Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0829
Snakes Harbour Farm, Kent Street, Cowfold, West Sussex, RH13 8BG

DESCRIPTION:

Retention of existing (former dwellinghouse) building and change of use and conversion to general purpose agricultural building.

RELEVANT PLANNING HISTORY:

DC/17/2030	Demolition of existing bungalow and erection of replacement three bedroom bungalow with detached open sided double garage in revised location	Application Permitted on 16.11.2017
DISC/18/0094	Approval of details reserved by conditions 3, 4, 5 on DC/17/2030	Application Permitted on 23.05.2018
DC/18/0465	Demolition of existing implement shed and erection of replacement steel framed agricultural building	Application Permitted on 24.05.2018

Planning Compliance History -

EN/24/0146	Alleged: existing bungalow has not been demolished in breach of post-occupation condition 7 of DC/17/2030	Case closure following validation of DC/25/0829

DESCRIPTION OF THE SITE

The application site forms part of Snakes Harbour Farm, located within the parish of Shermanbury and is situated outside of the Built-Up Area Boundary, therefore situated within the countryside. The property is accessed from Kent Street to the north of the site, which is at a slightly lower level than the application site. The site is an established agricultural holding comprising approximately 70 hectares of owned land, with a further 25 acres rented locally. Within the site is a single storey building, subject of this application, a cluster of agricultural buildings and barns to the south, a modern dwelling to the east, with an intervening area of open hardstanding between.

DESCRIPTION OF THE APPLICATION

In 2017, application DC/17/2030 was permitted, granting permission for the demolition of the existing bungalow on the site and the erection of a replacement, three-bedroom bungalow. As part of this permission, Condition 7 was imposed, reading as follows:

*7 - **Post Occupation Condition**: Upon the occupation of the building hereby permitted the existing building(s) indicated on plan 1389/17/P/14 shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter such existing building(s) shall be demolished (including the removal of foundations) all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority.*

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

A planning compliance investigation was opened after it emerged the above condition had not been complied with. Following this investigation, this application has been received, with the proposal seeking to retain the former dwellinghouse and change the use of and convert the building into a general-purpose agricultural building, which would include a farm office, workshop, incubation and hatchery room and honey production area.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 10 - Rural Economic Development
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 37 - Sustainable Construction

Wineham and Shermanbury Plan 2014 - 2031
Policy 4 – Location and Setting
Policy 5 – Design
Policy 8 – Change of Use, Conversion and Redevelopment
Policy 9 – Small Business Development

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.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 6: Climate Change
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 14: Countryside Protection
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 31: Rural Economic Development

Planning Advice Notes:
Shaping Development in Horsham District

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 Environmental Health:

No comments received

PUBLIC CONSULTATIONS:

Representations:

No letters of objection have been received.

One letter of Support has been received from one address, supporting the application but not providing comments.

Parish Comments:

Shermanbury Parish Council: No Objection

Member Comments:

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:

The application site is not within a defined Built-up Area Boundary (BUAB) and is therefore considered to form part of the District's countryside. Policy 26 (Countryside Protection) of the Horsham District Planning Framework (HDPF) is therefore of key importance when determining this application. This Policy makes provision for development in the countryside where certain criteria are complied with. In addition, Policy 10 (Rural Economic Development) of the HDPF and Paragraph 83 of the National Planning Policy Framework (NPPF) are also relevant when considering the acceptability of development in the countryside where it is proposed to contribute to sustainable rural economic development and rural employment opportunities.

Policy 26 of the HDPF aims to protect the countryside from inappropriate development and states that development in these locations would only be considered acceptable if it is essential to the countryside location and meets one of four criteria. In accordance with the first criteria of Policy 26, development in countryside locations is considered acceptable in principle if it supports the needs of agriculture. In addition to this, in order to be acceptable under Policy 26, any proposal in the countryside must be of a scale appropriate to its countryside character and location. Acceptable development would not lead to a significant increase in the overall level of activity in the countryside, and would protect, conserve and enhance the key features of the landscape in which it is located.

Policy 10 of the HDPF aims to support rural economic development in order to generate economic, social and environmental benefits for local communities. The principle of rural economic development proposed in the countryside will be supported by the Council if it maintains the quality and character of the area and contributes to the sustainable farming enterprises within the district. Paragraph 83 of the NPPF echoes the aims of HDPF Policy 10 and seeks to support a prosperous rural economy by allowing the sustainable growth of rural businesses.

Policy 37 of the HDPF seeks to improve the sustainability of development, minimising construction and demolition waste and allowing flexibility for future modification of use or layout, which in turn facilitates future adaptation.

Policy 8 of the Wineham and Sharmanbury Plan (W.A.S.P) supports the redevelopment of redundant buildings where the redevelopment would result in visual and environmental enhancements. Policy 9 supports the enhancement of rural economies where the land uses are in keeping with the rural character of the area and they include small holding farming activities.

Snakes Harbour Farm is a small agricultural holding comprising 70 acres of owned land and a further 25 acres which are rented locally. The farm is primarily run as beef cattle holding, however, honey is also produced from 40 hives and a small free range chicken and guinea fowl operation focused on egg production also takes place. The proposal involves the conversion and re-use of the existing former bungalow to provide a mixed-use agricultural building with an internal floor area of approximately 120sqm. The proposed uses comprise a farm office, workshop, honey production area, and an incubation/hatchery room to support the existing free-range chicken and guinea fowl enterprise. The site forms part of an established agricultural holding and the proposed uses are directly related to, and necessary for, the efficient operation and diversification of the farm, without resulting in an unacceptable intensification of activity.

The re-use of the existing building for agricultural purposes is considered to be of an appropriate scale and form for its countryside location and would avoid the need for additional new agricultural buildings. The proposal therefore represents a sustainable form of development in accordance with HDPF Policy 37. In summary, the scale and use of the building is justified by the needs of the farming enterprise, the development accords with HDPF Policies 10 and 26, Policies 8 and 9 of the Wineham and Sharmanbury Neighbourhood Plan, and Paragraph 83 of the NPPF, and the principle of development is considered to be acceptable.

Design and Appearance:

Policies 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape 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. Policy 33 furthers this by placing a requirement to make efficient use of the land and the prioritise the sue of previously development land and buildings.

Policy 4 of the W.A.S.P states development should be designed to a high quality, which responds and respects the distinctive rural character and identify of the local context and Policy 5 furthers this by ensuring that designs are in keeping with the prevailing character of the surrounding area.

The existing building is a single-storey structure with a pitched slate roof and white-clad external walls. All internal fixtures and fittings have been removed, and the building is currently vacant. It is acknowledged that the building retains elements of a domestic appearance, however, the proposals include the removal of the existing glazed doors and French windows and are to be replaced with timber doors, which would reduce this residential appearance and better reflect the intended agricultural use. No alterations are proposed that would increase the scale, height, or massing of the building.

The building is located away from the street scene, in close proximity to the main cluster of agricultural buildings and is therefore considered to be appropriately sited for the proposed use. On balance, and having regard to the siting, scale, and agricultural character of the development, it is considered that the proposal would integrate within its rural surroundings and would not result in unacceptable harm to the character of the countryside. The proposal is considered to accord with policies 32 and 33 of the HDPF, and Policies 4 and 5 of the W.A.S.P.

Residential Amenity:

Policy 33 of the HDPF requires that new developments do not cause unacceptable harm to the amenity of nearby properties and land.

It is noted that no letters of objection have been received. The closest residential dwelling is located approximately 55 metres to the north of the application site. It is considered that the siting of the proposed development, together with the separation distances involved, would be sufficient to prevent any unacceptable harm to neighbouring amenity. The proposal would serve an existing agricultural use and would not introduce a new use to the site, nor result in an intensification of activity beyond that already associated with the holding.

It is therefore considered that the proposal would not cause adverse impacts to residential amenity, in accordance with Policy 33 of the HDPF.

Highways Impacts:

Policy 40 of the HDPF promotes development that provides safe and adequate access, suitable for all users.

The proposal would not introduce an intensification of the use of the site and would continue to utilise the existing vehicular access. As such, no material increase in traffic movements is anticipated, and the development is not expected to have an adverse impact on the public highway.

It is therefore considered that the proposal would not result in any adverse impacts on highway safety or the operation of the local highway network, in accordance with Policy 40 of the HDPF.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence ‘by March 2026’. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the

Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

The proposed development will not result in any increase in mains water demand, will all the previous fixtures and fitting having been removed, and therefore will not lead to adverse effects on the integrity of the Arun Valley SAC, SPA or Ramsar sites, either alone or in combination. The proposal can therefore be screened out at the HRA Stage 1 Screening and does not require progression to Appropriate Assessment. On this basis, the development is considered acceptable in ecological terms and compliant with Policy 31 of the HDPF and relevant national policy

Other Matters:

Climate Change:

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.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool 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.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusion:

The proposed development is considered to accord with all relevant local and national planning policies.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The building hereby permitted shall be used for agricultural purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development unrelated to an essential rural activity would not normally be permitted.

5 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Additionally, all vegetation within the works area shall be maintained at a maximum height of 30mm until construction is completed through regular mowing or grazing in order to discourage great crested newts from using the site. All works shall be carried out in accordance with the following measures:

- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.
- Any trenches left overnight should be covered or provided with ramps to prevent great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.

NOTE TO APPLICANT
Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/25/0829
(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
Location & Block plan	Location and Block Plans	1894/25/P/01	16.05.2025
Elevation & Floor plan	Proposed Plans and Elevations	1894/25/P/02	16.05.2025
Elevation & Floor plan	Existing Plans and Elevations	1894/25/P/03	16.05.2025
Supporting Statement	Planning Statement	NONE	16.05.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 14/12/2025

Authorising Officer sign/initial Tamara Dale Date: 17/12/2025