



Appeal Decision

Site visit made on 20 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/Z3825/W/25/3361573

The Royal Oak, Friday Street, Rusper RH12 4QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Bell against the decision of Horsham District Council.
 - The application Ref is DC/22/0355.
 - The development is described as the proposed erection of two 3 bedroom dwellings with integral garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the proposal having regard to the spatial strategy for the district; and
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings.

Reasons

Suitable location

3. The appeal site lies within a small cluster of houses. It was formerly the car parking area of a public house which has since been demolished and replaced by two semi-detached properties which adjoin the appeal site. The site is currently gated and has an existing vehicular access onto Friday Street.
4. As the appeal site is set within a small cluster of buildings in residential use, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is in a rural setting, some distance from the nearest settlement.
5. Policy 2 of the Horsham District Planning Framework (2015) (HDPF) outlines the Council's spatial strategy, which focusses significant development in Horsham. Further growth shall be distributed across a range of settlements outlined within a hierarchy in Policy 3.

6. Policy 4 of the HDPF supports the expansion of settlements beyond built-up area boundaries, provided that the site is allocated either in the Local Plan or a Neighbourhood Plan, and adjoins the existing settlement edge. In this case, the appellant confirms that the appeal site lies outside and is physically separate, by approximately 2.5 miles, from the nearest settlement boundaries of Horsham and Rusper. Moreover, Policy RUS1 of the Rusper Neighbourhood Plan (2020) (NP), as illustrated on the Policies Map, defines the built-up area boundary for Rusper, which does not include the appeal site. Accordingly, the proposal would be in conflict with Policy 4 of the HDPF.
7. Policy 26 of the HDPF states that, outside built-up area boundaries, development must be essential to its countryside location and must also satisfy the criteria set out within the policy. To meet the policy requirements, proposals must be needed to support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use, or enable the sustainable development of rural areas. Given the residential nature of the proposal, it would not meet any of these stated criteria.
8. As the Council is currently unable to demonstrate a five-year housing land supply in accordance with existing development plan policies, it has produced the Facilitating Appropriate Development Document (2022) (FAD) to support the delivery of housing in the interim period, pending adoption of the a new Local Plan. While the FAD is guidance rather than policy, it adopts a more positive approach to residential development outside settlement boundaries. Notably, it allows for the consideration of unallocated sites located outside but adjoining built-up area boundaries. The main parties agree that the appeal site is not located in close proximity to any built-up area boundaries, and therefore the extent to which it would comply with the other criteria within the FAD is of limited relevance.
9. To access services and facilities within Rusper or Horsham the occupants of the proposed dwellings would, for a large proportion of the route, have to walk or cycle along the remote, narrow rural lanes, which are unlit and would be a less attractive route outside daylight hours. Therefore, the route is unlikely to be an attractive option for walking and cycling outside of daylight hours or during inclement weather.
10. For the reasons given, essential services, facilities and employment opportunities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport.
11. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment opportunities. The proposal fails to accord with policies 1, 2, 3, 4, and 26 of the HDPF and policy RUS1 of the NP. Amongst other things, these policies set out the settlement strategy, seek to limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities.

Character and appearance, including listed buildings

12. The appeal site is located within a small cluster of dwellings in a rural setting, accessed via quiet, narrow country lanes. This grouping is characterised by a loose and informal layout, with plot sizes that are generally large but varied. Historic dwellings with vernacular architecture are typically set well back from the public highway, contributing to a spacious character. The street scene is distinctly rural, defined by mature vegetation along front boundaries which provides a soft, green edge and often screens properties from public views.
13. In contrast, the proposed dwellings would be positioned close to the public highway, with areas of car parking adjoining it, and with limited landscaping or vegetation to soften the visual impact. As a result, the development would appear as a particularly prominent addition to the street scene.
14. The proposal adopts a traditional design approach, incorporating pitched roofs and materials that reflect elements of the adjoining semi-detached dwellings. Whilst I acknowledge these recently constructed properties, they are not particularly representative of the wider character of the area, which is defined by a more informal and spacious pattern of development.
15. As a result, the proposed dwellings' siting close to the appeal site's front and side boundaries, would not reflect the established pattern of development in the area. The arrangement would erode the green buffer that currently contributes to the rural setting and would result in a layout that appears cramped.
16. Moreover, the scheme would introduce a more uniform and continuous run of built form. Despite the potential for future landscaping, the cumulative visual effect of four dwellings in close proximity would have a pronounced suburbanising appearance. While I acknowledge that the appeal site constitutes previously developed land, the proposed layout would nonetheless be incongruous with the prevailing rural character and would fail to respond appropriately to the site's context.
17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to have special regard to the desirability of preserving the listed buildings, or their settings, or any features of special architectural or historic interest which they possess.
18. The List description confirms that the Grade II listed Friday Farm, was listed in 1980 and dates from the sixteenth century, with a small nineteenth century addition at its southern end. It is two storeys in height, and is set deep in its plot away from the public highway. Amongst other things it is described as a timber-framed cottage with plaster infilling and curved braces at first floor, with a tiled roof and casement windows.
19. From my observations on the site visit and the evidence before me, the significance of Friday Farm is derived mostly from its age, architectural quality and its contribution to the rural character of the area. There is no disagreement between the parties that the proposal would be within the setting of the listed building. Given the proximity of the proposal to the heritage asset, I see no reason to disagree.
20. Friday Farm provides an attractive backdrop to views from the east along Friday Street. From this vantage point, the proposal would be clearly visible on the left-hand side of the street, forming part of the wider view towards the listed building.

The proposal, in combination with the adjoining pair of semis, would create a run of buildings across a relatively large area which would appear in the view as a sprawling and suburbanising development, which would be in stark contrast to the rural setting of the listed building. As a consequence, there would be less than substantial harm to the setting of Friday Farm.

21. There are two other Grade II listed buildings, known as Howells and Little Benhams. The significance of these listed buildings is derived mostly from their age and architectural quality. The proposal would be located some distance from Howells, separated by the built form of intervening dwellings, and would not be prominent in views of the listed building. Whilst the appeal site is opposite Little Benhams, given that listed building's significant set back from Friday Street, there would be limited intervisibility of the properties. Consequently, the proposal would have a neutral effect on the setting of these other nearby listed buildings.
22. However, in failing to preserve the character and the setting of Friday Farm, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposal would provide benefits such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of underutilised land.
23. The appellant also indicates the proposed dwellings will be built to a high standard and would be energy efficient, and that there is an opportunity for landscape planting. These matters weigh in favour of the development. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.
24. However, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the setting of the LB and the great weight given to the conservation of designated heritage assets.
25. For the above reasons, I find that the proposal conflicts with Policies 25, 26, 32, 33 and 34 of the HDPF and Policy RUS3 of the NP, which collectively support development of a high-quality design that relates sympathetically with the built surroundings, seek to protect the landscape character, and prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance.

Other Matters

26. Various objections have been raised by neighbours including in relation to issues such as highway safety and the effects on wildlife and biodiversity. However, as the appeal is to be dismissed there is no need to address these in detail.
27. The appeal site falls within the Sussex North Water Supply Zone. The Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites are vulnerable to pressures arising from groundwater abstraction from this

supply zone. The Council indicate that subject to a section 106 agreement to secure offsetting, the proposed mitigation measures are acceptable and would result in the proposal being water neutral. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, as amended, indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not necessary to consider this matter further.

28. I have been referred to planning appeal decisions at Marlpost Meadows, Cowfold Lodge Cottage and Wappingthorn Lodge¹. However, in each of these decisions, the Inspectors did not find that the proposals would cause harm to the significance of designated heritage assets. For this reason, the circumstances within the appeals differ to the proposal before me. Notwithstanding this, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
29. The Framework seeks to significantly boost the supply of homes. Paragraph 73(d) supports the development of windfall sites. The proposal would involve the re-use of the appeal site and paragraph 124 supports the effective use of land. It also encourages the optimal use of underutilised land, and states that, where there is shortage of land for meeting identified housing needs, planning decisions should avoid homes being built at low densities. However, any weight attributed to these factors is tempered by the Framework's expectation that developments prioritise pedestrian and cycle movements. The appellant asserts that the site is previously developed land, which is not disputed by the Council. However, while the Framework requires substantial weight to be given to the value of using suitable brownfield land for homes, this is for land within settlements which would not be the case with the scheme before me.
30. I recognise that the proposal would be energy efficient and that future landscaping could serve to enhance the Council's Green Infrastructure Network. These matters weigh in favour of the proposal.
31. The proposed dwellings would also have good internal space, with a functional layout and future occupiers would have sufficient external amenity areas. Compliance with the development plan in relation to issues such as landscaping and amenity of neighbouring occupiers are expectations for all development. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.

Planning Balance and Conclusion

32. The appellant and the Council are in agreement that the Council cannot demonstrate a 5-year housing land supply. The appellant indicates that the Council has a 2.9 year supply of housing land, and this is reflected in the Council's most recent Authority Monitoring Report (AMR) 2022/23 (January 2024).
33. In these circumstances, footnote 8 of paragraph 11(d) of the Framework confirms that insufficient housing delivery dictates that planning permission should be granted unless, as per paragraph 11(d)(i); the application of policies in the Framework that protect areas or assets of particular importance provides a clear

¹ Appeal references: APP/Z3825/W/22/3303603; APP/Z3825/W/23/3325926; APP/Z3825/W/24/3341171

reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

34. As the proposal relates in part to the setting of a designated heritage asset, the application of policies in the Framework that protect areas or assets of particular importance, as given in footnote 7 of paragraph 11(d)(i), provide a clear reason for refusing the development proposed.
35. Alongside my findings in respect of the designated heritage asset, I have found that this site is not a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment opportunities.
36. The harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR



Mr David Mott
DMA BUILDING DESIGNS
Unit 4B
Rudgwick Brickworks
Lynwick Street
Rudgwick
RH12 3DH

Application Number: DC/22/0355

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr D Bell

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby **REFUSE** to permit the works specified hereunder, that is to say:

Erection of a pair of two-storey semi-detached dwellings with garages.

The Royal Oak Friday Street Rusper Horsham

as shown on Plan and Application Number DC/22/0355 submitted to the Council on 17/02/2022. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

- 1 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or the Rusper Neighbourhood Plan. The proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements and is not essential to its countryside location. The proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and Policy RUS1 of the Rusper Neighbourhood Plan.
- 2 The proposed development, due to its scale, quantum and layout, would fail to reflect the landscape characteristics and intrinsic features of the landscape area, and would detract from the ambience and sense of the place of the rural countryside setting by formalising and urbanising the rural landscape character. The proposal would diminish and erode the spacious character and setting of the nearby Listed Buildings, and when considered cumulatively, would fail to protect, conserve, or enhance the key features and characteristics of the landscape character area and would result in significant and demonstrable harm to the countryside setting. The proposal is therefore contrary to Policies 25, 26, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Rusper Neighbourhood Plan.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Roof plan		DE 962 / 05 P2	17.02.2022
Floor plan	Proposed Ground Floor Plan	DE 962 / 03	17.02.2022

		REVISION P2	
Floor plan	Proposed First Floor Plan	DE 962 / 04 REVISION P2	17.02.2022
Elevation plan	Proposed Elevations	DE 962 / 06 REVISION P2	17.02.2022
Block plan	Proposed Block Plan	DE962/ 02 REVISION P3	17.02.2022
Location & Block plan	Site Location & Block Plan	DE 962 / 01 REVISION P2	17.02.2022
Supporting Statement	Water Neutrality Statement by Falcon Energy Limited	NONE	23.10.2023
Supporting Statement	Phase 1 Land Contamination Risk Assessment by Castledine Environmental dated 08/03/2023	3491D P1 Potts - Rusper, West Sussex	20.03.2023

Note to Applicant – Community Infrastructure Levy (CIL):

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

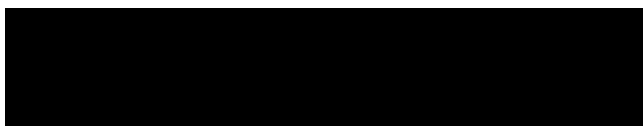
If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note To Applicant:

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.



Emma Parkes
Head of Development and Building Control

Date: 17/09/2024

ADDITIONAL INFORMATION

Right of Appeals

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

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

served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

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

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

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

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



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/22/0355

The Royal Oak, Friday Street, Rusper, Horsham, West Sussex, RH12 4QA

DESCRIPTION:

Erection of a pair of two-storey semi-detached dwellings with garages.

RELEVANT PLANNING HISTORY:

DC/17/1579	Proposed conversion of public house into a single four bedroom dwelling with associated external alterations including single storey side and rear infill extension with roof lights.	Application Permitted on 08.03.2018
DC/18/2707	Conversion of existing property to create two dwellings.	Application Permitted on 15.02.2019
DC/21/2008	Erection of 2No. 2 bedroom dwellings and 2No. 3 bedroom dwellings with a garage.	Application Refused on 30.11.2021

SITE AND SURROUNDS

The application site is positioned to the south of Friday Street, outside of any defined built-up area boundary, and is therefore within the countryside in policy terms. The site comprises the car park to the former pub known as The Royal Oak, which has since been demolished and replaced by 2no. semi-detached residential dwellings.

The site sits in the setting of three Grade II listed buildings, Little Benhams opposite to the north, Friday Farm to the west, and Howells to the east. The wider area is characterised by sporadic residential development, with woodland and enclosed fields surrounding.

DETAILED DESCRIPTION

The application seeks full planning permission for the erection of 1no. pair of 3-bed semi-detached, along with the creation of new accesses.

The proposed dwellings would be positioned within the car park serving the former pub. The dwellings would be set back from the road frontage and set slightly to the south of the build line of the approved semi-detached dwellings to the east. Each dwelling would benefit from a separate vehicle access, with the Proposed Site Plan suggesting that the existing hedgerow would be removed.

The proposed dwellings would incorporate two storey gable features to the front, with pitched roofs. The semi-detached pair would reflect each other, with large pitched roof garages extending from the side elevations and large bi-fold doors to the rear. Each dwelling would be finished in facing brick and tile hanging, with plain clay tiles to the roof.

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 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Rusper Neighbourhood Plan

Policy RUS1 – Spatial Plan
Policy RUS3 – Design
Policy RUS4 – Local Heritage Assets
Policy RUS5 – Green Infrastructure and Biodiversity

The Horsham District Local Plan 2023-2040

The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that “*local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

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 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31 - Rural Economic Development
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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:

WSCC Public Rights of Way: 9th of March 2022

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information.

Public Footpath 1494 runs in an approximate north-south alignment within the red line boundary of the development and to the west of the units proposed for construction. It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team. Informatives have been advised.

WSCC Highways: 21st of March 2023

The site is located on Friday Street, a C-classified road subject to a speed restriction of 40 mph in this location.

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 14/03/2022, raising no highway safety concerns. The applicant has submitted new application documents and as such, the LHA has been reconsulted.

From inspection of the newly submitted application documents, the information provided does not impact upon the LHAs previous comments, which remains valid. The LPA are advised to refer to the LHAs previous consultation response, dated 14/03/2022, for relevant highway comments and recommended conditions and informative.

WSCC Highways: 14th of March 2022

The site is located on Friday Street, a C-classified road subject to a speed restriction of 40 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for application DC/21/2008, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

The applicant proposes two new vehicular accesses onto Friday Street. Any works within the highway boundary will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Area Engineer. The LHA does not anticipate that the proposal would give rise to a significant material intensification of movements to or from the site.

It is advised that maximum achievable visibility splays for the proposed accesses are submitted, which intersect land only within the control of the applicant or within the Highway Boundary. The splays should be drawn from a 2m "X distance" from the edge of the highway at the access point and span to the nearside edge of the carriageway. In line with Manual for Streets (MfS) paragraph 7.7.7, which outlines that a minimum figure of 2m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the

running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered. These splays, once demonstrated, should be maintained to a height of below 0.6m in order to retain visibility along Friday Street.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing accesses and nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Regarding parking, both dwellings will be provided with single-bay garages and driveway. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least five car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient in principle. The provision of a turning space has been demonstrated, allowing cars to exit the site in a forward gear. It should be noted that the proposed garages fall short of the minimum internal

dimensions for single-bay garages of 3m x 6m as set out in Manual for Streets (MfS). The garages as proposed have internal dimensions of 3.5m x 5.5m. The applicant is advised to enlarge the proposed garages to MfS specifications, to ensure modern cars can be accommodated within.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below. Regarding cycles, the applicant has not provided details of cycle parking provision. The LHA notes that the proposed garages could be considered for cycle parking provision if they are enlarged to MfS specifications. The LHA acknowledges the rural location whereby cycling may not be a viable option for some residents. If

the LPA believes cycle parking provision is justifiable for this application, the applicant should demonstrate this in the form of covered and lockable cycle storage.

The site is situated in a remote location with little in terms of facilities or services nearby. Rusper is 2.2 miles away, offering a primary school, a shop, some services and buses to Ifield. Larger urban areas such as Crawley and Horsham are within 8 miles of the site. For this reason, it is likely that the private car will be the most likely choice of transport for the residents. The LPA may wish to consider the amenity impacts of this.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, conditions should be applied.

Natural England: 9th of October 2023

No objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Southern Water: 3rd of April 2023

Southern Water has noted that the applicant has submitted a Water Neutrality report which we understand the Local Planning Authority will be working in conjunction with Natural England on reviewing the developers proposals. We would not comment on the developers proposals directly, however if the LPA have any specific questions, they can be forwarded to us for a direct response. The comments in our response dated 23/02/2022 remain unchanged and valid for the amended details.

Southern Water: 23rd of March 2022

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

HDC Arboricultural: 15th of March 2023

There are no direct tree impacts associated with the build footprints and access. The Field maple at the roadside entrance is of good form and condition for species and can be retained without apparent impact on sight lines. Some excavations and grading has taken place and further is foreseeable if the plan to incorporate the streamside bank into the rear amenity areas of the properties takes place. The vegetation, including some small trees here would foreseeably be removed.

The land area west of the PROW has become somewhat overgrown/unkept over the past decade or so. The change in land level means the vegetation is typical of woodland flood plain with occasional alder on the streamside bank. The application appears silent on the lands future usage.

If minded to approve in principle, recommend condition to control landscape management in the future to conserve the well vegetated attractive rural character of the hamlet and its surrounds from creeping urbanisation associated with the change of use.

HDC Conservation: 21/03/2022

Friday Street is an ancient settlement consisting of three historic farmsteads. These are the listed buildings that surround the site. The existing twentieth century dwellings are set back from the road side within well-proportioned plots. These dwellings are not conspicuous and do not dilute the rural character of the hamlet. The proposed dwellings are reminiscent of suburban dwellings. This

perception is reinforced by the shallow pitched roofs and integral garages. They are positioned close to the road side with small front gardens and relatively large areas of hardstanding for the parking of cars. Although the proposal has been reduced from two semi-detached pairs to one pair, the visual relationship with the recently completed semi-detached pair to the east reinforces a suburban character of development on this rural lane. This leads to the view that the current proposal will result in overdevelopment of the site.

A final concern is that, together with the newly completed dwellings, the density of development will be a conspicuous change within the hamlet and this will draw attention away from the adjacent historic buildings. This is particularly the case for Friday Farm which closes the vista when looking down Friday Street. The proposed dwellings will visually encroach onto the rural lane and Friday Farm will be seen in relation to suburban dwellings rather than within the setting of a rural lane. This will lead to less than substantial harm specifically to the setting of Friday Farm but also to the setting of the other two listed buildings. This harm will be moderate. This harm should be weighed against the public benefits of providing housing in this location. However, not convinced that two additional dwellings will be of significant benefit to outweigh the harm and with regard to the significant development that is currently underway in the vicinity.

Following application DC/21/2008, remain concerned by the proposal to develop this parcel of land. Have previously stated that it may be possible to place two dwellings on the site without harm to the setting of the listed buildings. These should be set well back from the lane frontage so as not to interfere with views of Friday Farm and so that a mature planted boundary can be established to reinforce the rural character of the hamlet. Not convinced the proposed pair is set far enough behind the building line of the semi-detached pair to the east to avoid being intervisible with Friday Farm. The failure to retain mature planting along the roadside will prevent mitigation of the visual harm. For these reasons, cannot support the proposal.

Environmental Health: 19th of January 2024

The Phase 1 Land Contamination Risk assessment Report has identified there is moderate risk to the future occupiers of the site. The report has recommended that further site investigations are required to fully characterize the extent of the contamination and to design an appropriate remediation scheme. If the application is approved it is recommended that conditions relating to contamination and the importation of soils be attached.

Environmental Health: 19th of January 2024

The Phase 1 Land Contamination Risk assessment Report has identified there is moderate risk to the future occupiers of the site. The report has recommended that further site investigations are required to fully characterize the extent of the contamination and to design an appropriate remediation scheme. If the application is approved it is recommended that conditions relating to contamination and the importation of soils be attached.

HDC Environmental Health: 27th of October 2023

The revised water neutrality statement has incorporated the UV sterilisation if the rainwater is used for laundry purposes. Rainwater and greywater supplies can be highly contaminated, therefore robust and detailed written private water supply management and maintenance details will need to be submitted in support of the application. However for the treatment system to operate effectively it needs to be designed to facilitate maintenance and prevent raw water contaminating the treated water. Would therefore recommend that the following condition is attached if the application is approved:

- *No development above ground floor slab level of the dwellings hereby permitted shall take place until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information:*

Detail on the likely contaminants associated with the rainwater harvesting system,

- I. *Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.*
- II. *Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.*
- III. *Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.*
- IV. *Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit*
- V. *Detail on the continuity of supply during dry periods extending beyond 35 days.*
- VI. *Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.*

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

HDC Environmental Health: 9th of October 2023

The Water Neutrality Statement indicates that rainwater will be used for laundry purposes. This water will required to be treated to potable quality in accordance with the technical guidance issued by the Drinking Water Inspectorate to local authorities.

Further information is required from the applicant to address this issue.

HDC Environmental Health: 15th of March 2023

In order to assess the suitability of any rainwater harvesting scheme the flowing information should be provided:

Rainwater and greywater harvesting schemes can be highly contaminated, therefore robust and detailed written private water supply management and maintenance details will need to be submitted in support of the application. These details should include, but not necessarily be limited to, the following:

- i. Detail on the likely contaminants associated with the rainwater harvesting system,
- ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit.
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

HDC Environmental Health: 5th of April 2022

The development site comprises the car park to the former Royal Oak Public House.

Potentially hazardous materials may be incorporated in made ground, yards and hard standings subject to commercial uses. Areas historically used for parking of vehicles can become contaminated by fuel and oil leaks.

In order to ensure the application can be properly determined it is recommended that a preliminary environmental risk assessment prepared by a competent person is provided.

Parish Comments:

27th of March 2023

Rusper Parish Council objects to this application it is overdevelopment in a rural countryside location, does not support new developments on greenfield sites, the entrance and exit are opposite existing driveways and on a dangerous bend on a narrow country lane. The Parish Council have read the water neutrality calculation and are asking for a 3 year water usage report to cross check the calculation. Housing need was demonstrated in the NP as being met via existing and planned local developments, this is an unsustainable site as it is an isolated location more than 2 miles from the village with no nearby amenities or public transport, there would be a negative impact on local listed buildings.

15th of March 2022

Rusper Parish Council strongly objects to this application for the following reasons:-

- This would be overdevelopment in a rural countryside location.
- Rusper PC does not support new developments on greenfield sites.
- The entrance and exit are opposite existing driveways and on a dangerous bend on a narrow country lane.
- Water neutrality cannot be determined and there is no real plan demonstrated in the application documents.
- Rusper's housing need was demonstrated in the Rusper Neighbourhood Plan as being met via existing and planned local developments.
- This is an unsustainable site as it is in an isolated location more than 2 miles from the village, amenities and public transport.
- There would be a negative impact on local listed buildings.

Representations:

Twenty-two (22) objections have been received raising the following:

- Highway safety.
- Overdevelopment.
- Out of keeping/character.
- Impact on nature and wildlife.
- Inappropriate impact on heritage assets.
- Parking.
- Intensification of the site.
- Sets a precedent.
- Incorrect flood risk assessment
- Unsuitable location.
- Noise and disturbance.
- Poor design.
- Loss of general amenity.
- Privacy, Light and Noise.
- Trees and Landscaping.
- Pollution and air quality.

Member Comments:

Councillor Kitchen has requested that if the application is to be recommended for approval it is taken to planning committee.

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 relates to the erection of 2no. dwellings on the car park serving the former Public House known as The Royal Oak. The wider site benefits from planning permission under reference DC/19/0860 for the demolition of the public house and the erection of 2no. semi-detached two storey dwellings. This application was approved on the basis of a fallback position following planning permission reference DC/18/2707, which approved the conversion of the building to 2no. dwellings. The development was considered to provide an opportunity to improve the quality of the resulting accommodation on-site and improve the relationship with the adjacent property of Howells Cottage.

The application site is located outside of a built-up area boundary and is therefore in a countryside location in policy terms. As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the Horsham District Planning Framework (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 RUS1 of the Rusper Parish Neighbourhood Plan defines the built-up area boundary of Rusper for the purpose of applying Policy 4 of the HDPF. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.

Policy RUS1 of the Rusper Neighbourhood Plan states that the Neighbourhood Plan defines the built-up area for Rusper for the purpose of applying Policy 4 of the HDPF.

Paragraph 83 of the NPPF states that to promote 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.

Paragraph 84 of the NPPF continues that planning policies and 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 80.

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 criteria 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 criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

Strategic policies 1, 2 and 3 from the emerging plan currently hold limited weight. These policies are not considered to outweigh policies 2, 3, 4 of the HDPF.

The proposed development would therefore be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan. Consideration of whether any material considerations outweigh this conflict will be discussed in the Conclusions section below.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Strategic Policy 19: Development Quality of the emerging local plan holds limited weight. The policy aims to achieve High-quality and inclusive design for all development in the District will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context.

Policy RUS3 of the Rusper Parish Neighbourhood Plan states that proposals for new development must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings. Proposals should satisfactorily take account of the significance of any heritage assets and their settings, and how proposals will sustain and enhance their significance; the retention of key views; and the retention of the visual and amenity value of mature trees and hedgerows in the Parish.

Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history,

including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

The locality is characterised by sporadic residential development of a mixed character, with the built form of the surrounding development predominantly comprising a Sussex vernacular including brick, render, timber framing, and tile hanging. The area appears as relatively verdant in nature, with the public highway lined with trees, with intermittent views of the sporadic built form provided through this. The proposal relates to the erection of 1no. pair of semi-detached dwellings which would be positioned within the car park serving the former pub. The dwellings would be set back from the road frontage and set slightly to the south of the build line of the approved semi-detached dwellings to the east. Each dwelling would benefit from a separate vehicle access, with the Site Plan suggesting that the existing hedgerow would be removed. The proposed dwellings would incorporate two storey gable features to the front, with pitched roofs measuring to a height of approximately 8.4m. The dwellings would incorporate large garages to the side elevations and ground floor bay windows. Each dwelling would be finished in facing brick and tile hanging, with plain clay tiles to the roof.

The quantum of development, when coupled with the layout, siting and scale of the proposal, would result in an intrusive addition that would further formalise and suburbanise the countryside setting. While recognised that the proposal would sit within the immediate context of the approved dwellings, and within proximity to existing built form to the north, the development would erode the sparse and sporadic settlement pattern within the immediate setting. The cumulative impact of the development would erode the rural sense of place and ambience, and would fail to protect, conserve, or enhance the key features and characteristics of the landscape character area.

Furthermore, the Proposed Site Plan suggests that the existing boundary hedging would be removed to facilitate the development and specifically the access. While it is recognised that there are a number of access points within the vicinity, with built development intervisible from the street, the verdant nature of the street is considered to play a significant role in the character and distinctiveness of the locality. The removal of the boundary hedging would not only increase the perception of the proposed development, resulting in a prominent and intrusive built form, but would also detract from the character and visual amenity of the street scene. The proposed development would therefore result in the dilution and erosion of the informal character, ambience, and sense of place, and would fail to respect the local distinctiveness of the immediate setting and wider surrounds.

When considered cumulatively alongside other recent development, the proposed development would be of a quantum, scale and layout that would formalise and suburbanise the landscape character, which would detract from and dilute the sense of place and ambience of the rural countryside setting. The proposal would not reflect the built pattern and settlement characteristics of the locality and would fail to protect, conserve, or enhance the key features and characteristics of the rural countryside location. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015). The proposal for the above reasons would also be contrary to the emerging policy 19.

Heritage Impacts:

Paragraph 205 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the

identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.

Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

Policy 21: Heritage Assets and Managing Change within the Historic Environment from the emerging local plan holds limited weight. The policy states that “The Council will preserve and enhance its historic environment through positive management of development affecting designated and non-designated heritage assets, and their settings”.

Policy RUS3 of the Rusper Parish Neighbourhood Plan states that proposals should satisfactorily take account of the significance of any heritage assets and their settings.

Following consultation with the Design and Conservation Officer, it is considered that the proposed dwellings would have a suburbanising effect within the hamlet. Friday Street is an ancient settlement consisting of three historic farmsteads. These are the Listed Buildings that surround the site. The existing twentieth century dwellings are set back from the road side within well-proportioned plots. These dwellings are not conspicuous and do not dilute the rural character of the hamlet. The proposed dwellings are reminiscent of suburban dwellings. This perception is reinforced by the shallow pitched roofs and integral garages. They are positioned close to the road side with small front gardens and relatively large areas of hardstanding for the parking of cars.

It is recognised that the proposal for one pair is reduced from that refused under DC/21/2008; however, the visual relationship with the recently completed semi-detached pair to the east reinforces a suburban character of development on this rural lane. The size of the proposed pair is considerable and their scale, form and location within the site result in an overdeveloped site.

A final concern is that, together with the newly completed dwellings, the density of development will be a conspicuous change within the hamlet and this will draw attention away from the adjacent historic buildings. This is particularly the case for Friday Farm which closes the vista when looking down Friday Street. The proposed dwellings will visually encroach onto the rural lane and Friday Farm will be seen in relation to suburban dwellings rather than within the setting of a rural lane. This will lead to less than substantial harm specifically to the setting of Friday Farm but also to the setting of the other two listed buildings. This harm will be moderate. This harm should be weighed against the public benefits of providing housing in this location.

The proposed development, particularly given the scale and form, would further formalise and suburbanise the setting. The additional development would detract from the sparse and sporadic settlement pattern within the locality which in turn, would erode and detract from the informal character defining the setting of the nearby Listed Buildings. While the proposal would contribute to an identified housing need, and would result in some public benefit in this regard, it is not considered that this public benefit would outweigh the harm to the setting of the nearby Listed Buildings as identified.

Trees and Landscaping:

No trees are expected to be directly impacted through the build footprints and access.

Were the proposal supportable, a condition to control landscape management in the future to conserve the well vegetated attractive rural character of the hamlet and its surrounds would be recommended.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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.

Strategic Policy 20: Development Principles of the emerging local plan holds limited weight. The policy seeks to conserve and enhance the natural and built environment, and deliver beautiful and sustainable buildings and places. The policy expects 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, and having regard to the sensitivities/impact of surrounding development;

The proposed development would be located to the west of a pair of semi-detached dwellings approved under extant planning permission DC/19/0860. The proposed semi-detached pair would be set in from the boundary with these dwellings and no windows are proposed to the side elevations.

Concerns have been raised in objections about noise and pollution. These have not been raised as concerns by the Environmental Health Officer. The impact on pollution and noise is not considered to be unacceptable.

It is considered that the dwellings would be positioned at a reasonable distance and siting to limit potential amenity impact through overlooking, loss of light and privacy. Furthermore, it is considered that the proposal has been designed to limit overlooking and loss of privacy within the development. For these reasons, the proposal is not considered to result in significant adverse harm to the amenities and sensitivities of neighbouring properties and users of land, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Internal Design and Quality:

Policy 40: Improving Housing Standards in the District of the emerging local plan holds limited weight; however, it states that dwellings should meet the nationally described space standards.

The proposal provides suitable space for movement and additional furniture.

Policy 40 of the emerging plan also expects dwellings to meet the M4(2) requirements or provide an equivalent offsite contribution. Given the limited weight of this policy the lack of offsite contribution is not considered a suitable reason to warrant refusal.

Both dwellings have been provided outdoor amenity space. It would be preferable if both of these were green spaces; however, open countryside is easily accessed from the site.

Environmental Health:

Were the application considered supportable a condition to deal with the risks associated with contamination, including asbestos contamination, of the site and extant structures would be secured by condition.

Highways Impacts:

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

Policy 24 and 25 of the emerging plan hold limited weight and would not outweigh

It is proposed to install separate vehicle accesses for each proposed dwelling, with the Proposed Site Plan indicating that the existing hedging would be removed to facilitate visibility. Each dwelling would benefit from a driveway.

The Local Highway Authority do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

It is acknowledged that objections have been received about highway safety and parking. Were the proposal acceptable, a condition would be recommended to secure the submission of details showing the accommodation of five parking spaces, an extended garage size, secure cycle parking and electric vehicle charging points.

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.

Subject to a section 106 condition to secure the offsetting, the proposed mitigation measures are acceptable and result in the proposal being water neutral. A section 106 and relevant conditions would be added were the proposal supportable.

Biodiversity Net Gain (BNG):

Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

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 proposal due to its age is not required to provide BNG.

Climate Change:

Strategic Policy 6: climate change of the emerging plan holds limited weight. The policy supports developments only when they include measures that contribute to achieving net zero carbon emissions cross the District by 2050 at the latest. The policy also only supports proposals if it includes site and building level measures to adapt to the future impacts of climate change and reduce vulnerability, particularly in terms of the comfort, health and wellbeing of current and future occupiers.

Strategic Policy 7: Appropriate Energy Use of the emerging local plan holds limited weight. The policy supports development which contributes to clean, efficient energy in Horsham. It also expects development proposals to demonstrate how they will provide zero and low carbon heating.

Strategic Policy 8: Sustainable Design and Construction of the emerging local plan holds limited weight. The policy supports development where it is demonstrated that sustainable design, including its construction and operation, is integrated into the development from the design stage onwards.

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.

While the proposal doesn't demonstrate that required by the emerging policies these carry limited weight. As such they are outweighed by the measures secured by condition in line with policies 35, 36 and 37 of the HDPF.

Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- 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.

Drainage and Watercourses:

Were the application supportable the Environment Agency would be consulted and suitable drainage conditions would be secured.

Conclusions:

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council has submitted the Regulation 19 document to the Planning Inspector, however at this stage the emerging policies carry only limited weight in decision making. The Council cannot currently demonstrate a five-year supply of deliverable housing sites and the HDPF is now over 5 years old. Therefore, for the purposes of decision making, the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies. Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

As such, the Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022 in response to restrictive housing policies (such as policy 4) being deemed out of date. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet *all* of the criteria:

- The site adjoins the existing settlement edge as defined by the BUAB;
- 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.

As per the preceding sections of this report, the granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and the Ruser Neighbourhood Plan. This conflict with the development plan is afforded weight, as it would undermine the strategic process of allocating housing sites for development inappropriate locations, and the democratic process of selecting sites within Neighbourhood Plans.

While the current housing shortfall is a material consideration of significant weight, the site does not adjoin the settlement edge. The contribution of two market dwellings would bestow modest short-term socio-economic benefits in the form of housing delivery. However, this benefit would not outweigh the harm as identified, particularly the moderate harm to the Grade II Listed Buildings. The quantum of development is considered to result in overdevelopment that would be out of character with the characteristics and ambience of the countryside location. For these reasons, the proposed development would result in adverse impacts that would significantly and demonstrably outweigh the benefits arising from the contribution of three dwellings to the Council's housing supply therefore, the proposal would not benefit from the provisions of the FAD as above. On the balance of considerations, the proposed outline development is considered to be contrary to Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide (zone 1)	246.2	0	246.2
	Total Gain		246.2
	Total Demolition		0

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or the Rusper Neighbourhood Plan. The proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements and is not essential to its countryside location. The proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and Policy RUS1 of the Rusper Neighbourhood Plan.
2. The proposed development, due to its scale, quantum and layout, would fail to reflect the landscape characteristics and intrinsic features of the landscape area, and would detract from the ambience and sense of the place of the rural countryside setting by formalising and urbanising the rural landscape character. The proposal would diminish and erode the spacious character and setting of the nearby Listed Buildings, and when considered cumulatively, would fail to protect, conserve, or enhance the key features and characteristics of the landscape character area and would result in significant and demonstrable harm to the countryside setting. The proposal is therefore contrary to Policies 25, 26, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policy RUS3 of the Rusper Neighbourhood Plan.

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/22/0355

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

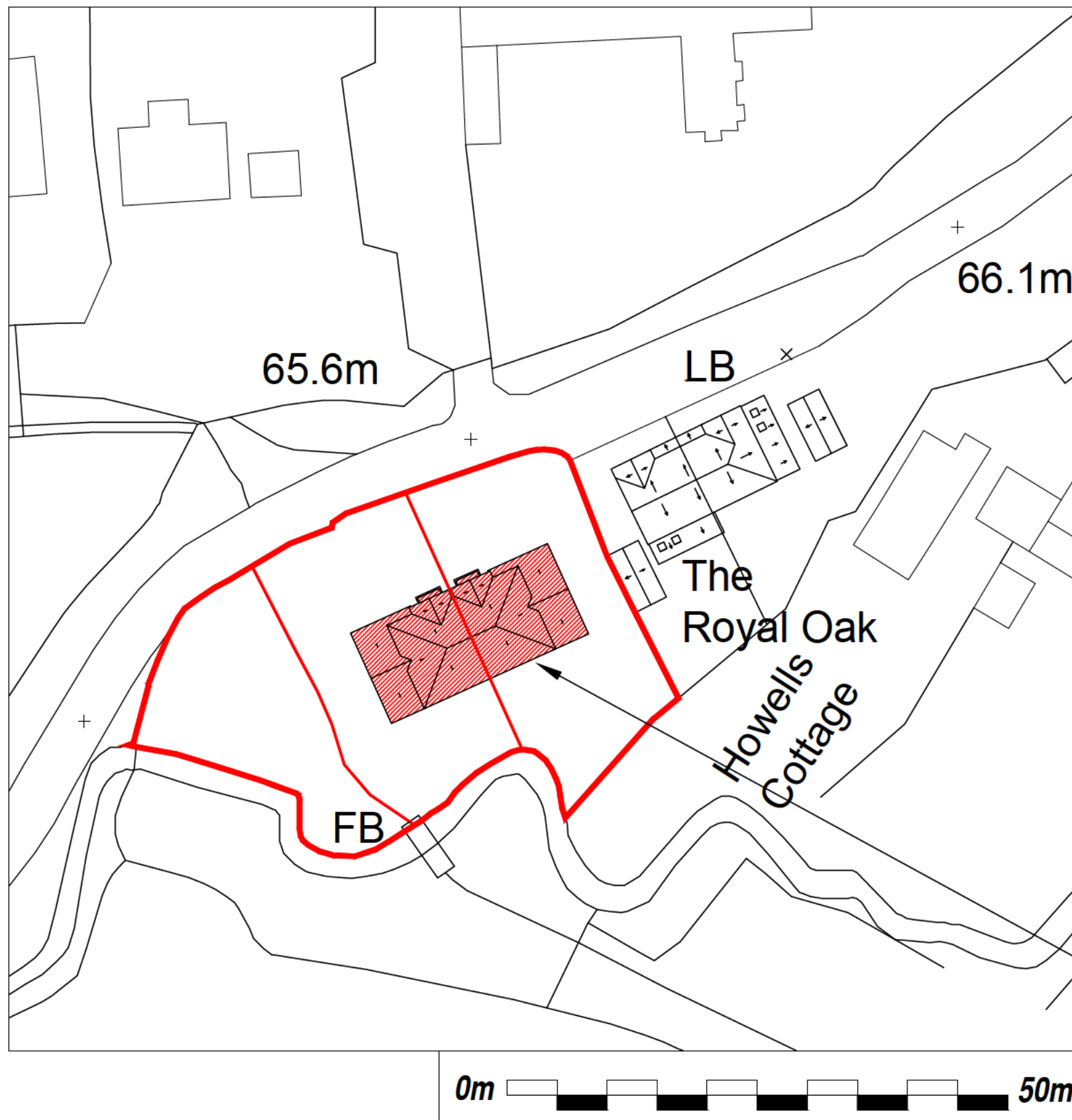
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Roof plan		DE 962 / 05 P2	17.02.2022
Floor plan	Proposed Ground Floor Plan	DE 962 / 03 REVISION P2	17.02.2022
Floor plan	Proposed First Floor Plan	DE 962 / 04 REVISION P2	17.02.2022
Elevation plan	Proposed Elevations	DE 962 / 06 REVISION P2	17.02.2022
Block plan	Proposed Block Plan	DE962/ 02 REVISION P3	17.02.2022
Location & Block plan	Site Location & Block Plan	DE 962 / 01 REVISION P2	17.02.2022
Supporting Statement	Water Neutrality Statement by Falcon Energy Limited	NONE	23.10.2023
Supporting Statement	Phase 1 Land Contamination Risk Assessment by Castledine Environmental dated 08/03/2023	3491D P1 Potts - Rusper, West Sussex	20.03.2023

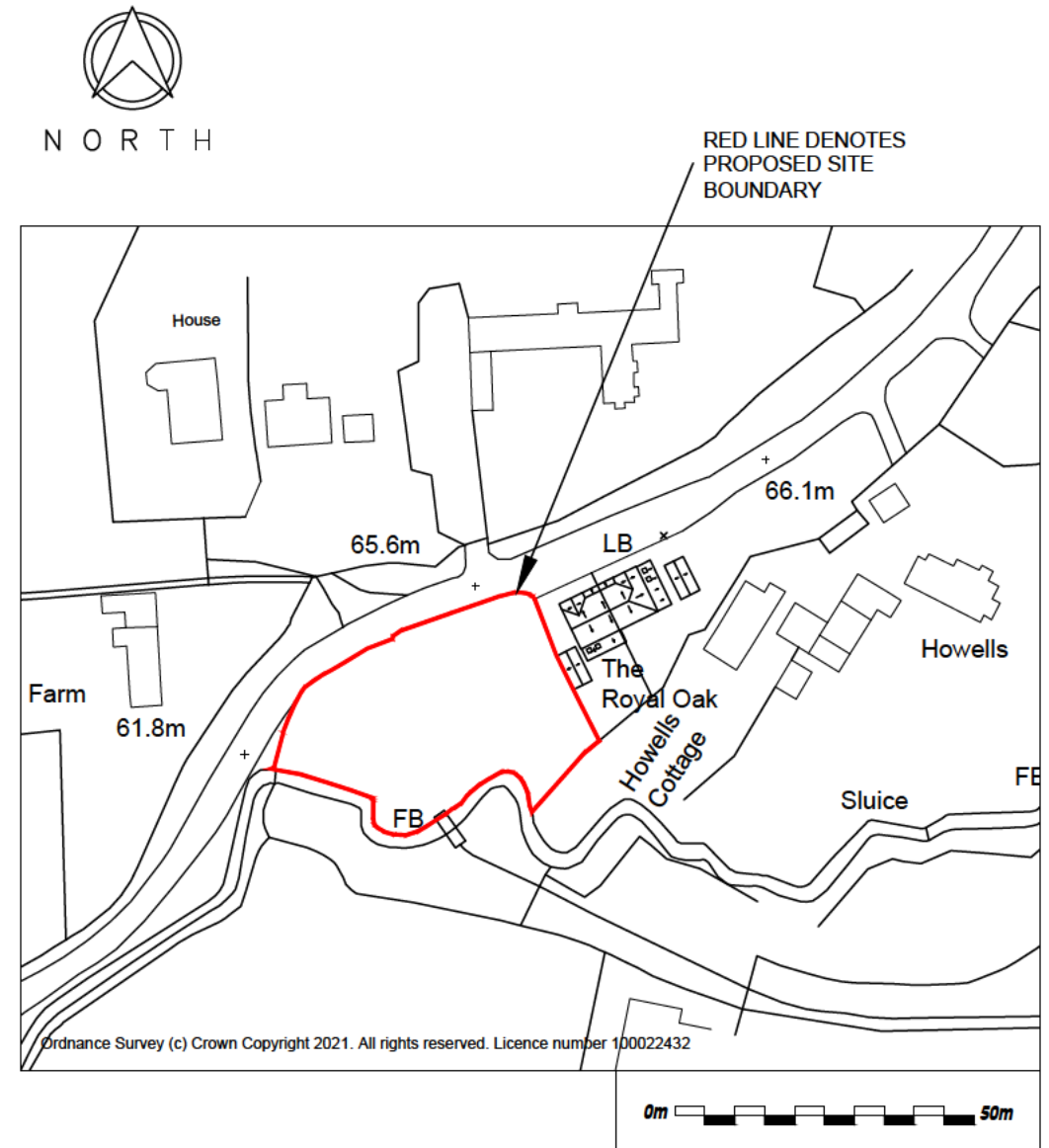
DELEGATED

Case Officer sign/initial Alice Johnson Date: 17/09/2024

Authorising Officer sign/initial Tamara Dale Date: 17/09/2024



SITE BLOCK PLAN (1:500)



SITE LOCATION PLAN (1:1250)

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CLIENT

MR D BELL

PROJECT

THE PROPOSED ERECTION OF TWO 3 BEDROOM DWELLINGS WITH INTEGRAL GARAGES

P2
P1

ISSUED FOR PLANNING
ISSUED FOR PLANNING

10.02.2022
20.08.2021

REV

DESCRIPTION

DATE

DRAWING

SITE LOCATION & BLOCK PLAN

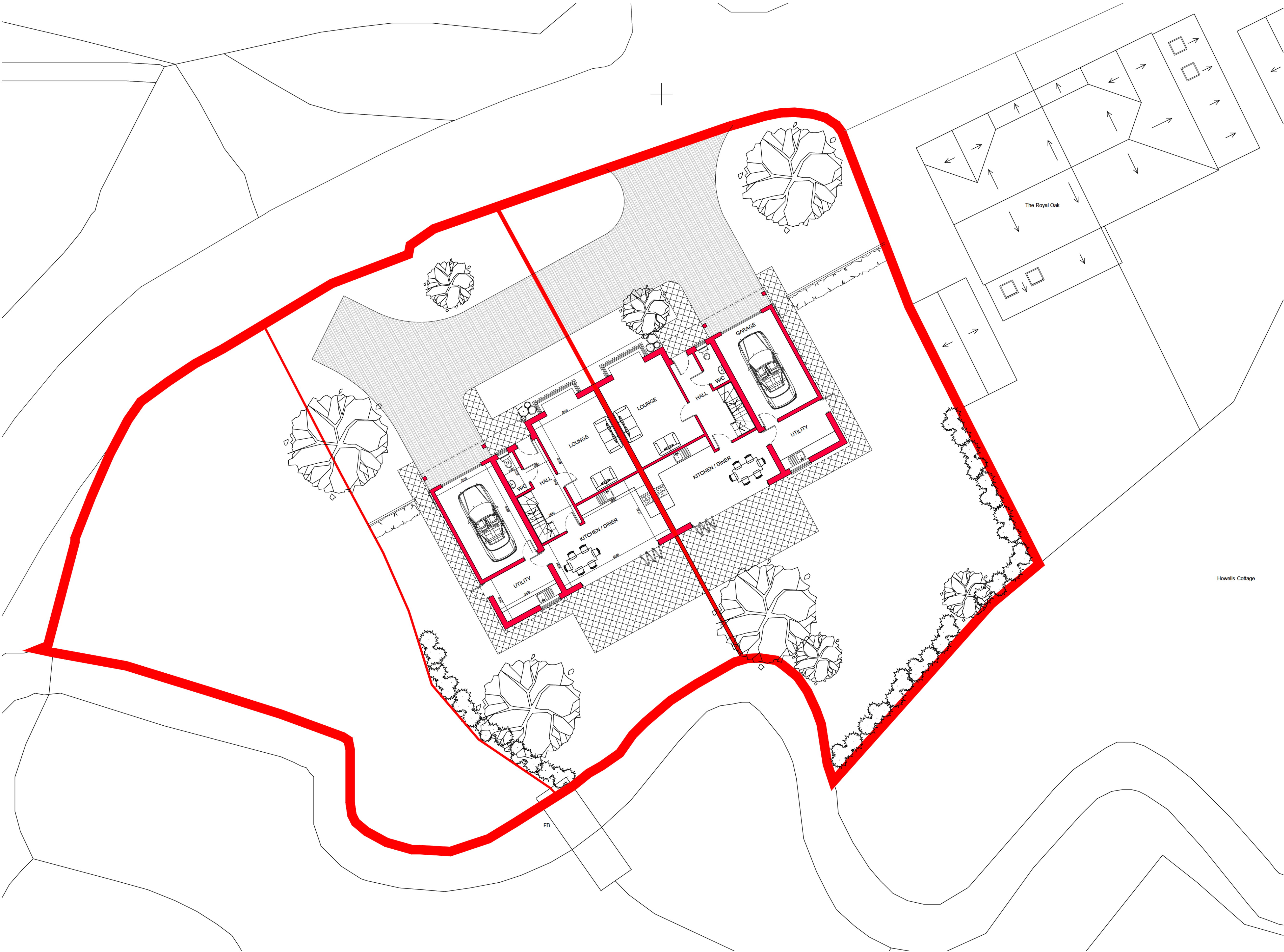
THE ROYAL OAK, FRIDAY STREET,
RUSPER, WEST SUSSEX, RH12 4QA

SCALE @ A3
1:500, 1:1250

DATE
FEB 2022

DRG No
DE 962 / 01

REVISION
P2



PROPOSED BLOCK PLAN
SCALE 1:100

This drawing is to be read in conjunction with all other relevant drawings and specifications.
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Notes

012345

Scale Bar 1:100

P3	ISSUED FOR APPROVAL	22.06.2023
P2	ISSUED FOR APPROVAL	10.02.2022
P1	ISSUED FOR APPROVAL	20.06.2021

REV	DESCRIPTION	DATE

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CLIENT

MR D BELL

PROJECT

THE PROPOSED ERECTION OF TWO 3 BEDROOM DWELLINGS WITH INTEGRAL GARAGES

DRAWING

PROPOSED BLOCK PLAN
THE ROYAL OAK, FRIDAY STREET,
RUSPER, WEST SUSSEX, RH12 4QA

STATUS

PRELIMINARY

SCALE: @ A1	DATE	DRG No	REVISION
1:100	JUNE 2023	DE962/ 02	P3

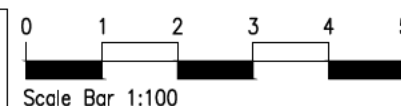


PROPOSED FRONT ELEVATION
SCALE 1:100

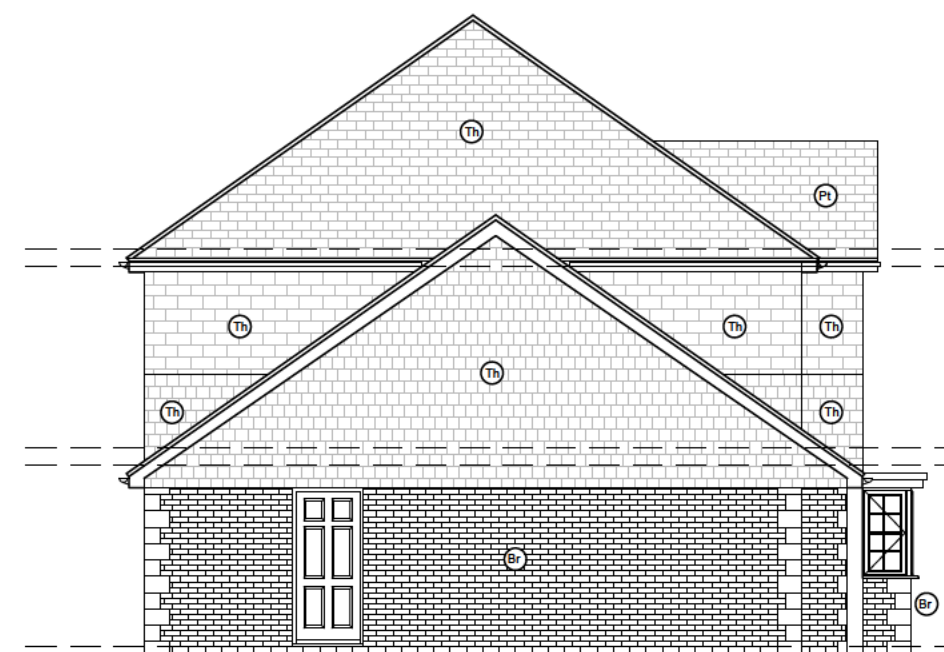


PROPOSED REAR ELEVATION
SCALE 1:100

MATERIALS KEY:	
(Pt)	Plain clay tile roof.
(Br)	Fading Brickwork.
(Th)	Tile hanging.
(W)	uPVC Sealed double glazed casement units.
(Og)	Obscure glazed.
(Vw)	Velux window.



PROPOSED SIDE ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100

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CLIENT

MR D BELL

PROJECT

THE PROPOSED ERECTION OF TWO 3 BEDROOM
DWELLINGS WITH INTEGRAL GARAGES

P2	ISSUED FOR PLANNING	10.02.2022
P1	ISSUED FOR PLANNING	20.08.2021
REV	DESCRIPTION	DATE
DRAWING		
PROPOSED ELEVATIONS		
THE ROYAL OAK, FRIDAY STREET, RUSPER, WEST SUSSEX, RH12 4QA		
SCALE @ A3	DATE	DRG No
1:100	FEB 2022	DE 962 / 06
		REVISION
		P2