Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0162
Milton Brook, 18 Great Lime Kilns, Southwater, West Sussex, RH13 9JL

DESCRIPTION:
Inserting sheet piling to prevent further ground movement/subsidence.

RELEVANT PLANNING HISTORY:
None directly relevant to this application.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
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

Southwater Neighbourhood Development Plan (2019-2031):
SNP1-Core Principles
SNP5-Local Green Space
SNP6-Local Community space
SNP8-Southwater Country Park
SNP16-Design
SNP17-Site Levels
SNP18-A Treed Landscape

Southwater Parish Design Statement

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 9: Water Neutrality
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles

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:
HDC Arboriculture: Advice. If the works are confined to the direct impacts of sheet piling being

undertaken by plant outside of the AW (within the boundary of the residential property), direct impact on mature woodland trees will be reasonably minimised.

HDC Property: No objection, are there is subsidence in the area and this is to alleviate that.

HDC Parks: No comment received.

NatureSpace (Great Crested Newts): No Objection.

Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
No Comment

Representations:
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:
Planning permission is sought to insert sheet piling to the south of the dwelling in order to prevent further ground movement / subsidence, which it is understood the property is suffering from. The existing original retaining wall and timber boundary structure (Stone gabion wall (2021) to the end of the garden) is proposed to be secured by sheet steel piles and concrete up to the existing gabion basket, using C35 concrete. The applicant has advised that temporary access to the woodland would be required from the eastern side of the property, around the back of the garage (requiring removal of two young alder trees), with a temporary platform created to enable a level working position for a piling rig. Associated replacement fencing and planting would follow post-completion. The applicant has confirmed (on 17 April 2025) that following the installation of the sheet piling the subsided end of the garden would be put back to its original / previous level, which would correspond to the level of the garden that has not subsided. The replacement fencing would be on a like for like basis.

Character, Appearance and Arboricultural Impacts

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality

of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The application site immediately abuts a relatively steep sided woodland ghyll in the ownership of HDC, which forms part of the wider public amenity land that buffers the residential development. The woodland is recognised as being part of the remaining fragmented original woodland of the area and is designated as ancient woodland, an irreplaceable habitat / landscape resource. The proposal entails remedial engineering works which cannot be located elsewhere. The submitted details indicate that the works would largely take place from within the boundaries of the application site, with plant and vehicular movements primarily limited to the rear garden rather (and the lower level in the case of plant) than the adjoining woodland. This approach is considered sufficient to minimise potential impacts on mature woodland trees.

The sheet piling would be sited in the vicinity of existing gabions, which the works are intended to support and stabilise. The gabions appear to have formed part of the original development (as approved under refs: SQ/48/98 & SQ/90/00) and roughly follow the side boundary of the application site. The gabions would already have impacted upon the ancient woodland, with the piling located in close proximity to these existing structures. It is considered that the method statement for carrying out the works, together with the presence of previous engineering operations in the location of now proposed works would be such that no further adverse impacts on the ancient woodland would result from the proposal.

The nature and siting of the proposal would not result in any further adverse impacts on the character or appearance of the site or the wider surrounding area, with sufficient detail provided in respect of making good of the site and boundary treatments post-completion. The visual impact of the proposal is considered acceptable.

Impact on Neighbouring Amenity

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

It is considered that the siting and layout of the proposed development and the resulting relationship with adjoining properties would be sufficient to prevent any harm once completed.

The submission indicates that the engineering operations would be expected to last approximately 5-weeks. While some disruption is likely during this period the limited duration and absence of harm once completed is such that no unacceptable harm is considered to result. A condition is recommended to control working hours, and also to ensure works take place in accordance with the submitted details. This approach is considered sufficient to minimise the potential for harm during construction activities.

It is noted that no neighbouring representations of concern or objection were received during the application process.

Water Neutrality

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain

In accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all householder applications are current exempt from the statutory requirement to demonstrate a 10% net gain in biodiversity.

Other Matters

The application site is within a Red Zone for Great Crested Newts, the most suitable habitat, with a high risk of great crested newts. However, following consultation it is considered that the proposed development is not considered to be relevant to the District Licensing Scheme in this case and there would be no likely impact on great crested newts or their habitats.

It is considered that the siting of the proposed piling works, alongside existing gabions, and the location of plant within the rear garden would minimise any potential adverse impacts on protected species of habitat, with the undisturbed area of ancient woodland, further to the south of the site, unaffected by the proposed development.

A note to applicant is recommended to remind the applicant of their responsibilities to wildlife protection under other non-planning legislation.

Conclusion

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Regulatory Condition**: The development hereby permitted shall take place in strict accordance with the schedule of works set out in the supporting documents (Thorne Civil Engineers, ref: GCD – 2024.03.07, dated 07.03.2024) and email correspondence dated 17.04.2025.

Reason: In the interests of the amenities of the locality and in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: Within 3-months of completion of the sheet piling hereby permitted, the land levels to the rear curtilage shall be returned to the pre-existing levels in accordance with the approved plans.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0162
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	27.05.2025
Plans	General Arrangement with Tree Amends	6136-01 REV T2	03.02.2025
Plans	General Arrangement	6136-01 REV T3	19.02.2025
Supporting Docs	Thorne Civil Engineers	GCD – 2024.03.07	03.02.2025
Supporting Docs	Email Correspondence	NONE	17.04.2025

DELEGATED

Case Officer sign/initial Steve Astles Date: 27.05.2025

Authorising Officer sign/initial Guy Everest Date: 28.05.2025