Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1490
Hyeswood, Guildford Road, Rudgwick, Horsham, West Sussex, RH12 3BX

DESCRIPTION:
Extension of the existing residential curtilage to include pod and stable building to be used as ancillary accommodation to the main dwelling. (Retrospective).

RELEVANT PLANNING HISTORY:

DC/24/0044	Retention of Stable Room to be used as incidental use to the main dwelling (Retrospective)	Withdrawn Application on 05.04.2024.
DC/24/0074	Application for the retention of pod to be used as incidental use to the main dwelling (Retrospective)	Withdrawn Application on 05.04.2024.

DESCRIPTION OF THE SITE

The application site is located in Rudgwick on the northern side of Guildford Road. The site sits outside of the built-up area boundary, in a cluster of dwellings within the countryside. There are two Grade II listed buildings to the east of the site. The site does not lie within a flood risk area and there are no tree preservation orders within the site.

DESCRIPTION OF THE APPLICATION

The application seeks permission to extend the residential curtilage to include the pod and stable room for ancillary accommodation to the main dwelling. The application is retrospective with the pod and stable building being used as accommodation since August 2022. Two previous applications (DC/24/0044 & DC/24/0074) were withdrawn as the accommodation fell outside of the residential curtilage and therefore could not be considered ancillary to the main residential dwelling.

The stable building is located in the northern part of the site, it has been partly converted with one former stable being used for accommodation. The stable has sleeping and washing facilities within the room. The pod building is located to the west of the driveway. The pod is a timber structure, approx. 6m in length, with a width of 3.3m with a height of just over 3m. The accommodation provided within the pod is a bed, shower and living area.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable 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
Policy 34 - Cultural and Heritage Assets

Rudgwick Neighbourhood Development Plan (-2031):
RNP1: Spatial Strategy
RNP6: Materials

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
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 24: Sustainable Transport
Policy 25: Parking
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Policy 33: Equestrian Development
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary 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 Conservation: No Objection

HDC Drainage Engineer: More Information Required [Summary]
A foul water drainage strategy should be provided for both the pod and stable building.

To ensure compliance with the West Sussex LLFA Policy for the Management of Surface Water Drainage (2018), the minimum scope for the applicant's Drainage Strategy for the section of the stable building converted to ancillary accommodation only, is tabulated in Section 4.5 of the LLFA policy.

In addition to Planning Permission, the applicant may additionally require:

- an Environmental Permit from the Environment Agency (EA) to consent to the proposed use of a Package Treatment Plant (PTP) (if applicable).
- Ordinary Watercourse Consent from the LLFA, to consent to any works adjacent to or within an ordinary watercourse.

Natural England: Objection
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:

- Provide information requested in the HRA.

PUBLIC CONSULTATIONS:

Representations:

1 letter of Objection has been received from 1 address, objecting to the application on the following grounds:

- Insufficient detailed information provided to support the justification for granting approval.
- Application is in breach of HDPF Policy 28.

Parish Comments:

Rudgwick Parish Council: Objection

There is currently insufficient detailed information provided to support justification for granting approval, and therefore the application is in breach of HDPF Policy 28.

Material considerations:

- Insufficient case for extending curtilage into the countryside other than the need to gain retrospective planning permission for the buildings in the application.
- No detail provided of existing house curtilage to compare with the proposal, or curtilages of neighbouring properties, or the neighbouring countryside relating to the site.
- Clarity required to explain difference between details of accommodation requirements provided in planning statement and those in water neutrality information. Stable accommodation not mentioned in water neutrality statement.

RPC also has concerns that an approval of extension of curtilage to enable retrospective planning permission sets a dangerous precedent for other sites in the nearby location and further afield.

Should permission be granted RPC request a condition clarifying any approval so that the pod and the stable will not be able to be used as independent dwellings, and both will be wholly ancillary to the main dwelling and dependent upon it.

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 25 of the HPDF seeks to protect, conserve, and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation. Policy 33 ensures that the scale, massing, and appearance of the development is of a high standard of design and relates sympathetically with the built surroundings and landscape adjoining the site.

Policy 26 of the HDPF states that outside of built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Proposals much be essential to its countryside location and meet one of the following criteria: support the needs of agriculture, enable extraction of minerals, provide for quiet informal recreational use, or enable the sustainable development of rural areas.

Policy 28 of the HDPF states that outside the defined built-up areas, ancillary accommodation will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling. Ancillary accommodation must demonstrate that the need for additional space cannot be met from an existing dwelling or buildings suitable of conversion on the site. The use of ancillary accommodation as a separate dwelling will not be supported.

The application seeks to extend the existing residential curtilage, to incorporate a pod and a stable for use as accommodation. The works are retrospective with the pod and stable building in use since August 2022. Two previous applications (DC/24/0044 & DC/24/0074) were withdrawn as the accommodation fell outside of the residential curtilage and therefore could not be considered ancillary to the main residential dwelling. The application was resubmitted with the red curtilage outline, including the pod and stable accommodation.

The planning statement states that the extension of the residential curtilage aims to encompass part of the land within the applicant's ownership, which is residential and equestrian. This includes the private drive, parking area and the stable block and pod building. The planning statement states that the curtilage extension would not affect the countryside, as the area is already used as part of the residential dwelling and would not require any further buildings or areas of hardstanding.

The application site comprises; the main dwellinghouse, a two-storey semi-detached dwelling, a garage/outbuilding, stable building, pod, open barn structure, equestrian facilities, and agricultural land. The main dwelling and garage/outbuilding fall within the established residential curtilage, which also includes amenity garden space extending towards to the south of the site. It is considered from the existing site layout, that the equestrian activities are to the north and west of the residential activities within the current residential curtilage.

The proposal to extend the curtilage is considered to introduce a domestic character in an area which is defined by agricultural and equestrian activities, as part of the wider site. The stable block is still used to accommodate horses and removing one of the stables for domestic accommodation would encroach on the equestrian and agricultural uses of the site.

The domestic character is considered to encroach on the countryside, with the domestic becoming mixed with the agricultural and equestrian character. While it is acknowledged that the use of the accommodation would be for the applicant's children, and not for independent use, there is insufficient detailed information to justify the need for the additional accommodation outside of the established residential curtilage, as per Policy 28 of the HDPF.

The change of use of the land from equestrian/agricultural to residential land is not considered essential to the countryside location, with the purpose of which stated, as to include retrospective residential accommodation to be considered ancillary. The proposal would not meet the criteria set out in policy 26 of the HDPF. Therefore, it is considered that the proposal to extend the residential land boundary, which is already of substantial size, to include the pod and stable buildings for ancillary accommodation, would not be acceptable. The proposal would therefore be contrary to Policies 25, 26 and 33 of the Horsham District Planning Framework (2015).

Design and Appearance:

Policies 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a

high standard or design and layout which relates sympathetically to the landscape and built surroundings.

The stable building is located in the northern part of the site, along the boundary with the neighbouring dwelling. The stable has been partially converted with one of the former stables being used for accommodation, and the remaining three used to house horses and a donkey. The stable accommodation retains the stable door on the outside, as per the three sets of doors. Therefore, when the door is shut, it appears as part of the stable block. The conversion, therefore, does not have a significant visual impact on the surrounding countryside in terms of design and appearance.

The pod building is located to the west of the driveway, adjacent to an open barn structure. The pod is a timber structure and is on wheels. The building is approximately 6m in length, with a width of 3.3m and height of just over 3m. The pod is a modest moveable structure, which sits behind vegetation which screens the structure from immediate views.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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 curtilage and accommodation are located on the western side of the main dwellinghouse, with the stable building on the boundary with the neighbouring dwelling. The site is also accessed via a separate access off the main driveway. It is considered that the proposal would have limited impact on the occupants of neighbouring dwellings.

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 presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that is should be delayed awaiting an area-wide water neutrality strategy.

The applicant submitted a Water Neutrality Statement which outlined the total proposed water demand. The application is retrospective, with the pod and stable accommodation in use since August 2022. The existing baseline water demand was evidenced by water provided by the applicant from between October 2022 and September 2023. The average water consumption over this period was 674 l/d. However, the water bills include the main dwelling, pod and the stable building, as well as outside water consumption of livestock on site. Specifically, the water bills include the pod and stable accommodation. The statement cannot rely on unlawful development to prove the existing baseline; therefore, this is not an accurate baseline and there is no certainty of the existing baseline consumption.

A Part G calculations of the flow rates were undertaken in the main house, pod, and stable accommodation, with the results as follows: 90.8 l/p/d (Main House), 85.2 l/p/d (Pod) and 73.1 l/p/d

(Stable). Based on the current occupancy, the water statement states that the water usage is 430.7 l/d across all accommodation on site, which would be less than the water bills average, 674 l/d.

As outlined, insufficient information has been provided in the form of evidence of the existing baseline water consumption on site and proposed mitigation. No mitigation measures have been proposed due to the existing baseline consumption rates being higher the proposed usage. While this does seemingly demonstrate water neutrality, the existing baseline is not sufficiently accurate as it is calculated utilising unlawful development. Natural England were also consulted on the water strategy following the carrying out of an Appropriate Assessment by officers and raised an objection.

For these reasons, and given the ambiguity and lack of clarity, it is not possible to determine whether the proposed development would result in less water demand than the existing. There is no certainty that the proposal would not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA, and Ramsar sites. In such circumstances, the grant of planning permission would be contrary to policy 31 of the HDPF, NPPF Paragraph 193 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 application is retrospective relating to existing buildings prior to Biodiversity Net Gain in 2024 and is therefore exempt from the provisions of the Act.

Conclusions:

The proposal is not considered to accord with relevant local and national planning policies and is therefore recommended for refusal.

Recommendation: Application Refused

Reasons for Refusal:

1. Insufficient detailed information has been provided to justify the need for additional accommodation outside of the existing established residential land. The proposed residential boundary extension is not considered to be essential to its countryside location and changing the land from agricultural/equestrian to residential land would result in the domestic character encroaching on the countryside. The proposal would therefore be contrary to Policies 25, 26 and 33 of the Horsham District Planning Framework (2015).

2. Notwithstanding information submitted, 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 and 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/24/1490
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Existing Building	138/2024/4	27.09.2024
Elevation & Floor plan	Existing Pod	138/2024/5	04.10.2024
Elevation & Floor plan	Pre-Existing Building	138/2024/4	27.09.2024
Site plan		138/2024/2	02.10.2024
Location plan		138/2024/1 -	27.09.2024
Location plan		NONE	27.09.2024
Supporting Statement	Planning	NONE	27.09.2024
Supporting Statement	Water Neutrality Statement	20240415P1 REV V2.0	28.01.2025
Supporting Statement	Planning and Heritage	NONE	02.10.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 20.02.2025

Authorising Officer sign/initial RHERMITAGE Date: 19.05.2025