Horsham District Council

Mrs Michelle Stevens
Windways
Common Hill
West Chiltington
Pulborough
RH20 2NL

Our ref: DISC/24/0028
Your ref: Exterior Lighting Design
Email: planning@horsham.gov.uk
Direct Line: 01403 215521
If Calling Please ask for: Amanda Wilkes
Date: 5th August 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure England) Order 2015

Application for Approval of Details Reserved by Condition 3, 5 and 11 to approved application DC/23/0364

Windways Common Hill West Chiltington West Sussex

The Authority has considered your application, and I can confirm that the submitted information is **NOT** acceptable pursuant to the following condition(s):

3. **Pre-Occupation Condition**: Prior to the first occupation of the dwelling, a lighting design scheme for biodiversity shall be 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 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.

5. **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse and recycling has been made for the dwelling in accordance with drawings to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

11. **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, 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 existing trees and planting to be retained
    - 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
    - Details of all external lighting

    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 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).

Notes to Applicant:

In respect of the details submitted pursuant to Conditions 3, 5 and 11, the submitted details are refused for the following reasons:-

1.) It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to Condition 3 that the submitted information includes the detail required by Condition 3 as the Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2023) does not include a lighting design scheme. The Local Planning Authority is unable to approve details submitted pursuant to Conditions 3 in manner consistent with its duties under the Conservation of Habitats and Species Regulations 2017 (as amended) and s.40 of the NERC Act 2007 (Priority Habitats and Species). The submitted details, therefore, fail to satisfy the requirements of Policy 31 of the Horsham District Planning Framework (2015) in this regard.

2.) It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to the requirements of Condition 5 which seeks to ensure that sufficient and refuse and recycling facilities are provided for future occupiers. The submitted details, therefore, fail to satisfy the requirements of Policy 33 of the Horsham District Planning Framework (2015) in this regard.

3.) It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to Condition 11 would ensure that the approved development includes provision of satisfactory hard and soft landscaping details and in order to secure a satisfactory development scheme that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity. The submitted details,

therefore, fail to satisfy the requirements of Policy 33 of the Horsham District Planning Framework (2015).

This letter constitutes a legal document which should be regarded as an addendum to the original planning application.

If you have any queries or require further information, please do not hesitate to contact the Case Officer.

Yours faithfully



Emma Parkes
Head of Development and Building Control

ADDITIONAL INFORMATION

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

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

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

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

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

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