APPLICATION NO./ADDRESS:
DC/25/0330
Deercopse, Guildford Road, Clemsfold, Horsham, West Sussex, RH12 3PW

DESCRIPTION:
Retention of kennels housing applicant dogs and noise mitigation and adapted measures to buildings (Retrospective)

RELEVANT PLANNING HISTORY:
None directly relevant to this current application.

DESCRIPTION OF THE SITE
The application site is situated to the south of Guildford Road and consists of a dwellinghouse set on a long plot set back from the streetscene. The property has a tall close board fence and private access gate. The immediate neighbour is to the south of the site and to the north is a wooded area of mature trees which is an Ancient Woodland. The site is situated in the countryside around 2km from the nearest settlement boundary of Slinfold.

DESCRIPTION OF THE APPLICATION
The Planning statement submitted indicates that the proposal would seek permission for a number of small kennels positioned to the front of the property, with the implementation of noise mitigation. Information provided within the submission and by Environmental Health indicates that the application site would seek to retain 30 dogs. The outbuildings proposed as kennels are largely dilapidated sheds.

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

Slinfold Neighbourhood Plan:
Policy 12: Economy and Enterprise

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 Arboricultural officer: The adjacent Ancient Woodland is an irreplaceable landscape resource. As it forms part of the wider land holding, it may be deemed appropriate to restrict access of dogs to this part of the site.

The kennel structures/buildings are within the residential curtilage of the dwelling which adjoins an area of designated Ancient Woodland (AW) known as Lower Townhouse Copse. The copse runs along the entire NW boundary of the garden and forms part of the wider land holding of the property. It contains an oak, hornbeam, hazel dominated tree community, typical of the prevailing Low Weald woodland landscape of the area.

Any direct impacts on the roots of the bounding treeline from construction of foundations for the buildings will have occurred historically. The boundary line of the wood is delineated by a ditch/watercourse that is in places quite steep sided. From my observations this is likely to have significantly restricted rooting of the trees within the residential curtilage. No significant tree health concerns were evident. No evidence exists of use of the woodland by dogs. It remains unenclosed to the adjacent A281.

As an irreplaceable landscape resource that could be significantly affected by a change of use associated with altered access for recreational purposes from the parent property, it may be considered appropriate to restrict access to it, dependant on the foreseeable likelihood of change associated with formalisation of kennels.

Environmental Health: Objection: -

- Complaints about dog barking at Deercopse received by Horsham District Council in June 2024.
- Noise monitoring in August and October 2024 confirmed about 30 dogs on site, justifying formal action. Community Protection Warning (CPW) issued in January 2025 under the Anti-social Behaviour, Crime and Policing Act 2014.
- CPW required various noise-reduction measures, including a significant reduction in the number of dogs.
- Follow-up visit after CPW deadline found many measures not implemented; approximately 30 dogs still present.
- Noise Management Plan (Feb 2025) reviewed; concerns raised about the acceptance of maintaining 30 dogs, contrary to CPW requirements.
- Noise Impact Assessment (Nov 2024) referenced relevant guidance but may underestimate the noise impact and did not monitor peak barking times.
- Evidence indicates barking is more sustained and disruptive than monitoring suggests.
- Due to CPW non-compliance, insufficient supporting evidence, and ongoing noise disturbance, Environmental Health cannot support the application and recommends refusal.

Representations:
Seven representations have been received objecting to the application on the following grounds:

- The amount of noise from the 30 dogs would be unacceptable
- The mitigation suggested would be insufficient
- The application is retrospective and the dogs are largely kept outside and roam the property uncontained
- Concern over the welfare of the dogs.
- Concern over the behaviour of the dogs, with police and RSPCA called on multiple occasions
- Query over how the waste is disposed of
- The development is harmful to the Cattery opposite
- Representation received concerned that the property is not a registered boarding facility
- The owners have been served with a community protection warning
- The applicant had a “Help 4 Paws” rescue website which outlines the dogs are from Serbia and Bosnia such that the development is a business rather than the dogs being pets as stated.

Parish Comments:
Parish Council: Objection, noise resulting from dogs barking would have a detrimental impact on the lives of the neighbouring properties.

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

Background

The Council's Environmental Health Team and neighbouring representations both comment that historical websites for the property have referred to the housing of dogs at the site for charitable purposes. The supporting Planning Statement does though set out that up to 30 dogs would be kept on the site, and these would be pets rather than for breeding, business or charitable purposes. The application therefore considers that the retained kennels would be incidental to the use of the dwellinghouse and would not represent a change of use of the application site.

It is a matter of fact and degree as to whether the number of dogs being kept on the site would be incidental to the dwellinghouse. The application involves the keeping of a significant number of dogs on the site. It is considered, taking into account all relevant matters, including relevant case law, that the keeping of this number of dogs would not be incidental to the enjoyment of a dwellinghouse. As such there has been a material change of use of the site, for mixed use purposes.

Principle of Development:

Policy 26 of the HDPF requires development outside the Built-Up Area boundaries 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.

A countryside location is not as a matter of course essential for the keeping of dogs. It is though accepted that the keeping of a significant number of dogs, as is proposed by this current application, is unlikely to be suited to built-up areas characterised by the presence of significant residential development. In principle, there are considered to be no reasons why kennels could not be considered appropriate in a countryside location, subject to detailed considerations.

Design and Appearance:

Policies 32 and 33 of the HDPF seek 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 built form entails a series of outbuildings that would not be readily visible in views from the public realm or adjoining properties and land. While there would be a proliferation of outbuildings of a design which is not of any particular merit, in the absence of any wider harm it is considered the scheme is unobjectionable in these regards.

The submitted block plan includes three reflective screens sited to the north of the kennels and dog run. These screens vary between 10 and 25 metres in width with a height of between 2 and 3 metres and are being proposed to prevent visual triggers for dogs barking and to help contain noise. There is limited detail on the design or construction of these screens but given their siting and the neighbouring copse it is considered they would not appear unduly dominant or intrusive, and if necessary further details could be secured through condition.

It is considered, on balance, that the visual impact of the scheme is acceptable and would accord with the above policies.

Trees and Landscaping:

Policy 33(6) of the HDPF presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

The Council's Aboriculturalist has been consulted on the application, raising no concerns on the basis that the dogs did not appear to have access to the Ancient Woodland to the north-west of the site. If necessary, it is possible that the areas of dog activity could be controlled through condition to prevent any future harm occupying.

Residential Amenity:

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

The application site is in a rural location with neighbouring residential development of a varying siting and design. The noise environment is dominated by road traffic noise from Guildford Road but background noise levels would generally be expected to be low. The nature of the kennels and the overall use of the site would give rise to noise and disturbance due to barking dogs. The noise has the potential to be heard from a significant distance such that the noise would extend to the neighbours to the north further away from the application site north of the highway.

A Noise Impact Assessment has been provided which seeks to demonstrate how noise would be reduced and controlled in so far as is reasonably practical which would include acoustic boarding within the kennels. The Council's Environmental Health Team has though raised concerns that this assessment has underestimated the noise impact, and notably did not monitor peak barking times. As such there are concerns that the noise (from barking) is more sustained and disruptive than suggested within the Noise Impact assessment.

A Noise Management Plan has been submitted as part of the application. This is though based on the housing on 30 dogs on the site and it is not apparent that outdoor noise can be controlled to the degree where an acceptable impact on amenity could be secured. To this end it is not apparent that

conditions, which would seek to control dog behaviour rather than land use, would be effective in overcoming these concerns.

The level of harm is such that after undertaking Noise monitoring in August and October 2024, which confirmed approximately 30 dogs on site, a Community Protection Warning (CPW) was issued in January 2025 under the Anti-social Behaviour, Crime and Policing Act 2014. Whilst this assessment and decision to pursue a CPW was made subject to legislation outside of the planning process, the history and use of the site is a relevant consideration under this application.

It has not been demonstrated to the satisfaction of the Local Planning Authority that noise resulting from the development could be controlled in a manner to prevent unacceptable harm to neighbouring amenity, contrary to the above policy.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.

It is not anticipated that the proposal would generate a material increase in trips or parking demand beyond that created by the existing quantum of development on the site. It is therefore considered that the proposal would not cause any unacceptable impacts on highway safety or 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 application is not accompanied by supporting information relating to water consumption at the site, either in terms of the pre-existing baseline and that resulting from the increased kennelling, and potentially dog numbers at the site. In the absence of any such information it cannot be concluded that the proposal would not result in an increased water consumption at the site, and the ensuring adverse effect on the integrity of protected sites.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The change of use of the land would be anticipated to have some impacts on ecology given the proximity of the site to the Ancient Woodlands in immediate proximity. This is a priority habitat and without any ecology information it cannot be concluded with reasonable certainty that the proposal would not have potential to harm protected species. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998. In the absence of such information the proposal is considered contrary to the above policy.

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).

The proposal would represent an exemption from BNG requirements given that the increase in built form would be less than 25sqm.

Conclusions:

It has not been demonstrated to the satisfaction of the Local Planning Authority that noise resulting from the development could be controlled in a manner to prevent unacceptable harm to neighbouring amenity. In the absence of information to demonstrate otherwise, the development would result in unacceptable levels of noise disturbance to adjoining properties and land, contrary to Policy 33 of the Horsham District Planning Framework (2015).

Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the 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) and the National Planning Policy Framework (2024), 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).

Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

It is therefore recommended that the application be refused.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that noise resulting from the development could be controlled in a manner to prevent unacceptable harm to neighbouring amenity. In the absence of information to demonstrate otherwise, the development would result in unacceptable levels of noise disturbance to adjoining properties and land, contrary to Policy 33 of the Horsham District Planning Framework (2015).

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the 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) and the National Planning Policy Framework (2024), 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. Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are

necessary and achievable, contrary to Policy 31 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/25/0330

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Block plan		Block 1	22.04.2025
Location plan		AC0000813445	22.04.2025
Elevation & Floor plan	Buildings 1 - 4	PL01	24.02.2025
Supporting Statement	Planning	none	24.02.2025
Supporting Statement	Noise Management Plan	none	24.02.2025
Supporting Statement	Noise Impact Assessment and Mitigation Design	none	24.02.2025
Supporting Docs	Soundproofing panels	none	24.02.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 16th June 2025

Authorising Officer sign/initial Guy Everest Date: 17.06.2025