Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0656
Grinstead House Farm , Littleworth Lane, Partridge Green, West Sussex, RH13 8EJ

DESCRIPTION:
Creation of an access track and field gate access onto classified road.

RELEVANT PLANNING HISTORY:

DC/19/1775	Upgrade of existing telecommunications at Grinstead House	NO OBJECTION to Notification on 25.09.2019
DC/22/1425	Removal and replacement of 3no. antennas, the addition of 1no. 600mm dish, internal cabinet works and ancillary works thereto.	NO OBJECTION to Notification on 17.08.2022

SITE AND SURROUNDS
The application site comprises a tract of land at the northern edge of a sizable landholding that comprises Grinstead House Farm (and The Cottage). The northern edge of the site is fenced with an agricultural post and rail-style fence and includes an established hedgerow along the application side. A row of overhead lines and masts runs along the northern side of the boundary, set within the field. A number of trees and other scrubby growth is present within the application site. There are no protected trees within this site. A separate field gate into the northern field parcel is set some 16m north of the application site.

DETAILED DESCRIPTION
The application site is around 7m wide and some 230m in length, with the proposal involving the formation of an access track, surfaced with road planings / hogging over a hardcore base, along with the creation of a new gated access off Littleworth Lane, which is a C-class road.

A ‘small’ section of hedgerow is to be removed, indicated in the DAS to be about 7m wide with the existing drainage ditch to be culverted at the location of the new access, with the new gates set around 8m back from the edge of the highway.

The proposed gates are stated to be less than 2m in height to ‘provide more privacy and security’. Submitted gate details show a galvanised agricultural 5-bar field gate, some 1m in height and 4.88m wide [drawing No.PRR).

The purpose of the development is stated to be for the access to and maintenance of the phone mast, which is situated in a woodland block behind the host property and a barn, and for use in connection with the wider use of the farm land. The submitted land ownership and application site plan (red / blue line boundaries) extend only to the application site area only, comprising the access track, which stops just to the north of the barn and does not appear to extend into the woodland block to the mast.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

Neighbourhood Plan:
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. The following policies are considered to be of significant weight subject to water neutrality being demonstrated: -

Policy 2: Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS
HDC Arboriculture: Objection.

The development proposal would require the direct loss of a high number of trees roadside trees with high landscape value, where the new access would pass through a wooded roadside strip that is roughly 0.73 Acres in total size and around 20m wide on the western boundary of the site adjacent to Littleworth Lane.

Due to the significance of the wooded strip within the local and wider landscape, to make a fair assessment of the impacts on trees and woodland please request a BS 5837 tree survey, Arboricultural impact assessment and methods statement and details of tree protection measures should be provided.

OUTSIDE AGENCIES
WSCC Highways: None received.

Nature Space: Comment. The site lies within the red impact zone, but, given the nature of the proposal, is considered to present a low risk to Great Crested Newts and their habitat. Should permission be granted then an informative should be included.

Parish Comments:
None received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

Principle of Development:

Development in rural areas is subject first and foremost to assessment against HDPF policy 26, whereby the rural character and undeveloped nature of the countryside is to be protected against inappropriate development. Any development must be essential to its countryside location and meet one of the following criteria:

1) Support the needs of agriculture or forestry;
2) Enable the extraction of minerals or the disposal of waste;
3) Provide for quiet and informal recreational use; or
4) Enable the sustainable development or rural areas.

There is no clarification within the application documents on where the wider area of agricultural land is situated in relation to the access track and what the deficiencies are of the existing access to the wider landholding, particularly noting that the phone mast has been in situ for +24 years. Aside from bi-annual hay cropping, referred to in the DAS and 'occasional needs of maintaining the phone mast', no other functions appear to be linked to the vehicular access and track being proposed. It is also noted that the plans do not provide a functional connection between the application site and the siting of the phone mast which lies some 50m beyond the application site and the assumed end of the track, nor on how the track might serve the landholding where the hay cropping would take place.

It is not therefore clear if the proposal would serve the essential needs of agriculture, and therefore a fundamental conflict with HDPF policy 26 is present.

Character and Appearance:

The application site is noted to lie within Landscape Character Area J3 (Cowfold & Shermanbury Farmlands), which is defined as having a declining landscape condition on account of the loss of hedgerows and shaws, a loss of traditional land management and visual intrusion from pylons, modern farm buildings and suburban development.

Policy 26 of the HDPF requires that any acceptable proposals must conserve, protect and / or enhance the key features and characteristics of the landscape character area in which it is located. Policies 25 and 32 of the HDPF require that the natural environment and landscape character of the district is protected against inappropriate development, and that development complements locally distinctive characters of the district. Policy 33 of the HDPF sets out a presumption in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses.

The submitted DAS refers to the use of road-planings / hogging as a surface and proposes a galvanised 5-bar agricultural field gate, both of which are typical features in rural areas. There would however be an associated loss of approximately 7m of native hedgerow along the road frontage to facilitate the proposed new access, and the resulting urbanising appearance of a 7m with access track. Furthermore, given the cited low use of the track, the need for a continuous 7m width along its length has not been justified and would lead to an unduly urbanising feature in the rural setting, which would be visually harmful and contrary to Policies 25, 26, 32 and 33 of the HDPF.

The woodland strip within which the application site lies is part of a long-established woodland and is considered to be of a visual significance within the local landscape character. A change in ground level is present between the road and the application site (some +1m).

The application has not been accompanied by an Arboricultural Impact Assessment, nor a tree survey or Method Statement, which would enable a fair assessment of the likely impacts on trees and the woodland. As the strip of woodland is evident on the 1879 OS map the woodland is therefore classified by the Government in their updated 'Keepers of Time: ancient and native woodland and trees policy' in England as "*Long established woodland",* which sits just below Ancient woodland (which is classified as irreplaceable habitat) within the recently adopted hierarchy of value. The Governments strategic objective is to recognise the value of this resource and to protect it.

Accordingly, at the present time, given the submitted details and lack of tree surveys, the proposal would lead to a loss of trees and a loss of trees and harm to the existing woodland. Further, the level changes across the site to the highway are likely to necessitate engineering works which have not been detailed as part of the submitted plans and documents.

The proposed vehicle crossover and access driveway would therefore fail to protect, conserve or enhance the landscape character of the area, and fails to take account of the woodland strip which is identified as being 'long established woodland'. The development would therefore fail to presume in favour of the retention of existing important landscape and natural features, and as a result, would have an unacceptable impact on the character and visual amenity of the street scene and wider countryside setting. It has not been demonstrated that the benefits arising from the development would outweigh the harm as identified. The proposal would therefore be contrary to Policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The nature and siting of the proposed development would not be expected to lead to unacceptable harm to neighbouring amenity, in accordance with the above policy.

Highways Impacts:

Policy 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. In addition, Policy 41 states that adequate parking and facilities must be provided within development to meet the needs to anticipated users.

Littleworth Lane in this location is subject to the national speed limit (60mph) speed limit, and the applicant proposes a 7m wide track and associated vehicle crossover onto the public highway. It is not clear if suitable visibility splays required would be achievable within the applicant's land, or whether any additional cutting back of hedging/vegetation would be required. It is though considered, notwithstanding uncertainty as to whether the application site would deliver the required on-site turning and parking area to facilitate the envisaged uses, that the access and crossover from Littleworth Lane is capable of being constructed so that the necessary visibility splays could be achieved. If necessary this could be secured through condition (requiring the approval of further details) so that no adverse impact is expected to occur to highway safety, or result in 'severe' cumulative impacts on the operation of the highway network.

Water Neutrality:

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

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

Given the nature of the proposed development, there is no clear or compelling evidence to suggest an increased consumption of water within the wider application site, that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a Biodiversity Metric as part of this application. Officers are satisfied that the proposal does not meet the exemptions and would therefore be required to demonstrate BNG, particularly noting the loss of some 7m of hedgerow and a number of trees within the site to facilitate the proposed access and track.

In the event the application is approved, it is a condition of the planning permission that a Biodiversity Net Gain Plan, including a Metric Tool calculation, be submitted and approved in writing by the Local Planning Authority. This should show how the development will achieve BNG and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

Conclusions:

The development would be sited within a rural area where development is required to be essential to its countryside location. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would be essential to its countryside location and meet a stated criterion for development in the countryside. The proposal is therefore contrary to Policy 26 of the Horsham District Planning Framework (2015).

In addition, the proposed vehicle crossover and access driveway would fail to protect, conserve or enhance the landscape character of the area, and fails to take account of the woodland strip which is identified as being 'long established woodland'. The development would therefore fail to retain existing important landscape and natural features, and as a result would have an unacceptable impact on the character and visual amenity of the street and wider countryside setting. It has not been demonstrated that any benefits arising from the development would outweigh the harm as identified. The proposal would therefore be contrary to Policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015).

It is therefore recommended, for the reasons set out above, that planning permission be refused for the development.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The development would be sited within a rural area where development is required to be essential to its countryside location. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would be essential to its countryside location and meet a stated criterion for development in the countryside. The proposal is therefore contrary to Policy 26 of the Horsham District Planning Framework (2015).

2. The proposed vehicle crossover and access driveway would fail to protect, conserve or enhance the landscape character of the area, and fails to take account of the woodland strip which is identified as being 'long established woodland'. The development would therefore fail to retain existing important landscape and natural features, and as a result would have an unacceptable impact on the character and visual amenity of the street and wider countryside setting. It has not been demonstrated that any benefits arising from the development would outweigh the harm as identified. The proposal would therefore be contrary to Policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0656
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Block plan		NONE	30.04.2024
Location plan		NONE	29.04.2024
Design & Access Statement		NONE	29.04.2024
Location plan		NONE	29.04.2024
Elevation plan	Proposed gate	NONE	03.06.2024

DELEGATED

Case Officer sign/initial Nic Pettifer Date: 16/09/2024

Authorising Officer sign/initial Guy Everest Date: 16.09.2024