Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1726
Long House , Long House Lane, Cowfold, West Sussex, RH13 8AR

DESCRIPTION:

Siting of solar panel system to serve Long House

DESCRIPTION OF THE SITE

The application site comprises an agricultural field to the south of domestic land associated with Nightingale House. The application site is bounded by hedgerows to the north with a more verdant treeline found along the western, eastern, and southern boundaries of the field. Nightingale House is a medium sized rural dwelling located outside any defined built-up area boundary and therefore classed as a countryside location.

DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the installation of 24 panel above ground solar PV array and associated infrastructure. The panels are suggested to sit above ground on GSE Ground Mount System. The proposed solar arrays would be connected to a power cable running east into the garden of the dwelling providing electricity supply to the main dwelling.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use

Neighbourhood Plan:
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations

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application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 11: Environmental Protection
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
Policy 45: Replacement Dwellings and House Extensions in the Countryside

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

INTERNAL CONSULTATIONS

HDC Conservation: No Objection

OUTSIDE AGENCIES

Nature Space: No Objection – subject to an informative

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments:

Cowfold Parish Council made comments in support of the application for the following reason:

- Promoting the use of green energy

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 26 of the Horsham District Planning Framework (HDPF) (2015) seeks to protect the countryside against inappropriate development. The policy requires any proposal to 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 policy also seeks to ensure that the development is of a scale appropriate to its countryside location and does not, individually or cumulatively, lead to a significant increase in overall activity and protects, conserves or enhances the surrounding landscape character.

Policy 36 of the HDPF states that the Council will permit schemes for renewable energy where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value.

It is considered that the existing policy basis would provide a general presumption in favour of development comprising of photovoltaic panels. In this instance the proposed arrays would be erected within the north-western aspect of the agricultural field associated with Long House. Paragraph 168 of the NPPF provides that local planning authorities in determining applications for renewable or low-carbon development should, firstly, not require applicants to demonstrate a need for renewable or low carbon energy, recognising that small-scale projects provide a valuable contribution to cutting

greenhouse emissions and, secondly, approve applications if its impacts are (or can be made) acceptable. Policy 36 of the HDPF notably draws no distinction between the nature of generation; being either for agricultural, domestic or commercial purposes.

Whilst it is noted that the proposed solar arrays will result in the loss of grazing / grassland to the north used for a mixture of recreation and grazing associated with Long House, this is not considered so substantial to compromise existing or future small-scale agricultural operations. As a passive form of electrical generation, the solar panel arrays would not materially increase the level of activity in the smallholding. The proposal would primarily cater for the energy needs of Long House thereby reducing its reliance on the national grid. The proposed development, therefore, is considered supportive of an existing agricultural use and would accord with policy 26 of the HDPF. The principle of development is then, considered acceptable, subject to all other material considerations.

Landscape Character, Design and Appearance

Policies 25, 32 and 33 of the HDPF promote development which is of high quality and design and is sympathetic to the distinctiveness of its surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which, it forms a part.

The land subject to this application currently comprises of open grazing land bounded by existing vegetation to the north, south and west. The solar panels will similarly be screened from the surrounding countryside and rights of way by the topography of the land, existing trees, shrubs and the proposed native rural hedgerow.

The proposed solar arrays are well-sited within the smallholding, being located some noticeable distance from public vantages and afforded some degree of visual protection by virtue of existing screening. Existing hedging to the immediate west and established treeline to the north and east of the proposed arrays is thought to be of a sufficient height and density to prevent any material visual harm from the perspective of Long House Lane and neighbouring property to the east. It is recognised that the proposal would result in some impact to the landscape character of the area, but the scale of the proposal is considered to be modest, where the development would not result in significant and demonstrable adverse harm.

The proposed above ground solar PV array involves the laying of pipework. The cable run will remain modified grassland, being returned to the previous state following cable installation. It is not considered that the installation of this pipework would result in harm to the landscape character or visual amenities of the area.

Overall, the proposed development is not considered to result in significant adverse impact on the visual amenities or landscape character of the area, in accordance with the above policies.

Impact on Setting of the Listed Buildings

Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource and promotes positive management of heritage assets within the District. Development affecting heritage assets should reinforce the special character of the District's environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques; and should make a positive contribution to the character and distinctiveness of the area. Development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric, and materials. Policy 34 also recognises the importance of securing the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset. Development should retain and improve the setting of heritage assets, including views, public rights of way, trees and landscape features.

Following consultation with the Council's Conservation Officer, it is considered that the distance from the Listed Building will mean there is no indirect harm to the Listed Building or its setting. The proposal is therefore considered to accord with the above policy.

Amenity Impacts

Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.

The proposed above ground solar panels would be situated some significant distance from nearby residential development. Views of the proposed arrays would be limited in nature given its proposed height and sufficient screening which would create no unacceptable harm to be reasonably established, either in terms of a possible loss of light, loss of privacy or noise disturbance.

Ecology:

Policy 25 and 31 of the HDPF seek to protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged.

The Applicant has submitted an Ecological Impact Assessment by South Downs Ecology dated October 2024. Following consultation with the Council's Ecology Consultant, it is considered that there is sufficient ecological information available to determine the application. The recommendations contained with the Assessment are supported and the mitigation measures can be secured by condition. Subject to such conditions, it is considered that the proposal would result in no adverse ecological harm, in accordance with the above policy.

Water Neutrality:

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

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

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 application has been provided with sufficient information to demonstrate that on-site enhancement and creation will contribute to 10% BNG. This will be secured by way of the statutory condition.

Conclusions:

The proposal is regarded as an acceptable form of development that would be appropriate to its countryside setting. The proposal would not appear unduly prominent within public perspectives and would preserve the surrounding landscape character. The proposed arrays would not be detrimental to the setting of Long House, nor the residential amenities of neighbouring occupiers. This application is,

therefore, deemed to accord with the relevant policies of the Horsham District Planning Framework 2015 and is 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 **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 Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

(a) Purpose and conservation objectives for the proposed enhancement measures;
(b) Detailed designs to achieve stated objectives;
(c) Locations of proposed enhancement measures by appropriate maps and plans;
(d) Persons responsible for implementing the enhancement measures;
(e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

4 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (South Downs Ecology, October 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected species in Sections 7.17 and 7.23 of the Ecological Impact Assessment (South Downs Ecology, October 2024), which avoids impacts on protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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.

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

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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:
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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.

NOTE TO APPLICANT
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

The following recommendations are also provided to further reduce the likelihood of impacts on this species:

- Any vegetation in the construction area will be kept closely mown during the course of the construction work.
- Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for their Council's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com .

If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

- Stop all works immediately and leave the area
- Inform an ecologist immediately who will provide further guidance / instructions
- Do not try to handle or rescue a great crested newt
- Do not resume construction works until advised it is safe to do so by an ecologist

It should be noted that if an individual great crested newt is found at any point during the works, a European Protected Species Licence (EPSL) or District Licence (DL) may be required to permit works that would potentially cause disturbance and otherwise commit an offence under the relevant legislation.

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/24/1726
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	07.11.2024
Site plan	Proposed Solar Panels	EL/01	07.11.2024
Elevation & Floor plan	Proposed Solar Panels	EL/02	07.11.2024
Supporting Docs	GSE Ground System V3.0 Solar Panel Details	none	07.11.2024
Supporting Statement	Ecological Impact Assessment by South Downs Ecology dated 14 October 2024	GS412.LongHouse .EcIA.v1	07.11.2024
Site plan	Proposed Solar Plans	EH05	24.02.2025

DELEGATED

Case Officer sign/initial Marie Riggs Date: 07.01.2025

Authorising Officer sign/initial Tamara Dale Date: 24.02.2025