Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1602
Nightingale Farm, Sincox Lane, Shipley, West Sussex, RH13 8PT

DESCRIPTION:
Variation of condition 9 of previously approved application DC/20/2046 (Retrospective application for the Change of use of the land to create a glamping site) to allow longer occupancy duration.

RELEVANT PLANNING HISTORY:

DC/20/2046	Retrospective application for the Change of use of the land to create a glamping site.	Application Permitted on 03.03.2021
DISC/21/0092	Approval of details reserved by conditions 10 and 11 to approved application DC/20/2046.	Application Permitted on 20.07.2022
DISC/21/0160	Approval of details reserved by conditions 3, 4, 5, 6 and 7 to approved application DC/20/2046.	Application Permitted on 29.07.2022
DC/21/1472	Prior Notification for the change of use of an existing agricultural barn to residential (Class C3) to form 3no dwellings.	Prior Approval Required and REFUSED on 06.08.2021
DC/22/1340	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 5no dwellinghouses.	Prior Approval Required and REFUSED on 01.09.2022
DC/23/1705	Extension to existing Glamping site.	Application Refused and Appeal Dismissed 02.10.2024

DESCRIPTION OF THE SITE

The site is an existing 'glamping' site located in the countryside outside of the defined Built Up Area Boundary, approximately 3.5km from West Chiltington. It was approved under DC/20/2046 in 2021 and contains a maximum of eight glamping units at any one time. These vary is size and design. The existing site extends to around 0.5 hectares and consists of an open field with hedgerows and trees to all boundaries. Access is via an existing made track. The existing site lies adjacent to open fields used as paddocks for horses.

The nearest neighbours are situated around 150 metres to the east at 'Whitmans' and around 180 metres to the south at Rowlin Farm. The wider site is in use as a commercial equine facility and comprises of a number of related buildings such as stables, sand school, horse walker and some larger barns and workshop style buildings. A Public Right of Way (PRoW), footpath SHI 2807/1 is located to the east. A Grade II listed building named Falconers (1026932) is located to the east further.

DESCRIPTION OF THE APPLICATION

This application seeks to amend condition 9 of previously approved application DC/20/2046 (Retrospective application for the Change of use of the land to create a glamping site) to allow for a longer occupancy duration. No alternative wording is suggested although the application states the desire to vary the condition rather than remove it.

Condition 9:

***Regulatory Condition**: The total number of glamping units on the site at any one time shall not exceed eight. No individual glamping unit shall be occupied for longer than four weeks by any individual or group in any one year.*

Reason: To maintain control over the development and to protect the appearance and character of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015).

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure and Recreation

Shipley Neighbourhood Plan:
Policy Ship HD1: New Housing Development
Policy Ship CO2: Employment
Policy Ship HD3: High Quality Design

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 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use

Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Strategic Policy 34: Tourism Facilities and Visitor Accommodation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

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: Advice
It is not clear what the applicant is requesting with this application. We have no objection to the principle of allowing more flexibility over length of stay, but the glamping accommodation is not suitable for use as main residences, so would not recommend removing the restriction completely

The application requests a longer occupancy duration but does not specify the length requested. This is a glamping site with an eclectic set of holiday units, none of which are suitable for occupation as a permanent residence, so we would not recommend removal of the condition altogether. In the absence of any clarity from the application, extending the duration to a maximum of 8 weeks per visitor in any year should accommodate the described visitor stays whilst ensuring that the units do not become used for permanent occupation.

Natural England: Objection

Thank you for consulting with Natural England regarding the following consultation The proposed development fall within the Sussex North Water Supply Zone; As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North Water Supply Zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Considering the supporting information provided by the applicant and your authority's Habitats Regulation Assessment (HRA) our advice is as follows.
We 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: That the missing information requested by the AA is provided in full.

WSCC Highways: No Objection
This application seeks the Variation of Condition 9 of previously approved application DC/20/2046 to allow for longer occupancy duration. WSCC in its role as Local Highway Authority (LHA) provided consultation advice for application DC/20/2046, raising no highway safety concerns.

From inspection of the submitted Planning Statement, the applicant proposes to amend Condition 9 to remove the four week cap on visitors staying at the site. Such proposals would not be anticipated to have an impact on highway safety, nor give rise to a material intensification of use of the existing access point. As such, no concerns are raised to the proposed Variation of Condition 9.

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.

PUBLIC CONSULTATIONS:

Representations:

Eleven letters of Objection have been received from Nine addresses, objecting to the application on the following grounds:

- Lack of business justification for the change
- Lack of clarity/ confusing application
- No evidence to back up unviable claims
- Would result in semi-permanent residency
- Inadequate infrastructure
- Additional neighbour impact/ nuisance/ noise
- 4 weeks is adequate for a tourist

Shipley Parish Council: Objection
At the meeting of Shipley PC held on 18 November 2024, members unanimously OBJECTED to the application. The extension of both time and duration conflicts with Policy 33 of the HDPF and would cause material planning concerns raised by local residents regarding noise and disturbance. There was concern from members that the application could seek to establish a permanence of residence that could be used later as a precedent for an application for a certificate of lawfullness or regularisation for permanent dwellings. If the planning officer is minded to approve the application, then it is requested that a similar cap is placed on the total duration of stay per annum, eg 6 or 8 weeks instead of 4 to accommodate the applicants concerns but guard against members concerns in turn.

Member Comments:
Cllr Jeffery has called this Application to committee should the officer recommendation be to approve the application. He states:

My reasoning for this is due to questions regarding what the applicant is actually asking for, it is not clear to me the reason the applicant is asking for the variation in the existing condition as they have not provided a business case for doing so or any plans for which they would utilise any new condition

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 7 of the Horsham District Planning Framework (HDPF) states that sustainable employment development in Horsham District will be achieved by promotion of the District as an attractive place to stay and visit to increase the value of the tourism economy.

Policy 11 of the HDPF outlines 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. Support will particularly be given to proposals which amongst others, are in keeping with their relationship with the urban area and countryside around them and benefit the local economy.

In addition, Policy 10 of the HDPF supports sustainable rural economic development and enterprise within the District which maintain the quality and character of the area, whilst sustaining its varied and productive social and economic activity. The policy requires development to contribute to the diverse sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside.

In this instance the application falls outside of the existing Built-Up Area and lies within the Countryside. Policy 26 of the Horsham District Planning Framework (2015) 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 in which it is located. This includes the pattern of woodlands, fields, hedgerows and the landform of the area.

Whilst the glamping site permitted under DC/20/2046 was considered acceptable when assessed against the Councils' policies, this was on the basis of the conditions attached to the permission. This includes the Council's standard holiday accommodation condition that restricts the number of pitches and the amount of time a holiday maker can stay at the site. This is to ensure that the units continue to meet the needs of holiday makers as identified in the Council's Visitor Study. The Horsham Visitor Study states that glamping sites tend to be over subscribed at the weekends but also often cater for full week breaks in the summer.

The applicant states that the current wording of the condition presents a significant challenge to the business's financial viability and operational sustainability. However, no evidence has been provided to show that the business is not viable as conditioned or setting out the 'applicant's operational needs'. The information provided with the submission is limited. There is a clear lack of evidence and clear explanation as to what the applicant is looking for, apart from more flexibility to stay longer on site. No suggested revised wording has been put forward for the amendments. It is difficult to determine the impact that the proposal will have without more information on what the applicant is actually wanting to do. The exact nature of how the site would operate is unclear and so it is not possible to fully assess the impact that the amendments to the restrictions would have.

When asked for more information the applicant refereed the case officer to the DCLG 'Good Practice Guide on Planning for Tourism'. Notably Appendix B. This document clearly states that conditions can be used to mitigate against adverse impacts and specifically references that a condition might limit a unit being used for holidays rather than as a permanent occupancy to ensure the proposal does not conflict with local countryside policies. It does not suggest amended wording.

It is therefore not considered appropriate to amend the condition at this stage as no clear or compelling justification has been put forward. Without any clear justification the variation of condition 9 could lead to inappropriate development in the countryside contrary to policies 10 and 26 and a loss of identified tourism accommodation contrary to policy 10 of the HDPF.

Landscape Impact:

Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

It is not possible to determine if there would be an impact on the landscape through the amendments to the condition, due to a lack of information associated with the application. If the occupation was to become more permanent this may bring with it more residential paraphernalia and the desire for plot boundaries, which may not be appropriate in this landscape. However, this cannot be assumed either way based on the information provided. On this basis, insufficient information has been provided to determine the resultant landscape impact that would arise from the removal of the condition.

Residential Amenity:

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.

It is not possible to determine if there would be an impact on the residential amenity of nearby neighbours through the amendments to the condition, due to a lack of information. If the occupation was to become more permanent this may bring with it some additional amenity concerns such as additional car use and the desire for better sanitary facilities, requirements for personal amenity space and the space standards of the residential units. Again, this cannot be assumed either way based on the information provided.

Highways Impacts:

Policy 41 of the HDPF states that development should provide safe and adequate parking, suitable for all anticipated users.

The Highways Authority have raised no concerns based on the information provided.

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.

It is not possible to determine if there would be an additional ecological impact through the amendments to the condition, due to a lack of information. If the occupation was to become more permanent this may bring with it an increased desire for residential curtilages and external lighting which may have a negative impact. Again, this cannot be assumed either way based on the information provided.

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.

This application lacks information on the existing and proposed water usage. The application does not specify with any detail, how the occupancy will change on the site as a result of granting the application. It is therefore not possible to determine with any certainty that the proposal would be water neutral.

Given the other reasons to refuse permission it is not considered necessary to seek further information at this stage. In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites over and above the approved permission. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 194 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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 original planning permission to which this section 73 planning application relates was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

Whilst the glamping site permitted under DC/20/2046 was considered acceptable when assessed against the Councils' policies, this was on the basis of the conditions attached to the permission. This includes the Council's standard holiday accommodation condition that restricts the number of pitches and the amount of time a holiday maker can stay at the site. This is to ensure that the units continue to meet the needs of holiday makers as identified in the Council's Visitor Study.

The applicant states that the current wording of the condition presents a significant challenge to the business's financial viability and operational sustainability'. However, no evidence has been provided to show that the business is not viable as conditioned or setting out the 'applicant's operational needs'. The information provided with the submission is limited. There is a clear lack of evidence and explanation as to what the applicant is looking for, apart from more flexibility to stay longer on site, and no suggested revised wording put forward for the amendments. Accordingly, it is difficult to determine the impact that the proposal will have without more information on what the applicant is proposing. The exact nature of how the site would operate is unclear and so it is not possible to fully assess the impact that the amendments to the restrictions would have as set out above.

It is therefore not considered appropriate to amend the condition at this stage as no clear or compelling justification has been put forward. Without any clear justification the variation of condition 9 could lead to inappropriate development in the countryside contrary to policies 10 and 26 and a loss of identified tourism accommodation contrary to policy 10 of the HDPF.

Recommendation: Application Refused

Reason for Refusal:

1 A lack of business jutification and insuffuient information has been provided to justify the variation of the condition. No suggetsed wording has been put forward, and in it's absence it is considered that the variation of condition 9 could lead to inappropriate development in the countryside contrary to policies 10 and 26 and a loss of identified tourism accommodation contrary to policy 10 of the Horsham District Planning Framework (2015).

2 Insufficient information has been submitted to establish whether the proposal will protect, conserve and enhance the landscape character of the area or have an acceptable impact on neighbouring residential amenity contrary to policies 25, 26, 28, 32 and 33 of the Horsham District Planning Framework (2015).

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).

4 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 193 and 194 of 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).

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/24/1602

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

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	14.10.2024
Supporting Docs	Planning Statement	NONE	14.10.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 18/12/2024

Authorising Officer sign/initial RHERMITAGE Date: 20.01.2025