



Appeal Decision

Site visit made on 3 July 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/Z3825/W/22/3294813

Ashley House, Roundabout Copse, West Chiltington RH20 2RN

- 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 and Mrs Hirsch against the decision of Horsham District Council.
 - The application Ref DC/21/1234, dated 25 May 2021, was refused by notice dated 18 February 2022.
 - The development proposed is described on the application form as, "Construction of a Detached Bungalow further to Outline Planning Permission DC/20/0157".
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached bungalow at Ashley House, Roundabout Copse, West Chiltington, RH20 2RN in accordance with the terms of the application, Ref DC/21/1234, dated 25 May 2021, and subject to the conditions set out in the attached schedule.

Application for costs

2. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

3. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Erection of a detached bungalow". I have used this description in my consideration of the appeal and in my decision since it best describes the proposed development in precise and concise terms.
4. At the site visit I observed that a dwelling known as 'Lavenders' was present on an adjacent plot to Ashley House. Nevertheless, I cannot be certain that the development that has been carried out is exactly the same in its entirety as that which has been applied for. Thus, for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans.

Main Issue

5. The main issue is the effect of the proposal on Habitats Sites, with particular regard to water abstraction levels for the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.

Reasons

6. The appeal site is located on Roundabout Copse, a residential cul-de-sac which contains several detached properties situated in fairly spacious plots which commonly exhibit high standards of architectural design. The site is within the zone of influence for the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. The Council has raised concerns that 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 these internationally designated sites by way of increased water abstraction.
7. Natural England's Position Statement Interim Approach (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known must demonstrate certainty that they will not contribute further to the existing adverse effect on the internationally designated sites. Accordingly, as the competent authority, it is incumbent upon me to undertake an Appropriate Assessment in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Mitigation measures and their effectiveness must also be taken into account.
8. In this regard, the appellant has submitted Water Neutrality Statements which explain that with new sanitary fittings (and/or flow restrictors) and appliances for Ashley House, the savings in water use for Ashley House would be greater than the proposed water use for the proposed new dwelling, meaning that the proposal would be better than water neutral.
9. The Council have not provided any specific evidence to rebut the conclusions of these Water Neutrality Statements. Rather, I note that the Council's Habitats Regulations Assessment Screening Matrix and Appropriate Assessment (December 2021) concluded that the project would not have an adverse effect on the integrity of the internationally designated sites, either alone or in combination with other plans and projects.
10. The measures proposed to upgrade Ashley House in the manner described above appear to me to be feasible. I have not been provided with substantive evidence which indicates otherwise. The balance of the evidence therefore indicates that the proposal would achieve water neutrality, thereby avoiding adverse effects upon the internationally designated sites.
11. In concluding my Appropriate Assessment, I therefore find that there would not be adverse effects on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites with particular regard to water abstraction levels arising from this proposal when considered in combination with other development. It follows that the proposal would comply with the Habitats Regulations and s40 of the Natural Environment and Rural Communities Act 2006 (as amended).
12. The proposal would comply with Policy 31 of the Horsham District Planning Framework (excluding South Downs National Park) (adopted November 2015) (HDPF) which provides that, amongst other things, where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that appropriate mitigation and compensation measures are provided. The proposal would also comply with chapter 16 of the National Planning Policy Framework

(the Framework) which seeks to conserve and enhance the natural environment.

Conditions

13. The Council did not provide a list of suggested conditions. Nevertheless, I have had regard to the need for conditions to be imposed. I have taken account of the Council's grant of planning permission¹ for the erection of a detached bungalow in this respect. I have considered the advice on conditions set out in the Framework and the Planning Practice Guidance.
14. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans respectively.
15. A condition is necessary requiring the submission of a drainage strategy to the Council, to reduce the risk of flooding, in compliance with part 3. of Policy 38 of the HDPF.
16. A condition is necessary requiring the submission of a Construction Method Statement to the Council, to ensure that the living conditions of neighbouring occupiers are safeguarded during the construction phase.
17. A condition is necessary requiring a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building to be submitted to the Council, to safeguard the character and appearance of the area.
18. A condition is necessary requiring the development hereby permitted to be undertaken in full accordance with the Water Neutrality Statement, to ensure that the development is water neutral to avoid an adverse impact on the internationally designated sites referred to in the main issue in this appeal.
19. A condition is necessary requiring the submission of a landscaping scheme to the Council, to safeguard the character and appearance of the area.
20. A condition is necessary requiring a scheme for the provision of electrical vehicle charging points to be submitted to the Council, to ensure that the proposal makes a contribution to mitigating the impacts of climate change.
21. A condition is necessary requiring details of secure and covered cycle parking facilities to be submitted to the Council, to ensure that the proposal promotes sustainable transport.
22. A condition is necessary requiring details for the provision for the storage of refuse and recycling facilities, to ensure that adequate provision of recycling facilities are provided on site.
23. A condition is necessary to enable superfast broadband on site, to ensure compliance with Policy 37 of the HDPF, which provides that, amongst other things, new homes should include the provision of high-speed broadband access.
24. A condition is necessary restricting permitted development rights, to safeguard the character and appearance of the area, and the living conditions of the

¹ DC/22/0536

future occupiers of the new dwelling with respect to the provision of outdoor private amenity space.

25. A condition is necessary restricting times of implementation of the proposal, to safeguard the living conditions of neighbouring residential occupiers.

Conclusion

26. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Bungalow Site Plan (Drawing No. LOC), Proposed Bungalow Site Plan (Drawing No. 01) (Rev. A), Proposed Bungalow Floor Plan (Drawing No. 02) (Rev. A), Proposed Bungalow Elevations (Drawing No. 03) (Rev. A).
- 3) 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 Drainage Strategy.
- 4) No development shall take place (including any works of demolition or site clearance), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall provide for, but not be limited to:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding, where appropriate;
 - v. the provision of wheel washing facilities if necessary;
 - vi. measures to control the emission of dust and dirt during construction; and
 - vii. a scheme for recycling / disposing of waste resulting from demolition and construction works.
- 5) 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 dwelling hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. All materials, finishes, and colours used in the construction of the development hereby permitted shall conform to those approved.
- 6) The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement (thermenergy) (dated 11 April 2022). The dwelling hereby permitted shall not be first occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full (including any offsetting / retrofitting measures in relation to the existing property on site at Ashley House, Roundabout Copse, West Chiltonington). The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as-built Part G water calculator (or equivalent). The installed measures shall be retained as such thereafter.
- 7) Prior to the first occupation of any part of the development hereby permitted, a Landscaping Scheme (providing 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:

- i. Details of all existing trees and planting to be retained;
- ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
- iii. Details of all hard surfacing materials and finishes;
- iv. Details of all boundary treatments; and
- v. Biodiversity Enhancement Measures.

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 Scheme, 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 the completion of the development. Any proposed planting, which within a period of 5 years from the completion of the development, 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.

- 8) No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.
- 9) No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to, and approved in writing by, the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the approved cycle parking facilities associated with the dwelling hereby permitted have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.
- 10) No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to, and approved in writing by, the Local Planning Authority. These facilities shall be provided prior to occupation of the development hereby permitted and thereafter be retained for use at all times.
- 11) 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 30 megabytes per second through full fibre broadband connection has been provided to the premises.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development otherwise permitted by Classes A, AA, B, C and 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.

- 13) Works for the implementation of the development hereby permitted shall be carried out only between 08:00hrs to 18:00hrs on Mondays to Fridays, between 08:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.