Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1327
Land To The East of 'Spring Gardens' , Spring Gardens, Washington, Nr. Pulborough, RH20 3BP

DESCRIPTION:
Retention of existing entrance and stable block together with reduced area of hardstanding (permeable) and parking for a single works van / trailer.

RELEVANT PLANNING HISTORY:

DC/22/1023	Erection of a stable & kennel building and laying of hardstanding.	Application Refused on 19.06.2024
DC/22/0219	Creation of new paddock entrance following removal of existing entrance.	Application Permitted on 31.03.2022

SITE AND SURROUNDS
The existing site is an irregular shaped piece of land which is predominantly flat, with a slight rise towards the south-west. The site is accessed directly off Spring Gardens where a new and formalised paddock entrance has been formed. Officers note that the permission under DC/22/0219 for the new access into the open paddock land set out a simple five-bar gate with tarmac 'transition strip', with the site boundary shown to be some 2m back from the edge of the Spring Gardens public highway.

During an officer site visit it was noted that the new vehicular access into the paddocks is not in accordance with the approved details under DC/22/0219, but is of a grander appearance with flanking angled brick walls and stone-capped pillars. The timber post and rail fencing has been moved right out to directly abut the highway edge. It was also evident that a stable block has been erected and that more than one vehicle, along with trailers and what looked like building waste was stored on the site.

The site is situated outside of any defined built-up boundary and is classed as countryside in policy terms. Furthermore, the site is not associated directly with any residential curtilage. A public right of way (footpath 2624) runs along the private track that serves properties Hillyfield and High Chaparral to the west of the site. Separated from the private lane by a vegetated strip and ditch is a vehicular access to 5 residential properties (The Orchard, Sumar, Russets, Woodfold and Birchdown). To the north of the site are more residential properties, with No. 1 directly adjoining the northern side of the application site.

DETAILED DESCRIPTION
The application seeks partly retrospective permission for the erection of a stable block and reduced hardstanding for the parking of a single works van/trailer. Officers note that the stable block appears complete.

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 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

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.

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:

Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 11: Environmental Protection
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles

Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31 Rural Economic Development

Storrington, Sullington and Washington Neighbourhood Plan:
Policy 1: A Spatial Plan for the Parishes
Policy 8: Countryside protection
Policy 14: Design

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:
HDC Environmental Health: Comment that noise complaints were received in the early part of the summer when it appears that dogs were being kept overnight in the stable buildings (with the refused application DC/22/1023 including a kennels). The use of the stables as a kennels would not be acceptable give the proximity of neighbouring residents. It is also not clear how the manure from the horses would be managed. If minded to approve the application recommend conditions.

Natural England: Concur with the conclusion of your authority's HRA appropriate assessment, insofar that further information is required in order to determine the significance of impacts on designated sites and the scope for mitigation, chiefly a Water Neutrality Statement to evidence the existing baseline and proposed water use.

WSCC Highways: Comment: -

The site is located on Spring Gardens, an unclassified road subject to a speed restriction of 30 mph. The existing access point on Spring Gardens was previously assessed by WSCC for application DC/22/0219, and subsequently implemented under licence. No highway safety concerns were raised for the proposed access works for application DC/22/0219, and there is no evidence to suggest the access has been operating unsafely during it's time in operation.

The proposals are not anticipated to give rise to a significant material intensification of movements to or from the site. In addition, the site exhibits suitable space for the parking and turning of vehicles.

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.

Parish Comments:
Washington Parish Council makes no comment on this application.

Representations:
None received

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 site is located outside of the built-up area boundary and separated from any residential property. As it is located within a countryside location, Policy 26 of the HDPF would be relevant and requires development outside the Built-Up Area boundaries to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must 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 informal recreational use; or
4. Enable the sustainable development of rural areas.

Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and should not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserves, and/or enhances the key features and characteristics of the landscape character area.

Policy 29 of the HDPF supports appropriate equestrian development provided that the re-use of existing buildings on a site are considered first before any new buildings are proposed, and that the proposed scale and level of activity would be in keeping with the location and surroundings, and where possible be well-related to the bridleway network.

The presence of a stable block on the site would not, as a matter of course, be unexpected in a countryside location and although there are no bridleways in close proximity, the remainder of the paddock would meet the needs of any stabled horses. The principle of a stable is considered acceptable, subject to detailed considerations.

The proposal also includes a sizeable area of hardstanding with the description of development also referring to use of the site for the parking of a commercial van and trailer (with the submitted plans also including the parking of a horse box associated with the equestrian use). There is limited information within the application as to the need for the commercial van / trailer to be parked on the site, and why a countryside location is necessary. Similarly, it has not been demonstrated why an area of hardstanding of the scale sought is required, particularly since it provides significantly more space than would be reasonably needed for parking and manoeuvring. This raises further concerns as to the potential for future activities and uses to take place on the site which similarly do not require a countryside location to take place.

Policy 10 of the HDPF states that development in the countryside must contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy. In addition, development must either: -

a) Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or

b) Result in substantial environmental improvement and reduce the impact on the countryside, particularly if there are exceptional cases where new or replacement buildings are involved.

This approach is reflected by Policy 31, Rural Economic Development, of the emerging plan, with although of limited weight states that: -

1. Sustainable rural economic development and enterprise within the District as a whole will be supported where it is shown to generate local employment opportunities and economic, social and environmental benefits for local communities.

2. Outside built-up area boundaries or secondary settlements, economic development, which maintains the quality and character of the area whilst sustaining its varied and productive social and economic activity, will be supported in principle. Any development should be appropriate to the countryside location, and will be supported provided that:

    a) It does not prejudice, and contributes to, the diverse and sustainable farming enterprises within the District;

    b) It contributes to the sustainable custodianship of the countryside; and

    c) In the case of non-farming countryside-based enterprises and activities, it contributes to the wider rural economy and/or promotes recreation in, and the enjoyment of, the countryside, and complies with the following hierarchy:

        i. As first preference, is contained within suitably located existing buildings which are appropriate for conversion or, in the case of an established rural industrial or commercial site, within the existing boundaries of the site;

        ii. Where i) is not feasible, proposals for new buildings or development will be supported where it can be demonstrated that the proposal will contribute to sustainable rural economic growth that supports balanced living and working communities.

The hardstanding is sited on previously undeveloped land. The need for the parking of a commercial van / trailer on the site has not been established, and there is no apparent link between the proposed parking and the equestrian use or wider countryside location, with no essential need for a countryside location being demonstrated. In addition, no information has been provided as to the level of activity which would arise from related vehicle movements to or from the site, and whether any further activities would spill out onto the wider area of hardstanding. This element of the proposal would therefore create conflict with the above policies.

Character and Appearance:

Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape, with Policy 33 of the HDPF stating that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan (SSWNP) requires development to reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The siting of a modestly proportioned timber framed stable building, clearly associated with an area of paddock land, would not be unexpected alongside a private paddock and would not as a matter of course create any conflict with the above policies. As constructed, and as identified as part of a preceding application on the site, the stable structure is though visually and physically more aligned with the existing and proposed reduced area of hardstanding than the area of paddock land behind the dividing fence or

grassed area proposed to the east. The gate between the area of proposed (reduced) hardstanding where the stable sits and the fenced paddock behind is set apart. This creates a further visual and physical and functional disconnect between the paddock land and the stable building. Furthermore, the hedge proposed to enclose the parking for a van and trailer would add an additional barrier.

There are also significant concerns that the extent of hardstanding has an unduly urbanising impact on the paddock and has harmed its previous undeveloped character. The size of the hardstanding would create significant potential for the storage or items and for the parking of vehicles, and it is not apparent that such activities could be effectively controlled through condition. The hardstanding together with the presence of parked vehicles would introduce unexpected activity / use and create a poor and unsightly with the undeveloped character of the site. While this impact could be partly alleviated by landscaping this could not be relied upon in perpetuity and native planting could not provide effective year-round screening, with a significant height of planting required to screen surface activities on the site.

The cumulative impact of the hardstanding, hedging, fencing and stable block would be harmful to the rural character, landscape and appearance of the site and surrounding area, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute 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.

The application lacks information in regard to the times, amount of access and commercial nature of the vehicle proposed to access the site. Given residential properties are present in close proximity to the site, the noise and activity level could cause an unacceptable impact on neighbouring amenity. It is expected that the noise levels and movement into and out of the site could be restricted by way of condition, as such the impact by way of noise is not considered to warrant refusal.

Subject to conditions, which would be attached were the application supportable, it is considered that proposal and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.

The proposals are not anticipated to give rise to a significant material intensification of movements to or from the site. In addition, the site exhibits suitable space for the parking and turning of vehicles.

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.

Within its Position Statement of September 2021, Natural England advise that decisions on planning applications should await the development of a water-neutrality strategy on a strategic basis. In the current absence of a strategic solution to achieving water-neutrality, Natural England advise that

individual plans and projects, where it is critical that these proceed, must demonstrate net-neutrality in respect of the use of mains-water such as to avoid contribution to the known adverse effect upon the integrity of Arun Valley habitat sites by reason of water-use.

The application site comprises greenfield land formerly used as a paddock. It has not been demonstrated that there was any baseline mains water consumption associated with this use of the land, which is therefore considered to have a pre-existing baseline water consumption of zero. The application similarly contains no details on any anticipated use for drinking water (horses) and clean-downs of the horses and stable. The use of a water butt has been mentioned in the submission, but this is not supported with information on how this relates to wider water usage on the site or necessary alternative provision during drought periods.

Insufficient information has therefore been provided to demonstrate the proposed baseline resulting from the development, with no clear and robust mitigation measures proposed and / or no offsetting measures to address a potential increased demand that may arise from the proposed new stable. Therefore, it cannot has not been demonstrated to a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

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

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

The cumulative impact of the hardstanding, hedging, fencing and stable block would be harmful to the rural character, landscape and appearance of the site and surrounding area, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan.

Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

The proposed development would be located in the countryside, outside of any defined built-up area boundary, and outside of an established commercial site. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development is essential to its countryside location and that there is an essential and functional need for the parking of a commercial vehicle and trailer in this rural location. It has not been demonstrated that the proposed development would not lead to a significant level and

intensity of activity in the countryside location, and consequently, the proposal represents inappropriate and unjustified development within the countryside, contrary to Policies 1, 3, 4, and 26 of the Horsham District Planning Framework (2015).

It is therefore recommended that planning permission be refused.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The cumulative impact of the hardstanding, hedging, fencing and stable block would be harmful to the rural character, landscape and appearance of the site and surrounding area, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan.

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

3. The proposed development would be located in the countryside, outside of any defined built-up area boundary, and outside of an established commercial site. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development is essential to its countryside location and that there is an essential and functional need for the parking of a commercial vehicle and trailer in this rural location. It has not been demonstrated that the proposed development would not lead to a significant level and intensity of activity in the countryside location, and consequently, the proposal represents inappropriate and unjustified development within the countryside, contrary to Policies 1, 3, 4, and 26 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/24/1327
(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
Layout plan		676-04	02.09.2024
Elevation & Floor plan		676-05	02.09.2024
Elevation plan	Entrance layout	676-06	02.09.2024
Details plan	Visibility splays	676-07	02.09.2024
Location plan		676-01	02.09.2024

Block plan		676-02	02.09.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 25/10/2024

Authorising Officer sign/initial Guy Everest Date: 28.10.2024