



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0472
Land North of Eastlands Lane, Cowfold, West Sussex,

DESCRIPTION:

Erection of 9no. dwellings with associated car parking spaces, detached carports, garages and landscaping.

RELEVANT PLANNING HISTORY:

No relevant planning history

DESCRIPTION OF THE SITE

The application site is located to the north of Eastlands Lane, outside of any designated built-up area boundary, and within the countryside in policy terms.

The built-up area of Cowfold is located to the north and west of the application site, separated by a mature tree line. The wider surroundings are characterised by enclosed fields and sporadic residential development comprising a mix of single residential dwellings and converted farm buildings.

The site comprises grassland contained with 2no. enclosed fields bound by post and rail fencing and hedging. The western portion of the application site is known as Eastlands Wood, which is subject to a group Tree Preservation Order reference TPO/1520. This portion of the site is also designated as Local Green Space referred to as LGS12 Eastlands Wood (HDC TPO1520 – Mixed Woodland) within the Cowfold Neighbourhood Plan (2019-2031).

Public Footpath 1777 transects the wider site and runs along the western perimeter, with Public Footpath 1775 running along the track that transects the two portions of the site. The Grade II Listed Building of Eastlands Farm is located to the south-east of the application site, where this is also designated as an Archaeological Notification Area.

The application site is located within the Red Impact Risk Zone for Great Crested Newts.

DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the erection of 9no. residential dwellings located to the east and west of the access track serving residential properties to the north.

The development to the east of the track would comprise 7no. dwellings consisting of 3no. detached dwellings and 4no. semi-detached dwellings, each benefitting from parking to the frontage and private amenity space to the rear. To the west of track, 2no. detached dwellings are proposed, each benefitting from a detached garage and hardstanding, with private amenity space to the rear. Areas of landscaping are also proposed.

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

Cowfold Neighbourhood Plan (2019-2031):

Policy 2: Green Infrastructure
Policy 3: Local Green Space
Policy 9: Residential Development Principles
Policy 10: Windfall Housing
Policy 13: Housing Mix

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
Policy 18: Local Green Space
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

Supplementary Planning Guidance:

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

Parish Design Statement:

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:

INTERNAL CONSULTATIONS

HDC Arboricultural Officer: No Objection: -

The two fields either side of Eastlands Lane and subject of the application are both bounded by mature trees. The western field is bounded to the west by Eastlands Wood which is subject of a Tree Preservation Order (TPO/1520). The eastern field has a pond with treed margins adjacent to the eastern boundary.

The trees and woodland are significant elements within the landscape that make a positive contribution to the setting. The provision of a buffer to the margins of the proposed development areas in both fields would ensure that direct impacts on bounding trees accord with industry standard recommendations in this respect for conserving the key rooting areas of the trees.

Although no measured tree survey has been provided, it is observable that the footprint of new buildings and hardstandings are outside of a 15m buffer to the edge trees in the Eastlands woodland and that the 7m buffer to the East of the Eastern field development would sufficiently account for the recommended root protection areas of the trees beyond the field boundary, as well as ensuring very limited branch overhang of proposed garden amenity areas.

Semi natural native planting within the buffer zones would need to be designed to limit excavations within tree root protection areas of the individual trees of merit.

HDC Conservation: Comment: -

The site lies beyond the core of Cowfold village and is experienced as open space at the transition between the village and open countryside. Eastlands Farm lay well beyond the village until the suburban expansion in the twentieth century but even now the former farm is still experienced as separate and detached from the village.

The proposal will not directly impact Clerks but will have an impact within its wider setting. The proposal includes dwellings that will infill the land between the properties to the north. This will result in an experience of Clerks as having a closer relationship with the village rather than reinforcing its

separateness as a historic farmstead beyond the village. The harm will amount to less than substantial at the lowest end of the range but harm nonetheless. Please weigh this harm against the public benefit arising from the proposal.

HDC Drainage Engineer: Comment. Require more information (which can be conditioned) to determine that the site drainage meets the requirements of the NPPF, PPG, National Standards for Sustainable Drainage Systems, and Policies 35 and 38 of the HDPF.

HDC Environmental Health: Comment, conditions recommended.

OUTSIDE AGENCIES

Ecology Consultant: No Objection, subject to conditions: -

Satisfied that there is sufficient ecological information available to support determination of the application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats, and with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly those recorded in the locality.

An increase in artificial light would negatively impact foraging bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals and secured by a condition of any consent.

Also support the proposed reasonable biodiversity enhancements for protected, priority and threatened species which have been recommended to secure net gains for biodiversity.

NatureSpace: Comment: -

The submitted ecological report has identified the site as providing opportunities for GCN due to the presence of a pond adjacent to the site and several others within close proximity, as well as sub-optimal but still suitable onsite terrestrial habitat. Therefore, it has been recommended that either further surveys are undertaken and/or a licence sought.

In agreement with this approach. This further information must be received prior to determination as protected species are a material consideration of the planning process, and therefore the extent that they may be impacted by proposals must be established before planning permission is granted.

Southern Water: Comment, connection public sewer, proposed SUDS features, and tree planting

WSCC Highways: No Objection: -

The A281 is a north/south district distributor road, which can serve as a link between Horsham to the north and Henfield to the south and an alternative to the A23 trunk road. It also provides a local link from the south to the A272 an east/west distributor.

Eastlands Lane is a private road and not under the jurisdiction of the Highway Authority. The lane joins the public highway network onto the A281 via a bellmouth style junction. This junction is relatively narrow and does not include any road markings or signage. There are footways on either side of the access bounding the A281, with a small section continuing into Eastlands Lane on the south side.

The site access is located in a section of the A281 which is subject to a speed restriction of 30mph. There are numerous existing access points on approach to this access from the north and from the south and drivers also have a tendency to park on-street in this location.

An access proposal plan has been provided within the Transport Statement (14034_101) which shows improvements including: giveway markings - widening the access, cutting back of foliage, visibility of 2.4m x 43m and tactile paving. Addition non-highway works include pedestrian refuge spaces along Eastlands Lane.

WSCC Rights of Way: Comment: -

The Planning Statement acknowledges Footpath 1779, which runs to the west of the development. However, the used route since at least 1985 instead runs south-west from Stonepit Cottages along the track past The Bull Pen and The Dairy, before rejoining Footpath 1777.

It appears that part of the legal line of Footpath 1779 falls within the red line boundary of the development site, although not its entirety. Prior to this application being approved, the routing of this footpath addressed. One option would be for the developer to apply to divert Footpath 1779 onto the long-established walked route under Section 257 of the Town and Country Planning Act 1990.

PUBLIC CONSULTATIONS:

Representations:

66 letters of objection have been received from 52 separate households, and these can be summarised as follows:

- Does not address local need
- Increase in traffic
- Impact on users of the public right of way
- Impact on local green space
- Loss of privacy and overlooking
- Contribution to rural character, tranquillity, and amenity of the area
- Urbanising effect
- Diminish the visual and environmental quality of the lane
- Highway safety concerns
- Impact on wildlife habitat
- Strain on local services
- Conflict with Neighbourhood Plan
- Outside the built-up area boundary
- Does not meet water neutrality
- Impact on Tree Preservation Orders
- Overdevelopment
- Loss of irreplaceable green local space
- Impact on public right of way
- Out of character with existing properties
- Impact on Listed Building
- Setting of precedent for further development
- Incremental expansion and erosion of countryside setting
- Lies within an Area of Outstanding Natural Beauty
- Potential drainage and sewage issues
- Construction traffic

Parish Comments:

Cowfold Parish Council: Objection

- No material considerations have been presented that outweigh the clear and multiple conflicts with the Development Plan
- Countryside location and conflict with settlement boundary
- Unallocated, lies outside of the built-up area boundary, and represents unjustified encroachment into the countryside
- Site previously assessed through the Council's SHELAA process
- Harm to landscape character and rural setting
- Forms part of the rural edge of Cowfold and provides an important transition between the settlement and open countryside
- Introduce suburban built form into an undeveloped greenfield site
- Erode the clearly defined settlement edge
- Urbanise the transition between the village and countryside
- Adversely affect views to and from the surrounding landscape
- Additional planting and landscaping would not overcome the harm to landscape

- Tree Preservation Orders and mature protected Oaks make a significant contribution to local character
- Site adjoins Eastlands Wood, a designated Priority Habitat, and forms part of a wider woodland network
- Place pressure on protected trees, including encroachment into Root Protection Areas, and create future pressure for pruning or removal due to proximity of dwellings
- Fail to provide an adequate buffer to protect woodland integrity and result in potential long-term harm to protected trees
- Habitat loss and fragmentation
- Increased disturbance on habitat and biodiversity from lighting and domestic activity
- Degradation of woodland edge conditions
- Inappropriate form of development and housing mix
- Low density, executive style scheme
- Does not reflect the established pattern of development
- Fails to provide a balanced mix of housing
- Does not respond to identified local housing need
- Access via a narrow rural lane and public right of way
- Increased traffic along a constrained rural route
- Conflict between vehicles and pedestrians
- Highway safety concerns
- Only moderately accessible to services and facilities
- Increase reliance on private vehicles
- Fail to provide safe and convenient pedestrian connections
- Minimum compliance to energy efficiency and low carbon design
- Up to date Neighbourhood Plan

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 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing

needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge.

Policy 9 of the Cowfold Neighbourhood Plan states that residential proposals will be supported where they are within the built-up area and met a number of design criteria. Policy 10 of the Neighbourhood Plan states that development proposals for residential development on unidentified sites within the defined built-up area boundary of Cowfold will be supported subject to compliance with other development plan policies. Policy 13 of the Cowfold Neighbourhood Plan states that development proposals which include a mix of dwellings, types and sizes as indicated in the latest housing needs survey will be supported.

Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Policy 84 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The term “isolated” is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 84.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criterion includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criterion, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

The application site, including additional land to the south, has been subject of review through the Strategic Housing and Economic Land Availability Assessment (SHELAA) under reference SA052. The assessment notes that the site is rural in nature and development would have an impact on the surrounding landscape, extending the village eastwards, with few tree boundaries to screen any new

development from the surrounding countryside. The western half of the site which abuts the built-up area boundary of Cowfold comprises Eastlands Wood which forms a significant area of woodland next to the village. Development of the eastern half/section of the site would be isolated from and relatively unrelated to the built form of Cowfold. The site was assessed as not currently developable for these reasons.

Policy 3 of the Cowfold Neighbourhood Plan designates the western field as Local Green Space referred to as LGS12 Eastlands Wood (HDC TPO1520 – Mixed Woodland). The policy states that development proposals within the designated local green spaces will only be supported in very special circumstances where the development complements the purpose of the designation; is ancillary to the use of the land for a public recreational purpose; has a positive impact on the biodiversity of the designated area; or is required to fulfil a statutory utility infrastructure purpose.

It is acknowledged that the proposed development would impact the northern portion of the designation, which would be subdivided from the remainder of the field, to be used for private domestic purposes. The proposed development would not complement the purpose of the designation and recreational open space, and would not be ancillary to the use of the land for this purpose. The proposal would also not have a positive impact on the biodiversity of the designated area, nor be required to fulfil a statutory utility infrastructure purpose. As such, the proposed development would be contrary to Policy 3 of the Cowfold Neighbourhood Plan.

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3, 4 and 26 of the HDPF and Policy 3 of the Cowfold Neighbourhood Plan. The proposed development would therefore be unacceptable in principle. Whether there are other material considerations that would outweigh the conflict as identified, will be discussed in the Planning Balance and Conclusions section below.

Design and Appearance:

Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance.

In addition, Policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.

Policy 9 of the Cowfold Neighbourhood Plan states that residential proposals should be of a sympathetic scale, relating positively to the character, function and layout of the area; incorporate the use of high quality building materials and finishes consistent with high thermal efficiency; be of a density that is appropriate to its location and has regard to current levels in the immediate area.

The proposed development would be positioned to the east and west of the access track serving a number of residential properties to the north of Eastlands Lane. The proposal would comprise 7no. residential dwellings to the east and 2no. residential properties to the west respectively. The proposed dwellings would comprise 8no. two storey residential dwellings, with 1no. single storey dwelling. Each dwelling would benefit from an area of private amenity space to the rear, with the frontage of the site comprising hardstanding for parking.

The application site is located within J3 Cowfold and Shermanbury Farmlands under the Landscape Character Assessment. The key characteristics of this area are gently undulating low ridges and valleys, scattered small woodlands, small and medium sized pasture fields and some larger arable fields, mostly small scale intricate landscape, localised areas with more open character, and small farmsteads and cottages dispersed along lanes and tracks. The key issues for the landscape character area are loss of hedgerows and shaws, decline in traditional land management, localised expansion of horse paddocks, and visual intrusion of pylons, modern farm buildings, and from suburban development at Partridge Green and Shermanbury. Overall, the landscape condition is declining, and the sensitivity to change is moderate reflecting the moderate to high intervisibility of the area and moderate intrinsic landscape

qualities. The Planning and Land Management Guidelines seek to conserve the rural undeveloped character where any large scale housing and commercial development would be likely to damage character; ensure any appropriate development responds to historic settlement patterns and local design and building materials; secure landscape improvements to screen suburban edges; conserve and enhance the existing networks of hedgerows and shaws; maintain the pattern of small scale pastures; encourage the natural regeneration of hedgerow oaks and/or plant new ones; and encourage the establishment of small woodlands.

It is recognised that the proposed development within the eastern portion of the site would infill the space between the established dwellings to the north and south, with the proposal following the build line established with these dwellings. The proposed development to the western section would in contrast, appear quite isolated from the existing built form, with the positioning, orientation, and scale of the development considered to dominate the setting. While some efforts have been made to limit the intervisibility of the development through the proposed landscaping, these features would be located outside of the development site and could not therefore be effectively controlled. Notwithstanding this, soft landscaping cannot be relied upon to make development acceptable, where the proposal in its totality is considered to result in a prominent form of development that would detract from the informal and sparsely developed character of the area.

The site is located within a rural countryside location, where the defining features of the immediate surroundings is the sparse and sporadic built form and the undeveloped open fields and paddocks. The development within vicinity of the site has primarily arisen at a low density associated with agricultural activities, where the proposed development would comprise a greater density of development that would suburbanise and formalise the landscape character of the locality. It is recognised that efforts have been made to introduce soft landscaping to the perimeter of the development site, however it is not considered that this could be relied upon to mitigate the harm arising to the development.

The proposed development in totality would result in a quantum of development that would formalise and suburbanise the site, resulting in the dilution and erosion of the informal character of the landscape and countryside setting. The proposal would result in a prominent form of development that would fail to preserve and/or enhance the landscape characteristics of the area. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy 9 of the Cowfold Neighbourhood Plan.

Impact on Trees:

The application site is located to the east of Eastlands Wood which is subject of Tree Preservation Order (TPO/1520)

Following consultation with the Council's Arboricultural Officer, the trees and woodland are significant elements within the landscape that make a positive contribution to the setting. The provision of a buffer to the margins of the proposed development areas in both fields would ensure that direct impacts on bounding trees accord with industry standard recommendations in this respect for conserving the key rooting areas of the trees. Although no measured tree survey has been provided, it is observable that the footprint of new buildings and hardstandings are outside of a 15m buffer to the edge trees in the Eastlands woodland and that the 7m buffer to the East of the Eastern field development would sufficiently account for the recommended root protection areas of the trees beyond the field boundary, as well as ensuring very limited branch overhang of proposed garden amenity areas.

For these reasons, no objections are raised with regard to trees.

Heritage Impacts:

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 Design and Conservation Officer, the site lies beyond the core of Cowfold village and is experienced as open space at the transition between the village and open countryside. Eastlands Farm lay well beyond the village until the suburban expansion in the twentieth century but even now the former farm is still experienced as separate and detached from the village. The proposal will not directly impact Clerks but will have an impact within its wider setting. The proposal includes dwellings that will infill the land between the properties to the north. This will result in an experience of Clerks as having a closer relationship with the village rather than reinforcing its separateness as a historic farmstead beyond the village. The harm will amount to less than substantial harm at the lowest end of the range, where any public benefits would need to be weighed against this.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Policy 9 of the Cowfold Neighbourhood Plan states that residential development proposals will be supported where they maintain appropriate distances between buildings to avoid unacceptable adverse impacts on existing facilities or amenity of adjacent residential properties.

The proposed development has been arranged to provide adequate spacing between each dwelling and the nearest residential properties, with the orientation of the dwellings ensuring limited overlooking and no loss of privacy. It is therefore considered that the proposed development would not result in harm to the amenities of nearby residential properties through overlooking, loss of light or loss of privacy, in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 9 of the Cowfold Neighbourhood Plan.

Impact on Public Right of Way:

The Public Rights of Way Officer has confirmed that part of the legal line of Footpath 1779 falls within the red line boundary of the development site, namely the portion of land to the west of the track, although not its entirety. Prior to this application being approved, the routing of this footpath needs to be addressed, by for example, applying to divert Footpath 1779 onto the long-established walked route under Section 257 of the Town and Country Planning Act 1990.

Further information was received by the application and comments requested from the Public Rights of Way Officer. No further response was received. Had the development been considered acceptable in all other regards, further discussion on the footpath and any consequential application requirements would have been undertaken.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The proposed development would provide access directly from an existing track along Eastlands Lane. Each dwelling would benefit from parking for at least 2no. vehicles, with turning space also provided.

Following consultation with WSCC Highways as the Local Highways Authority, it is noted that Eastlands Lane joins the public highway network onto the A281 via a bellmouth style junction. This junction is relatively narrow and does not include any road markings or signage, and is subject to a speed restriction of 30mph. There are numerous existing access points on approach to this access from the north and from the south and drivers also have a tendency to park on-street in this location.

The application has been supported by a Transport Statement which shows improvements including giveway markings, widening the access, cutting back of foliage, visibility of 2.4m x 43m and tactile paving. Additional non-highway works include pedestrian refuge spaces along Eastlands Lane.

No concerns have been raised regarding the proposed access arrangement and suggested works, and it is not considered that the proposed development would result in adverse harm to the safety and function of the public highway network. While it is recognised that the access route forms a public right of way,

where a number of objections have been raised with respect potential conflict with pedestrians and cyclists, it is not considered that the proposal would result in a significant increase in traffic movements that would justify a reason for refusal.

In consideration of all matters, the proposal is considered to provide safe and adequate access for all users, and would not materially harm accessibility for pedestrians and cyclists, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

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 Applicant has submitted a Preliminary Ecological Appraisal reference 859/LG/Eastlands/PEA by Environmental Assessment Services Ltd dated December 2025. Following consultation with the Council's Ecologist, it is considered that there is sufficient ecological information available to support determination of the application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats, and with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Preliminary Ecological Appraisal should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly those recorded in the locality.

An increase in artificial light would negatively impact foraging bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals and secured by a condition of any consent.

Notwithstanding the above, NatureSpace have reviewed the submitted Ecological Appraisal, where this has identified the site as providing opportunities for Great Crested Newts due to the presence of a pond adjacent to the site and several others within close proximity, as well as sub-optimal but still suitable onsite terrestrial habitat. Therefore, it has been recommended that either further surveys are undertaken and/or a licence sought. NatureSpace is in agreement with this approach, but notes that the further information must be received prior to determination as protected species are a material consideration of the planning process, and therefore the extent that they may be impacted by proposals must be established before planning permission is granted.

The Agent has confirmed the intention to enter into the District Licensing Scheme. Had the development been considered acceptable, this matter would have been addressed through submission of further documentation confirming that a licence could be obtained.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement

SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Other Matters:

Contaminated Land:

Policy 24 of the HDPF states that development is expected to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution. Development should address land contamination by promoting the appropriate re-use of sites and requiring the delivery of appropriate remediation and are appropriate to their location, taking into account ground conditions and land stability.

Paragraph 187 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land where appropriate.

The Applicant has submitted a Preliminary Ground Contamination Risk Assessment Report by Ashdown Site Investigation reference R17020 Issue No. 1 dated 17 December 2025. An Odour Assessment reference 13868 v0 by Phlorum Limited and a complementary Cover Letter has also been submitted. Following consultation with the Council's Environmental Health Team, no concerns have been raised with the supporting information and conditions have been recommended. Should the application be considered acceptable, the recommended conditions would have been imposed to ensure the safety of the development for future occupiers.

Drainage:

Policy 38 of the HDPF states that development proposals will follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere. to mimic natural drainage patterns and manage surface water as close to its source as possible where technically feasible.

The Applicant has submitted a Flood Risk Assessment and Drainage Strategy reference 1ecco2/2510088 Final B by Motion dated 10 February 2026. Following consultation with the Council's Drainage Officer, it was stated that additional information was required to comply with local and national planning policy. Additional information in the form of a Technical Note reference 1ecco2/2510088 by Motion and dated 29 April 2026 was provided, which sought to clarify the matters raised within the consultation response.

No further response was provided by the Council's Drainage Officer, but it is however considered that should the application be considered acceptable, the matters of surface and foul water could be adequately addressed by condition. Subject to such condition, no concerns with respect drainage are raised.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Should the proposed development be considered acceptable, the following measures to build resilience to climate change and reduce carbon emissions:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

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 (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has submitted a Biodiversity Metric which demonstrates a 10 % net gain is achievable by way of the purchase of biodiversity units through a habitat bank. Should the development be considered acceptable, this matter would be addressed by way of the statutory biodiversity gain condition.

Conclusions:

The proposed development seeks planning permission for the erection of 9no. residential dwellings on a site outside of the built-up area boundary and not allocated for development within the Local Plan, emerging Local Plan, or the made Cowfold Neighbourhood Plan. The application site is located within the countryside in policy terms, where the development would not accord with the overarching spatial strategy and would be contrary to Policies 1, 2, 3 and 26 of the Horsham District Planning Framework (2015).

The Council cannot currently demonstrate a 5-year housing land supply, where the most relevant policies directing growth across the District are out of date. The tilted balance as outlined within paragraph 11(d) of the NPPF is therefore engaged, where it is outlined that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

The Council have published a guidance document titled "Shaping Development in the Horsham District" where it is recognised that there are likely to be applications submitted outside of defined built-up area boundaries and on unallocated sites. Given the lack of a 5-year housing land supply, and the principles behind Policy 4 of the HDPF, the guidance document outlines that applications which meet the following criteria will be considered positively:

- The site adjoins the existing settlement edge as defined by the built-up area boundary;
- 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 does not adjoin a settlement edge as defined by the built-up area boundary, and the development would not therefore meet all of the above criteria. The proposed development would not therefore be fully compliant with the guidance document, and no weight would be attributed to this.

While the site is accessible to the built-up area boundary of Cowfold via public footpaths 1775 and 1777, these are unlit and would not represent an attractive mode of transportation, particularly during hours of darkness and bad weather. As such, it is likely that future occupiers would be reliant on private vehicles to access everyday services, amenities and facilities. The site is therefore considered to be located within an inappropriate location, where this is considered to be of moderate weight in the planning assessment.

It is acknowledged that the proposed development would impact the northern portion of the open space designated under Policy 3 of the Cowfold Neighbourhood Plan, which would be subdivided from the remainder of the field, to be used for private domestic purposes. The proposed development would not complement the purpose of the designation and recreational open space, and would not be ancillary to the use of the land for this purpose. The proposal would also not have a positive impact on the biodiversity of the designated area, nor be required to fulfil a statutory utility infrastructure purpose. As such, the proposed development would be contrary to Policy 3 of the Cowfold Neighbourhood Plan.

The proposal will not directly impact Clerks but will have an impact within its wider setting. The proposal includes dwellings that will infill the land between the properties to the north. This will result in an experience of Clerks as having a closer relationship with the village rather than reinforcing its separateness as a historic farmstead beyond the village. The harm will amount to less than substantial harm at the lowest end of the range, where any public benefits would need to be weighed against this.

The proposed development in totality would result in a quantum of development that would formalise and suburbanise the site, resulting in the dilution and erosion of the informal character of the landscape and countryside setting. The proposal would result in a prominent form of development that would fail to preserve and/or enhance the landscape characteristics of the area. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy 9 of the Cowfold Neighbourhood Plan. The relevant policies are considered to be in date and the harm arising through these matters is considered to be of significant weight in the planning balance.

It is acknowledged that the Council is currently unable to demonstrate a full 5-year housing land supply, and it is recognised that this forms a material consideration in decision making which triggers the application of the 'tilted balance' at Paragraph 11(d) of the NPPF. In accordance with Paragraph 11(d), the Council is required to grant permission unless either (or both) of the following apply:

- the application of policies in this Framework that protect areas or assets of importance provides a clear 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

It is acknowledged that the proposed development would contribute 9no. dwellings to the housing supply, where this would result in some benefits, including short-term economic benefits during construction and subsequent benefits to the local economy. The benefits of providing housing within the built-up area, in accordance with the spatial strategy, would be given significant weight in the planning balance.

Paragraph 14 of the NPPF outlines the continued relevance of Neighbourhood Plans in situations where the presumption of favour or 'tilted balance' applies. Paragraph 14 states:

"in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- (a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement”

Cowfold Neighbourhood Plan was formally adopted on 8 October 2025, where the plan allocates 2no. sites (Brook Hill CNP01 and Potters CNP03) for residential development of up to 70 dwellings to meet local needs. The Neighbourhood Plan is less than 5 years old and allocates sites for housing development to meet local needs. It is therefore considered that both criteria (a) and (b) have been met. The proposed development would conflict with Policy 3 of the Cowfold Neighbourhood Plan, whereas outlined within paragraph 14 of the NPPF, this conflict would significantly and demonstrably outweigh the benefits arising from the housing contribution. This policy is considered to be in date, where the conflict with the policy is given significant weight.

When considering the development in totality, and the planning policy framework as a whole, the proposed development would conflict with the relevant planning policies, where the adverse impacts would significantly and demonstrably outweigh the benefits arising from the scheme.

Recommendation:

Reason(s) for Refusal:

- 1 The development would be located beyond a defined built-up area on a site not allocated within the Development Plan and would not be essential to this countryside location. The development would therefore be contrary to the overarching spatial strategy and hierarchy approach of concentrating development within defined settlements and advocating a planned approach to settlement expansion, contrary to policies 1, 2, 3 and 26 of the Horsham District Planning Framework (2015) and policies 9 and 10 of the Cowfold Neighbourhood Plan 2019-2031. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2024) at paragraph 11(d), it is not considered that there are any material considerations which would outweigh harm arising from conflict with the above policies.
- 2 The development entails a quantum of built form that would formalise and suburbanise the site, resulting in the dilution and erosion of the informal character of the landscape and countryside setting. The proposal would result in a prominent form of development that would fail to preserve and / or enhance the landscape characteristics of the area. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policy 9 of the Cowfold Neighbourhood Plan 2019-2031.

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/26/0472

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

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	TN01 - Provision of Further Information for DC/26/0472 by Motion dated 29 April 2026	1ecco2/2510088	07.05.2026

Supporting Docs	Preliminary Ecological Appraisal by Environmental Assessment Services Ltd dated December 2025	859/LG/Eastlands /PEA	17.03.2026
Location & Block plan	Location Plan & Proposed Block Plan	2562-01 REVISION A	10.04.2026
Site plan	Proposed Site Plan	2562-03 REVISION C	10.04.2026
Floor plan	House Type 1 (Plot No, 9) - Floor Plan	2562-10 REVISION B	17.03.2026
Elevation plan	House Type 1 (Plot No. 9) - Elevations (1 of 2)	2562-11 REVISION B	17.03.2026
Elevation plan	House Type 1 (Plot No. 9) - Elevations (2 of 2)	2562-12 REVISION B	17.03.2026
Floor plan	House Type 2 (Plot No. 1 & 2) - Floor Plans	2562-13 REVISION B	17.03.2026
Elevation plan	House Type 2 (Plot No. 1 & 2) - Elevations	2562-14 REVISION B	17.03.2026
Floor plan	House Type 3 (Plot No. 6 & 7) - Floor Plans	2562-15 REVISION B	17.03.2026
Elevation plan	House Type 3 (Plot No. 6 & 7) - Elevations	2562-16 REVISION B	17.03.2026
Floor plan	House Type 4 (Plot No. 4 & 5) - Floor Plans	2562-17 REVISION B	17.03.2026
Elevation plan	House Type 4 (Plot No. 4 & 5) - Elevations	2562-18 REVISION B	17.03.2026
Floor plan	House Type 5 (Plot No. 8) - Floor Plans	2562-19 REVISION B	17.03.2026
Elevation plan	House Type 5 (Plot No. 8) - Elevations	2562-20 REVISION B	17.03.2026
Floor plan	House Type 6 (Plot No. 3) - Floor Plans	2562-21 REVISION B	17.03.2026
Elevation plan	House Type 6 (Plot No. 3) - Elevations	2562-22 REVISION B	17.03.2026
Elevation plan	Site Elevations	2562-24 REVISION A	17.03.2026
Supporting Docs	Odour Assessment by Phlorum Ltd dated October 2025	13868 v0	17.03.2026
Supporting Statement	Energy Statement by Impact Sustainability dated 14.01.2026	IS2553/ESR/01 Rev 00	17.03.2026
Supporting Docs	Landscape and Visual Impact Assessment by LVIA Ltd dated January 2026	NONE HG1714lvia	17.03.2026
Supporting Statement	Planning and Design Statement by ECE Planning dated March 2026	P2305	17.03.2026
Supporting Docs	Transport Statement by gta Civils & Transport dated March 2026	14043	17.03.2026
Supporting Docs	Preliminary Ground Contamination Risk Assessment Report by	R17020	17.03.2026

