The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/Z3825/W/24/3337331
Land north of High Winds, Reeds Lane, West Sussex, Southwater RH13 9DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Langtree against the decision of Horsham District Council.
- The application Ref DC/23/0010, dated 30 December 2022, was refused by notice dated 17 August 2023.
- The development proposed is the construction of detached two storey dwelling with attached double garage and access from Reeds Lane.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. However, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these reforms and their responses have been taken into account, where received.

Main Issues

3. The main issues are: whether the proposal would be in a suitable location for housing; and the effect of the proposal on ecology and biodiversity.

Reasons

Suitable Location

4. The appeal site comprises an area of land on Reeds Lane, contained by boundary treatments. The immediate surrounds are largely rural in nature, with Reeds Lane lined on either side by open fields and clusters of development, including residential dwellings in the vicinity of the site.

5. The Council's spatial strategy is set out in Policy 2 of the Horsham District Planning Framework (the HDPF). It seeks to focus development in and around the settlement of Horsham whilst allowing for growth in the rest of the district in accordance with the identified settlement hierarchy set out in Policy 3. Policy 4 sets out the strategic policy for settlement expansion. It supports the growth of settlements across the district and permits the expansion of built up areas in certain situations. This includes for identified local housing need

provided, amongst other things, that a site is allocated in a development plan and adjoins an existing settlement edge.

6. Policy 26 permits development in the countryside where such a location is essential, and the proposal meets one of four criteria. These are that it supports the needs of agriculture or forestry; enables the extraction of minerals or the disposal of waste; provides for quiet informal recreational use; or enables the sustainable development of rural areas.

7. The appeal site is some 0.45km from the settlement boundary of Southwater. Given its proximity to surrounding residential dwellings it would not result in the development of an isolated home in the countryside. Nevertheless, it would not be within the built-up area boundary of Southwater, clearly visually separated from this by intervening open land and the A24, nor could it be deemed to adjoin the settlement edge for the same reason. There is also nothing before me to suggest that the appeal site has been allocated in a development or neighbourhood plan, as per Policy 4 of the HDPF.

8. I did not observe any meaningful services within the immediate vicinity of the appeal site that would support the day to day living needs of future occupiers of the proposal. I note that Southwater, as a small town and larger village, is deemed to have a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/ or bus services. On my visit I observed the range of services and transport links in Southwater to largely align with this. However, I found there to be limited accessibility to these services from the appeal site.

9. While a public right of way to Southwater is beside the site, the immediate sections are rural, being unmade and unlit. Combined with the distance involved, future occupiers would be unlikely to undertake the journey from the site to Southwater on foot or by bicycle, particularly at night or in poor weather. While I have limited substantive information before me on the public transport services, I also did not observe any bus stops within the immediate vicinity of the site. There would therefore be limited opportunity for future occupiers to access the services and facilities of Southwater for day to day living by means other than private vehicle. Even acknowledging that sustainable transport opportunities are more limited in rural area, this nevertheless limits the overall suitability of the site for housing.

10. Turning to Policy 26 of the HDPF, there is nothing substantive before me demonstrating that the proposal would enable the sustainable development of rural areas, with a single dwelling doing little to enhance or maintain the vitality of the surrounding rural community. There is nothing to suggest that its location in the countryside would be essential for any of the reasons recognised by the local development plan policies. Overall, this leads to conflict with the provisions of Policy 26 of the HDPF.

11. While a single dwelling may not result in a significant amount of development and, in this case due to the surrounding residential properties would not read as out of place in context, for the reasons given it remains that it would not be suitably or sustainably located at the appeal site.

12. Having regard to all of the above, for the given reasons I find that the proposal would not be in a suitable location for housing. The harm that would arise in this regard would be significant. The proposal would also fail to comply with Policies 2, 3, 4 and 26 of the HDPF in this regard.

Biodiversity and Ecology

13. The appeal site is an area of grassland bounded by hedging and mature trees, with wider surrounds comprising open fields and woodland. The Council acknowledges ponds located within 200m of the site, which is also located in the red impact zone, noting a high risk of great crested newt habitat. While no ecology information was submitted with the application or appeal, the appellant has since provided a reptile survey in respect of the site, which the Council has been provided the opportunity to comment on.

14. The submitted survey includes no specific reference to great crested newts. However, it details a presence/ absence survey in respect of reptiles undertaken with refugia that found only a low population of grass snake at the site. On this basis the survey suggests mitigation measures, which it deems could be secured by way of planning condition.

15. However, Natural England standing advice in respect of great crested newts is that when assessing a scheme it is necessary to look at other great crested newt habitats within 500m, with surveys of ponds being appropriate between March and June. The survey makes no reference to the ponds identified by the Council within 200m of the site such that it appears on the information before me that the appellant did not survey the ponds for great crested newts.

16. It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by development is established before planning permission is granted. While no great crested newts have been identified in the reptile survey undertaken at the site, because of the lack of noted pond survey, I cannot be sure that great crested newts are not present on the site, and likely to be affected by the development.

17. Furthermore, the Council has raised concerns that no information was provided to ascertain how the development will contribute to measurable biodiversity net gain. While the appellant has suggested that reports would be submitted to demonstrate that such a biodiversity net gain can be achieved, no such information is before me. As I am dismissing for other reasons, I have not sought a further update on this.

18. For the reasons given above, on the information submitted I cannot be certain that the proposal would not result in a significant adverse effect on ecology and biodiversity. As such, it would fail to comply with Policy 31 of the HDPF insofar as it seeks to ensure development contributes to the enhancement of biodiversity, creates and manages habitats, and retains significant features of nature conservation.

Other Matters

19. The main parties agree that the Council cannot demonstrate a five year housing land supply, with the appellant's evidence suggesting a housing land supply of 2.9 years. The Council has adopted a 'Facilitating Appropriate Development' document as an interim position given its housing land supply position and delays experienced in progressing its emerging local plan. Paragraph 5.7 outlines scenarios whereby the Council is likely to consider residential development outside of defined built-up areas favourably. However, these do not differ substantially from the relevant development plan policies such that, in this instance and for the reasons outlined, the proposal would not comply with all relevant criteria.

20. The appellant has referred to various examples of similar schemes which have been approved outside of settlement boundaries, including in situations where the Council cannot demonstrate a five year housing land supply. Each application is decided on its own site specific merits, and reference to development elsewhere will carry limited weight.

21. The main parties agree that the proposal would not result in adverse effects on the character and appearance of the area, the living conditions of residents of surrounding properties, trees, climate change, or highway safety. Such lack of harm is neutral in the planning balance.

22. The appeal site is located within the Sussex North Water Supply Zone, which includes supplies from groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar Site. However, as I am dismissing for other reasons, I have not considered this matter further.

Planning Balance and Conclusion

23. As the main parties agree that the Council cannot demonstrate a 5 year housing land supply, paragraph 11(d) of the Framework is engaged.

24. The proposal would provide an additional housing unit. This would contribute to the housing mix and supply of the area and to the local rural community and economy. However, even noting the contribution small and windfall sites can make, which can be built out quickly, the single dwelling nature of the proposal is such that this benefit attracts limited weight. While the appellant states that the property would be self-build, there is limited information before me to suggest with certainty that this would be the case, nevertheless, this too remains a benefit of the proposal.

25. I have found that significant harm would arise as a result of the proposal not being in a suitable location for housing. I also cannot be certain on the information before me that the proposal would not result in harm to biodiversity and ecology, including to a protected species. This too weighs significantly against granting planning permission for the scheme.

26. As such, even taking account of all other matters outlined above, including the WMS and proposed Framework changes, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. My conclusion in this regard would be the same, even if I were to find that the proposal would have no adverse effect on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar Site. As a result, the presumption in favour of sustainable development does not apply.

27. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR

Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Application Number: DC/23/0010

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

On behalf of: Mr A Langtree

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 detached two-storey dwelling with attached double garage and access from Reeds Lane.

Land North Of High Winds Reeds Lane Southwater West Sussex

as shown on Plan and Application Number DC/23/0010 submitted to the Council on 07/02/2023. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy SNP2 of the Southwater Neighbourhood Plan.

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

3 Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015),

Schedule of Plans/Documents:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	2223/02	03.01.2023
Elevation & Floor plan	Floor and Elevations	2223/01A	03.01.2023
Supporting Statement	Water Neutrality Report by cgs civils dated 28 October 2022	C2069 Rev P	03.01.2023
Layout plan	BS:5837 Tree Protection Plan	NONE	20.06.2023

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: 17/08/2023

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.

Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/0010
Land North Of High Winds , Reeds Lane, Southwater, West Sussex, RH13 9DQ

DESCRIPTION:

Erection of a detached two-storey dwelling with attached double garage and access from Reeds Lane.

RELEVANT PLANNING HISTORY:

DC/10/1940	Erection of 2 dwellings with double garages (Outline Planning)	Application 10.11.2010	Refused on
DC/10/1942	Erection of 6 dwellings with new access way to parking spaces at rear of dwellings (Outline Planning)	Application 10.11.2010	Refused on

SITE AND SURROUNDS

The application site relates to an area of land situated to the west of Reeds Lane near Southwater and in-between the dwellings of High Reeds to the north and High Winds to the south. The site is located approximately 0.45km to the east of the designated settlement of Southwater and is located outside of the built-up area boundary. The application site is therefore within a countryside location in policy terms.

The site comprises an open area of land that is enclosed to the boundaries by mature hedgerows and trees, with a cluster of residential properties located to the north, south, and east. A field gate provides access to the site from Reeds Lane.

A listed building, Newfoundout East (grade II listed) is located to the east of the site. A public right of way runs along the southern boundary of the site which links to Colstaple Lane to the west, providing a pedestrian route into Southwater. Newfoundout Copse is located to the north-east and Blunts Wood is located to the south-east (designated as Ancient Woodlands).

DETAILED DESCRIPTION

Planning permission is sought for the construction of a two storey, 4 bedroom detached dwelling with attached 2 bay garage on land to the north of High Winds, Reeds Lane, Southwater.

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 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 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

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 4.3 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.

Neighbourhood Plan:
The Southwater Neighbourhood Plan was formally made on 23 June 2021.
SNP2- Proposals for Residential Development
SNP16- Design

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:

HDC Tree Officer (Initial Response dated 22.02.2023): Comments

The site is bounded to the East by a belt of trees on the lane side bank. These trees make a positive contribution to the sylvan character of this part of the Low Weald landscape. The tree belt clothes the banks on either side of the access. This includes a number of mature trees which have their rooting constrained to some extent by the engineered highway.

In order to make a fair assessment of the impact of proposed development on trees, including services connection and new hardstanding construction, please request a BS5837 compliant tree survey and AIA as per standard validation requirements.

HDC Tree Officer (Subsequent Response dated 01.08.2023): No Objection

The submitted AMS takes on board the findings of supervised precautionary excavations to assess extent of tree rooting in the area of the formerly constructed field access. Subject to conditions to erect

and maintain protective barriers to control the processes and undertake specialised engineering above the existing soil profile where within the recognised key rooting area of the dominant oak, no significant concerns are raised.

Natural England: Further information required to determine impacts on designated sites

It is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. The Assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and the Local Planning Authority should not grant planning permission at this stage.

Further information in respect of the rainwater harvesting measures, including its maintenance and management is required.

WSCC Highways: Comments

The applicant proposes to utilise an existing field access to serve the proposed dwelling. From inspection of WSCC mapping, vehicular visibility appears suitable for the anticipated road speeds in this location, although the LHA request that vegetation either side of the access be cut back to ensure visibility is maintained.

The proposed development is not anticipated to lead to a significant material intensification of movements to or from the site. Moreover, 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 access is operating unsafely or that the proposals would exacerbate an existing safety concern.

The applicant proposes an attached double-bay garage with driveway. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. From inspection of the plans, the proposed garage and driveway are suitably sized to accommodate this parking demand, as well as space for on-site turning to be achievable.

Regarding cycles, the proposed garage appears suitably sized to accommodate at least two cycles in accordance with WSCC Parking Standards.

The site is situated on the outskirts of Southwater, which provides some local services and amenities within cycle distance of the site. However, the nearby roads are unlit and lack footways, and as such, some residents may have a reliance on the private car. Cycling is a viable option for confident cyclists.

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, the following conditions and informative should be applied

WSCC Public Right of Way: No Objection

Public Footpath 1676 runs westward from Reeds Lane to the junction of Kings Lane & Southwater Street, immediately beyond the red line of the development site's southern boundary.

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 (prow@westsussex.gov.uk).

Southern Water: Comment

There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner

of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

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.

Parish Comments: No Objection – Points for consideration

1. Previous planning application on DC/10/1940
2. The development is located in the countryside and outside the Built-Up Area of Southwater Village in an unsustainable location. Refer previous un-permitted planning application for this site DC/10/1940 and Southwater Neighbour Plan Policy Map 4.
3. Further development in this area to ensure no impact to current amenity.
4. There are drainage and surface water flooding concerns in this area. Further development could worsen the situation.
5. Further development in the area needs to ensure existing mains drainage can accommodate. This despite claims of Water Neutrality.
6. The Local Planning Authority to confirm claims of Water Neutrality to ensure compliance with current requirements.
7. The site is unsustainable as there is no public transport in the area.
8. Due to Ancient Woodland being directly opposite proposed development, an Environmental Impact and Biodiversity Net Gain Assessment of the area should be under taken before planning application permitted and installation of various items defined in Design Access Statement (DAS), page 46, para 7.22.
9. During construction period, access for remaining residents of Reeds Lane and Jackrells Lane will be impacted. A construction Management Plan for the construction period should be provided.

Representations:

2 letter of representation received objecting to the application for the following reasons:

- Proposed new build is in the countryside on an agricultural green field site
- Setting of precedence for similar development elsewhere
- Reeds Lane is narrow and in disrepair, and increased traffic would exacerbate wear and tear on the road and verges due to passing traffic
- Scale of the development is overbearing and obtrusive
- Loss of daylight and overshadowing
- Habitable windows facing onto site
- Proximity to boundary and large footprint will result in loss of privacy to neighbour

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, available images and Case Officer site visit. These details were considered sufficient to allow the application to be properly considered and determined.

Principle of Development:

The site is considered to be outside of the Built-Up-Area boundary within a countryside location in policy terms. The proposal relates to the erection of 1no. detached two storey dwelling with garage.

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the Horsham District Planning Framework (HDPF) (2015) provides that the Council will work proactively with applicants to achieve development that secures socio-economic and environmental benefits. Reflecting the presumption in favour of sustainable development contained within the NPPF the Council will grant permission for development that accords with the relevant policies of the development plan, unless material considerations indicate otherwise.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge 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 2 of the Southwater Neighbourhood Plan has allocated land west of Southwater for the provision of 422-450 new residential dwellings. The application site does not fall within this allocation and is therefore in conflict with this policy.

Paragraph 79 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 80 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.

The site is not allocated for development in the HDPF or a made Neighbourhood Plan. 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.

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.

Paragraph 130 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 immediate surrounding area consists predominantly of low-density detached dwellings which benefit from generous gardens. The wider surroundings are characterised by a mix of residential development as well as equestrian stud farms contained within relatively large plots and open countryside. The immediate neighbouring properties accord with a certain development pattern where the dwellings are generally set back from the street frontage.

The proposed development proposes a two-storey detached dwelling and an integral 2-bay garage. It is recognised that the wider street scene comprises dwellings of various form, scale, and height, with the size of the plot considered to be similar to that of other properties within the vicinity.

The dwelling would incorporate pitched roof features with dormers to the front and rear. The wider street scene contains noticeable variation in design, form and scale, with similar examples elsewhere within Reeds Lane, and the proposed dwelling would be seen in this context. The proposal is considered to utilise features reflective of other development within the wider surroundings, with the setback helping to provide visual relief and interest. The dwelling would be reflective of the build pattern and grain of the wider street scene, while retaining the openness and spacing that is characteristic of the surrounding built development.

The form, design and appearance of the proposed dwelling and related development is considered appropriate to ensure that it reflects the character of the street scene and reinforces the locally distinctive vernacular of the locality. The scale and massing of the new detached dwelling would not

result in an incongruous addition within the site and would not stand out in the street scene given the pattern of development, avoiding a detrimental impact on the wider area. The proposal is therefore considered a satisfactory and sympathetic form of development in keeping with the prevailing character of development within the street scene and surrounding area and appropriately sitting within the plot, therefore compliant to Policies, 25, 32 and 33 of the HDPF.

Trees and Landscaping:

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

Policy 31 of the HDPF outlines that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.

The submitted AMS takes on board the findings of supervised precautionary excavations to assess extent of tree rooting in the area of the formerly constructed field access. Following consultation with the Council's Arboricultural Officer, no objections have been raised, subject to conditions to erect and maintain protective barriers to control the processes and undertake specialised engineering above the existing soil profile where within the recognised key rooting area of the dominant oak.

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 recognised that objections have been received regarding the impact of the proposed development on the amenity of neighbouring properties, including overbearing and intrusive impact and loss of light and privacy.

The proposed dwelling would be positioned relatively centrally within the site, although it would be closer to the northern boundary, where a 4m distance from the proposed dwelling to the neighbouring boundary would be retained. The dwelling would be oriented to face north-east, with the proposed single storey garage addition located to the north. The incorporation of single storey features to the north of the dwelling would lessen the impact on the adjacent residential property to the north, where the northern elevation of the two storey element would contain no windows. For these reasons, it is considered that sufficient spacing would be provided between the proposed dwelling and the existing dwelling to the north to prevent any unacceptable harm. To the south it is noted that there is sufficient distance maintained to limit any potential for unacceptable harm.

Overall, given the siting, scale and proximity of the proposed dwelling, no issues of overlooking, overshadowing, or overbearing is envisaged to the adjoining and neighbouring properties. The proposal is therefore considered to be acceptable on amenity grounds.

Highways Impacts:

Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

This application is for the erection of a detached dwelling. The site is located on Reeds Lane, an unclassified road subject to national speed limit in this location. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application. The proposed parking arrangements are also considered acceptable for the size of the dwelling. Overall, the development is not considered to result in adverse impact on the function and safety of the public highway network to the above policies.

Ecology

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The application site comprises an area of unmaintained grassland bound by hedging and mature trees. The wider surroundings comprise agricultural fields and woodland, with ponds located within 200m of the site. The site is also located within the Red Impact Risk Zone, which is considered to be the most suitable habitat with a high risk of Great Crested Newts.

The Applicant has provided no ecology information and it has not therefore been demonstrated that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015).

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

The Water Neutrality Statement outlines that the overall water demand can be reduced through the installation of water efficient fixtures and fittings and rainwater harvesting. The Statement outlines that the collected rainwater would be utilised for both potable and non-potable purposes, where no mains water connection would be relied upon. No specific details of the rainwater harvesting system have been provided, and no maintenance plan to ensure that the scheme would meet World Health Organisation guidelines for safe consumption has been supplied. Insufficient information has therefore been provided to demonstrate with certainty that the proposed mitigation measures would be acceptable to meet the demands of the development.

Following consultation with Natural England, it is considered that insufficient information has been provided to ascertain that the proposal will not result in adverse effects on the integrity of the Arun Valley Protected Sites. In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such

circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate change:

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

The proposal currently before the Authority does not seek to specifically address the requirements of HDPF Policies 35, 36 and 37, though, it is accepted that these measures could be dealt with by way of appropriately worded condition, such as the use of cycle parking/electric vehicle charging apparatus, and opportunities for biodiversity enhancement. These measures, collectively, would be considered sufficient to establish compliance with the requirements of HDPF Policies 35, 36 and 37.

Conclusion

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 relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

Recent appeal decisions at Rascals Farm, Shipley Road (APP/Z3825/W/20/3257700) and Land South of Newhouse Farm, Crawley Road (APP/Z3825/W/21/3266503) have considered the local housing need of the District, where it has been determined that the Council does not currently benefit from a 5-year housing land supply. Given this conclusion, the tilted balance contained in paragraph 11(d) of the NPPF is engaged.

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application 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; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed development is also in conflict with Policy SNP2 of the Southwater Neighbourhood Plan. It is however recognised that the Neighbourhood Plan was made on 23 June 2021 and is therefore in excess of 2 years old. The provisions of paragraph 14 of the NPPF would not therefore apply.

The proposed development would not accord with the spatial strategy as set out in Policies 2, 3,4 and 26 of the HDPF, however as concluded within the recent appeal decisions, these policies are not fully compliant with the NPPF. In addition, given the housing shortfall as identified in these appeals, the conflict with these policies must be afforded a reduced weight. The proposed development would contribute to the identified housing need of the District, and given the identified need, the benefits arising from this would be of significant weight in the planning balance. However, it is recognised that the proposal would contribute only 1no. dwelling to the housing supply and would therefore make only a small and limited contribution in this regard.

Since these recent appeal decisions however, there have been further appeal decisions for single dwellings located outside the built-up area boundaries, and these have been dismissed for reasons of conflict with the spatial strategy. In considering these appeals, the Planning Inspector made specific reference to the lack of the Council's 5-year housing supply and acknowledged that the proposals would make effective use of previously developed land, contribute to housing in the District and could

make an important contribution to meeting the housing requirement of an area as small sized sites are often built out relatively quickly. In both these appeal decisions the Planning Inspector concluded in the planning balance that while some economic advantages would arise from the construction of the proposed dwelling, the benefits would be limited by the modest scale of the development for a single dwelling.

Whilst the current housing shortfall is a material consideration of significant weight, the proposed development would be located at a significant distance from the nearest settlements, where future occupiers would be heavily reliant upon private vehicles to meet their day-to-day needs. The application site is therefore considered to be in an inappropriate location in this regard, and would be contrary to the Council's spatial strategy and the aims of the NPPF. The proposal would not represent sustainable development and the benefits of providing 1no. additional dwelling would not significantly and demonstrably outweigh the benefits arising from the modest contribution of 1no dwelling to the Council's housing supply. It is not therefore considered that the benefits of the scheme would significantly and demonstrably outweigh the conflict with the spatial strategy when read as a whole, and particularly when assessed against Policies 31, 32, and 33 of the Horsham District Planning Framework (2015).

The proposed development seeks planning permission for 1no. dwelling located on land distanced from the nearest built-up area and within a countryside location. The proposed development would therefore 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 regarding the spatial strategy within the Development Plan. While recognised that the proposed development would contribute to the identified housing need, the benefit of 1no. dwelling to the Council's housing land supply would be limited when considered in the planning balance and would not outweigh the conflict identified with Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

Given that the benefits of the development would be minimal, the adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies when taken as a whole. Therefore, the proposed development would be contrary to Policies 1, 3, 4, 26, 31, 32, and 33 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
Residential District Wide Zone 1	316.14		316.14
		Total Gain	
		Total Demolition	

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 would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and Policy SNP2 of the Southwater Neighbourhood Plan.

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

3. Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015),

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/23/0010
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

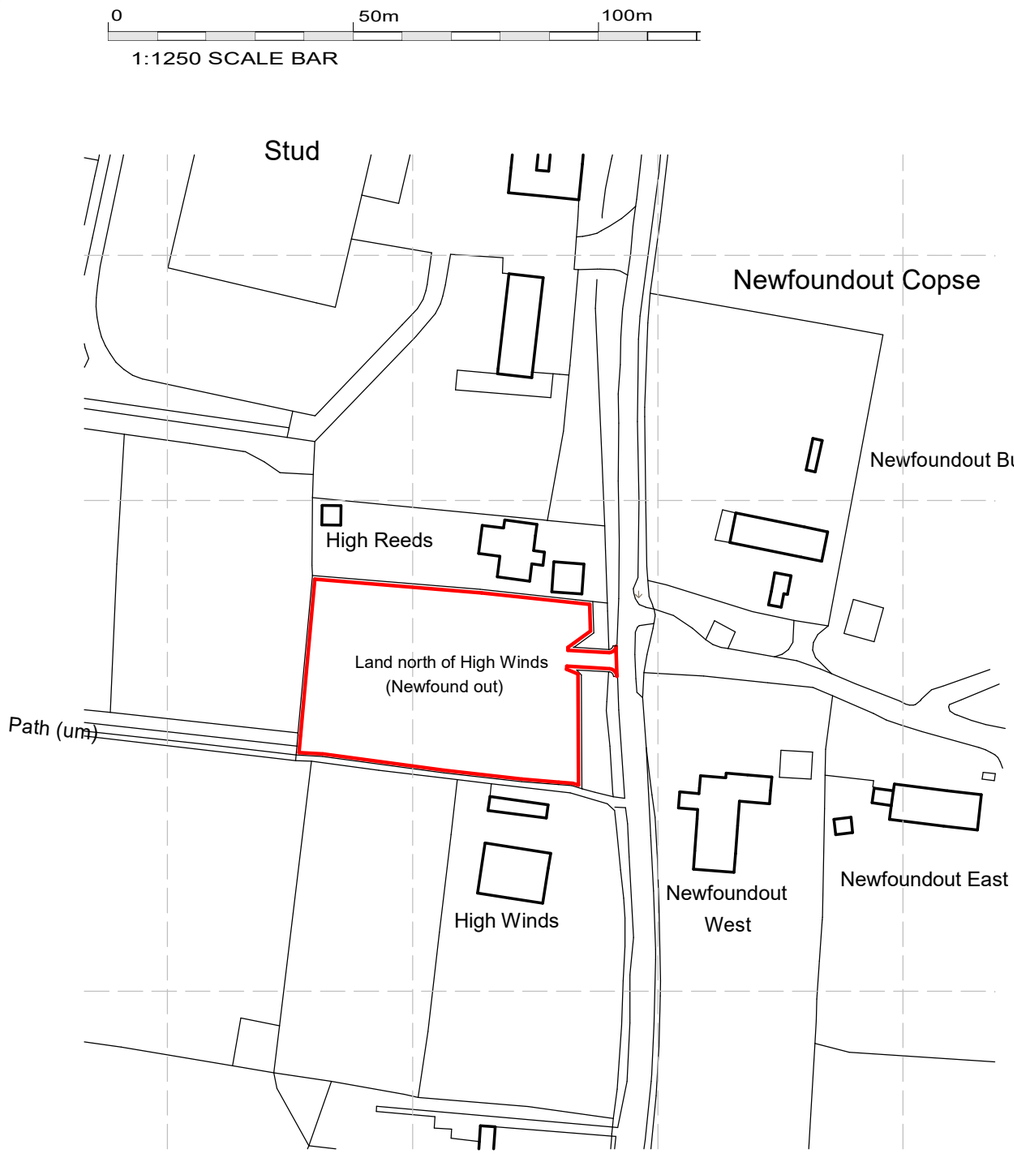
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	2223/02	03.01.2023
Elevation & Floor plan	Floor and Elevations	2223/01A	03.01.2023
Supporting Docs		Appendices 1 - 5	03.01.2023
Design & Access Statement	and Planning	NONE	03.01.2023
Supporting Statement	Water Neutrality Report by cgs civils dated 28 October 2022	C2069 Rev P	03.01.2023
Layout plan	BS:5837 Tree Protection Plan	NONE	20.06.2023

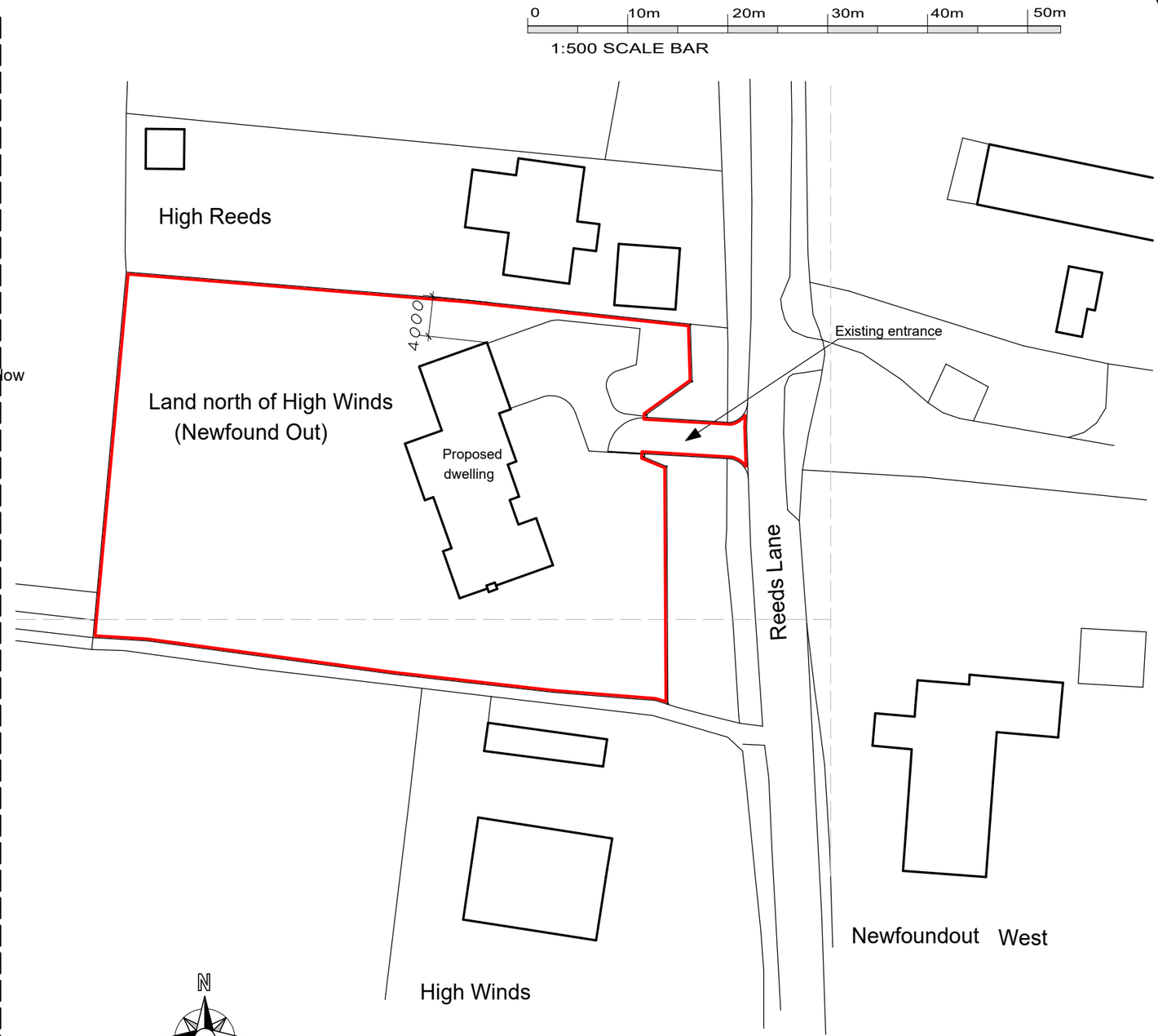
DELEGATED

Case Officer sign/initial Shazia Penne Date: 16.08.2023

Authorising Officer sign/initial Tamara Dale Date: 17.08.2023



LOCATION PLAN 1:1250



BLOCK PLAN 1:500

A3 Sheet

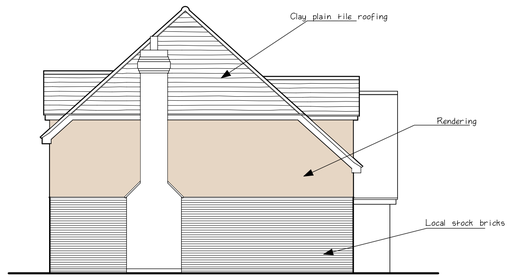
LOCATION AND BLOCK PLAN	PROPOSED DWELLING, REEDS LANE, SOUTHWATER, WEST SUSSEX. RH13 9DQ	DRAWING NUMBER 2223/02 DATE MARCH 2023

1 0 1 2 3 4 5 6 7 8 9 10 Metres

1:100 Metric Scale



NORTH EAST ELEVATION 1:100



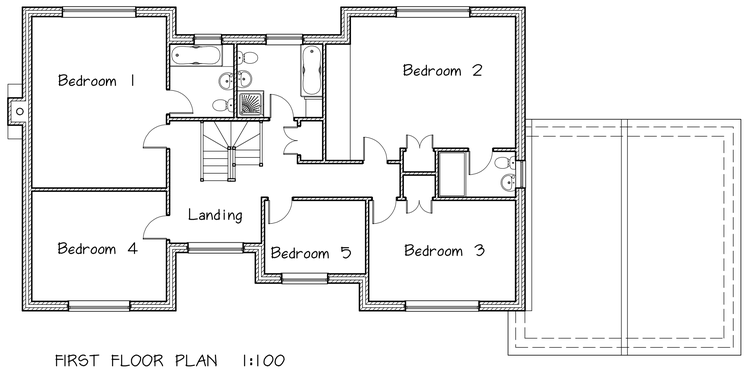
SOUTH EAST ELEVATION



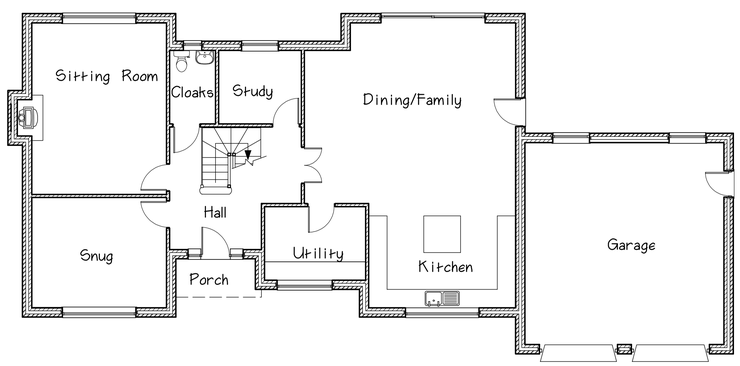
SOUTH WEST ELEVATION 1:100



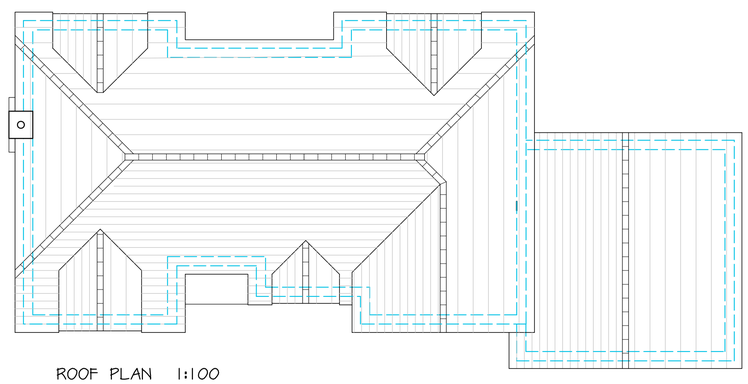
NORTH WEST ELEVATION 1:100



FIRST FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100



ROOF PLAN 1:100

N

TITLE

PROPOSED DWELLING, REEDS LANE, SOUTHWATER, WEST SUSSEX

CLIENT

MR & MRS A. LANGTREE

SCALES

1:100

A1 SHEET SIZE

DRAWING No. REV DATE

2223/01A FEBRUARY 2022