Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1548
Stakers Gill Stud, Stakers Lane, Southwater, Horsham, West Sussex, RH13 9JQ

DESCRIPTION:
Removal of Condition 4 of previously approved application DC/21/1230 (Erection of a log cabin for rural worker) relating to rainwater harvesting.

RELEVANT PLANNING HISTORY:

DC/21/1230	Erection of a log cabin for rural worker.	Application Permitted on 04.11.2022
DISC/24/0068	Approval of details reserved by conditions 3 and 4 to approved application DC/21/1230	Split Decision on 20.09.2024

DESCRIPTION OF THE SITE

The application site comprises of 6.89 hectares of land located in the countryside between Copsale and Southwater, outside of the defined Built-Up-Area boundary. The land includes a stables, tack room and feed store, sand school and a recently permitted agricultural/ equestrian barn (DC/20/0108). The site is accessed via Stakers Lane, an access road that runs to the land via Cripplegate Lane to a concrete road that also serves Stakers Farm and the wider highway network. It adjoins the Downs Link foot/cycle path between Horsham and Shoreham at its western end.

DESCRIPTION OF THE APPLICATION

This application seeks the removal of condition 4 of approved application DC/21/1230 which reads:

Pre-commencement (slab level) Condition: *No development above ground floor slab level shall commence until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include (but not be limited to) the following details:*

- *The sampling regime and parameters etc, recognising that the sampling may need to be undertaken by a DWI certified sampler and analysed by a UKAS accredited lab.*
- *Detail on how any failure of any samples will be investigated and managed.*
- *Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit*
- *Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used.*
- *Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.*
- *Detail on the continuity of supply during dry periods extending beyond 35 days.*
- *Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.*

- *Details of contingency plans to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local authority*

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 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).

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 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 20 - Rural Workers Accommodation
Policy 24 - Strategic Policy: Environmental Protection
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 41 - Parking

Nuthurst Neighbourhood Plan (2015-2031):
Policy 10: Housing 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 3: Settlement Expansion
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 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 31: Rural Economic Development
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District
Policy 44: Rural Workers 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: No Objection
The applicant has stated the rainwater harvesting system is only to be used for watering of livestock and for no other purpose. Accordingly, there is no objection to the removal of the condition.

However, the applicant should be advised that if the rainwater system is utilized at a future date to provide either drinking water or water for sanitary purposes then an appropriate treatment system will be required, and the use of the supply will need to be notified to the local authority.

PUBLIC CONSULTATIONS:

Representations:
None received

Parish Comments:
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 principle of the development has been established through the granting of the original permission under DC/21/1230.

The proposed removal of condition attached to this permission would not render the principle of development unacceptable.

Removal of Condition 4:

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.

DC/21/1230 was approved, subject to conditions requiring implementation to be in accordance with the submitted Water Neutrality Strategy. This is conditioned under condition number 5. Condition number 4 was added to the decision by the planning officer in error as this is only relevant where the rainwater that has been harvested is intended to be used for drinking water for human consumption. In this case, the rainwater is intended to be used for horses and does not need to be maintained in the same way.

The removal of this condition does not impact on the submitted water neutrality strategy and this is still an approved document to be complied with. Condition 4 serves no relevant purpose for this proposal and it is recommended that it is removed.

Recommendation: Application Permitted

Conditions:

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

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

3 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (28.09.2022). No unit hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority 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).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:-

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until the optional requirement G2 to the Building Regulations 2010 (as amended) to limit water usage of that dwelling to 110 litres per person per day has been achieved. Water limiting measures to meet this standard shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the vicinity of the dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8 **Post-Occupation Condition:** Within one month of occupation of the new dwelling hereby granted, the existing mobile home/mess room (as identified on the approved plans) shall be removed from the site.

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

9 **Regulatory Condition**: Development shall be carried out in accordance with the drainage details approved under DISC/24/0068. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015)

10 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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

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

12 **Regulatory Condition:** The occupation of the dwelling hereby permitted shall be limited to a person or persons solely or mainly working in agriculture/equestrian activities in association with the use at Stakers Gill Stud, Stakers Lane, Southwater, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015), development which cannot be justified as essential to the needs of agriculture/equestrian activities would not normally be permitted.

13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, AA, B, or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the dwelling hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to preserve the architectural and historic significance of a non-designated heritage asset in accordance with Policy 33 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/24/1548
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	WATER NEUTRALITY POSITION		28.04.2022
Plans		19-12-01/B	22.09.2022
Supporting Statement	Agricultural	May 2021	27.05.2021
Supporting Statement	WATER NEUTRALITY STATEMENT		28.09.2022
Plans	Plans, elevations, site and location	21-03-01	29.03.2022
Supporting Statement	Planning	May 2021	27.05.2021

DELEGATED

Case Officer sign/initial Kate Turner Date: 09.01.2025

Authorising Officer sign/initial RHERMITAGE Date: 28.01.2025