PLANNING COMMITTEE REPORT

TO:	Planning Committee North
BY:	Head of Development and Building Control
DATE:	6th August 2024
DEVELOPMENT:	Demolition of existing garage and annexe and construction of 1no 3 bedroom detached house with residential amenity areas, car parking and turning, together with hard and soft landscaping and new access.
SITE:	Sailtops, Cox Green, Rudgwick, West Sussex RH12 3DE
WARD:	Rudgwick
APPLICATION:	DC/24/0462
APPLICANT:	**Name:** Mrs Jean Gorton **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: The application represents a departure from the development plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1 THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Full planning permission is sought for the demolition of the existing double garage and annexe, and the construction of one 3 bedroom detached house within the existing garden area of Sailtops. The proposal also comprises of the creation of a new vehicular access off Church Street, to provide access, onsite turning, and two car parking spaces.

1.3 The dwelling is proposed to be finished in Chailey stock or multi-stock bricks and traditional Sussex whitewash with plain clay roof tiles. The dwelling is proposed to include dormer windows on the first floor, a chimney, and a front porch. The proposed site layout includes a rear garden patio and private amenity garden area. 1.5m high post and rail fencing is proposed along the new boundary between the application site and the existing property at Sailtops.

1.4 To facilitate the proposed development, 12x category C trees and hedgerow sections are proposed to be removed or partially removed. The majority of site works would take place within the root protection area of the retained trees, therefore the applicant has submitted an Arboricultural Method Statement. Four bird boxes are proposed to be erected onto the retained trees and new planting is proposed to compensate for the loss of existing trees.

DESCRIPTION OF THE SITE

1.5 The application site comprises an existing double garage with annexe accommodation located within the private residential gardens of Sailtops. The application site is located alongside, but just outside of, the defined built-up area boundary of Rudgwick village. As such, the application site is considered to be located in the countryside in policy terms.

1.6 Church Street (B2128) runs along the north-western application site boundary and Public Footpath 449Sy runs along the south west boundary of the application site. Other residential dwellings are located off Church Street to the north and south of the application site. There is an existing vehicular access off Church Street for Sailtops which is to be retained. A paddock area is located to the south east of the application site and includes a stable adjacent to the existing annexe.

1.7 The application site located within a high-risk zone of great crested newts, Flood Zone 1 and is not affected by flood risk from surface water, groundwater, or reservoir flooding. The development site is located outside of the Sussex North Water Supply Zone.

2 INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework 2023 (NPPF)

Horsham District Planning Framework (HDPF)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Rudgwick Neighbourhood Plan 2021 (RNP)
Policy RNP1 - Spatial Strategy
Policy RNP2 - Housing Mix
Policy RNP6 - Materials
Policy RNP7 - Architectural Style

Policy RNP8 - Development Height
Policy RNP9 - Street Scene
Policy RNP17 - Green Infrastructure and Trees

Regulation 19 Horsham District Local Plan 2023-2040 (HDLP)
Strategic Policy 1 – Sustainable Development
Strategic Policy 2 – Development Hierarchy
Strategic Policy 3 – Settlement Expansion
Strategic Policy 6 – Climate Change
Strategic Policy 7 – Appropriate Energy Use
Strategic Policy 8 – Sustainable Design and Construction
Strategic Policy 9 – Water Neutrality
Strategic Policy 10 – Flooding
Strategic Policy 11 – Environmental Protection
Strategic Policy 12 – Air Quality
Strategic Policy 13 – The Natural Environment and Landscape Character
Strategic Policy 14 – Countryside Protection
Strategic Policy 17 – Green Infrastructure and Biodiversity
Strategic Policy 19 – Development Quality
Strategic Policy 20 – Development Principles
Strategic Policy 24 – Sustainable Transport
Policy 25 – Parking
Strategic Policy 37 – Housing Provision
Strategic Policy 38 – Meeting Local Housing Needs
Policy 40 – Improving Housing Standards in the District

Other relevant documents:
Rudgwick Parish Design Statement 2009
West Sussex County Council Guidance on Parking at New Developments 2020

Planning Advice Notes:
Facilitating Appropriate Development
Authority Monitoring Report 2022/23 Chapter 3 Housing Land Supply
Biodiversity and Green Infrastructure

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 limited 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 HISTORY AND RELEVANT APPLICATIONS

RW/71/99	Two-storey side extension & porch Site: Sailtops Cox Green Rudgwick.	Permitted on 01.10.1999.
DC/14/0926	Proposed construction of two storey side extension.	Permitted on 26.06.2014.
DC/23/1723	Change of Use from paddock to domestic garden / residential curtilage associated with Sailtops.	Refused on 29.12.2023.

3 OUTCOME OF CONSULTATIONS

3.1 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

INTERNAL CONSULTATIONS

HDC Arboriculture: No objection.
Additional comments 24.07.2024: Advice
[In full] The Council's Arboricultural officer has revisited the site and provided the following comments clarifying the tree categorisation:

'Clarification of tree categorisation for committee.

I confirm that I initially visited the site to assess the impact of proposed development on trees at the beginning of April and re-visited the site to re-view the subject tree yesterday.

I concur with the tree surveyor's assessment that the beech tree (identified as T19) close to the SW boundary of the property, proposed for removal to enable the development, is a C category tree as defined by BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

It is an unremarkable tree of impaired condition, as evident in the mid-summer vitality it exhibits. Thus it does not merit a higher categorisation. Its removal and replacement would be of longer term landscape benefit.'

Initial comments 10.04.2024: No Objection
[In full] The Council's Arboricultural officer responded to raise no objection and made the following comments:

'*Impact on remaining trees is restricted to internal site loss of small ornamental/fruit trees, a section of roadside screening/hedgerow and an early mature beech on the boundary adjacent to the PROW to the SW.*

If minded to approve, compliance with the submitted AMS/TPP would be prudent to conserve the retained tree screening to the roadside. Landscaping condition to secure replacement/mitigation tree planting as appropriate.'

HDC Conservation: No objection
[In full] Sailtops appears to be an enlarged ancillary building originally connected to Jasmine House to its north. Jasmine House has also been subdivided but remains an attractive nineteenth century dwelling in the domestic revival style of the mid-nineteenth century. Both buildings could be considered non-designated heritage assets as they reflect the architecture of the time and the socio-economic history of the village. I am satisfied the impact of the proposed dwelling will not be harmful in heritage terms.

Place Services - Ecology: No objection.

[summary] The Council's consultant ecologists note the need for a bat licence before commencement of works and recommend a condition to secure a copy of this. The consultant ecologist has reviewed the Bat Survey Report and Preliminary Ecological Appraisal (PEA) and supports the outline mitigation measures in Section 5.3 of the Bat Survey Report and Section 4.6 of the PEA.

The consultant ecologist has assessed the proposed development, including the demolition of the garage, retention of the stable block, removal of some trees and hedgerows, and proposed planting scheme, in relation to various bat species and The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and are satisfied that there will be no severance to the flight lines of foraging or community bats from the SAC and habitat connectivity within the site will be maintained.

The consultant ecologist supports the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts from light disturbance and recommends this is secured and implemented in full by a prior to occupation condition. The consultant ecologist is clear that this should summarise measures recommended by GN:08/23 (ILP).

The consultant ecologist therefore believes that there will be no Adverse Effect on Integrity of the bat SAC. The consultant ecologist recommended that the LPA prepares a project level HRA Appropriate Assessment to record its decision and consult Natural England on the conclusion. This has been completed.

The consultant ecologist supports the Precautionary Method Statement for reptiles and amphibians in Section 4.6 of the PEA and recommends the implementation of this is secured by condition.

The consultant ecologist raises no objection on ecological matters excluding Great Crested Newts and leave comments on this to NatureSpace Partnership.

The consultant ecologist supports the proposed reasonable biodiversity enhancements (including the erection of House Sparrow nest boxes and Swift nest boxes / bricks), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The consultant ecologist recommends securing the specifications and locations of the enhancement measures within a Biodiversity Enhancement Layout and by a condition.

In view of the above, the consultant ecologist states that the Impacts will be minimised such that the proposal is acceptable subject to the recommended conditions based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

OUTSIDE AGENCIES

WSCC Highways: Advice.
[In full] WSCC Highways (LHA) responded with advice and made the following comments:

'Access and Visibility
A new vehicular access point is proposed on Cox Green to serve the dwelling. The proposed access works will be subject to a licence obtained through the local Highway Area Office and would be constructed to a specification agreed with the local Highway Area Engineer.

Visibility splays of 2.4m x 43m have been demonstrated in both directions for the proposed access point, in accordance with Manual for Streets (MfS) parameters for a 30 mph speed

restriction. These splays appear to be achievable solely within the maintained highway boundary.

Parking and Turning
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, there appears to be suitable space within the site to accommodate this parking demand, with space for on-site turning to be achievable.

No details of cycle parking provision have been provided. To promote the use of sustainable transport methods, the LHA would request that secure cycle parking provision for at least two bicycles be provided in accordance with WSCC Parking Standards.

Sustainability
The site is located in Rudgwick Village which provides some local services within walking/cycle distance, such as a shop and primary school. Nearby bus stops on the B2128 provide hourly services to Horsham and Guildford.

Conclusion
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 115), and that there are no transport grounds to resist the proposal.

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NatureSpace Partnership: Advice.
[In full] Naturespace Partnership responded with advice and made the following comments:

'The applicant has provided an ecological report, [Preliminary Ecological Appraisal, The Ecology Coop, March 2024]. The report considers great crested newts within the context of the proposed site and outlines a set of precautionary measures to minimise the impact on biodiversity. Given the small scale of the proposed development and the limited suitable habitat on site and within the surrounding area, following the precautionary measures outlines in the Ecological Report submitted, is appropriate for proposed development and should be conditioned.'

Natural England - bats: Standing Advice.
[In full] Natural England responded with standing advice and made the following comments:

'Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.
Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:
Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:
Natural England has published Standing Advice. Links to standing advice are in Annex A. If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- Protected sites and areas: how to review planning applications - GOV.UK (www.gov.uk)

Further guidance is also set out in Planning Practice Guidance on the natural environment Natural environment - GOV.UK (www.gov.uk) and on Habitats Regulations Assessment Appropriate assessment - GOV.UK (www.gov.uk)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.'

Southern Water: No objection.

Thames Water: Consulted but no comments received

Rudgwick Parish Council: Holding objection.
[In full] Rudgwick Parish Council responded with a holding objection and made the following comments:

'Rudgwick Neighbourhood Plan (RNP) Policy 2 refers to development meeting the need for smaller homes in the parish and RNP Policy 4.2 indicates that bungalows would be supported in developments. This proposal is for a large 3 bedroomed, two storey dwelling with a GIA of 216 square metres, more in keeping with the size of an average 4 bedroomed modern home.

It would have been useful to have a height comparison between Sailtops itself and the proposed height of the new building, and also the height details of the existing structure. However, it is disappointing that a bungalow, or chalet bungalow design, has not been submitted, much more in keeping with the parish needs identified in the RNP.

It would also be useful to have more clarity on the material to be used for the exterior walls, above the stock bricks, to determine whether it is in line with RNP Policy 6. The material appears to be white and is possibly cladding, it is difficult to tell without further explanation.

Para 6.67 of the agent's Planning Statement notes that 'motion sensitive lighting will form part of the installation'. If permitted it is suggested that a condition be placed on the approval to ensure that this lighting is ecologically sensitive as outlined in the submitted Preliminary Ecological Appraisal and advised by the Bat Conservation Trust.

It is disappointing that the Biodiversity enhancements explored as part of the application relating to wildflower grassland etc., and presumably detailed in the Ecology Co-op report (but now redacted), are not to be proceeded with on a voluntary basis, even if the claimed exemption is ratified by HDC.

Rudgwick Parish Council (RPC) have concerns regarding trees on the site and would point out that observance should be given to RNP Policy 17. However, it is the removal of tree T19 which is the major cause of concern. This is a beech tree of 13m height and trunk diameter of 471mm. It is classified as in good condition with a useful life of 20+ years. It is

not clear why this tree has been categorised as C as it seems more to meet the B category.

Therefore, RPC would like to lodge a Holding Objection on this application until the HDC Tree Officer has had opportunity to visit the site, confirm and report back on the category of T19.'

PUBLIC CONSULTATIONS

Two letters of representation have been received on this application, both making comments on the proposal. The comments are summarised below.

[Summary] One of the representations are from the Rudgwick Preservation Society (RPS), who comment that this development is likely to be approved, but if there had been no precedents would have objected. Existing approvals for new houses at Jasmine House and opposite the site at Oakfield for example provide that precedent. Sailtops has a wide frontage to the road, so there is plenty of room for a new house. RPS state that the very existence of the wide frontage, and the paddock behind, suggest a historic small holding, now to be compromised in the loss of curtilage and of an existing dwelling and damage to the setting of an unlisted heritage asset. RPS also note that the house is well set back in its plot, which is good, but the proposed house fails to pick up architectural markers from its 'parent' dwelling. Access to the public road is not safe on this bend, a point RPS made strongly against Oakfield development. RPS would prefer it if the new house shared the existing drive with Sailtops. The house is also outside the BUAB, and despite the developer's argument that it could be in an extended BUAB in the near future, that is not an argument which can be employed at the present time. Fortunately for the developer they have chosen to propose a 3-bed house which is admissible in the Neighbourhood Plan. RPS are therefore conflicted in their views, and, although RPS would prefer on balance the house was not built, recognise the proposal has some limited merit.

[Summary] The other representation is from a local resident who notes that Southern Water have been consulted with respect to this application and have indicated that an application would be required for connection to the public foul sewer. They further explain that the water and sewerage services to properties in Cox Green are provided by Thames Water, not Southern Water. It is therefore suggested that Thames Water are consulted, as any application for services would have to be made to them.

4 HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 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.

4.2 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.

5 HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6 PLANNING ASSESSMENTS

Principle of Development

6.1 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main district settlements. Policy 3 of the HDPF directs development within existing settlements which have defined built-up area boundaries (BUAB). Policy 4 states that development will be permitted outside BUAB via the expansion of settlements where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. The site is not allocated in the HDPF whilst the Rudgwick Neighbourhood Plan (RNP) does not make any allocations. Accordingly, the proposed development does not accord with Policies 3 and 4 in this regard.

6.2 Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. The four criteria are: (1) supporting the needs of agriculture or forestry; (2) enabling the extraction of minerals or the disposal of waste; (3) providing for quiet informal recreational use; or (4) enabling the sustainable development of rural areas. The erection of a dwelling is not considered to be essential to its countryside location, nor does it meet any of the other criteria set out in Policy 26, therefore this proposal does not accord with Policy 26.

6.3 Policy RNP1 of the Rudgwick Neighbourhood Plan (RNP) supports development outside of the built-up area boundary (BUAB) where it accords with the residential exception policies in the development plan. As the proposed development is for general market housing, this Policy does not apply and accordingly the proposal does not accord with Policy RNP1. Policy RNP2 particularly supports development of 1, 2 or 3-bedroom houses which comply with Policy RNP1. As the proposal does not accord with Policy RNP1, it also does not accord with Policy RNP2 however Officers note that the proposed dwelling would otherwise be acceptable regarding housing mix.

6.4 In view of the above, the principle of the proposed development is contrary to the overarching spatial strategy and principles of the HDPF.

6.5 The emerging Horsham District Local Plan (HDLP) is currently being prepared and sets out emerging planning policies and proposals to guide development in the District (excluding the South Downs National Park) up to 2040, with the Regulation 19 HDLP having recently undergone public consultation. At the time of writing this report, the Regulation 19 HDLP carries limited weight in decision making, with the weight to be applied to the HDLP policies increasing as the Plan proceeds through to examination. It is though not necessarily the case all policies will automatically carry more weight at the point of submission of the plan, and further guidance will be provided to decision makers after the submission, likely at the end of July 2024.

6.6 Strategic Policy 2 of the HDLP promotes a similar development hierarchy and permission of development within the defined BUAB as in Policy 3 of the HDPF and states that any infilling and redevelopment would be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy. Within the HDLP, the Rudgwick BUAB is proposed to be extended and would include the application site, which gives an indication that the application site is considered to be a sustainable location for residential development. Within the HDLP, Cox Green also falls within Medium Villages, which is third in the settlement hierarchy. Regarding

the settlement characteristics and function of Rudgwick and the considerations later in this report, this proposal is considered to be congruent in scale, design, and appearance with surrounding residential development, and would not result in an adverse increase in pressure on existing services, facilities, community networks and public transport within Rudgwick, Cox Green and Bucks Green medium village settlement. Therefore, the proposed development would accord with Strategic Policy 2.

6.7 The Council cannot currently demonstrate a 5-year housing land supply (the Council's latest Authority Monitoring Report shows a 2.9 year supply). In recognition of these HDPF housing policies being out-of-date, the Council has published interim guidance on how housing proposals are to be considered in its Facilitating Appropriate Development (FAD) document. The FAD recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position. The FAD confirms that applications which meet all the following criteria will be positively considered:

- 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.

6.8 The southern boundary of the application site abuts the Rudgwick BUAB. The proposed detached dwelling with separate garden, parking area and access is congruent with the surrounding building density and site layout. The building design is also in keeping with neighbouring bricked, two storey dwellings. The level of expansion is therefore considered to be appropriate to the scale and function of Rudgwick. The proposal is considered to help meet local housing needs. The application site is not located within any emerging allocations or development consent orders, nor is it large in scale. Therefore, it is considered that the proposed development would not individually or cumulatively prejudice long-term development. Hedgerows and trees exist along three boundaries of the application, with provisions proposed to complete the fourth boundary with Sailtops in the north, which would provide and ensure maintainable natural boundaries between the proposed dwelling and Sailtops, Church Street, Public Footpath 449Sy and the rear paddock and stables. In view of this, Officers consider that the proposed residential development meets the above FAD criteria.

6.9 In view of the above, the proposal is at conflict with existing policy within the HDFP and RNP. However, the principle of the proposed development within the countryside is considered to meet the FAD guidance and emerging policy within the HDLP.

Design and Appearance

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

6.11 Policy RNP2 of the RNP requires new development to positively respond to the established character and density of its immediate locality. Policy RNP6 of the RNP is clear that

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

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

6.13 The submitted elevational drawings illustrates the two-storey building in a chalet bungalow style with open side gables, dormer windows on the first floor and two skylights on the rear roof elevation. Officers consider that the proposed building style and design features are congruent with the local built design and character and will help the new dwelling to integrate with the surrounding landscape.

6.14 In response to Officer queries regarding the proposed finishing materials, the applicant submitted Design and Assessment Statement Rev B which details that the proposed building will be finished with plain clay tile for the roof, and an external finish with Chailey stock or multi-stock bricks and traditional Sussex whitewash. Weatherboarding, chimney, eaves, and porch details are also proposed. Officers consider that the proposed external finishes are good quality and in keeping with the local built character, which will help the building to visually assimilate with the surrounding environment. Officers propose to secure the finished material and sample details through planning conditions.

6.15 The site layout includes the vehicle access and parking space for two cars, amenity garden area including an outdoor terrace area, and the dwelling located 27.8m from the site frontage onto Church Street. Bin storage will be provided to the site the house and existing mains sewer and soakaway will be used to managed surface water and foul sewage. Officers are satisfied that the site layout is appropriated arranged to provide sufficient space for parking, separation from the public highway, outdoor residential amenity space and management of refuse onsite. Officers have included a planning condition to secure the bin storage provision. Southern Water was initially consulted on this application however as the application site falls within Thames Water area, as highlighted within one of the representations received on this application, Southern Water’s comments are not applicable.

Thames Water have been consulted on this application, but no reviews have been received. To account for this, Officers have included planning conditions for a drainage strategy.

6.16 Based on the proposed site layout plan, the footprint for the proposed building measures 204.71m^3 and will accommodate three bedrooms with en-suites on the first floor. The proposed building measures 4.075m to the roof eaves and 8.965m to the roof ridge. Following comments from Rudgwick Parish Council, a Proposed Street Scene plan was submitted which shows the existing Sailtops building as 8.827m in total height adjacent to the proposed building at 8.965m. Therefore, the proposed building would only be a 13.8cm taller in height than Sailtops.

6.17 Officers recognise Rudgwick Parish Council's concern regarding the scale of the proposed building and that the proposed building would have a larger footprint than Sailtops. In view of the Proposed Street Scene Plan, Officers consider that the very slight increase in the height of the site resulting from the proposed building would not be out of keeping with the surrounding built form and not result in adverse landscape or visual amenity impacts. Furthermore, Officers do not consider that a building with this sized footprint would be out of keeping in terms of massing from other buildings along Church Street. Moreover, Officers consider that the proposed chalet bungalow style with dormer windows, proposed finishing materials and the buildings orientation towards Church Street and in line with properties to the south will result in a building which is not out of keeping in terms of scale with the surrounding environment. In addition, Officers note that existing vegetation along Church Street will be largely retained, which will provide the proposed building with some screening and softening from the street scene, further mitigating any visual impacts from the site surrounds. Officers also recognise the comments made by Rudgwick Preservation Society that the proposed house fails to pick up architectural markers from its 'parent' dwelling. In view of the proposed complimentary finishing materials and features, including whitewash and chimney, officers consider that the proposed building would be congruent with Sailtops as well as the other residential properties along Church Street.

6.18 In view of the above, Officers are satisfied that the proposed building design accords with Policies 32 and 33 of the HDPF and Policies 2, 6, 7, 8, and 9 of the RNP.

Trees

6.19 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. Policy 33 of the HDPF also requires developments to presume in favour of the retention of existing important landscape and natural features, including trees. Policy RNP17.1 of the RNP requires development to enhance Rudgwick green infrastructure by ensuring no net loss of existing trees or hedges. Where development proposals involve the loss of existing trees, Policy RNP17.2 requires their replacement to an identical environmental value, reflect the scale and nature of the tress lost, and as a minimum conform to British Standards BS 3936-1/Standard 10-12cm girth. Strategic Policy 17 of the emerging HDLP resists any loss of green infrastructure unless it can be demonstrated that new opportunities will be provided that appropriately mitigates and/or compensates for the respective harm and ensures that the ecosystem services or the area are retained and enhanced. Strategic Policy 17 also expects existing priority habitats and trees to be retained, with habitat enhancement including additional hedgerow and tree planting. Where the felling of a tree is necessary, for example due to disease, Strategic Policy 17 would require replacement planting with a suitable tree species, age, and location to retain and enhance the link with the wider network of habitats and Green Infrastructure, will be required.

6.20 12x category C trees, tree groups and hedgerow sections are proposed to be removed or partially removed to facilitate the proposed development. These are restricted to internal site

loss of small ornamental/fruit trees, a section of roadside screening/hedgerow and an early mature beech on the boundary adjacent to the Public Footpath to the south west. Appendix A of the submitted Arboricultural Impact Assessment and Method Statement (AIA) contains the Tree Protection Plan, which includes illustration of the proposed trees for removal. Appendix B of the AIA includes the detailed tree survey and recommended works and removal for this site. To compensate for the proposed loss of existing trees, the AIA proposes new tree planting.

6.21 Officers note the concerns raised by Rudgwick Parish Council regarding the categorisation and proposed removal of the beech tree. In response to this concern, the Council's Arboriculturist has confirmed that they have revisited the site in response to Rudgwick Parish Council's concerns. The Council's Arboriculturist has confirmed that they concur with the tree surveyor's assessment and the C categorisation of the tree. The Council's Arboriculturist further confirms that they do not object to this tree's removal and replacement, and that its removal and replacement would be of a longer term landscape benefit.

6.22 The Council's Arboriculturist has reviewed the proposal and raises no objection to the proposed removal of trees. Officers are also satisfied that the proposed loss of category C trees predominately in the centre of the site will be mitigated by new planting on site of higher quality, native species trees. Officers consider that the detail of the new planting can be secured through planning condition. Officers are therefore satisfied that the proposal accords with Policy 31 of the HDPF.

6.23 The AIA is clear that the remaining trees and hedgerows on the site will be retained and protected during the construction of the proposed development. This includes the installation of tree protection fencing prior to the commencement of site works and subsequent retention until the completion of works when they will then be removed. The Tree Protection Plan at appendix A of the AIA illustrates the proposed location of tree protection fencing and details of the Tree Protection Fencing is included at Appendix C of the AIA.

6.24 The AIA confirms that the majority of site works would take place within the root protection area of the retained trees and therefore a Method Statement has been included as part of the AIA. The Method Statement confirms the proposed measures to minimise any impact of any routing and installation of services, demolition activities and plant and vehicles within the root protection area of retained trees.

6.25 The Arboriculturist has recommended a planning condition to secure compliance with the submitted Method Statement and Tree Protection Plan. Officers concur with the Arboriculturist about the condition and are satisfied that the proposed tree protection fencing, Tree Protection plan and Method Statement will ensure the retained trees are protected during the construction phase of the proposed development.

6.26 In view of the above, Officers are therefore satisfied that the proposal accords with Policy 31 of the HDPF and Policy RNP17 of the RNP regarding trees.

Residential amenity

6.27 Policy 33 of the HDPF states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties and ensuring unacceptable harm to amenity of neighbouring properties, such as overlooking or noise, is avoided. Strategic Policy 11 of the emerging HDLP requires development proposals to minimise lighting impacts on neighbouring sites. Strategic Policy 20 of the emerging HDLP requires development to be designed to avoid unacceptable harm to the amenity of existing and future occupiers or users of nearby property and land, for example due to overlooking, over dominance or overshadowing, light pollution, traffic generation, and general activity, noise, odour and/or vibration.

6.28 The building is proposed to be orientated towards Church Street, set back by 27.8m in line with dwellings to the south of the application. The proposed building has been designed to exclude windows on the first floor side elevations and dormer windows the front and rear of the first floor. The existing boundary planting is proposed to be enhanced on several boundaries and 1.5m high post and rail fencing is proposed along the boundary with Sailtops and the paddock to the rear of the proposed building.

6.29 Officers consider that the orientation of the proposed building towards Church Street, lack of side elevation windows on the first floor, use of dormer windows on the first floor and proposed boundary planting will ensure there proposed building will not result in adverse impacts to the residential amenity of Sailtops, including any overlooking or loss of privacy of private garden amenity.

6.30 Officers are satisfied that the proposed building will not result in overlooking or loss of privacy of Pilgrims Rest or the Public Footpath to the south west, due to the proposed design without windows on the first floor side elevations, existing boundary vegetation screening to be retained and in the case of Pilgrims Rest, the distance between the buildings and separation due to the Public Footpath which runs between them.

6.31 The main body of the proposed building would be set back 11.08m from the site boundary with the paddock and stable block. This is an increase in distance from the existing garage and annexe. Furthermore, additional planting and boundary fencing is proposed along the site boundary with the paddock. Officers consider that in the view of the increased distance and boundary planting, the proposal will not result in adverse harm to the users of the paddock.

6.32 As discussed in the Design and Appearance section above, Officers consider that the scale and massing of the proposed building would not be out of keeping with the local built landscape. Accordingly, Officers are satisfied that the proposed building would not result in adverse neighbouring amenity impacts by virtue of overlooking, scale, or mass.

6.33 Officers recognise that there will be some temporary impacts during the construction phase of the proposed development, such as noise and traffic. However, Officers are satisfied that these impacts can be minimised and mitigated and include planning conditions for hours of operation and construction environmental management plan.

6.34 In view of the above, Officers are satisfied that the proposed development will not result in adverse harm to neighbouring amenity in accordance with Policy 33 of the HDPF.

Highway, Traffic, Parking and Access

6.35 Policy 40 of the HDPF 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 HDPF 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. Strategic Policy 24 of the emerging HDLP supports residential development which minimises the need for travel and priorities the ability of residents to safely and conveniently walk and cycle to meet their day-to-day neds. Strategic Policy 25 of the emerging HDLP requires adequate, safe and secure, off-street vehicle and parking provisions.

6.36 The application site is located in Rudgwick Village, which provides some local services within walking and cycle distance, such as a shop and primary school. Nearby bus stops on the B2128 provide hourly services to Horsham and Guildford. Officers are satisfied that the

application site supports sustainable transport options in accordance with the requirements of Policy 40 of the HDPF in this regard.

6.37 The WSCC Car Parking Demand Calculator indicates that a dwelling of this proposed size and location would require three car parking spaces. Whilst the plans detail two formal parking spaces within the site, the driveway and area of hardstanding is clearly large enough to hold at least three vehicles with ease. WSCC Highways have confirmed that the plans indicate suitable space within the site to accommodate this parking demand, with space for on-site turning to be achievable. Officers are also satisfied that sufficient space is contained within the application for the parking and turning requirements of this development in accordance with Policy 42 of the HDPF and include a planning condition to secure this.

6.38 No details of cycle parking provision have been provided within this submission. To promote the use of sustainable transport methods, WSCC Highways requests that secure cycle parking provision for at least two bicycles be provided in accordance with WSCC Parking Guidance. Officers concur with WSCC Highways and have included a planning condition accordingly.

6.39 A new vehicular access point is proposed on Church Street to serve the dwelling. The proposed access works will be subject to a licence obtained through the local Highway Area Office and would be constructed to a specification agreed with the local Highway Area Engineer. Visibility splays of 2.4m x 43m have been demonstrated in both directions for the proposed access point, in accordance with Manual for Streets (MfS) parameters for a 30-mph speed restriction. WSCC Highways have reviewed the visibility splays and confirm that this appears to be achievable solely within the maintained highway boundary. Officers agree with WSCC Highways regarding the proposed access and visibility. Officers note the concerns regarding the safety of the proposed separate access raised by Rudgwick Preservation Society, however in view of the visibility splays and technical advice from WSCC Highways, Officers are satisfied that the proposed access will have sufficient visibility to ensure no adverse impact to traffic or highway users. Officers have included a condition to secure the access and visibility splays accordingly.

6.40 Officers recognise that there will be construction traffic associated with the proposed development. To ensure this does not result in any adverse highway safety or traffic impacts, Officers have included a condition for a construction traffic management plan.

6.41 In view of the above, Officers are satisfied that the proposed development is located within a sustainable location, will not result in adverse impact to highway safety and will include safe and appropriate access and parking provision in accordance with policies 41 and 42 of the HDPF.

Ecology

6.42 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 and that particular consideration will be given to the hierarchy of site and habitats in the district. Furthermore, Policy 31 states that any development with the potential to impact the Mens SAC will be subject to a Habitats Regulation Assessment to determine the need for an Appropriate Assessment and will be required to accord with any necessary mitigation measures. Strategic Policy 11 of the emerging HDLP requires development proposals to minimise lighting impacts on biodiversity. Strategic Policy 17 of the emerging HDLP resists any loss of green infrastructure unless it can be demonstrated that new opportunities will be provided that appropriately mitigates and/or compensates for the respective harm and ensures that the ecosystem services or the area are retained and enhanced.

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

6.44 This application was submitted prior to biodiversity net gain being mandatory for small site applications and therefore this proposal does not need to provide 10% BNG as per the Environment Act 2021.

Great Crested Newts and other reptiles

6.45 The application site is in an area with a high risk of greater crested newts (red zone). The applicant has provided an ecological report, [Preliminary Ecological Appraisal, The Ecology Coop, March 2024]. The report considers great crested newts within the context of the proposed site and outlines a set of precautionary measures to minimise the impact on biodiversity. NatureSpace has reviewed the submitted PEA and advises that given the small scale of the proposed development and the limited suitable habitat on site and within the surrounding area, compliance with the precautionary measures outlined in the Ecological Report submitted is appropriate to ensure the proposed development will not result in any adverse harm to great crested newts and their habitats. NatureSpace recommends conditioning this accordingly. NatureSpace have also commented that there is no evidence of other protected species or habitat being present on the site. NatureSpace are therefore satisfied that sufficient habitat will be retained on the site, subject to the inclusion of a condition for a landscaping scheme for the retention and enhancement of planting across the site. Officers have also reviewed the submitted PEA and are satisfied that the proposed precautionary measures and landscape planting across the site will ensure the proposed development will ensure sufficient protection of great crested newts and their habitats and any other reptiles on site in accordance with Policy 31 of the HDPF.

Bats

6.46 The application site also lies 9.7km northeast of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The site therefore falls within the 12 km Wider Conservation Area for the SAC. One of the qualifying features for the SAC is Barbastelle bat. The applicant has submitted Bat Survey Report (The Ecology Co-op, November 2023) which includes two bat emergence surveys in May and June 2023 that confirm the presence of two Common Pipistrelle summer day roosts in the converted garage, as well as an infrequently used Long-eared bat feeding perch, likely to be a Brown Longeared due to geographical location. There are, however, no records for Barbastelle bats within 2km of the site.

6.47 The Bat Survey Report in conjunction with the PEA, sets out outline mitigation measures to ensure impact to protected bats is avoided. A planting scheme with native shrubs, flowering species, and species-rich native hedgerow with trees is also proposed to encourage inspect diversity and contribute to enhancing the existing biodiversity on site. The Council's consultant ecologist has reviewed this information and supports the outline mitigation measures and biodiversity enhancements on site and are satisfied that there will be no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained. The consultant ecologist has recommended planning conditions to secure the planting and mitigation measures.

6.48 The consultant ecologist has also confirmed that they believe there will therefore be no Adverse Effect on Integrity of the bat SAC. Natural England have been consulted in relation to bats and in response have provided their standing advice. Following review and consideration of the guidance within Natural England's standing advice, Officers are satisfied that appropriate avoidance and mitigation measures are proposed as part of this development and can be secured by planning conditions ensuring there will be no Adverse Effect on Integrity of the bat SAC and bats and their habitats as protected species in accordance with Policy 31 of the HDPF.

6.49 Notwithstanding the above, as Barbastelle bats may use this habitat, the consultant ecologist has recommended a condition to secure a Wildlife Friendly Lighting Strategy. Rudgwick Parish Council also recommend a condition to secure ecologically sensitive lighting as outlined in the PEA. Officers concur with the consultant ecologist and Rudgwick Parish Council in regard to the proposed lighting condition and have attached it accordingly.

Birds

6.50 The proposed removal of trees and sections of hedgerow will result in a loss of low-quality nesting bird habitat. The applicant proposes to mitigate this through the planting of a species-rich native hedgerow shown in Figure 6 of the PEA. Four general purpose nest boxes are also proposed to be erected onto retained trees to provide an increase in nesting bird habitat across the site. The hedgerows and trees on site also have the potential to support a variety of common nesting birds. The PEA therefore proposes to avoid the removal of vegetation and demolition during the nesting bird season, unless features are first searched by a suitably qualified ecologist and no active nests are found. The consultant ecologist supports the proposed biodiversity enhancements approach and recommends a planning condition to secure the specifications and locations of the enhancement measures should be outlined within a Biodiversity Enhancement Layout. Officers are satisfied that the proposed planting and precautionary measures will ensure the proposal will not result in adverse harm to birds in accordance with Policy 31 of the HDPF.

6.51 In view of the above, Officers are satisfied that the proposed development will not result in adverse harm to ecology in accordance with Policy 31 of the HDPF.

Climate change

6.52 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.

6.53 The proposed development includes a Surface Water Drainage Scheme (SuDS), water efficiency devices, and enhanced biodiversity measures to build resilience to climate change and reduce carbon emissions. Officers have included a planning condition for the SuDS provision.

6.54 In view of the above, Officers are satisfied that the proposed development makes provisions to reduce the impact of the development on climate change in accordance with Policies 35, 36 and 37 of the Horsham District Planning Framework (2015).

Water Neutrality

6.55 The application site falls outside of the Sussex North Water Supply Zone as defined by Natural England. Officers have reviewed the application site against the West Sussex County Council Water Neutrality Map and confirm that it is located outside of the Sussex North Water Resource Zone. The applicant has submitted a copy of their Thames Water bill

as additional evidence to confirm that the application site is not supplied water by Southern Water and is outside the Sussex North Water Supply Zone. Accordingly, Officers are satisfied that this application site does not need to demonstrate water neutrality.

Other matters

6.56 Officers note the concerns raised by Rudgwick Preservation Society regarding the application site being a historic small holding, which would be compromised by the proposed loss of curtilage and of an existing dwelling and damage to the setting of an unlisted heritage asset.

6.57 The Council's Senior Conservation Officer has advised that Sailtops appears to be an enlarged ancillary building originally connected to Jasmine House to its north. Jasmine House has also been subdivided but remains an attractive nineteenth century dwelling in the domestic revival style of the mid-nineteenth century. Both buildings could be considered non-designated heritage assets as they reflect the architecture of the time and the socio-economic history of the village.

6.58 The Senior Conservation Officer has confirmed that he is satisfied the impact of the proposed dwelling will not be harmful in heritage terms. Officers concur with the Senior Conservation Officer and consider that while the proposed development may have an impact to the setting of a potentially unlisted heritage asset, this would not be a harmful impact. Officers are also satisfied that the proposed building design is sympathetic to the potentially unlisted heritage asset and therefore do not have any concerns in regard to local heritage character in this regard.

Conclusions

6.59 The proposed development is located adjacent to the BUAB, where the development of housing would result in conflict with the strategic spatial strategy of the development plan as outlined within HDPF Policies 2 and 4 and the provisions of HDPF Policy 26 in seeking to prevent development unessential to a countryside location.

6.60 However, as Officers have identified earlier within this report, the application site is found within a context where future occupiers would not be solely dependent upon the use of the private car, with existing services, amenities and public transport infrastructure found within reasonable walking/cycling distance of the site. Therefore, the degree of conflict with HDPF Policy 2 in this regard is considered limited in this instance.

6.61 The Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the latest published Authority Monitoring Report (January 2024) confirming a 2.9-year supply against the objectively assessed target. Paragraph 11(d) to the NPPF establishes that where development plan policies are absent or the most important policies to determination are out-of-date, including where an Authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless there is a clear reason to refuse planning permission, through the exercise of policies in the Framework which protect areas/assets of particular importance, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits where assessed against the provisions of the Framework as a whole.

6.62 Paragraph 14 of the NPPF is clear where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. Rudgwick Neighbourhood Plan was formally made on 23 June 2021 which is less than five years

before a decision is due to be made on this application, however it does not contain housing allocations. Therefore, paragraph 14 of the NPPF does not apply in this case and any conflict with the neighbourhood plan need not be considered to significantly and demonstrably outweigh the benefits of the proposed development.

6.63 Policies 2, 4 and 26 to the HDPF, in respect of the control of development beyond defined BUABs, do act to constrain the availability of land for housing delivery, as such, are the most important policies for the purposes of NPPF paragraph 11(d). In the context of the Authority's housing land supply position the weight which can be assigned to conflict with HDPF Policies 2, 4 and 26 is significantly reduced to limited weight.

6.64 As detailed earlier in this report, the Council has published interim guidance on how housing proposals are to be considered in its Facilitating Appropriate Development (FAD) document, which recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position, and Officers consider that the proposed residential development meets the above FAD criteria. The proposals compliance with FAD is afforded moderate weight, however as the proposal is only for one dwelling, the benefit of the development in relation to housing land supply is limited.

6.65 As also detailed earlier in this report, the emerging HDLP proposes to extend the Rudgwick BUAB to include the application site and Officers consider that the proposal would accord with the emerging policies contained within the emerging HDLP in this regard. Officers note comments from Rudgwick Preservation Society in regard to the consideration of the proposed extension of the BUAB in the planning balance. The emerging HDLP currently carry limited weight however they provide a reasonable indication of the intended direction of planning policy for the district and in this case given that the BUAB is proposed to be extended, this site is considered to be a sustainable location for residential development. Whilst at the time of writing the report, the proposed BUAB extension and compliance with the emerging policies should be afforded limited weight within material planning considerations.

6.66 Moreover, as discussed above, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites there isn't a 5 year housing land supply and the application site is in a sustainable location, which carries significant weight in decision making.

6.67 Officers consider that the proposed development is an appropriate design, including in terms of scale, finishing materials, massing, orientation, and layout within the site. Officers are satisfied that the proposed development is sympathetic to the character of its respective setting and would not result in adverse impacts of nearby occupiers/users of land. Officers therefore consider that the proposed development would not result in adverse design, appearance, or neighbouring amenity harm in accordance with the requirements of Policies 32 and 33 of the HDPF and Policies 2, 6, 7, 8, and 9 of the RNP.

6.68 The consultant ecologist, NatureSpace Partnership, the Council's Arboriculturist and Officers consider that the proposed development is acceptable with regard to its anticipated effects upon protected and priority species and their habitats, the Mens Special Area of Conservation, and existing green infrastructure, and capable of delivering biodiversity enhancements subject to appropriate mitigations and conditions in compliance with Policies 31 and 33 of the HDPF and Policy RNP17 of the RNP.

6.69 WSCC Highways and Officers are satisfied that the proposed development would not unacceptably impact upon highway safety or operation in accordance with Policies 40 and 41.

6.70 The 'tilted balance' under paragraph 11(d) of the NPPF is engaged in the consideration of this application. In the context of paragraph 11(d) being engaged and the corresponding reduced degree of weight to be assigned to conflict with Policies 2, 4 and 26 of the Horsham Development Plan Framework and the moderate weight assigned to the proposals compliance with the Facilitating Appropriate Development, the limited weight assigned to the proposals compliance with the emerging Horsham District Local Plan, the sustainable location and limited benefit of this singular dwellings contribution to housing land supply, and the absence of any other material harm, it is considered that a departure from the provisions of the development plan is justified.

6.71 It is, therefore, recommended that planning permission be granted, subject to the conditions specified below.

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	216.00	74.00	142.00
		Total Gain	**142.00**
		Total Demolition	**74.00**

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.

7 RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

Conditions:

1. **Approved Plans**

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. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
   i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
   ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities
   The approved details shall be adhered to throughout the construction period.

   Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development, including any works of demolition, shall commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:
   a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
   b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
   c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

   Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

5. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

   Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape

scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Slab Level Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated Preliminary Ecological Appraisal (The Ecology Co-op, March 2024) has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

   Reason: To enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

8. **Pre-Commencement Slab Level Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

   Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
   - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
   - Details of all hard surfacing materials and finishes
   - Details of all boundary treatments

   The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

   Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **Pre-Occupation Condition**: No part of the development shall be first occupied until a lighting design scheme for biodiversity based on GN: 08/23 has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features

on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

11. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum of 30 megabits per second through full fibre broadband connection has been provided to the premises.

    Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition**: No part of the development shall be first occupied until the access and car parking has been constructed in accordance with the approved site plan and visibility splays plan. The access and spaces shall thereafter be retained at all times for their designated purpose.

    Reason: To provide safe access and car-parking space for the use in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

13. **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

    Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling (or use). The facilities shall thereafter be retained for use at all times.

    Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15. **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).

16. **Regulatory Condition:** The development hereby permitted, including all mitigation and enhancement measures and/or works, shall be carried out in accordance with the details, including the Precautionary Method Statement for reptiles and appointment of an appropriately competent person to provide on site ecological expertise during construction, contained in the Bat Survey Report (The Ecology Co-op, November 2023) and Updated Preliminary Ecological Appraisal (The Ecology Co-op, March 2024).

    Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

17. **Regulatory Condition:** The development hereby permitted shall be carried out in accordance with the tree protection details, including the Tree Protection Plan, contained within the Arboricultural Impact Assessment and Method Statement (Arbortrack Systems Ltd, February 2024).

    Reason: To conserve and protect existing retained trees during the construction phase of the development in accordance with Policy 21 of the Horsham District Planning Framework (2015).

18. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Class A, B or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

    Reason: In the interest of visual amenity and due to the enlargement of the dwelling above the existing, in accordance with Policies 28 and 33 of the Horsham District Planning Framework (2015).

19. **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

    Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).