Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0586
Keepers Cottage, Coolham Road, Coolham, Horsham, West Sussex, RH13 8GP

DESCRIPTION:

Removal of Condition 3 of previously approved application DC/24/0498 (Demolition of existing 2No cottages and erection of 1No dwelling with associated landscaping and car parking), and the requirement to submit a Non-Licensed Precautionary Method Statement for Hazel Dormouse.

RELEVANT PLANNING HISTORY:

DC/21/2563	Demolition of existing Keepers Cottages. Erection of a relocated two-storey residential dwelling with access, landscaping and associated infrastructure.	Application Refused on 25.01.2022
DC/25/0275	Demolition of outbuilding and erection of new garage and associated alterations.	Withdrawn Application on 15.05.2025
DC/24/0498	Demolition of existing 2No cottages and erection of 1No dwelling with associated landscaping and car parking	Application Permitted on 16.01.2025

DESCRIPTION OF THE SITE

The application site is located outside the built up area boundary and is approximately 3.5 km east of Billingshurst. The site lies some distance from the cluster of farm buildings at Court Farm, off West Chiltington Lane. Part of the access track is a poorly maintained dirt track. The two cottages remain in a dilapidated state which was noted in the previous officer report, with the appearance and planning history indicating that the buildings are not structurally sound such that habitation is not possible. Since the permission was enacted under DC/17/0112 there appears to have been some works in so far as to keep the planning permission alive for completion but these works do not appear to have been significant in altering the character or appearance of the site.

The wider area is primarily characterised by enclosed agricultural fields, with sporadic residential and commercial buildings located along the road frontage. The unclassified settlement of Coolham is located 300m to the south, and the built-up area of Billingshurst is located approximately 3.7km to the north-west. The nearest residential properties located 120m to the north and south.

DESCRIPTION OF THE APPLICATION

The application seeks the removal of condition 3 of planning permission reference DC/24/0498. Condition 3 states:

*"**Pre-Commencement Condition**: No development shall commence until a Non-Licensed Precautionary Method Statement for Hazel Dormouse has been submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to, a presence/absence survey and assessment, mitigation measures, and enhancement measures where necessary. The works shall be implemented in accordance with the approved recommendations and shall be maintained 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)."

It is stated that the other conditions imposed on the permission, namely condition 6, would address the matter. Condition 6 requires the submission of a Precautionary Method Statement for protected species including reptiles, dormice, and owls. It is therefore stated that condition 3 is a duplication.

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 40 - Sustainable Transport
Policy 41 - Parking

Billingshurst Neighbourhood plan 2019-2031
Policy Bill 1- Billingshurst Built-Up Area Boundary
Policy Bill 2- Housing Design and Character
Policy Bill 3- Energy Efficiency and Design
Policy Bill 14- Residential Parking Provision

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 1 year. 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 12: Air Quality
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 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
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 objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

PUBLIC CONSULTATIONS:

Representations:

No comments received.

Parish Comments:

Parish Council: Neutral comment

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 application seeks the removal of condition 3, a pre-commencement condition. All other matters remain the same, with DC/24/0498 remaining extant. The application was considered under Policy 28 of the HDPF and found to be acceptable in this regard. There are no new additional policy considerations or material differences between the current application and that under DC/24/0498 such that a different conclusion would be warranted, notwithstanding the Ecology assessment below.

Ecology:

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

The Cover Letter provided in support of the application outlines that condition 3 is unnecessary as there are no direct impacts anticipated on hedgerows, where the onsite habitats are not considered to be suitable for hazel dormouse. It is however noted that the precautionary working methods required under condition 6 would be sufficient to safeguard any protected species.

The purpose of condition 3 is to secure the submission of a Precautionary Method Statement for Hazel Dormouse, where this was deemed to be necessary on the basis of nearby habitat and the fact that the presence of Hazel Dormouse had been identified within 2km of the site. It is however acknowledged that condition 6 of the planning permission also requires the submission of a Precautionary Method Statement for Protected Species, including dormice. This condition reads as follows:

*"**Pre-Commencement Condition**: No development shall commence until a precautionary method statement for protected species have been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to consideration of mitigation measures for avoiding harm to reptiles, dormice and owls and enhancement measures where necessary. The development shall be carried out in accordance with the approved details.*

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).

Condition 6 is considered sufficient to address the requirements of a Precautionary Method Statement for species including Hazel Dormouse. When read alongside all other conditions, it is considered that ecology matters have been sufficiently addressed, with the removal of condition 3 considered acceptable.

Recommendation: Application Permitted

Conditions:

2 **Regulatory (Time) Condition**: The development hereby permitted must be commenced by the 16.01.2028.

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

3 **Pre-Commencement Condition:** Prior to the commencement of the development, a European Protected Species Mitigation Licence (EPSML) shall be submitted to and approved in writing by the local planning authority. The measures and/works shall be carried out strictly in accordance with the approved details submitted and approved within the License and shall be retained in that manner thereafter.

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 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

4 **Pre-Commencement Condition**: No development shall commence until a precautionary method statement for protected species have been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to consideration of mitigation measures for avoiding harm to reptiles, hazel dormouse and owls and enhancement measures where necessary. The development shall be carried out in accordance with the approved details.

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).

5 **Pre-Occupation Condition:** The development hereby permitted not shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details on the submitted plans and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **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. 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).

8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

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 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**: The development hereby permitted shall not be occupied until a lighting design scheme for biodiversity 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, Isolux drawings 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 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

11 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Bat Emergence Activity Survey (Phlorum Limited, September 2024) and Preliminary Ecological Appraisal V2 (Phlorum Limited, September 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This will 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 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 s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

12 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting 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).

13 **Regulatory Condition**: The materials indicated within the submitted and approved plans will be used in the construction of the development hereby permitted and shall remain thereafter unless approved by the Local Planning Authority.

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).

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/25/0586
(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		003 REV P4	28.03.2024
Site plan	As existing	002 REV P3	28.03.2024
Site plan	As proposed	001 REV P6	28.03.2024
Roof plan	As existing	012 REV P1	28.03.2024
Roof plan	As proposed	022 REV P2	28.03.2024
Floor plan	Ground, as existing	010 REV P1	28.03.2024
Floor plan	Ground, as proposed	020 REV P3	28.03.2024
Floor plan	First, as existing	011 REV P1	28.03.2024
Floor plan	First, as proposed	021 REV P4	28.03.2024
Elevation plan	Front/South, as existing	013 REV P1	28.03.2024
Elevation plan	Side/East, as existing	014 REV P1	28.03.2024
Elevation plan	Rear/North, as existing	015 REV P1	28.03.2024
Elevation plan	Side/West, as existing	016 REV P1	28.03.2024
Elevation plan	Front/South, as proposed	023 REV P4	28.03.2024
Elevation plan	Side/East, as proposed	024 REV P3	28.03.2024
Elevation plan	Rear/North, as proposed	025 REV P3	28.03.2024
Elevation plan	Side/West, as proposed	026 REV P3	28.03.2024
Supporting Statement	Planning	NONE	28.03.2024
Supporting Statement	Water Neutrality	NONE	28.03.2024
Supporting Statement	Preliminary Ecological Appraisal Bat Emergence Activity Survey		30.03.2024

Supporting Statement	Preliminary Ecological Appraisal V2 (Phlorum Limited, September 2024)		30.03.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 09/09/2025

Authorising Officer sign/initial Tamara Dale Date: 12/09/2025