Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/22/2058
Richmond Farm Stables, Rye Farm Lane, Barns Green, Horsham, West Sussex, RH13 0QB

SITE LOCATION, BACKGROUND & DESCRIPTION:

Richmond Farm Stables is a two storey dwellinghouse, with land to the rear and side. The site benefits from a Lawful Development Certificate which confirms the lawful use of the site as a dwellinghouse and for the keeping of dogs.

Permission is sought retrospectively for the erection of a lean-to structure for use as a store only, ancillary to the approved mixed use of the site comprising residential and the keeping of dogs.

During the course of the application, additional plans have been provided and the application has been converted to a Full Planning Application. Re-consultation has been carried out.

The provision of the sites usage has not been re-consulted given it matches the previously advertised use of the extension and the uses approved under DC/21/1843.

RELEVANT PLANNING HISTORY:

DC/21/1843	Application to confirm the continuous use of existing building, curtilage and outbuildings as a dwelling/for residential purposes and for the keeping of dogs for a period in excess of ten years prior to the date of this application (Lawful Development Certificate - Existing).	Application Permitted on 16.12.2021
DC/17/0192	Single storey rear extension with mono-pitched roof. (Retrospective)	Application Permitted on 07.04.2017

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 25- Strategic Policy: The Natural Environment and Landscape Character
Policy 31- Green Infrastructure and Biodiversity
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 41- Parking

The Horsham District Local Plan 2023-2040
The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *"local planning authorities may give weight to relevant policies in emerging plans according to:*

a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

c) *the degree of consistency of the relevant policies in the emerging plan to this Framework [NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"*

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:

Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: Protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 25: Parking
Policy 45: Replacement Dwellings and House Extensions in the Countryside

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Barns Green and Itchingfield Neighbourhood Plan:
Itchingfield 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.
Policy 5 – Protection of Green Infrastructure
Policy 12 – Design Parametres

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and 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: 21st of August 2024

The conversion of the barn to a dwelling was originally granted permission in 1996. The plans submitted at that time recognised that there was a mature oak tree within less than 1m of the Southern flank elevation. Due to its age and maturity, the size and form of the tree would have dominated the building at that time.

The tree has been historically crown reduced, due to the very close proximity to the dwelling and associated nuisance in terms of light suppression, leaf, seed and twig fall etc.

As a result of the pruning works it has reacted with strong vitality to produce a relatively dense leafy crown that dominates the building being significantly taller than the ridge line.

At such a close juxtaposition to the habitable dwelling, within the semi-rural landscape context, the tree is not considered to be a reasonable imposition or constraint on development of the property.

HDC Environmental Health: No Objection

Environmental Health: No Comments

OUTSIDE AGENCIES

District Newt Licensing Officer: No Comments

The type of development is not considered to be relevant to the District Licensing Scheme in this case and consider there would be no likely impact on great crested newts or their habitats. Therefore have no comments to make at this time.

WSCC Highways: Comment

From inspection of the revised plans, the proposed changes appear minor and would not warrant additional comment from a highway safety point of view. The LPA are advised to refer to the LHAs previous consultation response, dated 12/12/2022, for relevant comments.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

WSCC Highways: Comment

The site is located on Rye Farm Lane, an unclassified road subject to a speed restriction of 30 mph. No alterations are proposed to the existing access point on Rye Farm Lane, and on-site parking and turning arrangements will remain as existing.

Given the small-scale nature of what is proposed, the LHA does not anticipate that the proposed development would lead to a material intensification of use of the existing vehicular access.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing vehicular access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Parish Comments:

Itchingfield Parish Council: Objection

"The ancillary store room is placed on land not previously stated as part of the curtilage of Richmond Farm Stables, see application DC/21/1843 which was its self not approved by The Itchingfield Parish Council. The permission granted by Horsham District Council stated that any material differences to the application curtilage, (among other matters) would need enforcement action. The store room can be seen directly from Rye Farm Lane which is a public bridle way. Hedges affecting the site are not shown despite being referred to in the application form. Also, very importantly it would appear that a mature Oak tree which is on the boundary, is actually sited within the store room. Objectors cite the nuisance parking of clients and volunteer dog walker's cars in Rye Farm Lane. This despite the new access to Richmond Farm Stables constructed before the application DC/21/1843 was submitted and which Itchingfield Parish Council expressed the expectation that this would be used for access to the Dog boarding and rescue activities of Richmond Farm Stables which would provide off road parking and access via land owned by Richmond Farm Stables. Information included in the application does not show how the ancillary store is related to the existing dwelling or to the boundary with the adjacent Richmond House."

Itchingfield Parish Council: Objection

The ancillary store room is placed on land not previously stated as part of the curtilage of Richmond Farm Stables, see application DC/21/1843 which was its self not approved by The Itchingfield Parish Council. The permission granted by Horsham District Council stated that any material differences to the application curtilage, (among other matters) would need enforcement action. This has not yet been carried out. The store room can be seen directly from Rye Farm Lane which is a public bridle way. Hedges affecting the site are not shown despite being referred to in the application form. Also, very importantly it would appear that a mature Oak tree which is on the boundary, is actually sited within the store room, see attached image. This is not referred to in the application. Objectors cite the nuisance parking of clients and volunteer dog walker's cars in Rye Farm Lane. This despite the new access to Richmond Farm Stables constructed before the application DC/21/1843 was submitted and which Itchingfield Parish Council expressed the expectation that this would be used for access to the Dog boarding and rescue activities of Richmond Farm Stables which would provide off road parking and access via land owned by Richmond Farm Stables. This clearly is not happening. Information included in the application does not show how the ancillary store is related to the existing dwelling or to the boundary with the adjacent Richmond House. Is it free standing, or reliant on the dwelling and/or the unapproved and revised boundary with Richmond House?

Representations:

Ten (10) objections from five (5) different addresses have been received raising the following:

- Highways, access and parking.
- Loss of general amenity.
- Overdevelopment.
- Use of the site.
- Development without the granting of planning permission.
- Expansion of the site boundary.
- Car use of those visiting the site for volunteering.
- Concerns about waste disposal.
- Privacy, light and noise.
- Incorrect plans.
- Extension of area used for the keeping of dogs.

Member Comments:

Comments have been received from Councillor Vickors.

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

The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, site visit and photographs supplied by the agent. These details were considered sufficient to allow the application to be properly considered and determined.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Strategic Policy 19: Development Quality of the emerging local plan holds limited weight. The policy aims to achieve High-quality and inclusive design for all development in the District will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context.

Policy 45 of the emerging local plan holds medium weight and states that “Outside defined built-up areas, house extensions, replacement dwellings and outbuildings will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling.” It also states that “Replacement dwellings and extensions should be in keeping with the scale and character of the existing dwelling and of the surrounding area. This will have regard to the cumulative impact alongside existing extensions.”

The existing lean-to structure has a pitched roof and extends towards the back of the site to form an enclosed walkway. The materials and colour primarily match that of the existing property.

The extension is not significant in nature and is of an appropriate scale, siting and design. Its minimal size and similarity in appearance with the existing dwelling ensure it is suitably sympathetic to the existing welling and countryside location.

Trees and Landscaping:

The extension has been built around an existing oak tree. The Arboriculture Officer has confirmed within the semi-rural landscape context, the tree is not considered to be a reasonable imposition or constraint on development of the property.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Strategic Policy 20: Development Principles of the emerging local plan holds limited weight. The policy seeks to conserve and enhance the natural and built environment, and deliver beautiful and sustainable buildings and places. The policy expects development to be designed to avoid unacceptable harm to the amenity of existing and future occupiers or users of nearby property and land, for example due to overlooking, over dominance or overshadowing, light pollution, traffic generation, and general activity, noise, odour and/or vibration, and having regard to the sensitivities/impact of surrounding development;

The application relates to an extension to the south of the existing dwelling, which is to be used in association with the dwelling and keeping of dogs on the wider site. The extension is minimal in nature and set behind a boundary fence between Richmond Farm Stables and Richmond House. It does not cause unacceptable impacts on neighbouring amenity by way of overlooking, loss of light or overshadowing. The nature and scale of the extension is not considered to result in harm to the amenities of neighbouring properties, with sufficient space retained between the addition and the nearest residential properties.

The application states that the extension is used for storage purposes, and it is considered reasonable and necessary to impose a condition restricting the use of the addition for these purposes, to ensure no additional dogs are kept within the extension.

Subject to this condition, granting retrospective permission for the site is not considered to cause significant additional impacts on neighbouring amenity, beyond the pre-existing situation.

Environmental Health

Objections have raised concerns about waste disposal and noise at the site. To reiterate, this application is assessing the impact of the extension only, where this would be used for the purposes of storage and not for the kennelling of dogs.

The Environmental Health Officer has not raised an objection to the application. The granting of planning permission does not remove the right of the local authority to carry out an investigation into noise or waste disposal complaints under other relevant environmental legislation should it arise in the future.

Climate Change, Ecology and Biodiversity Net Gain

Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

Strategic Policy 6: climate change of the emerging plan holds limited weight. The policy supports developments only when they include measures that contribute to achieving net zero carbon emissions cross the District by 2050 at the latest. The policy also only supports proposals if f it includes site and building level measures to adapt to the future impacts of climate change and reduce vulnerability, particularly in terms of the comfort, health and wellbeing of current and future occupiers.

Strategic Policy 7: Appropriate Energy Use of the emerging local plan holds limited weight. The policy supports development which contributes to clean, efficient energy in Horsham. It also expects development proposals to demonstrate how they will provide zero and low carbon heating.

Strategic Policy 8: Sustainable Design and Construction of the emerging local plan holds limited weight. The policy supports development where it is demonstrated that sustainable design, including its construction and operation, is integrated into the development from the design stage onwards.

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

While the proposal doesn't demonstrate that required by the emerging policies these carry limited weight. As such they are outweighed by policies 35, 36 and 37 of the HDPF.

The proposal is retrospective in nature, it is therefore considered that the impact on ecology has already taken place, no additional conditions are therefore recommended. The District Newt Licensing Officer has raised no concerns about the proposal impact on Great Crested Newts.

Given the minimal nature of the development as a single storey extension, the development is not considered to exacerbate the impacts of climate change.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Policy 24 and 25 of the emerging plan hold limited weight and would not outweigh policies of the HDPF.

Concerns about the parking of visitors and volunteers have been raised in objections. This application as previously stated is only assessing the impact of the extension, which will not be used for the kennelling of dogs. The extension, subject to the recommended conditions, does not cause appreciable intensification of the site by way of increased need for visitors or number of dogs kennelled.

In addition, the Local Highway Authority have confirmed that it does not consider that the proposal would have an unacceptable impact on 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.
The development would be used for storage purposes and there is no evidence to suggest that this would intensify water demand at the site. As such, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters

It is noted that the development extends beyond the red line as permitted under the Certificate of Lawful Development Certificate approved under planning reference DC/21/1843. Representations have been received raising concerns about the extension of the boundary and encroachment into the neighbouring property. The agent for the application has confirmed the new location plan is correct and the extension permission is retrospectively sought for is within the land ownership of Richmond Farm Stables. This has been confirmed by a Land Registry search/

Conclusion

The development is considered to comply with all local and national planning policies.

Recommendation: Application Permitted

Conditions:

1 **Regulatory Condition**: The lean-to extension herby permitted shall be used for storage and utility purposes ancillary to the mixed use of the site only, and at no time shall be used for the kennelling of dogs.

Reason: The use of the accommodation for kennelling would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 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/22/2058
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	South Elevation (As Existing)	260-21-041	05.06.2024
Elevation plan	East and West Elevations (As Existing)	260-21-031 Rev.A	05.06.2024
Floor plan	Floor Plan and Roof Plan (As Existing)	260-21-051 Rev.B	11.07.2024
Location plan	Site Location Plan	260-21-010 REV B	11.07.2024
Block plan	Block Plan (As Existing)	260-21-021 REV B	11.07.2024
Layout plan	Site Floor Plan (As Existing)	260-21-060	07.10.2024

DELEGATED

Case Officer sign/initial	Alice Johnson	Date:	07/10/2024
Authorising Officer sign/initial	Tamara Dale	Date:	10/10/2024