Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0710
Furlong Shaw, Bines Green, Partridge Green, Horsham, West Sussex, RH13 8EH

DESCRIPTION:

Retrospective application for the erection of a shepherds hut and kitchen/bathroom for holiday accommodation

RELEVANT PLANNING HISTORY:

DC/21/1068 Small Piece of Woodland Known As Furlong Shaw. Situated Approximately 200M North of 1 Merrion Cottages RH13 8EH - A single shepherds hut rented out for holiday use and an associated kitchen and bathroom. (Lawful Development Certificate - Existing).

Split Decision 07.12.2022

In respect of operational development comprising erection of a kitchen/bathroom structure a Certificate of Lawfulness is granted for the following reason:-

1 It has been demonstrated to the satisfactory of the Local Planning Authority, on the balance of probabilities, that the operational development comprising of the erection of a structure to contain a kitchen and bathroom was substantially completed and has since continually remained on the site for a period in excess of time-limits for enforcement action set at S.171B(1) of the Town and Country Planning Act 1990.

In respect of the use of land as holiday accommodation a Certificate of Lawfulness is refused for the following reason:-

1 It has not been demonstrated to the satisfactory of the Local Planning Authority, on a balance of probabilities, that the use of land for use as holiday accommodation has taken place for a period in excess of time-limits for enforcement action set at S.171B(3) of the Town and Country Planning Act 1990, such as to render the use of land lawful by reason of S.191(2)(a) of the Town and Country Planning Act 1990.

Appeal Dismissed on 10.04.2024

SITE AND SURROUNDS

The application site is a small piece of woodland known as Furlong Shaw, within land which is part of Merrion Farm, and is situated approximately 200m north of 1 Merrion Cottages. Access to the site is via a path across a field from the east side of a track (and public right or way PROW2519) which connects Merrion Farm and Merrion Cottages from the east side of the B2135. Parking is provided alongside the track which widens at both sides to form laybys providing parking spaces for several vehicles.

Merrion Farm is a working dairy farm and the application site is a holiday lettings diversification contributing to the farming business.

DETAILED DESCRIPTION

Planning permission is sought (retrospectively) for the erection of a shepherds hut and a kitchen/bathroom building for holiday accommodation.

The shepherds hut measures 5m by 2.4m and is mobile (on 4 wheels) and is not connected to services with solar powered lights and woodburning stove for heat. The exterior comprises featheredged boards finished with a dark stain. The roof is a traditional curved tin roof in a dark green colour, a single window opening to each side and half split opening style stable door.

The nearby adjacent separate bathroom/kitchen building measures 4.6m by 2.3m and 2.5m height, the roof being a shallow mono pitch. The bathroom/kitchen has solar powered lights and mains water. The exterior is waney edged oak cut from trees from the farm. The roof is flat in green corrugated sheets. Half of this building is a kitchen the other half is a bathroom. The bathroom is served by a domestic sewage system and drainage field.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 20 - Rural Workers Accommodation
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure and Recreation

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.

Neighbourhood Plan:
Ashurst was designated as a Neighbourhood Plan area cluster along with the Parishes of Bramber, Steyning and Wiston. The Parish Council have chosen not to pursue another Neighbourhood Plan

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 Environmental Health: No Objection

Condition recommended that rainwater, if harvested, is not used for human consumption.

OUTSIDE AGENCIES

WSCC Highways: No Objection

Natural England: Comments

Concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out, as such:

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

The issues highlighted in the AA, including:

- There is a lack of evidence to support the baseline, which appears to provide unsupported rainfall data and water usage.
- The occupancy levels of 75% have not been suitably substantiated. The precautionary approach has therefore not been considered to have been taken.
- The water usage has not been suitably demonstrated through the use of a part G calculator.
- There is a lack of evidence to support the existing water usage for offsetting. The amount of cattle and the occupation times along with the usage of field troughs have not been suitably evidenced.
- The proposal lacks a calculation to demonstrate rainfall collection.

NatureSpace (Newt) Consultant: No Comment

Southern Water: No Objection

Parish Comments:

None received

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:

Policy 11 of the Horsham District Planning Framework (HDPF) states that measures which promote tourism and enhance local cultural facilities, including recreation based rural diversification, will be encouraged. Any development should be of a scale and type appropriate to the location, and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District.

The Horsham District Visitor Accommodation Study dated July 2016 outlines that the District is well-placed to capitalise on the projected growth in domestic short break and overseas tourist markets and the increasing demand for family and friend get togethers, celebrations, and weekends away. The study concludes that there is insufficient provision of all forms of visitor accommodation in the District, with the potential in the rural parts of the District to upgrade existing facilities through the provision of high quality holiday cottages, small holiday lodges/eco lodges etc. As indicated within both the Horsham District Hotel and Visitor Accommodation Study 2016, there is an identified need for such tourist accommodation as proposed within the District.

The proposed scale and nature of the shepherds hut accommodation in a countryside location in the District is considered to be appropriate to the character and location of the countryside location, and improves the range and quality of facilities for visitors. As such, the proposal is considered to be acceptable in principle, in accordance with Policy 33 of the Horsham District Planning Framework (2015), however is subject to detailed considerations below.

Design and Appearance:

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The proposed shepherds hut accommodation is considered to be of a design, form and scale appropriate to the character and appearance of the existing site and dwelling, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal would be acceptable.

Amenity Impacts:

Policy 33(2) 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 siting and layout of the proposed buildings and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity. It is noted that no neighbouring representations of objection were received.

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The submitted plans demonstrate a suitable parking and turning area to serve the shepherd's hut.
An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout or the use of the existing access, within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely during this time.

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.

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 proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site would present without the development. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

The submitted WNS details that the shepherds hut and the associated kitchen/bathroom was installed in 2015. It is used for holiday accommodation for up to two adults. Occupancy has been approximately 75%. The mains water supply is shared with the Merrion Farm buildings and two farm cottages. The shepherds hut bathroom has a sink, dual flush WC and shower. The kitchen has a sink.

There are concerns about the accuracy and detail provided within the submitted statement as follows:

- There is a lack of evidence to support the baseline, which appears to provide unsupported rainfall data and water usage.

- The occupancy levels of 75% have not been suitably substantiated. The precautionary approach has therefore not been considered to have been taken.

- The water usage has not been suitably demonstrated through the use of a part G calculator.

- There is a lack of evidence to support the existing water usage for offsetting. The amount of cattle and the occupation times along with the usage of field troughs have not been suitably evidenced.

- The proposal lacks a calculation to demonstrate rainfall collection.

Due to the reasons above, the statement is not considered to provide enough certainty to demonstrate the proposal would be water neutral. Natural England have been consulted and concur with the conclusion of the authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out without further information required to determine the significance of impacts on designated sites and the scope for mitigation.

As such, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an 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), Paragraph 193 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Other Matters:

The application site is within an amber zone for Great Crested Newts, the nearest pond is 225 metres to the southeast. The application was consulted with NatureSpace, the Councils advisors on impacts on newts, and the proposal is considered to result in no likely impact on great crested newts or their habitats.

Conclusions:

The proposal is considered to not comply with relevant local and national planning policies insofar as 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, and is therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an 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), Paragraph 193 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

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/24/0710

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

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Statement	NONE	07.05.2024
Location plan		NONE	07.05.2024
Site plan		NONE	07.05.2024
Elevation plan	Kitchen and Bathroom	NONE	07.05.2024

Elevation plan	Shepherds Hut	NONE	07.05.2024
Floor plan	Kitchen and Bathroom and Shepherds Hut	NONE	07.05.2024

DELEGATED

Case Officer sign/initial Steve Astles Date: 30.09.2024

Authorising Officer sign/initial Tamara Dale Date: 28.01.2025