Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0294
Sailtops, Cox Green, Rudgwick, West Sussex, RH12 3DE

DESCRIPTION:

Variation of condition 4 of previously approved application reference DC/24/0462 (Demolition of existing garage and annexe and construction of 1no 3 bedroom detached house with residential amenity areas, car parking and turning, together with hard and soft landscaping and new access) to alter the wording in regards to the bat mitigation class licence.

RELEVANT PLANNING HISTORY:

DC/23/1723	Change of Use from paddock to domestic garden / residential curtilage associated with Sailtops.	Application Refused on 29.12.2023
DC/24/0462	Demolition of existing garage and annexe and construction of 1no 3 bedroom detached house with residential amenity areas, car parking and turning, together with hard and soft landscaping and new access.	Application Permitted on 09.08.2024
DC/24/1967	Variation of Condition 1 of previously approved application DC/24/0462 (Demolition of existing garage and annexe and construction of 1no 3 bedroom detached house with residential amenity areas, car parking and turning, together with hard and soft landscaping and new access) Relating to site area, change of use of land, vehicular access and minor elevational revisions to the new dwelling.	Application Refused on 03.04.2025

DESCRIPTION OF THE SITE

The application site is located on the eastern side of Cox Green. The application site comprises an existing double garage with annexe accommodation located within the private residential gardens of Sailtops. The application site is located alongside, but just outside of, the defined built-up area boundary of Rudgwick village. As such, the application site is considered to be located in the countryside in policy terms.

The application site located within a high-risk zone of great crested newts, Flood Zone 1 and is not affected by flood risk from surface water, groundwater, or reservoir flooding. The development site is located outside of the Sussex North Water Supply Zone.

DESCRIPTION OF THE APPLICATION

The proposal seeks to vary condition 4 of previously approved application reference DC/24/0462 (Demolition of existing garage and annexe and construction of 1no 3 bedroom detached house with residential amenity areas, car parking and turning, together with hard and soft landscaping and new access) to alter the wording in regards to the bat mitigation class licence.

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 27 - Settlement Coalescence
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

Rudgwick Neighbourhood Plan 2021 (RNP)
Policy RNP1 - Spatial Strategy
Policy RNP2 - Housing Mix
Policy RNP6 - Materials
Policy RNP7 - Architectural Style
Policy RNP8 - Development Height
Policy RNP9 - Street Scene
Policy RNP17 - Green Infrastructure and Trees

Regulation 19 Horsham District Local Plan 2023-2040 (HDLP)
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 12 – Air Quality
Strategic Policy 13 – The Natural Environment and Landscape Character
Strategic Policy 14 – Countryside Protection
Strategic Policy 17 – Green Infrastructure and Biodiversity
Strategic Policy 19 – Development Quality
Strategic Policy 20 – Development Principles
Strategic Policy 24 – Sustainable Transport
Policy 25 – Parking
Strategic Policy 37 – Housing Provision
Strategic Policy 38 – Meeting Local Housing Needs
Policy 40 – Improving Housing Standards in the District

<u>Other relevant documents:</u>
Rudgwick Parish Design Statement 2009
West Sussex County Council Guidance on Parking at New Developments 2020

Planning Advice Notes:
Facilitating Appropriate Development
Authority Monitoring Report 2022/23 Chapter 3 Housing Land Supply
Biodiversity and Green Infrastructure

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 limited 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.

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:

Ecology Consultant: No Objection

Natural England: No comment to make on the variation of condition 4.

PUBLIC CONSULTATIONS:

Representations:
None received.

Parish Comments:
Rudgwick Parish Council: No Objection provided that the bat mitigation work required on the new build is carried out in accordance with the approval conditions, and the bat licence is produced at the appropriate time before demolition of the existing building.

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 principle of development has been established by the original planning permission reference DC/24/0462. The application seeks to amend the trigger point for when proof of the bat licence needs to be submitted. This is considered in greater detail below.

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 proposal would not have a detrimental impact on neighbouring amenity beyond that of the previous approval. The amenity impacts are therefore considered acceptable and in accordance with the above policy.

Ecology:

Following consultation with the Council's Ecologist, it is acknowledged The Ecology Co-op supporting document, dated February 2025 confirms that the site will be registered under a Bat Mitigation Class Licence as there are two Common Pipistrelle bat day roosts present within the garage. Therefore, it is considered acceptable to amend the wording of condition 4 as follows:

***Pre-Demolition Condition**: Prior to commencement of any works which will impact the breeding / resting place of bats, including demolition, one of the following shall be submitted to and approved in writing by the Local Planning Authority:*

a) A Bat Mitigation Class Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) Evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

The re-worded condition would only affect the trigger point at which proof of the licence needs to be submitted to and approved in writing by the Local Planning Authority. It is not considered that this change would result in any further impact on the Mens Special Area of Conservation (SAC).

Water Neutrality:

The application site falls outside of the Sussex North Water Supply Zone as defined by Natural England. Officers have reviewed the application site against the West Sussex County Council Water Neutrality Map and confirm that it is located outside of the Sussex North Water Resource Zone. The applicant has submitted a copy of their Thames Water bill as additional evidence to confirm that the application site is not supplied water by Southern Water and is outside the Sussex North Water Supply Zone. Accordingly, Officers are satisfied that this application site does not need to demonstrate 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 original planning permission to which this section 73 planning application relates to was made or granted before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

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 must be commenced by the 08th August 2027.

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

3 **Pre-Commencement Condition**: No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

4 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

5 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated Preliminary Ecological Appraisal (The Ecology Co-op, March 2024) has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

6 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise 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. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development shall be first occupied until a lighting design scheme for biodiversity based on GN: 08/23 has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: No part of the development shall be first occupied until the access and car parking has been constructed in accordance with the approved site plan and visibility splays plan. The access and spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide safe access and car-parking space for the use in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

11 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

12 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling (or use). The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13 **Pre-Demolition Condition**: Prior to commencement of any works which will impact the breeding / resting place of bats, including demolition, one of the following shall be submitted to and approved in writing by the Local Planning Authority:

a) A Bat Mitigation Class Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) Evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

14 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: The development hereby permitted, including all mitigation and enhancement measures and/or works, shall be carried out in accordance with the details, including the Precautionary Method Statement for reptiles and appointment of an appropriately competent person to provide on site ecological expertise during construction, contained in the Bat Survey Report (The Ecology Co-op, November 2023) and Updated Preliminary Ecological Appraisal (The Ecology Co-op, March 2024).

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

16 **Regulatory Condition**: The development hereby permitted shall be carried out in accordance with the tree protection details, including the Tree Protection Plan, contained within the Arboricultural Impact Assessment and Method Statement (Arbortrack Systems Ltd, February 2024).

Reason: To conserve and protect existing retained trees during the construction phase of the development in accordance with Policy 21 of the Horsham District Planning Framework (2015).

17 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Class A, B or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the enlargement of the dwelling above the existing, in accordance with Policies 28 and 33 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition**: The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

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/25/0294
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans		2212013-01 REV B	15.04.2024
Plans		2307/PL08 REV A	28.05.2024
Location plan		2307/PL01	25.03.2024
Block plan	Existing	2307/PL02	25.03.2024

Site plan	Layout	2307/PL03	25.03.2024
Floor plan	Proposed	2307/PL04 REV B	25.03.2024
Roof plan	Proposed	2307/PL05 REV C	25.03.2024
Elevation plan	Front and Side	2307/PL06 REV B	25.03.2024
Elevation plan	Rear and Side	2307/PL07 REV C	25.03.2024
Elevation & Floor plan	Existing	23/5966	25.03.2024

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 01.05.2025

Authorising Officer sign/initial RHERMITAGE Date: 23.05.2025