ecological Consultant has raised no objections but highlights key ecological considerations. Slow worms on-site require translocation, and hedgehogs may also be present, necessitating mitigation measures. A wildlife-friendly lighting strategy is recommended to prevent disturbances to bats. Additionally, biodiversity enhancements should be secured through a Biodiversity Enhancement Strategy to support protected and priority species. Specific ecological conditions must be met before and during construction, including updated surveys if work is delayed beyond a year. Overall, the project is considered acceptable if these ecological measures are properly implemented. Suggested conditions were advised to be attached to a permission in the event that the application were to be granted.

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from 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.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. Outline planning consent is sought for the erection of 7 dwellings, each comprising four-bedrooms.

A survey of the existing dwelling has not been undertaken and water bills are not available- therefore, a nil baseline has been assumed for the existing water demand.

A Part G calculator has been provided for the fixtures and fittings for the proposed dwellings- this calculates a water demand of 84.8lpd. Utilising the Council's average occupancy data, 2.86 persons is assumed for the units. The overall occupancy is thus calculated as 20.02 The overall proposed water demand can therefore be calculated as 84.8 x 20.02 = 1,697.7l/d.

The strategy details that rainwater harvesting would provide 100% of the water demand, which would be harvested from the roofs of the dwellings and the associated outbuildings. The total roof area for the rainwater harvesting is measured at some 1141m2. The average rainfall for the area is indicated as 752.61mm/a. Accounting for yield coefficients (of 0.9), the daily average rainwater collection can be calculated as:

(1141 x 0.9 x 752.61 x 0.9 = 217,632.23l/a) / 365(days) = 1,905.7l/d

Accordingly, the harvested rainwater would accommodate the proposed water demand. A 35 day drought contingency is required for each of the units (59,420.2l total, or 8,488.6l per unit). The strategy indicates that each unit would be fitted with a 15,000l RWH tank, which would comfortably accommodate the water demand and 35day drought contingency.

With the above in mind, Officers are satisfied that the strategy demonstrates the proposal would achieve water neutrality.

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 development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusion and Planning Balance:

The Council currently benefits from a deliverable supply of housing sites of 2.9 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged. NPPF paragraph 11(d)(i) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies

1, 2, 3, and 16 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site is outside of and does not directly adjoin the settlement edge. Therefore, the proposal would not benefit from the provisions of the FAD. The conflict with the spatial strategy is afforded significant weight. This significantly weighted conflict is tempered by the diminished weight that can be applied to the policy (owing to NPPF 11(d) being engaged), therefore resulting in *moderate weight* being applied to the conflict.

While the current housing shortfall is a material consideration of significant weight, and the contribution of seven dwellings would bestow socio-economic benefits in the form of housing delivery, the proposed development would result in adverse impacts that would significantly and demonstrably outweigh the benefits arising from the contribution of the dwellings to the Council's housing supply.

Policy 16 of the HDPF (Meeting Local Housing Needs) is a restrictive housing policy, and a conflict with the plan (in terms of affordable housing provision) has been identified as above, particularly to 16(3) and 16(4). Given the Council's current five-year housing land supply position, diminished weight much therefore be applied to Policy 16. The inability to secure the affordable housing provision is though afforded *significant weight* against the granting of the permission. This significantly weighted conflict is tempered by the diminished weight that can be applied to the policy, therefore resulting in *moderate weight* being applied to these conflicts.

Notwithstanding the absence of a securing legal agreement, the provision of 35% affordable housing units across the site (i.e., encompassing DC/24/1912 and DC/24/1913) is recognised as a benefit of the proposal. However, this provision does not exceed base policy requirements, which would be an expected affordable housing provision for any development that comes forward by way of allocation. As such, this benefit is afforded *moderate weight*.

The Council is of the view that development of the site to form seven dwellings would result in harm to the character of the site and the wider area. This would conflict with Policies 32 and 33 of the HDPF. As full weight can be applied to these policies, which are not restrictive housing policies and not tempered by the engagement of NPPF Paragraph 11(d), this is attributed *moderate weight* as a conflict to the Local Plan.

The remaining benefits are identified as economic benefits. The financial generation expected as a result of the development from CIL would not amount to tangible public betterment, rather its purpose is to mitigate the impacts of the development. In all other respects the financial generation and temporary construction job creation identified is not unique to this proposal as it would be derived from any other housing proposal. These benefits therefore carry *limited weight* in favour of the proposal.

It is noted that the description of all three planning applications state that proposal would facilitate the development of (x13 total) 'self-build' dwellings. The Council recognises that there is a need to facilitate self-build projects within the District. However, though similarly worded, there is a distinction between 'self-build' housing in terms of CIL and BNG exemption, and 'Self-build and Custom Housebuilding' as defined within the Self-build and Custom Housebuilding Act 2015 and the subsequent Housing and Planning Act 2016. Ultimately, the two represent different housing products.

PPG 011 Self-build and Custom Housebuilding (Reference ID: 57-011-20210208) clarifies how the population of a self-build and custom housebuilding register in terms of plan making should be considered as part of a Council's local housing need:

> *'Assessment of local housing need as a whole should be conducted using the standard method in national planning guidance. Within this context, the size, type and tenure of housing needed for different groups should be assessed including people wishing to self-build or custom-build their own homes.*

Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance), to understand and consider future need for this type of housing in their area. Secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.

Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households.'

PPG 025 Self-build and Custom Housebuilding (Reference ID: 57-025-20210508) clarifies house Council can increase the number of planning permissions which are suitable for self-build and custom housebuilding:

'Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site).

More widely, relevant authorities can play a key role in brokering and facilitating relationships to help bring suitable land forward. This can include:

- *supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans;*
- *effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arm's Length Management Organisations and housing developers;*
- *using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register;*
- *working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing;*
- *when engaging with developers and landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested.*
- *working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.'*

The site is not included on the Council's self-build register, and the applicant has not detailed how the proposal would meet an unmet need of self-building within the local area or indeed the District. Therefore, the proposal would not be considered to meet the definition of self-building housing as per the *relevant acts* and PPG as above. In the absence of this information, the Council does not consider that this claim has any meaningful benefit in favour of granting permission. As such, limited weight is contributed to this as a 'benefit' of the proposals.

Conclusion

The proposal has been identified to conflict with Policy 16(3)(a) as the required affordable housing has not been secured. Given the engagement of Paragraph 11(d) of the NPPF, this conflict is afforded *moderate weight* against the granting of the application. Furthermore, the resultant development would lead to harm to the character of the site and wider area. This harm is afforded *moderate weight* in the overall planning balance.

As the Council cannot currently demonstrate a five-year housing land supply, the presumption in favour of sustainable development is engaged and therefore tilts the balance in favour granting approval. The affordable housing provision (notwithstanding the absence of a legal agreement to secure this provisions) represents compliance with Policy 16's requirements. Given the need for affordable housing, this provision is overall afforded *moderate weight* in favour of the application. The proposal, if granted, would result in some short-term economic benefits, such as local employment opportunity, and

consequent local expenditure. However, given the temporary nature of the benefit, it is afforded *limited weight* in the overall planning balance. *Limited weight* is applied to the applicant's claims that the development(s) would provide for self-build dwellings for the reasons identified above.

In the overall planning balance, the benefits of the proposal are not considered to outweigh that harm that would arise from the identified conflicts with the Local Plan, even when considering the tilted balance falls in favour of approving the proposal. For this reason, the application would conflict with the provisions of the HDPF and the Henfield Neighbourhood Plan and is therefore recommended for refusal for the reasons set out below.

Recommendation: Application Refused

Reasons for Refusal:

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, 4, and 26 of the Horsham District Planning Framework (2015), Policy 1 of made Henfield Neighbourhood Plan (2021), and the National Planning Policy Framework.

2 The proposal would entail development extending beyond the defined settlement boundary into the countryside and would cause localised visual harm to the character and appearance of the area. The proposal is therefore contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework (2015), and Policy 12(c) of the Henfield Neighbourhood Plan (2021).

3 The proposed development does not secure the necessary affordable housing provision as required by Policy 16 of the Horsham District Planning Framework (2015), which is equivalent to 35% affordable housing provision (4.55 units on-site, or 4 units on-site with an equivalent financial contribution of 0.55 in lieu of on-site provision). The proposal is therefore contrary to Policy 16(3) of the Horsham District Planning Framework (2015) and the Planning Obligations and Affordable Housing Supplementary Planning Document (2017).

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/24/1933

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water neutrality report and water management plan	NONE	12.12.2024
Supporting Statement	Preliminary Ecological Assessment	NONE	12.12.2024
Supporting Statement	Reptile Survey Report and Reptile	NONE	12.12.2024

	Mitigation Method Statement		
Location plan		2406DE_R3_003	13.01.2025
Block plan		2406DE_R3_7-13	13.01.2025
Supporting Statement	Biodiversity Net Gain Assessment	NONE	12.12.2024
Supporting Statement	Arboricultural Survey	NONE	12.12.2024
Supporting Statement	Planning	NONE	12.02.2025
Supporting Statement	BNG	NONE	18.12.2024

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 04.03.2025

Authorising Officer sign/initial Guy Everest Date: 10.03.2025