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Our Ref: 20/02097/PRESM

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BY EMAIL ONLY

**Reference:** 20/02097/PRESM

**Site address:** Foxbridge Golf Club, Foxbridge Lane, Kirdford, Billingshurst, West Sussex, RH14 0LB

**Proposal:** 40 no. holiday homes together with a farm shop, restaurant and bar, kitchen garden, a wellness centre, a farm yard/petting zoo and outdoor pursuit centre, set within a re-landscaped site along with ecological, swimming and fishing ponds, ecological parks and nature trails.

### Planning Constraints

- Outside the defined Settlement Boundary / Within Designated Countryside
- Flood Zone 1 / Risk of Surface Water Flooding
- Adjacent to Ancient Woodland
- Adjacent to Grade II Listed Building
- Barn Owls habitat, Bat home network and movement network, Water vole habitat

### Principle of the Development

The application site is located outside of any of the designated settlement boundary areas identified within Policy 2 of the CLP and therefore lies within the countryside for planning policy purposes.

Policies 2 and 45 of the CLP allow development within the countryside where a countryside location is required, where it supports rural diversification or where it meets a need which cannot be met within existing settlements. Policy 1 of the Local Plan requires development to accord with these policies. Development in the countryside is limited to that which is sustainable, essential for agriculture, requires a countryside location, demonstrate need/demand and is small scale, structurally sound, of traditional or architectural merit and connected to existing buildings and whilst supporting the local rural economy.

Paragraph 83 of the NPPF refers to supporting a prosperous rural economy, advising that decisions should enable the sustainable growth and expansion of all types of business in rural areas, through conversion of existing buildings and enabling sustainable rural tourism which respect the character of the countryside.

Policy 30 of the CLP refers to proposals for tourist development, supporting proposals for tourist accommodation provided that they should maintain the tranquillity and character of the area, minimise the impact on the natural and historic environment, provide high quality accommodation

and encourage an extended tourist season. In addition, in the countryside proposals should be of a scale appropriate to the location and demonstrate why they require a rural location and support the objectives of diversification. The supporting text advising that within the countryside proposals should fully assess the re-use of existing buildings in preference to new builds.

During the pre-app meeting you were advised that any future development would need to fully accord with the Tourism Policy (Policy 30), and it was suggested that you would need to robustly demonstrate that the sort of use proposed would have (and continue to have) a wide attraction in terms of leisure and tourism. Any future submission should clearly and convincingly outline the need for the proposed use.

Potential concern / issues regarding the model of 'privately owned' lodges were voiced and the LPA noted the difficulty enforcing the length of occupation via planning condition. The applicant was strongly advised that any future submission would need to successfully overcome these issues; and to that end, any future scheme would need to patently demonstrate, that it would solely relate to leisure and tourism purposes; and, would not, for all intense and purposes, result in a small enclave of privately owned residential lodges, that would be continually occupied for the majority of the year by a sole occupant(s). The LPA remain to be convinced on this point and the applicant is advised to robustly address this issue in the event of a future submission.

In relation to the above point, it was suggested that the leisure / tourist facilities should be evenly interspersed throughout the site, as opposed to being 'bunched' together. The LPA also queried the scale of the development, with regards to the number of lodges proposed. The LPA would query whether or not there would be enough on-site leisure facilities provided to justify 40 no. large lodges; further clarification / justification is required with regards to the scale of the development. In addition the LPA question whether the individual 'lodges' need defined plots / boundaries, which could be construed as being more akin to residential development. The applicant was advised that by interspersing the leisure and tourist facilities evenly throughout the site, the proposal would better signal its intended purpose as a tourist and leisure destination.

Paragraphs 16.25 and 16.27 of the adopted Local Plan further comment that '*new tourist accommodation and attractions will be encouraged in areas that can accommodate additional visitor numbers without detriment to the environment*' and '*occasionally large scale facilities may be appropriate where they are associated with enhancing visitor use...*'

Whilst Policy 30 might support the proposal in principle in a rural location, there remains conflict with the aforementioned CLP policies, insofar as these restrict development in the countryside other than when there is an *essential need* for such a location. These provide a strategy for accommodating development in a sustainable way and reducing the overall need for travel. The LPA would query whether such a large development in this countryside location is necessary to meet tourism needs. The applicant is advised to provide a robust justification regarding this point, in the event of a future submission.

The main tourist destinations (e.g. Petworth, Goodwood and Arundel) are some distance away. These distances, some along main roads, with no footpaths, would be a distance where using sustainable modes of transport would likely be limited and the private car used instead. Sustainable transport modes would not provide the flexibility that would be afforded by the private car in this rural location. During the meeting it was discussed that further evidence would be required to demonstrate the need for the development in this countryside location. It was suggested the

applicant focus on the nearest / most relevant tourist destinations, in order to justify the required countryside location.

Policy 30 states that any proposal must demonstrate that new tourism buildings must support the objectives of rural diversification. On this point, the LPA are unable to make a decision in principle, until the necessary evidence to support this proposal has been submitted.

It is noted that the new development would re-purpose the existing clubhouse; and it is considered the provision of a farm shop/kitchen garden is acceptable in principle, subject to fully according with all the requirements outlined under Policy 46 of the CLP.

With regards to the current scheme, the LPA remain to be convinced that the proposal, as submitted would be acceptable in principle, and would fully accord with all the criteria listed in Policies 30 and 45 of the CLP. Any future submission will need to overcome the issues identified. The LPA are happy to engage with the applicant / developer with regards to the proposed scheme and would be willing to offer further advice (within reason), when the scheme has progressed and more comprehensive information/detail is available for consideration. *Please note the comments below are made notwithstanding the concerns / issues outlined above.*

### **Design and Impact on Visual Amenity**

The proposal is at a relatively early design stage and as such my comments relating to design will be limited to scale in the context of the location. However, design/materiality, scale, bulk and massing will be key considerations. For any scheme on the site, it would be necessary to assess the significance of the impact on wider area through the submission of a Design and Access Statement, a Landscape and Visual Impact Assessment (LVIA), and a high quality landscaping scheme. Any future proposal should be sensitive to its countryside location, which will form a key consideration in any future proposal.

The LPA would raise concern regarding the spread of built form within the countryside location. The submitted plans indicate that the proposal would spread across the entire application site. Furthermore, the submitted proposal fails to demonstrate that the development requires a rural location and cannot be accommodated elsewhere (i.e. closer to a settlement boundary) - (See *principle* section above for further clarification on this issue).

In relation to the above point, it was suggested that the leisure / tourist facilities should be evenly interspersed throughout the site, as opposed to being 'bunched' together. The LPA also queried the scale of the development, with regards to the number of lodges proposed. The LPA would query whether or not there would be enough on-site leisure facilities provided to justify 40 no. large lodges; further clarification / justification is required with regards to the scale of the development. In addition the LPA question whether the individual 'lodges' need defined plots / boundaries, which could be construed as being more akin to residential development. The applicant was advised that by interspersing the leisure and tourist facilities evenly throughout the site, the proposal would better signal its intended purpose as a tourist and leisure destination.

Whilst it is considered that in isolation the design shown in the submitted visuals has some architectural merit, the LPA would raise concern with regards to the scale and spread of built form, especially with regards to the sensitive location within the countryside. The LPA remain to be

convinced the scheme as submitted, would accord with all the criteria listed in Policies 30 & 45 of the Chichester Local Plan.

### **Residential Amenity**

The impact on neighbouring properties would be fully assessed at application stage should an application be forthcoming. Please also refer to comments from the Environmental Health Team.

### **Impact on Highways and Parking Provision**

WSCC Highways have provided initial advice which is attached alongside this response. Further to the attached comments from WSCC Highways, you would need to ensure that the internal road could accommodate the access and turning of servicing vehicles. Please see the [Council's Waste Storage and Collection Guidance for New Housing Developments](#). Sufficient onsite parking provision should also be provided for both vehicles, EV charging spaces and cycles. Please see the West Sussex County Council's Guidance on Parking at New Developments (2020). We would also require a parking assessment to be submitted. Should you wish to pursue highway advice, the Local Highway Authority operate their own pre-application service, guidance on this can be found at: <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/>

### **Flooding and Drainage**

The developer should look to utilise on-site infiltration if possible. If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual lodge/leisure building.

However, it should be noted that soak-away structures are not always viable in this particular area due to the local geology. Therefore, the applicant may need to provide an alternative scheme with a restricted discharge into a local watercourse. It is our understanding that there is an open/culverted watercourse on the east side of Foxbridge Lane heading north which may be able to be utilised. Any alteration to this watercourse as a result of this development, including for new/improved access will require Ordinary Watercourse Consent.

We suggest that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site. We would like to remind the developer that, open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as "plastic crate systems".

Well-designed SuDS components include features that are no more hazardous than those found in the existing urban landscape, for example ponds in parks or footpaths alongside canals, therefore if the SuDS features are designed in an appropriate and safe manner, there should be no need for

unsightly fencing and areas of restricted access. Additionally, consideration should be given to the nature of SuDS features that are chosen to be incorporated into the design, for example will the SuDS features be useable open spaces (such as detention basins etc.) in all but the most extreme weather events, or will they be year round water features such as ponds.

A preliminary Health and Safety assessment (in accordance with the SuDS Manual) should be developed at the outline design stage, early in the Construction, Design and Management planning process. We suggest the applicant refers to the attached supplementary guidance notes and checklist for further information. Also please find attached comments from the Environment Agency and Southern Water.

The site is wholly within flood zone 1 (low risk). However, some parts of the site appear to be at risk from surface water flooding (according to the available mapping layers). The Flood Risk Assessment and Drainage strategy should therefore clearly define how this flood risk will be addressed for the proposed development.

### **Ecology and Biodiversity**

Due to the size and location of the development we would recommend that an extended phase one habitat survey is undertaken by a trained ecologist to determine the presence of protected species within the site and the impact a development would have on the surrounding environment. Following this survey if any further surveys are recommended we would require these to also be undertaken and any mitigation required to be considered and included within the planning application. This survey will need to assess the green infrastructure across the site and ensure that this is retained and enhanced as part of the scheme. We require that enhancements to improve biodiversity across the site are incorporated into any future planning application and these should be discussed within the ecological surveys and shown within the landscaping plans.

The SDNPA has identified a 6.5km key conservation area buffers for The Mens SAC and the Ebernoe Common SACs which include this site. It is considered that habitats within this zone are critical for sustaining the population of bats within the SACs (SDLP Policy SD10). While it's not a policy under the CDC Plan, its inclusion in our neighbour's plan flags up the sensitivity of the area. As such, the surveys need to take potential impacts on the bats associated with the SACs into account, including flight lines and foraging areas which would be considered as functionally linked habitat to the SAC. If any direct or indirect impacts are identified, assessment under the Habitats Regulations would be required.

[https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD\\_LocalPlan\\_2019\\_17Wb.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf) (see page 63)

[https://www.southdowns.gov.uk/wp-content/uploads/2019/07/Overview\\_Policies\\_Map\\_Western\\_Area\\_North.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2019/07/Overview_Policies_Map_Western_Area_North.pdf) (for the buffers - you will need to zoom right in to locate the site).

### **Sustainable Design and Construction**

Policy 40 in the Local Plan relates to all new dwellings and non-domestic buildings and requires the developer to demonstrate that all the criteria has been considered; and, if not achievable we would require the relevant evidence as to why it is not being proposed.

*These include (but are not exclusive to) the requirement to look at water consumption (110 litres per person), building for life standards including flexible buildings for changing life needs, ensuring*

*buildings are designed to have maximum energy efficiency through their fabric, on-site waste reduction and recycling, energy consumption minimised and the amount supplied from renewable resources (e.g. PV panels and ground source heat pumps) maximised including the use of energy efficient passive solar design principles where possible, measures to adapt to climate change and reduction of the impacts associated with traffic or pollution including car clubs and electric charging points. I would strongly advise you focus on a fabric first approach (maximising energy efficiency) and renewable energies, which will be key to this development and you should clearly outline the carbon savings. We will be looking for percentage improvements and testing this against the policy requirement to minimise energy consumption and maximise renewable energy.*

Recycled materials may also be something you could focus on, given it is a redevelopment of the site. Electric charging points are required to be considered by Policy 40 of the Local Plan. The Council has recently adopted these parking standards (see link below) and it is the most up-to-date information with regard to the provision referred to in Policy 40. The development would need to comply with WSCC highways current parking standards in terms of electric vehicle provision: [https://www.westsussex.gov.uk/media/1847/guidance\\_parking\\_res\\_dev.pdf](https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf)

*The LPA would expect a Sustainability Statement to be submitted with any application to demonstrate how all the criteria have been addressed as part of the proposal.*

### **Refuse and Recycling**

Suitable refuse storage facilities would need to be provided in line with CDC guidance (see our website and link below for more details). Full details will need to be submitted with any future application. [https://www.chichester.gov.uk/media/27637/CDC-Waste-Storage-and-Collection-Guidance-25Jan17/pdf/CDC\\_Waste\\_Storage\\_and\\_Collection\\_Guidance\\_25Jan17.pdf](https://www.chichester.gov.uk/media/27637/CDC-Waste-Storage-and-Collection-Guidance-25Jan17/pdf/CDC_Waste_Storage_and_Collection_Guidance_25Jan17.pdf)

### **Archaeology**

Please see attached comment from the CDC Archaeologist.

### **Community Infrastructure Level**

Please be aware that the Community Infrastructure Levy (CIL) is a charge that local authorities in England can place on new development in their area. Our CIL charge applies to residential accommodation and retail. We *do* charge CIL on holiday homes, if they are permanently fixed to the ground. If the holiday accommodation takes this form it will be liable for the residential rate north of the park, and the farm shop will be liable at the retail rate – convenience. Floorspace gained from a change of use will be taken into account if the existing floorspace meets the lawful use tests. I note the submissions identify the site is currently vacant. Evidence of lawful use would need to be submitted by the applicant. Further information can be found on our website at: <http://www.chichester.gov.uk/CIL>.

### **Other Matters**

Please refer to the Chichester District Council Local List for full details of the local and national validation requirements prior to the submission of any future planning application ([CDC Local List 2020](#)). The proposal may require approval under the Building Regulations. If you require further advice in this regard please contact the Council's Building Control Service.

### **Conclusion**

With regards to the current scheme, the LPA remain to be convinced that the proposal, as submitted would be acceptable in principle, and would fully accord with all the criteria listed in Policy 30 and 45 of the CLP. Any future submission will need to overcome the issues identified above. The LPA are happy to engage with the applicant / developer with regards to the proposed scheme and would be willing to offer further advice, when the scheme has progressed and more comprehensive information / detail is available for consideration. This advice is given by an officer of the Council and is not necessarily binding on the Council for any formal application you may submit. You should note that the proposal has not been given any third party publicity and the views of all statutory consultees have not been sought. The assessment given above is based on the Council's records.

Yours sincerely,

*Jane Thatcher*

Jane Thatcher

Senior Planning Officer (Development Management: Business and Majors)