



Appeal Decision

Inquiry held on 17 -20, 24 & 25 October 2023

Site visit made on 23 & 24 October 2023

by Lesley Coffey BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/Z3825/W/23/3321658

Land at Lower Broadbridge Farm, A281, Broadbridge Heath, West Sussex, RH12 3GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Gleeson Land against the decision of Horsham District Council.
 - The application Ref DC/22/1052, dated 28 June 2022, was refused by notice dated 9 February 2023.
 - The development proposed is Outline application for the development of the site to provide up to 133 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure with all matters reserved except access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the development of the site to provide up to 133 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure with all matters reserved except access, at Land at Lower Broadbridge Farm, Broadbridge Heath, RH12 3GP in accordance with the terms of the application, Ref DC/22/1052, dated 28 June 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The proposal is for outline planning permission with all matters reserved except access. Appearance, scale, layout and landscaping are reserved for future consideration. Plans submitted by the appellant show how the site could be developed, but these are for illustrative purposes only.
3. All parties agreed that since this was an outline application the revised layout submitted by the appellant would not be prejudicial to their case, and that the appeal should proceed on the basis of this plan.
4. The appellant submitted a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. This made provisions for affordable housing, open space, monitoring fees and water neutrality measures. These matters are discussed in more detail below.
5. There were two Rule 6 Parties, Protect Our Green Environment (POGE) and Field Place Estates.

6. The **Council's Statement of Case** confirmed that it would not be defending the reasons for refusal in relation to the impact of noise on residential amenity (reason 2), the harm to the setting of heritage assets (reason 3), or the harm to landscape character (reason 4). Following the submission of the draft Unilateral Undertaking (UU), it also confirmed that it would not be defending the fifth reason for refusal. As a consequence, the **Council's case** related solely to the water neutrality issue. However, the Rule 6 parties continued to pursue these reasons as well as other matters.
7. An over-arching Statement of Common Ground was agreed between the Council and the appellant, with an additional Statement of Common Ground in relation to water neutrality.
8. I carried out accompanied site visits on the evening of Monday 23 October, and on 25 October 2023. I also carried out unaccompanied visits during and following the Inquiry.

Main Issues

9. I consider the main issues to be:
 - The effect of the proposal on water neutrality having particular regard to the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.
 - The effect on the proposal on the significance of the heritage assets.
 - The effect of the proposal on flood risk to the surrounding properties and area.
 - The effect of the proposal on the character and appearance of the surrounding landscape, including whether the proposed development would contribute to the coalescence of Broadbridge Heath and Slinfold.
 - Whether the location of the proposed development outside of the Built-Up Area boundary is acceptable having regard to development plan policies.
 - The effect of the proposal on biodiversity.
 - The housing land supply position and whether the proposal would make suitable provision for affordable housing.

Reasons

10. The appeal site is located approximately 3.5 km west of Horsham Town Centre and adjoins the built-up area boundary of Broadbridge Heath. The A281 lies to the east (with existing residential development beyond) and the Five Oaks Roundabout to the south-east. The northern and western site boundaries are formed of well-established boundary vegetation, and beyond these lies the wider countryside including a small number of residential dwellings.
11. Most of the site comprises agricultural land defined by tree belts, with one larger field adjoining the A281 and one smaller field adjoining Five Oaks Road. Lower Broadbridge Farmhouse, a Grade II Listed Building, adjoins the northern boundary of the site. The site of the former farm-complex buildings lies to the north of the farmhouse. These buildings are modern in nature and in existing employment use for distribution, processing and storage of stone from a nearby quarry and other commercial uses. There are two further Grade II

listed buildings close to the northern boundary of the site. A public right of way runs along the northern boundary of the site.

12. The proposal would incorporate a mix of 1 and 2 bedroom apartments, as well as 2, 3 and 4 bedroom houses. The proposal includes 45% affordable housing provision (this equates to 60 dwellings). The submitted Parameter plan shows the 2.5 storey housing restricted to the eastern and central sections of the site, stepping down to 2 storeys to the west. Public open space would be provided to the north and west of the site. The proposed vehicle access is to the south of the site from Five Oaks Roundabout. It would require the realignment of the existing roundabout. 45% of the dwellings are to be affordable homes.

Water Neutrality

13. **Horsham District lies within Southern Water's Sussex North Water Resource Zone (WRZ).** Sussex North WRZ is supplied from groundwater abstraction on the River Arun, close to Pulborough in Horsham district. The abstraction site is located close to a group of nature conservation sites, known as the Arun Valley Sites, that are nationally or internationally designated as Special Areas of Conservation, Special Protection Area, and a Ramsar Site for their rare and protected habitats.
14. The parties agree that the Appeal Proposals, without mitigation, would increase water abstraction resulting in a likely significant effect on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects.
15. It is agreed that pursuant to Regulation 63(5) of the Habitats Regulations the Competent Authority may only grant outline planning permission for the appeal proposal after having ascertained that there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Protected Sites. In order to demonstrate, beyond reasonable scientific doubt, that no adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites would occur as a result of the appeal proposal, mitigation measures are required to achieve Water Neutrality. This means that the use of water in the supply area before the development would be the same or lower after the development is in place.
16. The appeal proposal would incorporate a combination of efficiency measures and greywater harvesting and re-use systems. The parties agree that these measures, taken together, would achieve a standard of 67.08 litres/person/day and reduce total mains-water demand to 18,907 litres/day. They also agree that a suitable management and maintenance plan is required to ensure all greywater recycling systems are maintained and operated at all times. The Council is satisfied that these on-site measures would be effective and could be secured by the mechanism suggested by the appellant. I agree with this view.
17. In order to achieve water neutrality and to eliminate the possibility of the proposal contributing to adverse effects upon the integrity of Arun Valley sites the reduced water demand of 18.907 litres/day would need to be offset. The appellant originally proposed to offset this usage at a local school, but for reasons beyond the appellant's control this option is no longer available.
18. The appellant proposes two alternatives to ensure that the residual water requirement would be offset thus making the proposal water neutral. These are

secured by the proposed Grampian condition and the UU. Together these would prevent the implementation of the proposed development until either a water neutrality scheme, has been approved by the Council and implemented, or alternatively in the event that the Council has adopted a water neutrality off-setting scheme and the requisite number of water offsetting credits have been purchased.

19. The off-site water neutrality measures within the UU prohibit the implementation of the development until the offsetting land has been procured with obligations as set out within the supplemental deed. It also requires evidence to demonstrate that the necessary measures have been implemented and completed.
20. As an alternative the UU and condition provide for the purchase of off-setting **credits within the Council's** Strategic North Water Offsetting Scheme (SNOWS). The SNOWS scheme is anticipated to be adopted in mid-2024. The offsetting contributions would be used to deliver water efficiencies elsewhere in the water supply zone through the installation of flow regulators in registered provider housing stock, efficiencies in schools, the installation of rainwater harvesting on commercial sites, and/or providing an alternative source of water for golf course irrigation. The aim of the scheme is to allow Local Plan growth to be delivered in compliance with the Habitats Regulations, and therefore any additional water demand must be offset before occupation of new development.
21. On behalf of the Council Mr Smith advised that there remain a number of uncertainties regarding the SNOWS scheme. These include the capacity of the scheme, the timeframe for the implementation of mitigation, costs and prioritisation of access to the scheme. I also note that the Sussex North Water Neutrality Study: Part C – Mitigation Strategy (December 2022) states that there will be no contribution available for Local Plan growth until 2025 due to the need to accommodate sites with full extant planning permission on or prior to September 2021.
22. Mr Smith contends that in terms of SNOWS, previously permitted development would have a greater priority than the appeal scheme. He states that there is no prospect of the appeal scheme being able to access SNOWS even if it is allocated for development in a future development plan.
23. The Local Plan for both Horsham District Council (HDC) and Crawley are currently subject to review. In the case of HDC the preparation of the Regulation 19 Horsham District Local Plan was postponed in 2021 due to the water neutrality issues raised by Natural England and a revised timetable is currently under consideration. There remains uncertainty with regard to the capacity of the SNOWS scheme and the timeframe for the implementation of off-setting measures. I also note that the Sussex North Water Neutrality Study: Part C – Mitigation Strategy (December 2022) states that there will be no contribution from the scheme available for Local Plan growth until 2025 due to the need to accommodate sites with full extant planning permission on or prior to September 2021.
24. Whilst I acknowledge the extent of the uncertainties in relation to SNOWS, having regard to its stated objective to accommodate planned growth within the Plan period, I **consider that the Council's position**, namely that there is no prospect of the scheme accessing SNOWS, overstates the case. Whilst it may

ultimately be that the appeal scheme is unable to access SNOWS during the lifetime of the permission, there remains some prospect that it would be able to do so. I also accept that other schemes would be likely to be prioritised over the appeal scheme. For this reason I consider that the SNOWS scheme by itself may not avoid an increase in water abstraction resulting in a likely significant effect on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects.

25. **The Council's position is that** the UU and proposed condition would defer the detailed assessment of the proposed mitigation until the reserved matters stage and as such the proposal would not comply with the Conservation of Habitats and Species Regulations 2017.
26. The Council and the appellant agree that an appropriate assessment should be undertaken at the outline permission stage. However, they differ as to whether there is sufficient information to ascertain that the proposal would not adversely affect the integrity of the protected sites beyond all reasonable scientific doubt, as required by Regulation 63(1).
27. Regulation 63 also states that when considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out, or to any conditions or restrictions subject to which it proposes that the consent, permission, or other authorisation should be given.
28. Regulation 70(3) explicitly considers outline permissions as follows:
- "Where the assessment provisions apply, outline planning permission must not be granted unless the competent authority is satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely to adversely affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after objecting to approval of any reserved matters"*.
- Consequently, outline planning permission should not be granted unless the proposal would not, beyond all reasonable scientific doubt, lead to an adverse effect on the integrity of a European Site.
29. Both parties make extensive reference to case law. I address those I consider to be most relevant to this case.
30. *Case C-6/04 Commission v United Kingdom [2006] Env LR 29* concerns the application of the Habitats Directive to the adoption of development plans in the UK. It found that the requirements of the Habitats Directive did apply to the adoption of development plans even though planning permission would be required for any development supported by such plans. This judgement was informed by the opinion of AG Kokott. This stated:

"AG49. The United Kingdom Government is admittedly right in raising the objection that an assessment of the implications of the preceding plans cannot take account of all the effects of a measure. Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on

areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure."

31. **The Council contends that the AG Kokott's** Opinion is not helpful to the **appellant's case since it refers to the "precision of the plan" and not the** mitigation. However, the opinion assessed the consistency of a development plan process with the Habitats Directive. Therefore it is not surprising that the reference is to the plan rather than the mitigation and the failure to reference the mitigation does not detract from the relevance of this case, that has been referenced in subsequent judgements.
32. Sale LJ endorsed this approach in *R (Forest of Dean (Friends of the Earth)) v Forest of Dean District Council [2015] PTSR 1460*, where it was held that the planning authority is entitled to adopt a staged approach to the consideration of individual projects as they are brought forward, ensuring at each stage that the protected site is not subject to a detrimental impact.
33. These judgements did not find that full details of mitigation should be required at outline permission stage, provided that any conditions or planning obligations imposed are strict enough to avoid a detrimental effect on the protected site(s).
34. *Abbotskerswell Parish Council v SSHCLG [2021] Env. L.R. 28*, Lang J held that reg.70(3) of the Habitats Regulations expressly provides that the role of conditions and limitations in contributing to the avoidance of adverse effects to integrity can be taken into account when considering applications for outline planning permission. She went on to state that:

"The approach contended for by the claimant, whereby all details of matters which may affect site integrity have to be assessed at the outline stage, would effectively require an application for a full planning permission. This would render the role of outline planning permissions in relation to development requiring appropriate assessment nugatory and would mean that the wording in reg.70(3) is meaningless."
35. Both parties also refer to *R (Wingfield) v Canterbury CC [2019] EWHC 1974 (Admin)*, This was a case where a planning authority had sought to discharge its obligations under the Habitats Regulations at the stage of approving reserved matters having failed to do so in granting outline planning permission. It was held that for the purposes of the Habitats Regulations, there is no decision authorising the implementation of the project in the case of a multi-stage consent until reserved matters are approved. Reserved **matters approval is the "implementing decision"**. It was found that the Habitats Directive does not require an appropriate assessment at the "earliest possible stage" **but** is focussed on ensuring the avoidance of harm to the integrity of protected sites.
36. A similar conclusion was reached in *R (Swire) v Canterbury CC [2022] EWHC 390 (Admin)* Holgate J found that there is no legislative objective requiring appropriate assessment to be carried out at the earliest possible stage. Accordingly, an appropriate assessment may lawfully be completed at the reserved matters stage, even if not carried out prior to the grant of outline permission.

37. The Council submits that this appeal differs from Swire, since in that case Natural England was satisfied that the matter was capable of being resolved by mitigation measures. In this appeal **Natural England's** initial response was informed by **the Council's** appropriate assessment which concluded that it was unable to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question. It advised that additional work on the assessment was required to enable it to be sufficiently rigorous and robust.
38. Following the close of the Inquiry, I sought the views of Natural England as to whether the proposed UU and Grampian conditions would provide the necessary certainty required by the Habitats Regulations. It responded that measures which are uncertain with respect to their efficacy and/or delivery are not suitable to be considered as mitigation measures at the appropriate assessment stage of Habitats Regulations Assessment. It also stated that since the SNOWS was not yet secured, there is insufficient practical certainty, at this time, to rely upon a future contribution to this strategy as a mitigation measure for the Arun Valley designated sites. It made no comments regarding the suitability of conditions or unilateral undertakings and deferred this matter to the judgement of the competent authority. Accordingly, I do not consider that the position of Natural England in relation to this appeal means that the principles within Swire are not applicable in this case.
39. There is no dispute between the Council and the appellant as to the fundamental principles of the appropriate assessment process as set out at Regulation 70(3). As is evident from the above, the aim is to avoid a detrimental effect on the integrity of the protected sites. Outline planning permission is a multi-stage consent, with reserved matters being the implementing decision (Wingfield). It is also clear that it is appropriate to take account of conditions and limitations in contributing to the avoidance of adverse effects when considering applications for outline planning permission (Abbotskerwell, Forest of Dean).
40. In my opinion none of the judgements referenced above would preclude the approach advocated by the appellant. The UU covenants not to allow the implementation of the development until the offsetting measures on the offsetting land have been implemented and the Council has confirmed in writing that the development is considered to be water neutral. The suggested conditions require the submission of a water neutrality strategy prior to the commencement of development and confirmation that the water neutrality offsetting measures have been implemented. In addition, the water efficiency measures within the proposed development are required to be approved prior to the commencement of development and implemented prior to the occupation of the proposed development.
41. The Council's position is that an offsetting scheme which does not exist at the point of granting planning permission cannot lawfully result in a positive appropriate assessment. It contends that this approach is supported by other appeal decisions and refers to the Land North of Lyons Road appeal decision where the Inspector found that shifting the burden of proof to some point in the future would not satisfy the need for certainty at the point of undertaking an appropriate assessment.⁷ However, this position is clearly at odds with the judgements above, where it has been held that a staged approach to the

⁷ APP/Z3825/W/23/3315111

- consideration of individual projects as they are brought forward, ensuring at each stage that the protected site is not subject to a detrimental impact would be compliant.
42. The measures secured by the UU and Grampian condition would ensure that at the outline permission stage there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Protected Sites. This approach is consistent with the Abbotskerswell and Swire judgements, as well as the wording of Regulation 70(3). Additionally, this appeal would appear to differ from the Lyons Road appeal, since in that case the mitigation related to a single school site and the Inspector found that it was unclear how variables would be addressed and remedied through the long-term operation of the scheme. Therefore, the Lyons Road appeal does not alter my view above.
43. I am satisfied that the UU and Grampian condition would act to prevent development proceeding until the offsetting scheme is in place, and, therefore, the mitigation is sufficiently secured and there would be no risk of the development proceeding unless the off-site water neutrality measures had been implemented to the satisfaction of the Council. As such, there is no reasonable scientific doubt that the proposed development would be water neutral.
44. Accordingly, taking account of the proposed mitigation, I conclude that the appeal proposal would not result in an increase in water abstraction in the Sussex North WRZ. Therefore, the proposal would not adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites.
45. The Council also contends that the use of Grampian Conditions would not comply with the guidance within PPG.² This states that negatively worded conditions "*should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission*".³
46. This is because the Council considers that there is no prospect of the proposal being able to access the SNOWS scheme. I agree that there remain uncertainties affecting when the scheme will become operational, how much offsetting capacity it would provide, and when schemes would be able to access it and implement their permissions.
47. The condition includes the SNOWS scheme as an alternative to offsetting. **Notwithstanding Mr Smith's view, for the reason given above** I consider that there is some prospect that the proposal would be able to access the SNOWS scheme within the time limit proposed by the permission. In these circumstances a Grampian condition would accord with the tests within PPG.
48. Both parties referred to a number of appeal decisions. Both the Duckmoor decision and the Storrington decisions included Grampian conditions.⁴
49. In the case of Duckmoor, planning permission was granted for 83 dwellings, subject to a condition requiring the delivery of off-site water neutrality measures at Dedisham Farm by way of the provision of a new building to facilitate rainwater harvesting. The appeal was accompanied by detailed data and calculations in relation to offsetting but was also dependant on the delivery

² Reference ID: 21a-009-20140306 & 010 Reference ID: 21a-010-20190723

³ Para 009 Reference ID: 21a-009-20140306.

⁴ APP/Z3825/W/22/3308455, APP/Y9507/W/22/3308461 &

of a new building, that at the time of the decision did not have planning permission. The planning condition precluded development until planning permission had been granted for the works necessary to achieve water neutrality at Dedisham. Although it was not submitted to this Inquiry, it would seem that the UU secured the implementation of these measures.

50. The Council contend that Dedisham differs from the appeal scheme in that there was certainty that the development adversely affecting the site could not be carried out before or after the reserved matters stage. It explained that this was because the land where the offsetting development was to be provided was identified. On the basis of the available information, it would seem that the development could not commence until the offsetting works were complete. I agree with the Council that taken together, the UU and planning condition would ensure that development could not take place until the water offsetting measures had been implemented and would therefore not have a significant or adverse effect on the protected sites.
51. **However, I disagree that the appellant's proposal is any less robust.** I understand that the appellant has a particular location in mind for offsetting, but there is a considerable amount of work required to identify the scope for offsetting and there is a possibility that this particular site may not be realised. Taken together the UU and proposed Grampian conditions would prevent development until the offsetting measures have been implemented, which is the same situation as the Duckmoor decision. Indeed, the Duckmoor decision was based on offsetting calculations for a building that had not been permitted and there was no certainty that it would be approved.
52. The Council state that the Storrington decision differs from the current appeal in that the Inspector found that the mitigation was secured although the landowner was not a party to the planning obligation, whereas in this appeal neither the mitigation land nor landowner are identified. It also submits that although the Storrington Inspector imposed a Grampian condition in respect of SNOWS, the situation was different in that the Storrington appeal related in part to an allocated site and would therefore be prioritised over an unallocated site such as the appeal site. Whilst, for the reasons given above, I have less confidence than the Storrington Inspector that the appeal proposal would be able to access the SNOWS scheme, there remains a prospect that it could do so during the lifetime of the permission.
53. As set out above, there is no dispute that the appeal proposals, without mitigation, would increase water abstraction resulting in a likely significant adverse effect on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. Regulation 63(5) of the Habitats Regulations provides that as the Competent Authority I may only grant outline planning permission for the appeal proposal after having ascertained that there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Protected Sites.
54. The hydrology of the Arun River is the major factor affecting the quantity, depth and flow of water within the Arun Valley sites, which in turn contribute to achieving the favourable conservation status of their qualifying features. It follows that any groundwater abstraction that reduces water quantity in the River Arun, could affect water levels and flow within the Arun Valley sites, and thereby associated qualifying features.

55. In order to achieve water neutrality, the appellant proposes to mitigate the increased demand for mains water from the proposed development through a combination of on-site water reduction measures and an off-site offsetting scheme. The S106 UU and Grampian condition would act to prevent development proceeding until the offsetting scheme is in place, and, therefore, the mitigation is sufficiently secured. As such, there is no reasonable scientific doubt that the proposed development would be water neutral.
56. Taking account of the proposed mitigation, I conclude that the appeal proposal would not adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites. Consequently, it would be consistent with Policy 31 of the HDPF which seeks to protect the hierarchy of designated sites and habitats.

Heritage

57. Lower Broadbridge Farmhouse, Mill House and Mill Cottage are listed buildings situated close to the appeal site. It is common ground between the Council and the appellant that the impact of the appeal scheme on the heritage significance of these listed buildings are the only heritage matters requiring consideration as part of the appeal and that the significance of no other heritage assets would be impacted by the appeal scheme. The Council and the appellant agree that the proposal would cause less than substantial harm to the significance of these listed buildings. They also agree that the harm would be at the lower end of the spectrum.
58. The appellant submitted a Heritage Statement at the time of the application, and the Council agrees that this correctly assesses the particular significance of these built heritage assets, including the contribution made by setting to that significance in accordance with the requirements of the Framework, Development Plan policy and best practice guidance/advice. This assessment **was supplemented by Mr Timlin's evidence on behalf of the appellant.**
59. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decisionmakers to have special regard to the desirability of preserving a listed building or its setting.

Lower Broadbridge Farmhouse

60. Lower Broadbridge Farmhouse is a Grade II listed farmhouse. Its current appearance largely dates to the 17th Century (with earlier origins and elements). It is located adjacent to the existing site access. It has architectural and historic interest as a substantial, stone-built 17th Century farmhouse. It illustrates the important regional tradition of vernacular stone construction in Sussex, and the dominance of agriculture in the society and economy of Sussex.
61. Historically, the farmhouse was part of a working farm complex. The ancillary buildings, which formed the historic agricultural group with the farmhouse, appear to have been replaced by the existing, large scale agricultural sheds. The site of the former farm complex is now associated with commercial premises, as well as the storage, processing, and distribution of stone. These utilitarian buildings and the commercial activity associated with them do not contribute positively to the special interest of the listed building and have eroded the former group value of the farmhouse.

62. The setting of Lower Broadbridge Farmhouse includes the location of the historic farmstead, together with a wider rural landscape, and the nearby urban settlement of Broadbridge Heath.
63. The open space between Lower Broadbridge Farmhouse, Mill House, and Mill Cottage contributes positively to its setting. The openness allows for views towards the high-status, western elevation of the farmhouse and an awareness of the pond as a long-established element of its rural setting. The open space also provides an opportunity to appreciate the heritage significance of the listed building from within an area of rural character. The rural landscape context to the north, south and west of the listed farmhouse is an appropriate context to this building.
64. The A281, together with the recent housing development on its eastern side, creates an awareness of the urban edge of Broadbridge Heath and neither make a positive contribution to the setting of the building.
65. The bund enclosing the southern and eastern parts of the garden limits views of the building from the wider area and diminish the ability to appreciate its special architectural character and historic interest. It also reduces inter-visibility between the listed building and the site.
66. The appeal site comprises a part of the agricultural landscape that was associated with the function of the farmhouse. Although the field patterns have been altered, the agricultural character makes a positive, albeit altered and targeted contribution to the significance of the listed building.
67. The proposed development would harm the significance of the listed building through the change to part of its setting from its existing agricultural use, which formed part of its historic landholding and supported its original function. This would be replaced by a residential development with associated urbanising impacts, such as an awareness of new domestic buildings, patterns of activity and lighting.
68. The siting of new buildings to the south of Lower Broadbridge Farmhouse, beyond the late 20th century landscaped bund would minimise visual changes in that part of its altered setting.
69. Retention of a significant area of open space around the listed building and at the northern part of the site, would maintain the reciprocal spatial and visual relationships between it, Mill Cottage and Mill House (and associated group value), including views to the western elevation of the farmhouse. That approach also retains the most important, surviving and positively contributing elements of its historic setting, including the ponds and watercourses to the west of the listed building, albeit there would be an awareness of new residential development beyond the areas of open space.
70. The proposed new vehicular access would connect to the existing roundabout on the A264. This would allow the reuse of the existing road access/public right of way from the A281, principally as an access to the existing residential properties, but also as a pedestrian and cycle link, thereby avoiding an increase in the intensity of vehicular activity, and associated impacts from movement and noise.

71. There would be some limited harm to the setting of the Farmhouse, but the proposed development would retain the most strongly contributing elements of **the listed building's setting**.

Mill Cottage and Mill House

72. The list entry for Mill Cottage states that it was "**Originally a cart store and stables for the adjacent mill, converted into a house. C18. Two storeys. Two windows. Coursed stone. Steeply-pitched hipped tiled roof. Casement windows**".
73. Mill House is of special interest as a good example of vernacular architecture, which provides evidence of the important regional tradition of timber-frame construction in rural Sussex and the south of England. Mill Cottage is of heritage significance as an example of 18th century domestic architecture. I agree with the appellant that it is influenced by an enduring legacy of vernacular building traditions, including the re-purposing of functional rural buildings.
74. In addition to the remaining elements of the mill structure within the garage, both Mill House and Mill Cottage illustrate the historic presence of small-scale industry on this site, connected to the predominantly agricultural economy of the region. This historic value is reduced by the absence of a functional connection with the historic milling function of Slinfold Mill due to the extensive works of demolition of the mill building.
75. The listed buildings also have group value with the nearby garage structure, which retains fabric from the former mill and provides some evidence of the mill operations. Remaining evidence of the wheel pit for the undershot waterwheel on the southwest side of the current garage, along with the remains of a wooden sluice control, are surviving elements of the function of the mill complex.
76. The setting of these buildings includes their domestic curtilages, together with a wider rural landscape, and the nearby urban settlements of Broadbridge Heath and Horsham to the east. The immediate setting of the listed buildings comprises the trackway leading to the A281, past Lower Broadbridge Farmhouse (and the River Arun, which flows southwards). The proximity of the river to Mill House and Mill Cottage assists with an understanding of their historic functions as domestic/ancillary buildings associated with the operation of Slinfold Mill and makes a positive contribution to their setting.
77. The nearby wetlands and ponds may have been part of a system of managed waterworks at the mill site. These elements of setting amplify an appreciation of the former function of the listed buildings as part of Slinfold Mill. The watercourses are a long-**established element of the buildings' shared** setting and contribute to the rural character of the surrounding landscape. Those watercourses seemingly form part of a wider network of managed waterways, including a medieval mill race south of the A264, which also allows an appreciation of the historic function of the mill complex.
78. The surrounding rural landscape is a positive element of the experiential qualities of setting. In particular, the field to the immediate north and west provides views towards the buildings. The informal grouping with Lower Broadbridge Farm, located within an agricultural landscape (including the open

space between the listed buildings), reinforces an understanding of the listed **buildings' significance**.

79. Most of the site comprises part of the historic agricultural landscape that was formerly associated with the Lower Broadbridge Farmhouse. The continuing agricultural/arable character of the site makes a positive contribution to the significance of Mill House and Mill Cottage.
80. The impacts of the proposed development on the significance of the listed buildings would be indirect, due to the change in part of their settings. The proposed development would change part of the rural context and experience of approaching Mill House and Mill Cottage from the east along the public right of way. This route is already experienced in the context of the altered field pattern, commercial development at Lower Broadbridge Farm and awareness of the development of Broadbridge Heath to the east. The proposed development would introduce further urbanising development that would **reduce a positively contributing element of the listed buildings' rural setting** that allows an appreciation of their historic origins, function, and vernacular architectural character.
81. The impacts of the proposed development have been minimised by the design and layout of the proposal as set out above. The proposed landscape strategy would provide extensive structural native planting to the northern and north-eastern boundaries of the site to reduce the visual impacts of new built form and related activity in the approach towards the listed buildings, thereby maintaining the overall cohesive group value and siting, within a prevailing rural context.
82. Having regard to the separation distances between the proposed development and Mill House and Mill Cottage, when considered in the context of the proposed areas of open space and the strongly defined existing landscaped areas, there would not be a significant impact on the special interest of the listed buildings or an appreciation of that special interest.
83. I also visited the site at night. I consider that there is potential for the proposed lighting to impact on the setting of Mill House. Whilst any lighting would be viewed against the backdrop of the lighting to the A281 and the residential development at Broadbridge Heath, the proposal would bring it closer to the listed building. A suitable lighting scheme could minimise these impacts, but some residual harm may remain in this regard.
84. POGE consider that the Council and appellant have underestimated the significance of Lower Broadbridge as an ancient settlement. They refer to research that suggests that the farmhouse dates to the very early 1500s, rather than the 1700s as stated by the appellant. Mr Timlin, on behalf of the appellant conceded that this may be the case, but advised that it did not alter his overall assessment. The evidence from POGE does not alter the status of the Lower Broadbridge Farmhouse as part of a working far complex, or the changes to its setting including the commercial uses, landscaped bund and loss of the functional relationship with the surrounding agricultural land.
85. POGE also questioned the robustness of the Heritage Statement which stated that Slinfold Mill had been demolished. The Heritage statement referred to the description of the Mill as a 4 storey building in sales particulars from 1886, held by West Sussex Archives. Based on information in other publications the

Heritage Statement took the view that the existing garage was a replacement on the site of the previous mill. However, the **appellant's evidence** to the Inquiry was clear that the garage structure retains fabric from the former mill and provides some evidence of the mill operations. I am therefore satisfied that the Mill has been properly assessed by the appellant.

Field Place

86. Field Place, a Grade I listed country house is situated over 500m to the north east of the site. It is common ground with HDC that the Appeal scheme would preserve the special interest and/or setting and significance of Field Place.
87. The listed building has historic value derived from its age and rarity in the local, regional and national context as a particularly early survival of a high-status medieval hall house. Field Place derives additional historic value from its strong and well documented association with the poet, Percy Bysshe Shelley who was born in the house in 1792 and spent his formative years there. Mary **Shelley, the poet's widow** also lived there. Historic value is also derived from the wider association with the Shelley family, a long-standing and prominent family in Sussex for several centuries.
88. Field Place has group value with other, ancillary structures within the estate ensemble, including a 15th century barn (Grade II listed building); a 16th century cart house/stable (Grade II listed building); three 17th–18th century hovels (Grade II listed building); and, an 18th century cart shed (Grade II listed building). The listed building forms the focus of this small domestic and agricultural grouping, which amplifies an understanding of Field Place as a high-status, secluded dwelling and the focal point of an agricultural estate.
89. The setting of Field Place includes its immediate domestic curtilage, together with the wider historic parkland grounds, the surrounding historic estate, and more widely, the rural landscape of Sussex, with the nearby settlements of Broadbridge Heath and Horsham.
90. Field Place is set within large, landscaped grounds, with dense, mature trees and woodland copses. This landscape includes a series of historic ponds or small lakes, which drain southwards into a small tributary of the River Arun. The river makes a positive contribution to the significance of Field Place as an element of its setting through its function as part of linked planned water system. The wider rural landscape of Sussex and settlements of Broadbridge Heath and Horsham had an important role in shaping the life and work of Percy Bysshe Shelley. The landscaped lawns and ponds create a picturesque domestic setting to the listed building, and together with the parkland context make a positive contribution to its special interest in terms of reciprocal visual, aesthetic, and historic relationships.
91. The parkland and grounds of Field Place make the greatest contribution to the setting of the listed building. Field Place is set within a surrounding rural and agricultural landscape, with the urban settlements of Broadbridge Heath and Horsham located to the south. The rural context provides a complementary backdrop to the Field Place Estate, through its open, verdant, rural character, and agricultural uses.
92. The site is located to the south of Field Place, beyond an extensive area of agricultural land and the A281, which was modified and extended to connect to

Five Oaks Road in the late 20th century. The Estate is separated from the site by a mainly deciduous tree screen, a quarry extracting Horsham stone and a materials processing operation. There is a substantial spatial and physical buffer between Field Place and the site.

93. The character of the site has also changed. While it remains in agricultural use, the historic field boundaries have been amalgamated to create the existing large arable field. The historic farm buildings at Lower Broadbridge Farm have been replaced by later 20th century functional buildings and a range of non-agricultural activities. There is also an awareness of the expanded settlement at Broadbridge Heath.
94. The site does not appear to have a strong historical or functional relationship with Field Place. Mr Prichard Jones referred to the historic relationships between the owners of Strood Park and the Shelleys of Field Place. However, those personal relationships are not legible or tangible in the existing experience and do not equate to functional, historic or ownership connections between the site and the listed building that would help to better understand or appreciate its heritage significance.
95. The proposed development would have **no impact on the listed building's fabric** or plan form. Its archaeological, architectural, and historic values –would therefore, be sustained. In addition, the positively contributing group value between Field Place and its ancillary structures would be sustained.
96. There would be very limited intervisibility between the site and Field Place because of separation distances (c.1km), the screening provided by the substantial structural landscaping enclosing the parkland, interposing landscape elements, and the existing bund to the north of Broadbridge Farm. There would be a significant distance and retained area of rural character between the listed building and the site that would reduce the scope for any material visual impacts on its heritage significance. Mr Prichard Jones considered that the roofs of the proposed dwellings would be visible from the Estate. It may be that some roof tops would be visible from some locations within the Estate, but these would be distant views from the high point of Three Oak Field, which is almost 1km from the closest part of the appeal site.
97. The parkland, grounds and wider landscape in an arc west-north-east of Field Place make the strongest contribution to the overall heritage significance of the listed building as elements of setting, due to the historic integrity of the landscape, which helps in the understanding of its historic seclusion and function as an important country seat. Those elements of setting would not be affected by the proposed development and their reciprocal relationships would also be sustained.
98. The area to the south of Field Place (including the site) makes a limited contribution to its overall heritage significance. Where elements of the proposed development may be visible from the listed building and/or grounds these are likely to be glimpsed views of incidental elements, over a significant distance, and experienced in the context of existing development at Broadbridge Heath.
99. I viewed Field Place Estate both during the daytime and at night and noted that from some of the fields the traffic using the A281 could be glimpsed from some limited viewpoints together with the roof of Newbridge Nurseries in the

background. These views form part of the wider setting of the listed building, they are from the periphery of the Estate and would not impact on the architectural or historic significance of the listed building. During my evening visit I noted that from some parts of the Estate the lights beside the roundabout at the junction of the A281 and the Old Guildford Road West can be seen, as well as some cars using the A281. There was also some light noticeable from the Lawson Hunt Industrial Park in views to the southeastern part of the Estate.

100. The potential impacts are not of sufficient magnitude to erode an understanding or appreciation of the significance of the listed building or the reciprocal relationships with the parkland context and more intact elements of historic landscape setting. Those landscape elements that contribute to an understanding of the contemporary landscape that influenced the life and works of Percy Bysshe Shelley would be maintained. The mitigation measures proposed by Field Place Estate, including landscaped bunds, tree belts and restrictions on the permitted development rights of the proposed dwellings are, therefore, in heritage terms, neither proportionate nor necessary.
101. Paragraph 205 of the Framework requires great weight to be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I address this matter below.
102. POGE argue that the quality and thoroughness of the appellants Heritage Statement was inadequate and flawed and therefore should be afforded little weight. In my view the Heritage Statement was detailed and thorough. The fact that additional information in relation to the origins of Lower Broadbridge Farm has come to light since does not detract from it or undermine its conclusions. Whilst the Heritage Statement incorrectly assumed that Slinfold Mill had been demolished, it did acknowledge a view put forward in another publication that the garage structure **may retain some of the mill's lower brickwork. Moreover, the latter position formed the basis for Mr Timlin's** evidence to the Inquiry.
103. POGE referred to the Dragons teeth and WWII pill box located close to the western boundary of the site. Whilst these structures may have some historic interest, they are not a heritage asset for the purposes of the Framework since they have not been identified by the Council as such. Moreover, due to their location along the footpath to the west of the site they would remain well screened from the site and would not be impacted by the proposal.
104. POGE argues that the importance of the heritage assets has been systematically undervalued by the appellants and these assets should instead be afforded much greater weight. It contends that the level of harm should be recalibrated **towards the 'middle' weighting of less than substantial harm.**
105. As set out above, both the Council and the appellant consider that the harm to Lower Broadbridge Farm, Mill House and Mill Cottage would be towards the lower end of the less than substantial category. In the case of Lower Broadbridge Farmhouse, I have found that there would be harm to its

significance due to changes to its setting. Its setting is heavily influenced by the commercial uses immediately to the north as well as the activity associated with these uses, including the considerable number of large lorries and other vehicles. The introduction of the bund has further eroded its setting. Traffic associated with the appeal proposal would be separated from the Farmhouse and its significance would still be readily appreciated. I therefore conclude that the harm to the significance of Lower Broadbridge Farmhouse would be towards the lower end of the spectrum.

106. Mill House and Mill Cottage are located further along the access road and the tree belt to the western boundary of the site provides a substantial buffer between these properties and the appeal site. The significance of these listed buildings and their immediate setting would be unchanged, and they would be separated from the proposed houses by the open space. Moreover, the approach to these properties includes existing urbanising elements, such as the commercial activities at Lower Broadbridge Farm and residential development at Broadbridge Heath, nonetheless, the appeal proposal would introduce further urbanising elements. In my opinion the harm arising from this would be toward the lower end of the spectrum. Nevertheless, having regard to paragraph 205 of the Framework I afford the harm to these listed buildings considerable weight in the heritage balance.
107. I find that although the proposal may alter the setting of Field Place Estate to a negligible extent, it would not harm the significance or setting of the listed building.
108. **POGE was concerned with the Council's failure to defend the reason for** refusal in relation to heritage. The reason for refusal referred to the impact of the proposed development "*...both individually and in conjunction with the proposed development to the north of the site..*" on the rural setting of Lower Broadbridge Farm, Mill House & Mill Cottage. Mr Rix, on behalf of the Council, contended that taken together the proposals would result in greater harm to the listed buildings due to the greater quantum of development, as well as additional impacts from artificial light, noise, vehicular movement and perception of domestic activity. POGE nevertheless contends that although the harm would be less, so would the public benefits and therefore this reason for refusal should still stand. Notwithstanding **POGE's concerns** it is a matter for the Council whether it wishes to defend a reason for refusal.
109. I conclude that the proposal would result in less than substantial harm to the setting of Lower Broadbridge Farm, Mill House and Mill Cottage for the reasons given above and therefore it would fail to comply with Policy 34 of the HDPF which amongst other matters requires proposals to retain and improve the setting of heritage assets.

Flood Risk

110. The application was accompanied by a Flood Risk Assessment (FRA) and drainage strategy. With the exception of a small area in the northwest corner, the site comes within Flood Zone 1. The northwest corner of the site comes within Flood Zone 2 (6% of the site) and Flood Zone 3. (2.8% of the site) Therefore the site overall is at a low risk of flooding from fluvial sources. The Environment Agency surface water mapping indicates that the risk of flooding from surface water varies from very low to high.

111. Whilst the layout of the site is a reserved matter the indicative plans demonstrate that the residential development would be located within the areas at low risk of flooding (less than 1 in 1000 years), whereas the water compatible public open space would be located in the areas at highest risk of **flooding. Horsham District Council's Strategic Flood Risk Assessment indicates** that the site is located within an area with a negligible groundwater flood risk.
112. The Environment Agency did not object to the proposal subject to the a condition requiring the finished floor levels set no lower than 28.78 metres above Ordnance Datum (mAOD) in accordance with the FRA.
113. The Council and the appellant agree that the drainage strategy is acceptable subject to conditions and the proposal is therefore acceptable in flood risk and drainage terms. Both Rule 6 parties provided examples of flooding in the locality and questioned the robustness of the Environment **Agency's modelling** as well as the mechanism for the maintenance of the SuDS.
114. It is proposed that surface water generated by the development would be attenuated using detention basins located at topographical low points, prior to discharging to the ditch. It is also proposed to incorporate areas of permeable paving to provide additional storage. The basins and permeable paving have been designed to accommodate a 1 in 100 year plus climate change storm. An additional 10% roof area allowance has been included to account for urban creep.
115. The Rule 6 parties consider that the zoning by the Environment Agency, does not reflect reality and is out of date in the current climate conditions, and as such cannot be relied upon. Mr Prichard Jones, on behalf of Field Place Estate suggested that local knowledge is more reliable.
116. The FRA utilised the flood levels from the **Environment Agency's Upper Arun Hydraulic Model** to confirm the Flood Zone classification at the site. This model was updated in 2017 to take account of climate change. In 2017 a 35% allowance for climate change was required, however the most recent guidance requires a 25% allowance. Mr Guma, on behalf of the appellant, confirmed that he had used a 35% climate change allowance to ensure resilience.
117. The EA's modelling of the River Arun involves undertaking detailed channel surveys of the watercourse, hydrological analysis and building catchment wide flood models to simulate flooding. Calibration of the hydraulic modelling results is also undertaken using of specific and relevant historic flood data. Whilst the data does not include the flood events in 1986 and 2000, I do not consider that this undermines the robustness of the model. In addition to a climate change allowance, the model also includes an allowance for urban creep and increased urbanisation or changes in catchments. In the absence of any alternative model, I am satisfied that the Environment Agency model is sufficiently up to date and robust. It represents a suitable starting point for the assessment of flood risk on the appeal site.
118. POGE submitted photographs of previous off-site flooding events in 2000, 2012 and 2019. These showed extensive flooding in the vicinity of Mill Cottage and Mill House. These locations are within Flood Zone 2 and Flood Zone 3. There were also photographs of two small areas of flooding on the appeal site. Neither is within the part of the site to be built on and both would be addressed by the proposed drainage strategy. Mrs Ingram Clarke and Mrs

Short explained that when the flooding happened it was often at speed and remained for several days. POGE is understandably concerned that the proposal may worsen the existing situation. Their concerns were reinforced by flooding that had occurred at Highwood and Wickhurst Green, both residential developments completed about 4-5 years ago.

119. Both national and local planning policy require development to be safe from flooding and not add to flood risk elsewhere. It does not require proposals to improve flooding issues elsewhere. In the case of the appeal proposal the drainage strategy would manage the surface water on the site and would restrict flows from the SuDS basins to discharge rates lower than the existing greenfield rates.
120. Mr Prichard Jones raised concerns about the perceived failure of the SuDS system at Solomons Seal, a residential development nearby. He contends that the failure of this system causes increased water flows, upstream of the Estate. There was no substantive evidence submitted to the Inquiry regarding the extent and nature of any failure of the SuDS system. It is a matter for the Local Authority to ensure that the drainage system functions as planned. In the case of this appeal, the condition agreed between the Council and the appellant requires details of the maintenance and management of the SuDS system and would accord with the guidance in PPG⁵. A further condition requires the proposal to be implemented in accordance with the FRA. This would ensure that the SuDS would operate effectively over the lifetime of the development.
121. SuDS are designed to control surface water runoff close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change. They provide benefits for water quantity, water quality, biodiversity and amenity. SuDS systems have been used for many years and there is no evidence to suggest that they are inherently defective, and indeed they are encouraged in suitable locations due to the benefits they can deliver.
122. Field Place Estate suggest that due to the flood risk the proposed dwellings may be uninsurable and therefore unsaleable and perhaps even undeliverable. Gleeson Land is an experienced and professional operator. Given the evidence within the FRA and the absence of any objection from the Environment Agency, I am not persuaded that the proposed dwellings would be at significant risk from flooding or uninsurable. If this were a genuine risk, it would be surprising that the appellant would be pursuing the appeal.
123. I am conscious that there have been instances of flooding elsewhere in the locality, but based on the submitted evidence I am satisfied that the proposed development would not be at risk from flooding and would not increase flood risk elsewhere. It would therefore comply with HDPF Policy 38 and paragraphs 173 and 175 of the Framework.

Character and appearance

124. The application site is largely open in character and has most recently been used as agricultural land. The site is bounded by a network of trees and hedgerows.

⁵ Paragraph: 058 Reference ID: 7-058-20220825

125. It is located on the edge of Broadbridge Heath. It is bound to the east and south by the A281 and Five Oaks Road both of which form part of the wider strategic road network. To the southeast is Newbridge Nurseries, a large garden centre, and the recently developed residential area of Wickhurst Green. The area to the east beyond the A281 is residential and is associated with the main built-up area of Broadbridge Heath.
126. The commercial buildings to the north of the site and adjoining residential development, together with the dwellings on the opposite side of the A281, and the extensive parking area at Newbridge Nurseries taken together provide an urban fringe character, in contrast to the more tranquil rural open countryside further west.
127. The site falls gently from east to west, towards the River Arun which defines its western boundary. Mature woodland defines the western boundary of the site following the course of the river and visually separating the site from the wider landscape to the west. Three residential properties lie outside of the site to the west. These properties are separated from the site by mature vegetation and are not readily apparent from within the site or views from the A281.
128. The appeal site and its landscape setting are not covered by any landscape designations at a national or local level. Nor is it considered to represent a *“valued landscape”* for the purposes of the Framework. The appeal site does not contain any notable landscape features that elevate it above that of ordinary countryside.
129. The site currently comprises two arable fields, one larger main field alongside the A281 and one smaller field alongside Five Oaks Road. Lower Broadbridge Farmhouse lies just outside the northern boundary of the site and includes a listed farmhouse, active stone processing business and commercial premises. The industrial use means that the area north of the farmhouse comprises several large storage sheds and hardstanding used as surface storage.
130. The Horsham District Landscape Character Assessment locates the appeal site within the Upper Arun Valley Landscape Character Area. The Council and the appellant agree that the site contains some of the landscape characteristics of this character area but consider that it is more contained and enclosed than the area in general due to the woodland to the west and is also influenced by the settlement edge.
131. The application was supported by a Landscape and Visual Impact Assessment (LVIA). The selection of Viewpoints contained within the LVIA are considered to be representative of the site and its landscape context. Neither the Council nor Place Services requested any additional viewpoints.
132. The LVIA concluded that although there would be a change to the character of the appeal site, there would be no significant adverse effects on key characteristics and sensitivities of the Landscape Character Areas at National, County, or District scale, due to the containment of the site.
133. The majority of the appeal site falls within Area 32 of the HDC Landscape Capacity Assessment 2021. The south-western most portion of the appeal site lies within the Area 31 parcel. The HDC Landscape Capacity Assessment 2021 identified Area 32 as having a *“moderate”* overall landscape capacity to accept

medium scale housing. Area 31 is identified as having a “no/low” overall landscape capacity to accept medium scale housing.

134. The proposed dwellings would generally be located towards the eastern part of the site, with the public open space situated towards the northern boundary and western boundaries. Based on the indicative layout and the parameter plans the proposed development would be similar in scale, density and pattern to the existing development on the western edge of Broadbridge Heath. The majority of the existing vegetation on the appeal site is proposed to be retained. Whilst this provides a good degree of screening from Five Oaks Road, it is more open in nature along the eastern boundary of the site. The landscape strategy proposes additional trees hedges and shrubs along this boundary and should provide an equivalent, or greater degree of screening by comparison with that on the opposite side of the road.
135. Mr Goodman, on behalf of POGE, described the experience of walking along the public footpath to the north of the site that leads from the A264 to the surrounding countryside. POGE submit that the development of this site would represent a major loss of amenity for local dog walkers and those wishing to traverse into the more distant public footpaths and bridleways. POGE submits that the development of this site on the west side of the A281 would be out of character with the existing landscape and would harm the amenity of the local community.
136. There would be a change in the character of the site from where the public footpath adjoins the A281 until shortly before the entrance to the commercial uses at Lower Broadbridge Farm due to the proposed dwellings in this location. Although the dwellings would be separated from the footpath by a narrow area of landscaping, the open views across the fields from this location would be replaced by views of the proposed dwellings. This would be harmful to the semi-rural character of the footpath that the local community currently enjoys. Beyond this point, due to the alignment of the footpath and the proposed open space the semi-rural character would be maintained. Moreover, views from the network of public footpaths to the west would not be significantly impacted by the proposed dwellings due to the containment of the site by the existing vegetation.
137. POGE contends that the development of the site would cause an urbanising effect on the small gap remaining between Broadbridge Heath and Slinfold on the A264. HDPF Policy 27 states that landscapes will be protected from development that causes coalescence and where it reduces the openness between settlements it will be resisted.
138. The village of Slinfold is about 1.9 km from the appeal site. There would be no intervisibility between the appeal site and Slinfold Village.
139. The Council and the appellant agree that proposal would not significantly erode the separation which exists between Broadbridge Heath and Slinfold nor would it significantly close the gap between these two settlements.
140. POGE consider that the settlement of Slinfold commences at the point where the Slinfold sign is located. However, in landscape terms there is a distinction to be made between the parish boundary and the village itself which is located further away. Although HDPF Policy 27 seeks to avoid coalescence, it is a landscape policy that seeks to maintain the visual break between settlements

and in particular the sense of leaving one place and arriving at another. There is a distinct break between the appeal site and Lyons Road that leads to Slinfold village. As one leaves Broadbridge Heath the landscape is more enclosed by trees and other vegetation and there are very few buildings or urbanising features. In contrast Broadbridge Heath has an urban character, and the immediate locality of the appeal site is strongly influenced by its urban fringe location. I consider that the site is more closely associated with the residential edge of Broadbridge Heath and would not result in coalescence between Slinfold and Broadbridge Heath.

141. I conclude that the proposal would change the character and appearance of the appeal site and this part of the A281 due to the loss of the open character of the appeal site. The harm arising from this change would be localised due to the containment provided by the River Arun corridor, and would also be mitigated to some extent by the proposed landscaping. However, the proposal would not result in coalescence with Slinfold village which would retain its own distinctive character. The proposal would therefore be contrary to Policy 25 that seeks to protect, conserve and enhance the landscape and townscape character of Horsham, and Policy 26 which aims to protect the countryside from inappropriate development. It would not however conflict with Policy 27.

Whether the location of the proposed development outside of the Built-Up Area boundary is acceptable having regard to development plan policies.

142. The development plan includes the HDPF (adopted November 2015) and the Slinfold Neighbourhood Plan (made June 2018).
143. The HDPF seeks to ensure development takes place in a manner that retains and enhances the settlement pattern and the rural landscape character of the District, but still enables settlements to develop in order for them to continue to grow and thrive. Within built-up area boundaries development is accepted in principle, whereas land outside settlement boundaries is considered to be in the countryside and development is more strictly controlled.
144. HDPF Policy 2 is a strategic policy that seeks to focus development in and around Horsham, whilst Policy 3 confirms that Broadbridge Heath is a suitable location for development in accordance with the settlement hierarchy. Strategic Policy 4 states that outside the built-up area boundaries the expansion of settlements will be supported subject to the specified criteria. The Council and the appellant agree that the proposal would fail to comply with the first criterion of Policy 4 in that it is not allocated in a Local Plan or Neighbourhood Plan. The appellant contends that it complies with all other criteria, although accepts that it fails to comply with the policy as a whole.
145. Criteria 2, 3, and 4 require that the level of expansion is appropriate to the scale and function of the settlement type; would meet the identified housing need, and would not prejudice long term development or conflict with the development strategy. Again, there is general agreement in relation to these matters. The fifth criterion requires the development to be contained within a defensible boundary.
146. POGE submits that the A281 forms the defensible boundary for the purposes of this policy. The appellant maintains that the River Arun provides a defensible boundary. This boundary is however punctuated by the industrial

and commercial uses immediately to the north of the appeal site that extend almost to the industrial estate at Guildford Road on the opposite side of the A281. I do however appreciate that this area is well screened by existing vegetation and therefore is not prominent in views from the A281. Moreover, the western boundary of the site is adjoined by sporadic housing development to the east that is accessed by a private road.

147. There is a marked absence of development to the west of the wooded corridor of the River Arun, which as set out above provides a high degree of containment to the site. In my view this provides a more robust defensible boundary by comparison with the A281.
148. I therefore conclude that the proposal would satisfy criterion 5 of Policy 4. Nonetheless the proposal would fail to comply with Policy 4 as a whole. It would also fail to comply with Policy 26 that seeks to protect the countryside from inappropriate development.
149. POGE submit that the Slinfold Neighbourhood Plan determined that the site was not suitable for development. It contends that the criteria used to assess the site have not changed, and therefore a new neighbourhood plan would reach the same conclusion. At the time the Slinfold Neighbourhood Plan was made the housing requirement was markedly lower than at the present time. Using the standard method to calculate the housing requirement, it is now 948 dpa by comparison with 800 dpa within the HDPF. Therefore there can be no certainty that if the Neighbourhood Plan was reviewed that it would reach the same conclusion.
150. The HDPF is currently subject to review. The review was paused in 2021 following the publication of an updated Framework, as well as to allow consideration of the implications of the Position Statement issued by Natural England in September 2021 in relation to water neutrality. The preparation of a revised Regulation 19 HDC Local Plan was paused in January 2023. The Council has a new majority administration and is seeking to agree a new local plan timetable. However, at the present time the timescale for the examination and or adoption of a revised local plan is uncertain.
151. HDPF Policy HA8 of the emerging Review proposes the allocation of the appeal site for up to 150 dwellings. The Council explained that due to the water neutrality position, it is uncertain whether the Regulation 19 plan can progress without changes to the proposed site allocations including those within Policy HA8 of the Plan. Having regard to paragraph 48 of the Framework, I agree with the Council and the appellant that only limited weight can be afforded to this review.
152. In October 2022 the Council published Facilitating Appropriate Development (FAD) in order to address the shortfall in housing land supply. Paragraph 5.7 of the FAD closely reflects the wording of Policy 4, other than it requires sites to adjoin an existing settlement, in place of the requirement for it to be an allocated site. As with Policy 4 POGE contend that the site is not contained within a defensible boundary. For the reasons given above I disagree and find that the proposal would comply with paragraph 5.7 of FAD.
153. The proposal would fail to comply with HDPF Policy 4 since it is not an allocated site, although it would comply with it in all other respects. It would also fail to comply with Policy 26 due to its location in the countryside.

However, these policies are out of date since the settlement boundaries on which they rely are based on a lower housing requirement by comparison with the HDPF and also because the Council is only able to demonstrate a 3-year supply of deliverable housing sites.⁶ Therefore they do not carry full weight. In these circumstances, although the FAD is not part of the development plan, it is a material consideration of significant weight and seeks to address the housing shortfall within the District. I have found above that the proposal would comply with paragraph 5.7 of FAD and this lends significant weight in support of the proposal.

154. In addition, the site is proposed as an allocated site in the most recent iteration of the Local Plan Review. Whilst I appreciate that there is no certainty that this draft allocation will be carried forward into the final version of the Plan, particularly given the water neutrality issues, it does nonetheless indicate that the location of the site is considered to be acceptable by the Council.
155. POGE suggest that there are more suitable sites for development within the Broadbridge Heath area. They identify three specific sites. The West Sussex County Council Depot, the Novartis site and the Nowhurst Business Park. Two of these sites benefit from planning permission and an application for planning permission has been submitted on the third. Therefore, I am not persuaded that these sites are available or suitable for housing development.
156. Overall, I conclude that the location of the proposed development outside of but adjacent to, the Built-Up Area boundary is acceptable having regard to development plan policies and other material considerations.

Biodiversity

157. The Appeal site is not subject to any ecological designation and there is no ecological objection from HDC. The Ecological Appraisal included a full suite of ecological surveys to assess wildlife supported by the site. This has included surveys for bats, badger, dormouse, water vole, otter, reptiles, great crested newt, breeding birds and white-clawed crayfish. The site was revisited in September 2023. This verified the findings reported within the Ecological Appraisal and confirmed that the conclusions drawn within the **appellant's** assessment remain valid.
158. Mr Prichard Jones considers the wildlife surveys, undertaken for the appellant, are out of date and inadequate because they did not take into account the increasing populations of important species on Field Place Estate, as set out in a report from Dr Case. The Estate is located over 500m from the Appeal site and separated from it by the strategic road network. Therefore it is **unlikely to be directly impacted by the appeal scheme. The Council's consultant Ecologist has reviewed the appellant's Ecology Assessment and is satisfied that** the likely impacts upon designated sites, protected and Priority species and habitats is appropriate and that the identified mitigation is suitable.
159. A number of biodiversity enhancements are proposed. These are set out in the Ecological Appraisal and include:
- New tree and shrub planting to comprise native species of local provenance or species of value to wildlife;

⁶ Statement of Common Ground paragraph 5.3

- Creation of new wildflower grassland;
- Creation of new wetland features as part of the SuDS;
- Provision of bird and bat boxes on trees and new buildings;
- Installation of Hedgehog nest domes and garden fence cut-outs to provide permeability for Hedgehogs and other small mammals;
- Creation of habitat piles to provide refuges for invertebrates, and installation of bee bricks.

160. It is common ground with HDC that the scheme would result in a 21.93% net gain in biodiversity. The River Arun and associated tributaries and riparian habitats which form the key wildlife features west of Broadbridge Heath lie outside of the site.
161. POGE submits that the proposal would not necessarily deliver the suggested 28% Biodiversity Net Gain (BNG), and that due to the impact of construction the proposal would be likely to have a significant impact on biodiversity and wildlife. The agreed conditions include a Construction Environmental Management Plan for Biodiversity. Amongst other matters this requires a risk assessment for damaging construction activities, as well as a range of practical measures including specialist ecologists on site to oversee particular works. A further condition requires the submission of a Biodiversity Enhancement Strategy for Protected and Priority species. This would include a requirement to deliver the BNG and details of aftercare and maintenance. I am therefore satisfied that the proposed BNG is secured and it is likely that it will be delivered.
162. **POGE consider that there are failings in the appellant's baseline** environmental assessment of the site. They suggest that the watercourse running south to north across the middle of the proposed development area **had been dismissed by the appellant's environmental assessment as "a ditch by a hedge"**. However, the Ecological Appraisal identifies and records the ditch. In accordance with the Guidance on BNG and Habitats classification, since it is associated with a hedgerow, it has correctly been assessed as part of a hedgerow, rather than a watercourse. Mr Maughan, on behalf of the appellant, explained that the possibility there could be biodiversity in the ditch, would have been picked up in the surveys.
163. POGE also consider that the evidence in relation to Great Crested Newts is incomplete in that only some of the ponds in the area were surveyed. The appellant acknowledges that not all ponds were surveyed due to issues with access.
164. Supporting evidence of Great Crested Newts was found in Pond P3, but the other 5 ponds surveyed found no evidence. With the exception of Pond 5, those that were not surveyed are more than 250 m from the appeal site. Place Services, on behalf of HDC, raised no issues in relation to the methodology of **the survey and assessment work by Mr Maughan's team, including as regards** Great Crested Newts. Therefore, on the basis of the evidence submitted to the Inquiry, I concur with the appellant that Great Crested Newts are not considered to form a constraint to the proposals and no specific mitigation or licensing is likely to be required.
165. POGE explain that the Weald to Waves corridor borders the site. This is a 1-kilometre-wide route that seeks to maximise habitat connectivity. Mr Prichard

Jones made a similar point. It is the result of a partnership of Natural England The South Downs National Park Authority and other bodies. The northern end of the site sits within the corridor and POGE submit that any further development would have consequences not only for the local environment but also further south.

166. The landscape strategy proposes a mosaic of native planting and habitats. The River Arun and associated tributaries and riparian habitats which form the key wildlife features west of Broadbridge Heath lie outside of the site. These existing habitat corridors would be retained and enhanced under the proposals. Accordingly, on the basis of the submitted evidence, I conclude that the proposal would be unlikely to impact on the connectivity along the Weald to Waves corridor, and indeed has the potential to enhance connectivity.
167. Field Place Estate has taken significant and positive steps to enhance biodiversity on the Estate. Mr Prichard Jones **contends that the Solomon's Seal** development upstream of Lake 4 has caused increased pollution and nutrient flows into the Estate giving rise to poisonous Water Hemlock and invasive Himalayan Balsam as well as causing algae blooms in the eastern end of Lake 4 during the summer months. In Mr Prichard Jones's view additional pollutants and nutrients from the proposal would be likely to flow into the River Arun if the indicative flood and other water management proposals are adopted by the appellants on the site.
168. It is intended that the SuDS would include a wetland feature and contribute to the biodiversity of the proposal. The suggested condition includes a requirement to submit details of measures to control and prevent the distribution of pollutants and contaminants to existing watercourses. This measure would address the concerns raised by Mr Prichard Jones.
169. Overall, the proposal would deliver a number of benefits for biodiversity, including a 21.93% BNG, and measures to enhance the existing habitats on the site. Subject to appropriate conditions the proposal would not harm protected species or other ecological interests. I conclude that the proposal would be acceptable in terms of its effect on biodiversity and in this regard it would comply with HDPF Policy 31 and Policy 4 of the Slinfold Neighbourhood Plan which seeks to conserve and enhance biodiversity.

The Mens SAC

170. The Mens SAC is designated on the basis of Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robur-petraeae* or *Ilici-Fagenion*) and the Barbastelle Bat. The conservation objectives for the SAC are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
171. The Draft Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol was developed to facilitate sustainable development around the Mens SAC, whilst conserving the resident bat populations and providing a diverse and healthy landscape for bats. The site is located within the 12km wider conservation zone for Barbastelle for the Mens SAC. As such, development of the site could result in an adverse effect on bats associated with the designation and therefore an Appropriate Assessment is required.

172. Previous detailed surveys, tracking Barbastelle bat movements, have been undertaken in and around the SAC to guide conservation objectives related to the species. The report details that foraging areas for bats in the SAC were all off to the east of the SAC as were "*principally on the floodplain of the River Arun, from close to Horsham in the north to Parham in the south*". This northernmost extent could bring them close to the site. As such, although not reaching the site, it demonstrates that Barbastelle from the Mens SAC do travel in the direction of the site.
173. **In terms of the site's potential to offer** substantial foraging resources for Barbastelle, the fact that the site is predominantly arable fields reduces its value as a resource. Furthermore, the core sustenance zone for Barbastelle is 6.5km – 7km from roosts (i.e. from the extent of the SAC), which the site is beyond.
174. In the absence of mitigation, small numbers of foraging and commuting Barbastelle bats could be adversely affected by the proposals. As such, it is proposed that mitigation measures are put in place to avoid any likely significant effects, on either individual Barbastelle bats or the integrity of the Mens SAC.
175. The implementation of mitigation and enhancement measures, including habitat retention and creation, the implementation of a sensitive lighting scheme and provision of SuDS would ensure that features of use to commuting bats are retained whilst also improving the site for Barbastelle bats in terms of foraging and commuting opportunities.
176. Accordingly, it is evident that the proposed development, alone and in combination with other plans and projects, would not adversely affect the Barbastelle bats which occasionally enter the site (possibly from the Mens SAC). As such, the development would not have an adverse effect on the **integrity of the Mens SAC in view of the site's conservation objectives**. Natural England support this view.

Other Matters

177. POGE raise concerns about the impact of the proposal on traffic congestion and air quality. The Transport Assessment considered the impact of the proposal on the local highway network. The results of the junction modelling indicate that all junctions would operate within capacity in 2027 following the implementation of the development of the site. The Transport Assessment concludes that the proposed development would not result in any material adverse disruption to the free-flow of traffic on the local highway network or any safety concerns.
178. These findings were accepted by the Local Highway Authority. It advised that subject to the implementation of highway mitigation measures, the Proposed Development would be acceptable in highway and accessibility terms. There is no substantive evidence to the contrary.
179. POGE are concerned that the additional traffic associated with the proposal would have a detrimental effect on air quality. It stated that less than 3% of cars in December 2022 were electric or hybrid and at peak times the impact of vehicle emissions on climate change is a known risk. It contends that adding an extra 200 cars would add to the climate problem and there would be no

mitigating measures to make the houses carbon free or introduce car free initiatives.

180. An Air Quality Impact Assessment was submitted with the application. It was based on the traffic flow data within the transport assessment and included other committed developments. The assessment confirmed that the annual mean NO₂, PM₁₀ and PM_{2.5} concentrations would remain well below the relevant air quality standards and objectives set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland at all receptors with or without the development.
181. There are no diffusion tubes in Broadbridge Heath, however there are three tubes on tributary roads in Horsham that are likely to be used by residents of the appeal scheme when accessing services. Annual mean concentrations of **NO₂ have generally declined at North Horsham since 2008, from 29.3 µg/m³ to 17.6 µg/m³ in 2021. Annual mean concentrations of NO₂ have also been in decline at receptors HD1 and HD10 from levels of well above 30 µg/m³ in 2008 to about 20 µg/m³ in 2021. HD26 was only installed in 2020 and showed stable levels of circa 30 µg/m³ through to 2021.** The Council's Annual Status Report 2022 confirms that NO₂ levels at these diffusion tubes show a downward trend. This trend can be attributed to improvements in car efficiency.
182. The appeal site lies in a sustainable location where residents would be able to access local shops and services by foot or cycle. The proposed travel plan would support active and sustainable travel choices. The proposal would make provision for appropriate levels of car and cycle parking, the provision of an electric vehicle charging point, infrastructure for a car club, the appointment of a Travel Plan Coordinator and the provision of travel information packs to residents. These measures would be secured by way of a planning condition and their impact would be monitored for a period of five years.
183. Mr Prichard Jones raised concerns about bunds to the north of the site. He stated that they were partially composed of refuse imported onto the land but acknowledges that work appears to have been undertaken to reduce the quantity of refuse, but such reduction may not have removed all of the refuse. He was concerned the dumping of the refuse was unregulated and, therefore, the content is unknown and it could be a potential health risk.
184. The Council submitted a note to the Inquiry outlining the circumstances of a planning permission that included the extension of the bund and evidence of a current enforcement investigation. The bunds fall outside of the appeal site and are separated from it by the commercial activities at Lower Broadbridge Farm. The bunds and the enforcement investigation fall outside of the jurisdiction of this appeal. Mr Prichard Jones was also concerned that contaminants may leach from the bunds and thus find their way on to the appeal site. This matter could be addressed by a condition in relation to contaminated land.
185. POGE refer to the extent of local opposition to the proposal. Whilst matters raised by those objecting to the proposal may be a material consideration in relation to the appeal, the number of representations in support of or objecting to a proposal do not justify allowing or dismissing the appeal.
186. POGE considers that the change in position by HDC following the decision not to pursue an appeal in relation to application DC/22/1057 is materially

unsound. **Whilst I understand POGE's concern's in relation to this matter,** and that in terms of most issues it has fallen to POGE to defend the original reasons for refusal, PPG encourages Councils to review their case promptly following the lodging of an appeal against refusal of planning permission as part of sensible on-going case management.⁷ Although the Councils actions were disappointing to POGE, it was entitled to review its position.

187. Mr Prichard Jones contends that the development of the site would lead to a loss of food production in the area. The agricultural land classification of the site is Grade 3(b) and therefore it does not constitute Best and Most Versatile Agricultural land. Whilst there would be some loss of production the site area is relatively small. Moreover, land adjacent to settlements is expressly contemplated by the FAD for housing development and the loss of the appeal site would not constitute a material adverse effect of the scheme.
188. Since the HDPF is more than five years old, in accordance with Paragraph 61 of the Framework, the rolling five-year housing land requirement must be calculated using the standard method. On this basis the Council the housing need is 948 dwellings per annum, which is an increase from 800 dwellings per annum set out within the HDPF. A number of recent appeal decisions have concluded that on this basis the Council cannot currently demonstrate a 5-year supply of deliverable housing land.
189. The most recent Authority Monitoring Report (December 2022) confirms that the Council have calculated their 5-year requirement for the period between 1st April 2022 to 31st March 2027, including the buffer is 4,977. The Council has calculated the total housing supply during this period as 2,990 which means that it can only demonstrate a 3-year supply of deliverable housing sites. This represents a very substantial shortfall. The need to address this shortfall urgently is recognised by the Council, and it has published FAD to guide development on unallocated site to more appropriate areas within the countryside.
190. The proposal would deliver 133 dwellings in a District with a significant housing shortfall. It would also provide 45% of the dwellings (60 dwellings) as affordable housing. The Council agreed that the need for affordable housing is acute and worsening and therefore this would be a significant benefit of the proposal.
191. The proposal would also provide short term economic benefits during the construction phase, and long term economic benefits once the dwellings are occupied.

Unilateral Undertaking

192. The appellant submitted a Unilateral Undertaking dated 9 November 2023. In addition to matters in relation to water neutrality, the UU included planning obligations to provide 45% of the dwellings as affordable homes, provide and manage the open space proposed, set up a management company and pay a monitoring fee in relation to the obligations. The Council submitted a CIL compliance statement in relation to these obligations.
193. Section 122 of the Community Infrastructure Levy Regulations 2010 states the three tests which planning obligations must comply with. These are that

⁷ Paragraph: 049 Reference ID: 16-049-20140306

the obligation shall be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

194. The Water Neutrality issues are discussed above. The provision of affordable housing is necessary in planning terms to meet an identified housing need to comply with Policy 16 of the HDPF (and the accompanying Planning Obligations and Affordable Housing SPD) and is directly related to the development. The delivery of the open space in accordance with submitted details, and the need for a management company are directly related to the development and are necessary in order to ensure suitable provision for residents.
195. I conclude that the submitted planning obligations would satisfy the tests of the Section 122 of the Community Infrastructure Levy Regulations.
196. Mr Prichard Jones, made a number of comments on the s106. These were discussed at the Inquiry, and in some instances the detailed wording was amended to reflect these points.
197. Clause 6.4 addresses the circumstances where a clause or clauses are found to be invalid. Mr Prichard Jones suggested an addition to this paragraph requiring the parties to work together to achieve the intention of the clause. However, since the deed is a UU it is not possible to impose requirements on other parties. I have therefore considered the UU as submitted.
198. Mr Prichard Jones suggested that the final part of clause 10.2 that refers to the disposal of land to statutory undertakers should be deleted. However, the wording was agreed between the Council and the appellant, and I consider that the deletion of this exclusion is unnecessary.

Conditions

199. I have considered the suggested planning conditions, including the pre-commencement conditions. These were provided and discussed in draft at the Inquiry on a without prejudice basis. These were subsequently amended and agreed between the Council and the appellant in the light of the discussion at the Inquiry. I have considered the conditions against the relevant advice given in paragraphs 55 and 56 of the Framework and the guidance contained in the **section on 'Use of Planning Conditions' in PPG. Where necessary I have** amended them in the interests of clarity, precision, and enforceability.
200. In addition to the standard outline planning permission conditions regarding the submission of reserved matters a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty and in the interests of the safe and efficient operation of the highway. The parameter plan sets out the areas to be developed, the maximum number of storeys and areas of green infrastructure. The proposal should broadly agree with this plan in order to ensure an acceptable development.
201. A Construction Environmental Management Plan, including in relation to construction traffic and parking is necessary in the interests of highway safety and the amenities of the area. A separate condition limiting the hours of work on the site is necessary to safeguard the living conditions of nearby residents.

- A Construction Environmental Management Plan (Biodiversity) is required in order to safeguard biodiversity during construction.
202. A Written Scheme of Archaeological Investigation is required since there have been other significant archaeological finds in the locality. There was some discussion as to whether any finds should be donated to Horsham Museum. Whilst this may be desirable in the event that some of the finds have particular local significance, it would be more appropriate for this matter to be agreed and approved by the Local Planning Authority in consultation with the County Archaeologist. This is provided for within the proposed condition.
203. A scheme to address the potential risks of contamination, together with a verification report is necessary in the interests of human health and that of the wider environment, including controlled waters. A separate condition in respect of the risk of contamination from the bund to the north of the site is not necessary since any risk of contaminants leaching from the bund would be encompassed in the site wide condition.
204. An Arboricultural method statement, including measures to protect trees during construction is necessary. A drainage strategy for foul water disposal is required to ensure that satisfactory arrangements are in place.
205. For the reasons given above, in the interests of water neutrality details of water efficiency measures and the water offsetting requirements are necessary.
206. Details of the acoustic fence, including its appearance and location are necessary in the interests of the appearance of the proposed development and to ensure an acceptable level of amenity for future residents. Details of the proposed glazing specification is required for the same reason. POGE suggested that the condition should be expanded to include protection for the existing dwellings during construction, however, construction noise would be managed as part of the CEMP that makes specific reference to the management and control of noise.
207. Details of the sustainable drainage system, as well as its management and maintenance are necessary in order to manage flood risk and safeguard water quality. I have had regard to the amendments proposed by Mr Prichard Jones that seek to ensure the system functions well over its lifetime and is adequately maintained. I am satisfied that the amended wording submitted by the Council and appellant would achieve this end.
208. Since Great Crested Newts and Badgers are mobile species, and given the date of the previous surveys, updated surveys are required. A Biodiversity Enhancement Strategy for Protected and Priority species, including a BNG assessment is required in the interests of biodiversity. Mr Prichard Jones suggested that an updated Bat survey was also required. However, the Council and the appellant agreed that since the bats used the woodland area of the site and this would not be impacted by the development an updated survey for bats was not necessary. I agree with this view.
209. A lighting scheme is necessary in order to minimise light to the nearby heritage assets and also to safeguard biodiversity, including bats. The parties explained that it was necessary to make particular provision for bats due to the proximity of the MENS SAC two separate conditions were preferred.

210. The Council seeks a condition in relation to air quality mitigation. It was explained at the Inquiry that the aim of this condition was to limit any adverse impacts on air quality arising from the development through the provision of on-site measures, including limiting traffic and providing electric vehicle charging points. I agree that this condition is necessary in the interests of the environment.
211. I agree that a condition requiring the access arrangements to be implemented prior to the occupation of the dwellings is necessary in the interests of highway safety. A Travel Plan is necessary in order to encourage sustainable transport and in the interests of the environment. High speed broadband is necessary to meet the needs of future occupants.
212. Landscape details need to be submitted as part of the reserved matters. The UU also requires the submission of an open space plan, details of management of the open space and the management company. Therefore, an additional condition requiring landscape details and maintenance schedules is not necessary. Mr Prichard Jones advocated particular species of trees including evergreen varieties. However, the precise species will be determined as part of the reserved matters application.
213. To ensure that the proposed dwellings are safe from flooding and that the proposed development would not increase the risk of flooding elsewhere the proposal should be carried out in accordance with the FRA and finished floor levels should be no lower than 28.78 metres above Ordnance Datum. Mr Prichard Jones suggests that in addition to the FRA the SuDS system should take account of flooding from the A281, Broadbridge Heath and the Broomswick stream. On the basis of the evidence submitted to the Inquiry and having regard to the views of the Local Lead Flood Authority (LLFA) and the Environment Agency, I am satisfied that the FRA is robust and has taken account of the relevant sources of flooding. Moreover, the condition in relation to the SuDS requires full details of the drainage strategy and would allow the consideration of any relevant sources not included within the FRA.
214. Given the proximity of the site to the River Arun a condition requiring any soils to be imported to be tested is necessary in order to control the risk to future users of the site and controlled waters.
215. In addition to these conditions Mr Prichard Jones suggested additional conditions.⁸ Mr Prichard Jones suggested a number of conditions to safeguard the heritage assets in the locality. These include restricting the height of the proposed dwellings to two storeys, and preventing the installation of dormers within the roof, as well as restricting permitted development rights for roof extensions. Restricting the height and hours of street lighting, constructing a planted bund 6 metres high along the northern boundary of the site. The suggested conditions also seek the use of mainly evergreen trees within the landscaping scheme and landscaped bunds to surround areas of open car parking.
216. The height and design of the dwellings, including the roofs, are a matter of detailed design and would be considered as part of the reserved matters. The parameter plan would be secured by condition and shows the developable area of the site and the maximum number of storeys in different parts of the site.

⁸ INQ22

The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. This is an application for outline planning permission, and the need for restrictions on permitted development rights in relation to extensions and alterations would need to be specific to individual dwellings and would be considered as part of reserved matters. In making this assessment the Local Planning Authority would have regard to its duty under Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990. I therefore do not consider the suggested condition to be necessary or reasonable.

217. The suggested conditions require the submission of a lighting scheme. This would be the appropriate time to consider the height, design and location of proposed lighting. Similarly, the landscape scheme required by reserved matters would be the appropriate context to consider the need for bund around the parking areas. The screening of these areas must be balanced against the impact of any proposed bunds in the landscape.
218. Mr Prichard Jones also suggested that restrictive covenants should be imposed on each property in relation to extensions, out buildings, additional windows in the north or north west elevation, drones, leaving car engines running and recorded or broadcast material. As set out above there needs to be clear justification to restrict permitted development rights, and this is a matter that would be considered as part of the reserved matters. Matters such as leaving car engines running and noise from recorded or broadcast material, would usually be addressed as an issue between neighbours or occasionally through environmental protection. Conditions cannot require a party to enter into a planning obligation other than in exceptional circumstances. In my judgement these concerns would not represent exceptional circumstances.
219. In relation to flood risk, Mr Prichard Jones seeks the submission of additional information to the LLFA and the Environment Agency, the implementation of the flood risk measures prior to the occupation of the dwellings, details of sediment pumps, pollution barriers and filtration systems, maintenance and funding details. These matters are largely covered by the suggested condition in relation to SuDS. This requires full design details of the proposed drainage system, as well as details of a management and maintenance plan for the lifetime of the development. It will be a matter for the LLFA and/or the Environment Agency as to whether additional information is required.
220. Mr Prichard Jones's **suggested conditions for wildlife and biodiversity include** a wildlife protection and biodiversity plan and covenants on individual dwellings to restrict the use of external lighting, artificial fertilisers and pesticides. The proposed conditions include the submission of a biodiversity enhancement strategy and updated species surveys, as well as a lighting strategy. It would not be appropriate to impose covenants on individual dwellings as suggested, but, as referred to above a lighting scheme is required in order, amongst other matters, to minimise effects on biodiversity.

Heritage and Planning Balance

221. I have found above that the proposal would cause harm to Lower Broadbridge Farmhouse, Mill House and Mill Cottage, all Grade II listed buildings. In all cases the harm would be less than substantial and towards the lowest end of the scale. I am however required to give great weight to this

harm and in accordance with paragraph 205 of the NPPF the harm must be weighed against the public benefits of the proposal.

222. The social benefits include the delivery of housing and affordable housing. It is common ground that there is an acute need for affordable homes and worsening housing affordability in Horsham. The provision of 60 (45%) affordable homes would be in excess of the 35% currently required by the Development Plan. I agree with the appellant that this matter would be a significant benefit of the proposal and should attract very substantial weight.
223. The proposed biodiversity enhancements would provide a 21.93% BNG, considerably in excess of the 10% sought by the Environment Act and I accord it substantial weight. The Site is located in a location with sufficient access to services and amenities and where additional housing would contribute to the vitality and viability of existing shops and services. The proposal would also make provision for public open space adjacent to the public right of way. This would be an environmental and social benefit of the proposal. There would also be economic benefits in the form of employment opportunities during construction and in the longer term a contribution to the wider economy. I accord these matters significant weight.
224. I conclude that when weighed against the very low level of harm to the significance and setting of Lower Broadbridge Farmhouse, Mill House and Mill Cottage, these public benefits, when taken together, the balance is clearly in favour of the proposal. The proposed development would therefore accord with the Historic Environment Policies of the Framework.
225. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found above that the proposal would harm the significance of Lower Broadbridge Farmhouse, Mill House and Mill Cottage contrary to Policy 34 of the HDPF, although I have found above that this harm is outweighed by the public benefits of the proposal. It would also give rise to landscape harm contrary to HDPF Policies 25 and 26, although such harm would be localised and visually contained. The proposal would not result in coalescence between Broadbridge Heath and Slinfold and therefore there would be no conflict with Policy 27. In addition, due to the location of the appeal site outside of the settlement boundary it would conflict with HDPF Policies 4 and 26, as well as the Slinfold Neighbourhood Plan.
226. Balanced against these harms, the proposal would be safe from flooding and would not add to flood risk elsewhere and would therefore accord with HDPF Policy 38. It would also deliver significant biodiversity enhancements, including BNG and would therefore accord with HDPF Policy 31 and Policy 4 of the Slinfold Neighbourhood Plan. However, I find that when assessed against the development plan as a whole the proposal would fail to comply.
227. The Framework is a material consideration in respect of this appeal. In the light of the housing land supply issues the Council and the appellant agree that the policies most important to the consideration of housing applications are out of date and the provisions of Paragraph 11 of the Framework apply, meaning that planning permission should be granted unless (i) the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development or (ii) adverse impacts are identified which would significantly and demonstrably outweigh the benefits.

228. Since I have found above that the proposal would be water neutral and that the heritage harm is outweighed by the public benefits of the proposal, paragraph 11(i) does not apply. There is agreement that the most important policies to the consideration of housing applications are HDPF Policies 2, 4, 15, and 26. The Appeal scheme does not comply with part of Policy 4 and Policy 26, due to the location of the site outside of an existing settlement boundary. Given the increase in the housing requirement since the adoption of the HDPF and **the Council's** acknowledgement that sites outside of the Built up Area Boundaries is likely to be required to meet the housing requirements I afford this conflict limited weight.
229. The Council has published the FAD, which seeks to guide development within the countryside to areas which the Council considers to be more appropriate. It is acknowledged by the Council that the Appeal scheme meets all the requirements set out by Paragraph 5.7 of the FAD. Whilst this is not Council **policy it nonetheless reflects the Council's approach to** development within the Countryside and is therefore a significant material consideration.
230. I have also found some conflict in terms of the landscape effects of the proposal, however, this would result in only very localised harm to a non-designated landscape.
231. The proposal would deliver significant social, economic, and environmental benefits, and that subject to the submitted UU and attached conditions it would achieve water neutrality. Overall, I conclude that the adverse effects of the development would not significantly and demonstrably outweigh the benefits, and that material considerations indicate that a decision other than in accordance with the development plan is justified.

Conclusion

232. For the reasons above given I conclude that the appeal should succeed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graeme Keen KC instructed by Gleeson Land
He Called:

Gerald Guma	Odyssey
Marc Timlin	Turley
Chris Jenkinson	Aspect Landscape
Peter Rainier	DMH Stallard
Dan Maughan	Aspect Ecology
Phil Bell	Motion

FOR THE LOCAL PLANNING AUTHORITY:

Naomi Byrd

She called:

Giles Holbrook	Horsham District Council
Adrian Smith	Horsham District Council
Sean Rix	Horsham District Council

RULE 6 PARTIES

Protect Our Green Environment (POGE)

Alex Ross
Andrew Goodman
Tracey Chaplin
Helen Goodman
Pippa Ingram Clark
Alex Ingram Clark
Christina Short

Field Place Estate (Rule 6 Party)

Mr K Prichard Jones

INTERESTED PARTIES:

Chris Leyland	Slinfold Parish Council
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DOCUMENTS SUBMITTED DURING THE INQUIRY

INQ 1	Opening Statement on behalf of Appellant
INQ 2	Legal Submissions on behalf of Appellant
INQ 3	Draft Unilateral Undertaking submitted by the Appellant
INQ 4	Opening Statement Horsham District Council Including Legal Principles in relation to Appropriate Assessment
INQ 5	Opening Statement POGE
INQ 6	Duckmoor Lane Appeal Decision Ref: APP/Z3825/W/21/3283823
INQ 7	Note on Noise submitted by the Appellant
INQ 8	Solomon's Seal Appeal Decision Ref: APP/Z3825/W/14/2224668 submitted by the Council
INQ 9	Solomon's Seal Reserved matters approval LPA Ref: DC/16/1073 submitted by the Council
INQ 10	Excerpt From Holocaust War Memorial Decision submitted by the Appellant
INQ 11	Gleeson Annual Report and Accounts submitted by POGE
INQ 12	Earth Bunds Compliance Note submitted by the Council
INQ 13	Extract from Draft Crawley Borough Local Plan 2024 - 2040 May 2023 submitted by the Council
INQ 14	Odyssey Flood Risk and Drainage Note submitted by the Appellant
INQ 15	West Sussex County Council objection to Field Place application dated 12 October 2023
INQ 16	Appeal site visit and itinerary
INQ 17	Field Place Site Visit and Itinerary
INQ 18	Draft Planning Conditions
INQ 19	Field Place Estate comments on Draft Planning conditions
INQ 20	Field Place Estates comment on Draft Unilateral Undertaking
INQ 21	Draft Unilateral Undertaking
INQ 22	Field Place Suggested Conditions
INQ 23	Closing Submissions Field Place Estate
INQ 24	Closing Submissions POGE
INQ 25	Closing Submissions Horsham District Council
INQ 26	Closing Submissions Appellant

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY

INQ P1	Inspector's letter to Natural England dated 27 October 2024
INQ P2	Natural England's response to the Inspector dated 1 November 2024
INQ P3	Final conditions
INQ P4	Executed Unilateral Undertaking dated 9 November 2024
INQ P5	Appellant's comments on revised Framework
INQ P6	Council's comments on revised Framework

Appeal Ref: APP/Z3825/W/23/3321658

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance the following approved plans:
 - Location Plan, ref: 1273.S01 (dated 25.01.2022)
 - Indicative Access/Roundabout Arrangement, ref: 1902029-21 A (dated 23.09.2022)
- 2) The detailed design of the development proposed through Reserved Matters applications pursuant to this outline permission shall have regard to, and broadly accord with, the principles set on the parameter plan ref: 1273.S03 (dated 25.01.22).
- 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 4) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 5) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Pre-commencement Conditions

- 6) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
 - i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
 - ii. Details of how residents will be advised of site management contact details and responsibilities;
 - iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
 - iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
 - v. The means of access and routing of construction traffic to and from the construction site;
 - vi. The arrangements for public liaison prior to and during the demolition and construction works – newsletters, fliers etc;
 - vii. Details of any floodlighting, including location, height, type and direction of light sources, and intensity of illumination;
 - viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan);
 - ix. Details for the management and control of noise.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

- 7) No development shall commence until a Construction Environmental Management Plan (Biodiversity) (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority, in line with the details contained within the Ecological Appraisal (Aspect Ecology Ltd, April 2022). The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) **Identification of "biodiversity protection zones"**.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 8) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

- 9) No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site be submitted to and approved, in writing, by the Local Planning Authority:
- (a) Having regard to the Phase II Contamination Risk Assessment (Reference: ES0007) full details of the remediation measures required and how they are to be undertaken; and
 - (b) a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved, with the completed verification plan submitted to and approved by the Local Planning Authority in advance of the first occupation of any dwelling hereby approved.

- 10) No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall have regard to the recommendations of the Arboricultural Impact Assessment, Aspect Arboriculture Ltd, 10251_AIA.001 Rev A, dated 26.04.2022.

The development shall, thereafter, be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site, identified for retention, which die or become damaged during the construction process, shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

- 11) No development shall commence until a drainage strategy detailing the proposed means of foul water disposal has been submitted to, and approved in writing by, the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved strategy in advance for the first occupation of any dwelling hereby approved.
- 12) No development pursuant to the outline planning permission hereby permitted shall commence until:
- a) A water neutrality strategy containing the water offsetting measures as defined in the Section 106 Unilateral Undertaking accompanying this planning permission has been submitted to and approved in writing by Horsham District Council.
and
 - b) The approved water neutrality measures have been carried out and a report verifying the same has been submitted to and approved in writing by Horsham District Council.
or alternatively until
 - c) Horsham District Council has confirmed in writing that the requisite number of offsetting credits have been purchased, or alternatively that an appropriate water neutrality contribution has been paid, pursuant to the Section 106 Unilateral Undertaking accompanying this planning permission, in respect of the development under the Sussex North Offsetting Water Strategy and that development may commence.
- 13) Prior to the commencement of development full details of the acoustic fence, which shall be located and dimensioned broadly in accordance with Appendix 1 to the Noise Impact Assessment (Cass Allen Associated Ltd, Revision 3, dated 11th July 2023), shall be submitted to and approved by the Council in writing. The acoustic fence shall subsequently be installed in accordance with the approved details in advance of the first occupation of any approved dwelling, and thereafter maintained for the lifetime of development.
- 14) Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with provisions for the implementation, long

term maintenance and management of the system shall be submitted to and approved by the Local Planning Authority. Those details shall include:

- (i) full design details (which should be broadly in accordance with the Flood Risk Assessment and Drainage Strategy, dated May 2022, by Odyssey),
- (ii) details of phasing,
- (iii) details of measures to control and prevent the distribution of pollutants and contaminants to existing watercourses,
- (iv) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.

No part of the development hereby permitted shall be occupied until a verification report demonstrating that the relevant phase of the SuDS system has been constructed as approved has been submitted to and approved in writing by the Local Planning Authority. The system shall, thereafter, be maintained in accordance with the approved details.

- 15) No development shall commence until full details of the water efficiency measures and greywater recycling systems required by the Water Neutrality Report V2 (by Quantum CE, dated 20 April 2023), appended to the DMH Stallard Statement of Case, together with intended measures for future maintenance and management, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to the first occupation of any relevant dwelling and thereafter retained, unless replaced with measures with an equivalent and/or greater standard of efficiency in respect of mains-water consumption.
- 16) No development shall take place (including any ground works, site or vegetation clearance) until an ecological report containing updated baseline surveys in relation to Great Crested Newts and Badgers has been submitted to and approved in writing by the Local Planning Authority.
- 17) No development above ground floor slab-level shall take place until a Biodiversity Enhancement Strategy for Protected and Priority Species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following measures:
 - (a) Purpose and conservation objectives for the proposed enhancement measures;
 - (b) detailed designs to achieve stated objectives;
 - (c) locations of proposed enhancement measures by appropriate maps and plans;
 - (d) timetable for implementation;
 - (e) persons responsible for implementing the enhancement measures;
 - (f) details of initial aftercare and long-term maintenance (where relevant)
 - (g) a Biodiversity Metric 4.0 calculator completed on the basis of the proposed measures confirming that these achieve a 21.93% gain in habitat units.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 18) No development shall commence, above ground floor slab level, until full details of the glazing specification and means of mechanical ventilation have been submitted to and approved by the Local Planning Authority. The measures to be submitted shall have regard to the recommended mitigations set out within the submitted Noise Impact Assessment (Cass Allen Associated Ltd, Revision 3, dated 11th July 2023),

The approved sound attenuation works shall be completed before the dwellings are occupied and be retained thereafter.

Pre- Occupation Conditions

- 19) No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the on-site water efficiency measures and greywater recycling systems as outlined in the Water Neutrality Report V2 (by Quantum CE, dated 20 April 2023), appended to the DMH Stallard Statement of Case, relevant to that dwelling have been implemented in full. 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.
- 20) No part of the development hereby permitted shall be occupied until a scheme of measures to eliminate and/or minimise light pollution resulting to nearby heritage assets has been submitted to and approved by the Local Planning Authority in writing. The approved measures shall be implemented in advance of the first operation of street-lighting and shall subsequently be retained as approved.
- 21) No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity 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/hunting; and detail how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) together with hours of operation so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

No external lighting shall be installed except 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.

- 22) No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved measures shall be installed prior to first occupation of the development and shall thereafter remain as such.

- 23) No part of the development shall be occupied until such time as the A264 Five Oaks Road Roundabout has been altered to enable access to the development in accordance with the details shown on the drawing titled Indicative Access/Roundabout Arrangement and numbered 1902029-11 revision A.
- 24) No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall generally accord with the Framework Travel Plan submitted as part of the outline planning application and shall also take account of the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
- 25) 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 30 megabits per second through full fibre broadband connection has been provided to the premises.

Other Conditions

- 26) The development permitted by this planning permission shall only be carried **out in accordance with the approved Flood Risk Assessment (FRA) ('Lower Broadbridge Farm South, Horsham. Flood Risk Assessment and Drainage Strategy', Project no: 20-125, dated May 2022, by Odyssey)** and the following mitigation measures detailed within the FRA:
- Finished floor levels of all accommodation shall be set no lower than 28.78 metres above Ordnance Datum (mAOD) (section 6.1.4 of the FRA).

These mitigation measures shall be fully implemented prior to the occupation of any dwelling hereby approved .

- 27) 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
- 28) No soils shall be imported to the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.