Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1163
Bucks Green Pig Farm, Bucks Green, Rudgwick, West Sussex, RH12 3JJ

DESCRIPTION:
Outline Application for the erection of dwellings and associated garages, parking and landscaping with all matters reserved.

RELEVANT PLANNING HISTORY:

DC/13/1461	Change of use from pig/poultry farm to residential consisting of 6 x retirement bungalows	Application Refused on 01.09.2014
DC/15/0336	Erection of 4 x 2 bedroom detached dwellings	Application Refused on 08.05.2015
DC/20/2070	Outline application for the change of use of agricultural land to residential for the erection of 3no. dwellings, with all matters reserved	Application Refused on 02/07/2021

SITE AND SURROUNDS

The application site is located to the north of the A281, outside of, but immediately adjacent to, the built-up area boundary of Bucks Green. The site measures 0.3 hectares in area and comprises a former Pig Farm. A number of structures remain on-site, albeit in a dilapidated state, with the area overgrown.

The application site is bound by mature vegetation to all sides, with a number of trees protected under Tree Preservation Orders (TPOs) located along the southern boundary. The site is also registered as Priority Habitat as an unmanaged Traditional Orchard.

The site is bound to the south and east by residential dwellings, with enclosed agricultural fields located to the north and west.

DETAILED DESCRIPTION

The application seeks Outline Permission with all matters reserved for the erection of 3no. detached four bedroom dwellings. As the application is made in outline, details of the layout, scale, appearance, and access are reserved for later consideration.

The Applicant has submitted an indicative Site Plan showing the likely position of the proposed dwellings, as well as the associated turning and access. This indicates that 2no. dwellings would be located to the north of the site, with 1no. dwelling located to the west. Parking and turning would be located to the southern portion of the site, with access provided using the existing field entrance. While

all matters are reserved for later consideration, this does provide some guidance to the potential development.

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 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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Neighbourhood Plan:
Rudgwick Neighbourhood Plan
RNP1: Spatial Strategy
RNP2: Housing Mix
RNP4: Homes for Older People
RNP5: Housing Density
RNP6: Materials
RNP7: Architectural Style
RNP8: Development Height
RNP9: Street Scene
RNP17: Green Infrastructure and Trees

Parish Design Statement:
Rudgwick Parish Design Statement

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.

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:

Aboriculture officer: Advice/No objection

No arboricultural concerns subject of standard validation requirements for current Tree Survey and Arboricultural impact Assessment to be submitted with any subsequent reserved matters submission.

The site has some mature trees and hedging which are principally confined to the boundaries. The submitted tree survey is no longer representative of trees present or their condition.

The belt of lime trees alongside the road frontage (originally 17 in total) subject of the Tree Preservation Order (Ref: TPO/0483) has been denuded over time and requires closer inspection of individuals to assess remaining useful life expectancy and potential contribution to a re-developed site.

HDC Environmental Health: Objection as further information is required
Noise
An Environmental Health Officer has recently visited the application site and road traffic noise from the heavily trafficked A281, located in close proximity to the site's southern boundary, was very noticeable. Where this is the case and residential development is proposed in close proximity to a predominant source of noise we would reasonably expect the application to be supported by a noise impact assessment which quantifies and assesses the impact of road traffic noise on residential amenity and, crucially, provides the LPA with confidence that noise levels, both internally and in proposed amenity spaces, are capable of being mitigated through conditions.

A report of the nature has not however been submitted with the proposals – it has therefore not been adequately demonstrated that road traffic noise will not give rise to adverse impacts on the amenity of future occupants of the proposed dwellings.

In addition to the above, given the close proximity of the A281 it is our expectation that the layout of the development is designed in accordance with ProPG: Planning & Noise. In particular that the dwellings have appropriate layout, both internally and externally, with amenity spaces suitably screened and bedrooms/living rooms not overlooking the A281. From reviewing the proposed layout we are however not convinced that the layout as currently proposed presents good acoustic design as detailed in ProPG.

We will be able to provide further comment on the proposed layout once the above-mentioned noise assessment has been undertaken.

Land Contamination
During the above-mentioned site visit it was apparent that made ground soils and a significant amount of waste materials, assumed imported, were present on the site – both of which are potential sources of contamination. Given this and the historic agricultural use of the site, a land use which we Environmental Health considers potentially contaminating, we are of the view that the ground on the site has the potential to be contaminated.

Given the above and taking into account the proposed residential use of the site, a land use that is sensitive to the presence of contamination, to ensure the site is suitable for residential development the

application should be supported by a preliminary contamination risk assessment (PCRA), undertaken by a suitably competent and experienced environmental consultant.

We note that a Phase 1 Preliminary Assessment was submitted in support of previous planning applications on this site c.2015, however given the time since this report was produced, and taking into account our recent observations as detailed above, an up-to-date PCRA is required in support of the application.

Proposed Water Supply
The application site would appear to be located within the Sussex North Water Resource Zone, a water neutrality statement does not however appear to have provided in support of the application. If a water neutrality statement is subsequently provided and it indicates that water neutrality will be achieved by way of a private water supply such as a rainwater harvesting system and/or an onsite borehole then we ask that we are re-consulted.

Construction Phase
During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan will be recommended as a condition, once we are happy that the above matters have been addressed.

Natural England: Objection
We concur with the conclusion of your authority's HRA appropriate assessment in so far that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out, as such:

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- Obtain information requested in HRA/AA

WSCC Highways: Comments (summary)
This application is outline with all matters reserved for the rection of three four-bedroom dwellings. The site is located on Bucks Green, an A-classified road subject to a speed restriction of 30 mph in this location. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns to the principle of the application proposals.

The LHA most recently previously provided consultation advice for this site for similar application DC/20/2070, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Parish Comments:
None received

Representations:
2 letters of representation received supporting the proposal on the following grounds:

- Development would represent an improvement over the existing arrangement on site in terms of being visually attractive
- Would be a useful use of the land given housing crisis and to prevent vandalism
- Benefit to the community
- Other comments made in respect of parking, traffic, surface water drainage
- Housing provision

1 letter of representation received objecting to the proposal on the following grounds:

- Concern over the traffic creation generated by the development, visibility and safety concerns

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 site is located outside of any defined built-up area boundary and is therefore located within the countryside in policy terms. It is however recognised that the site adjoins the built-up area boundary of Bucks Green to the south and east. The site has been subject of a number of applications for residential development under planning references DC/13/1461 and DC/15/0336. The most recent application was dismissed at appeal by the Planning Inspector, with the appraisal of the development considered against the current local plan policies within the Horsham District Planning Framework (HDPF).

The Inspector concluded that the proposed development for 4no. two storey dwellings would not meet an overriding need for development beyond the settlement boundary of Bucks Green and would not fall within the stated criteria under Policy 26 of the HDPF. It was thereby concluded that the proposal would not be sustainable development for the purposes of the HDPF and specifically Policy 26.

Since this appeal, an application was refused DC/20/2070 with numerous reasons for refusal. The first reason for refusal is relevant to the principle of the application, being:

"The development site is within a countryside location outside of the built-up area boundary of any settlement on a site which has not been allocated for development within the Horsham District Planning Framework or a Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. It has not been demonstrated that there are any material considerations of significant weight to justify a departure from this overarching spatial strategy. The proposed development would therefore be contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015)."

Notwithstanding this, there are additional considerations that have arisen since this previous determination and are now relevant to this application: the emerging Horsham District Local Plan (HDLP) is currently being prepared and sets out emerging planning policies and proposals to guide development in the District (excluding the South Downs National Park) up to 2040, with the Regulation 19 HDLP having recently undergone public consultation. As the draft local plan progresses under regulation 19 into adoption the policies within it will be afforded increasing weight. The application site is allocated to have *6* dwellinghouses within the draft local plan under Policy HA14 (Rudgwick and Bucks Green Housing Allocations) RD2. However, the present application only proposes 3 units. It is noted that whilst the application is allocated for development, the proposal does not accord with this document which demonstrates the need for 6 homes within the site.

Whilst the emerging HDLP presently holds limited weight, the site's allocation for residential development clearly demonstrates a direction of travel- as such, the principle of establishing a

residential use on this site is not resisted. However, as above, the allocation under HA14 of the HDLP (RD2) specifically allocates the development of 6x dwellings. The proposal for 3x dwellings would therefore be contrary to Policy HA14 of the emerging local plan.

Reserved Matters:

As above, matters relating to appearance, landscaping, layout, scale and access have been reserved for later consideration. However, the applicant has provided an indicative layout plan- therefore, the Local Planning Authority can provide some commentary on these matters, as the plan would form the parameters for the reserved matter proposals.

Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

Strategic Policies 19 and 20 of the emerging HDLP require high-quality, beautiful and inclusive design which conserves and enhances the natural and built environment, and reflects the local, physical, social, economic, environmental and policy context. In particular, Strategic Policies 19 and 20 support development which, inter alia, is: attractive, functional, safe and adaptable; compliments and respond to locally distinctive characters; contributes to a sense of place; makes efficient use of land; provides a good standard of amenity for existing and future occupants; is of a sympathetic scale, massing and appearance; uses high standards of building materials and landscaping; allows sufficient space for general waste and recycling provision; and makes a clear distinction between public and private spaces.

Policy RNP2 of the RNP requires new development to positively respond to the established character and density of its immediate locality. Policy RNP6 of the RNP is clear that development should utilise materials that reflect the common building styles across the Parish, including brick being the main building material and the use of tiles as roofing material. Policy RNP7.1 of the RNP states that new development proposals should be designed with reference to the surrounding architecture, paying particular attention to features of the local vernacular and locally characteristic details. Such details may include: rooflines with hipped, half hipped with gablets and catslides; chimneys as centrally located ridge stacks and end of gable stacks; sash windows; and timber fielded panel or more simple plank doors. Policy RNP7.1 is clear that proposals that apply such details as a poorly integrated part of the overall design, will not be considered to have achieved a high quality of design and, therefore, will not be supported. Policy RNP8.1 of the RNP states that new developments should reflect the local tradition and be of two storeys in height. Policy RNP8.2 further emphases that irrespective of their location, the scale and massing of new developments should respect the character and appearance of the surrounding built and natural environment. Policy RNP9.1 of the RNP requires new buildings to be placed to form consistent building lines along streets. Policy RNP9.4 of the RNP requires new vehicular access to be in keeping with the property and surrounding street scene. Policy RNP9.4 goes on to say that materials used in the construction of driveways should actively respond to the predominant material in the locality and Policy RMP9.5 requires lighting associated with the driveway to be low-level and downward facing.

Whilst all matters have been reserved, the Applicant has submitted an indicative Site Plan showing the likely position of the proposed dwellings, as well as the associated turning and access. This indicates that 2no. dwellings would be located to the north of the site, with 1no. dwelling located to the west. Parking and turning would be located to the southern portion of the site, with access provided using the existing field entrance. While the details submitted are indicative only, the submitted Site Plan illustrates the likely layout of the proposal, including the parking and turning areas and the amenity space for each dwelling. This does not appear to have changed since the previous application was refused.

PPG035 (Reference ID: 14-035-20140306) states that:

'An applicant can choose to submit details of any of the reserved matters as part of an outline application. Unless the applicant has indicated that those details are submitted "for illustrative purposes only" (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.'

The submitted site plan is labelled 'Site Plan Illustration' and is therefore considered illustrative. The following definition of each reserved matter is taken from PPG Paragraph 006 (Reference ID: 14-006-20140306):

Access

'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.'

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

While the matter of access is reserved for later consideration, the indicative Site Plan submitted illustrates that the existing entrance gate would be utilised. The southern section of the site would be utilised for turning space with 2no. parking spaces provided for each dwelling.

Strategic Policy 24 of the emerging HDLP supports residential development which minimises the need for travel and priorities the ability of residents to safely and conveniently walk and cycle to meet their day-to-day neds. Strategic Policy 25 of the emerging HDLP requires adequate, safe and secure, off-street vehicle and parking provisions.

Following consultation with WSCC Highways, it is not anticipated that the addition of 3no. dwellings would give rise to a significant material intensification of movements to or from the site. Visibility appears sufficient at the existing point of access onto Bucks Green, subject to vegetation being cut back west of the access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site, and there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least nine car parking spaces. Therefore, the applicant is advised to demonstrate a parking provision for at least nine parking spaces at Reserved Matters stage if this application were to be approved.

Whilst the concern over visibility and traffic raised within the letters of representation have been noted, it is considered that there are no objections in light of policy 40 and 41 of the HDPF.

Appearance

'the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.'

The application has not indicated the appearance of the buildings. Therefore, this matter will need to be addressed at the reserved matters stage.

Landscaping

'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;'

No detailed landscaping plan has been provided as part of this outline permission. However, the illustrative plan indicates hard and soft landscaping arrangements, in addition to fencing and boundary treatments. Notwithstanding this detail, the site is capable of being designed in a way in which would be acceptable in terms of landscape design. In any case, this matter will need to be addressed at the reserved matters stage.

Layout

'the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.'

Whilst reserved for later consideration, the application includes an indicative layout plan, illustrating the location of the proposed buildings. The wider surroundings are characterised primarily by linear residential development which fronts, or is set back from, the public highway. It is recognised that most of the residential dwellings to the south of the site have laid hardstanding over the front gardens to provide parking areas. The dwellings to the east are set back at a greater distance from the highway and incorporate landscaped front gardens.

The application site sits on the edge of this existing residential development and is bound by open countryside to the north and west. As per the considerations of design with the previous officer's report, given the context, the proposal would retain the site's informal character, and would share a greater relationship with the wider countryside to the north and west. It is recognised that the site is read in the context of the surrounding built form, but given its position, it is understood in relation to the lower density development to the east, rather than the development to the south.

The previous applications' assessment on the matter of layout are material, especially as the overall layout has remain unchanged between the applications. While the proposed build pattern would generally reflect the character of the wider locality, there are some concerns regarding the position of the western-most dwelling, particularly as this would noticeably break the recognised build line along the A281. It is however recognised that the application is in Outline with all matters reserved, and the siting of this dwelling could be appropriately addressed at Reserved Matters stage. In any case, as above, the site is allocated for 6x dwellings, thus the proposed layout would remain contrary to Policy HA14 of the emerging plan.

Scale

'the height, width and length of each building proposed within the development in relation to its surroundings.'

Whilst reserved for later consideration, the application includes an indicative layout plan, illustrating the location of the proposed buildings (as above). The application form and plan also indicates the dwellings to comprise single storey bungalows. Notwithstanding the above in relation to the allocation of 6 dwellings, and when considering the character of the site and surrounding area, no objection is raised to the principle of such a scale of the buildings.

Other Matters:

Amenity Impacts:

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(2) 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.

Strategic Policy 20 of the emerging HDLP requires development to be designed to avoid unacceptable harm to the amenity of existing and future occupiers or users of nearby property and land, for example due to overlooking, over dominance or overshadowing, light pollution, traffic generation, and general activity, noise, odour and/or vibration.

The indicative Site Plan shows that the dwellings would be laid out across the site, with 2no. dwellings oriented to face south and 1no. dwelling oriented to face north. The eastern most dwelling would be set back from the neighbouring dwelling of Coopers Retreat, with the 3no. dwellings comprising a staggered build line. No indication of the scale of the proposed development has been provided, and it is unclear whether the dwellings would be single storey or extend over two storeys or more.

The proposed development has the potential to improve the relationship with the nearby residential properties, with the change of use of the site representing a more agreeable use than the use of the land as a pig farm or other agricultural use as it would reflect the character of the immediate surroundings. This would result in some public benefit, and this is of weight in the appraisal of the application.

The indicative Site Plan is considered to show that the development could be appropriately accommodated and arranged so that the amenities of neighbouring residential properties would not be adversely impacted. This would however be subject to detailed design considerations to ensure that the development does not lead to unacceptable overlooking and loss of privacy, particularly to the dwelling of Coopers Retreat to the east.

There are however concerns that the future occupiers of the proposed development, and particularly the western-most dwelling, would be subject to unacceptable noise and disturbance given the proximity to the A281. In order to understand the likely impacts of traffic noise on the future occupiers, and the need for mitigation where necessary, a Noise Impact Assessment is considered necessary. No such Assessment has been submitted, and it has not therefore been demonstrated that future occupiers of the development would not be subject to adverse harm through noise and disturbance.

Arboricultural Impacts:

Policy 31 of the HDPF states that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. In addition,

Policy 33 outlines that development proposals should presume in favour of the retention of existing important landscape and natural features. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

No Objections have been raised by the Aboricultural Officer, subject to the retention of the protected trees and suggested works to limit further deterioration which would be outlined within the reserved matters stage. A validation requirement should necessitate a current Tree Survey and Arboricultural impact Assessment to be submitted with any subsequent reserved matters submission.

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.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

No Ecological information has been submitted as part of the information. Given the number of trees within the application site and to the north of the application site, it is considered that there would be potential for roosting bats and other protected species. The roof is also considered to be a potential roosting site and whilst further ecology information was requested in light of the above, during the course of the application, no information was forthcoming.

Given the context of the application site and absence of information, it is not possible to conclude if protected species would be impacted by the proposal.

With the above in mind, the proposal is considered to result in adverse harm to Ecology contrary with Policy 31 of the Horsham District Planning Framework (2015).

Biodiversity Net Gain:

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The application form submitted has claimed that the application would be exempt from Biodiversity Net Gain requirements as the dwellings built would be self-build. Where this is a requirement, the application would require at least 10% net gain. If the development constituted self-build housing, the exemption would apply. The assessment of BNG for the scope of this application can only be whether BNG is applicable such that these details are required, or that it is not applicable. The requirement to demonstrate that the development is correctly assessed as BNG exempt or not is the responsibility of the applicant.

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.

The applicant has not provided a Water Neutrality scheme to support this planning application. An Appropriate Assessment has been undertaken based on the submitted information, and consulted upon with Natural England, who are in agreement with officers that there is insufficient information submitted in order to determine the likely impacts of the proposal, by way of a lack of evidence over the baseline water use. Therefore, officers conclude that insufficient information has been provided to demonstrate that the development is water neutral. It cannot therefore be concluded that the proposed development would not result in a likely adverse impact on the Arun Valley protected sites. It is acknowledged that the application is at outline stage with matters reserved, however, this would not provide the required degree of certainty that the development would not result in adverse impacts through additional water abstraction.

In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 National Planning Policy Framework (2023), and the

Council's duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Conclusion:

The application site abuts the Rudgwick BUAB but is in the countryside in policy terms. However, the site is allocated for development in the emerging Horsham District Local Plan under Policy HA14 (RD2). Therefore, the principle of establishing development in this location is not resisted. Whilst the HDLP is given limited weight in the decision-making process, however given the proposal would fall short of the allocation in terms of the number of housing provision the benefit arising from the proposal would not sufficiently contribute to the identified local housing need. The proposal is considered to be contrary to Policy HA14 of the HDLP.

All matters have been reserved for later consideration. Notwithstanding the conflict with the provision of HA14 as above, the site is capable of being designed in a way which would reflect the landscape, appearance, layout and scale of the prevailing character of the area.

Subsequent to the receipt of the Natural England position statement, and in the absence of the applicant demonstrating water neutrality (as above), the proposal would result in an increase in water abstraction from the Pulborough borehole, in which its cumulative impact would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. Therefore, the Local Planning Authority are of the view that in instances where Water Neutrality cannot be demonstrated, this represents a clear reason for refusal (as per NPPF paragraph 11(d)(i)).

In the absence of demonstrating water neutrality, the proposal would adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar site. This adverse impact on these protected sites is afforded significant weight, as approving such a scheme without demonstrating water neutrality would (cumulatively) result in irreversible harm to and loss of habitats and protected species. In such circumstances the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 185 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017. Insufficient information has been provided to demonstrate that the future occupiers of the development would not be subject to unacceptable levels of noise and disturbance, with insufficient information also provided to demonstrate that the development would have no adverse impacts on protected species and its habitat, and the registered priority habitat.

Furthermore, the applicant has not suitably demonstrated that the occupants of the site would not be adversely impacted by unacceptable noise and disturbance given the proximity to the A281. IN addition, insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable.

For the above reasons, the outline proposal for 3x dwellings in this location would be contrary to relevant policies within the HDPF and the emerging HDLP.

Recommendation: Application Refused

Reasons for Refusal:

1 Whilst the application site has been allocated for residential development within Policy HA14 of the emerging Horsham District Local Plan, the provision of three dwellings would not be in accordance with the identified housing needs within the locality such that it would not comply with the emerging policy.

2 Insufficient information has been provided to demonstrate that the future occupiers of the proposed development would not be subject to unacceptable levels of noise and disturbance arising from the traffic noise along the A281, contrary to Policy 33(2) of the Horsham District Planning Framework (2015).

3 Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

4 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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/24/1163

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

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Ecology and tree	NONE	30.07.2024
Site plan		02 REV A	30.07.2024
Supporting Statement		NONE	30.07.2024
Location plan		NONE	30.07.2024
Supporting Statement	Planning	NONE	30.07.2024
Supporting Statement	Tree	NONE	30.07.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 29/08/2024

Authorising Officer sign/initial RHERMITAGE Date: 24.09.2024