Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0392
Hyders Farmhouse , Bonnetts Lane, Ifield, RH11 0NY

DESCRIPTION:
Erection of a building to cover existing sand school.

RELEVANT PLANNING HISTORY:

DC/16/2133	Proposed stables and sand school	Application Permitted on 31.01.2017

SITE AND SURROUNDS
The application site comprises a two-storey house on the north-west side of Bonnetts Lane which is adjoined to the west by a cluster of development which appears to be in commercial use, with a stable building and sand school to the north-western section of the site, this application relates specifically to the sand school. Bonnets Lane is in a rural countryside location with sporadic development present, including significant airport parking to the east of the site.

DETAILED DESCRIPTION
The application is seeking planning permission for the erection of building to cover the existing sand school, the building would measure at 60m x 40m covering the sand school area with internal floodlighting.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

Rusper Neighbourhood Plan
Policy RUS3 - Design

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:

Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Gatwick Airport Limited: No Objection, conditions and informatives recommended.

Parish Comments:

No Objection

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

The application proposes a building covering the existing sand school located to the west of the site measuring 60x40m in length and width, the proposed materials of metal profiling sheets in dark green over brick and block. The proposed building exceeds standard sizes for private use, the planning statement states that the proposed building would increase the safety of the horses and riders from overhead aircraft. The roof will be used to conserve rainwater to reducing existing water on the site. The enclosure would also all the sand school to be used all year round as currently the sand school cannot be used during and/extreme weathers. The reduction in training poses disadvantages to the applicants and the equestrian training endeavours.

Principle of Development:

Policy 29 of the Horsham District Planning Framework (HDPF) states that equestrian related development will be supported provided that:

- It can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered.
- The proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings;
- The proposal should where possible be well related to a bridleway network.

The proposed building would support and enhance the existing equine facilities on the site, providing cover to an existing sand school. The proposal would not though create any new equestrian activity at the site which could not already take place, albeit use during inclement weather may be more likely. The existing stabling permission includes a condition which prevents commercial use of the site, with the Planning Statement confirming that use of the covered sand school would also remain for private use only. Taking into account all relevant matters it is considered that the proposal does not raise any conflict with the above policy, with a countryside location essential for a facility of this type as required by Policy 26 of the HDPF.

Character and Appearance:

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 stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.

The proposal entails a building of significant footprint and height, with both factors largely dictated by the size of the existing sand school (which measures approximately 60m x 40m) and the roof slope angle necessary for the pitched roof. As a consequence of these factors the proposal would create a building of significant scale and one which would be visible in views from surrounding properties and land, including from Bonnets Lane where the existing surface sand school is intermittently visible through the boundary hedging and across immediately adjoining paddocks.

The height of the proposed building would exceed the neighbouring dwelling at Hyders Farmhouse and there are concerns that the overall scale could dominate this location. It is though acknowledged that the building would be set an appreciable distance from Bonnets Lane and would be viewed alongside an existing cluster of development to the south. Further, the presence of intermittent vegetation to surrounding boundaries would provide a semblance of screening which would help to lessen the overall impact of the development, with potential for landscaping enhancements to take place across the site, such as reinforcing existing boundary treatments, and further details are required by way of a condition. In respect of the external materials, the submission indicates a dark green finish which would provide some benefit in terms of softening the appearance of the development.

On balance, it is considered that a building of this scale can be accommodated in this location without resulting in an adverse impact on the character or appearance of the site or wider surrounding locality, and while the proposed building would clearly be visible, a building of this scale would not as a matter of course be unexpected, with agricultural buildings of this scale commonly present in rural locations. The proposal is therefore considered to sufficiently accord with the above policies.

Impact on Neighbouring Amenity:

Policy 33 of the HDPF states that development should be designed so as to avoid unacceptable harm to the amenities of nearby occupiers and users of land.

The site benefits from an existing stables and outdoor sand school, with the proposed development essentially covering the existing sand school. The application has confirmed that the equestrian use of the site would remain for private / non-commercial purposes, with the covering of a sand school not expected to result in a significant increase in the level of activity on the site. The potential for increased movements to or form the site is therefore considered limited, and no unacceptable harm by way of increase noise or disturbance would be anticipated.

The siting of the building and the retained separation from shared boundaries is considered sufficient, despite the scale of the building, to ensure no unacceptable to neighbouring amenity by way of loss of light or outlook.

The amenity impacts of the proposal are therefore considered acceptable and in accordance with the above policy.

Flood Risk:

Policy 38 of the HDPF states that development proposals will follow a sequential approach to flood risk management, giving priority to development site with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere. Development proposals will: take a sequential approach to ensure most vulnerable uses are placed in the lowest risk areas; avoid the functional floodplain except for water-compatible uses and essential infrastructure; only be acceptable in Flood Zone 2 and 3 following completion of a sequential test and exceptions test if necessary; and require a site-specific Flood Risk Assessment for all developments over 1 hectare in Flood Zone 1 and all proposals in Flood Zone 2 and 3.

The Applicant has submitted a Flood Risk Assessment submitted on behalf of the initial planning application for equestrian facilities under reference DC/16/2133. This outlines that surface water would be discharged to the existing drainage ditch, where the sand school would be of permeable surfacing and would not change current water flow.

The application involves the erection of a building over the sand school, where the roof would potentially create increased surface water flows which would need to be managed. The land to the west and south of the site is not though within a Flood Zone and there is potential for water to be discharged in such locations. The proposal does not introduce vulnerable development in a flood zone, instead providing cover to an existing equestrian facility. For these reasons it is considered that the development would not result in an increased risk of flooding to occupants of the site or adjoining land and properties, with a condition recommended to secure details of drainage arrangements for the development.

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 proposed development would serve existing equestrian facilities which would remain in private / non-commercial use and would not create additional capacity for the keeping of horses on the site. As such, there is no evidence to suggest that the proposed building would result in a greater consumption of water. For these reasons, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and

Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 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 may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The development would be sited above an existing sand school, which comprises a synthetic surface material. The proposed building dimensions would match the existing sand school, which no encroachment beyond the existing surface indicated on the submitted plans. On this basis the development would not impact a priority impact, would impact less than 25 sq m of onsite habitat or 5m of linear habitat. The development is therefore likely to be exempt from BNG.

Conclusions

Overall, for the reasons set out in detail above, the proposed development is considered an appropriate form of development to a countryside location, with the proposal not considered to result in unacceptable harm to local landscape character or to the visual amenities of its respective setting. Subject to the conditions listed below it is recommended that planning permission be granted accordingly.

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-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. 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).

4 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall take place until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out measures on the management of the roof of the building to prevent nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall be implemented in accordance with the as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of London Gatwick and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall take place until full details of soft landscaping works 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 existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- 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).

6 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form received 11.03.2024.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **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).

8 **Regulatory Condition**: The development hereby permitted shall be used for private equestrian purposes only, and shall not be used for any commercial riding, livery or riding establishment or for any other business use.

Reason: The establishment of an additional independent operation would give rise to an over-intensive use of the site contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Given the nature of the proposed development it is possible that a crane or tall reaching construction equipment may be required during construction/installation. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

London Gatwick requires a minimum of four weeks notice. For crane queries/applications please visit Cranes/Permits/London Gatwick Airport or email cranes@gatwickairport.com.

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is likely to be exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
(b) the conditions subject to which the planning permission is granted:
(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

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/24/0392
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Design & Access Statement		NONE	11.03.2024
Supporting Statement	Flood risk	NONE	11.03.2024
Location & Block plan		56	11.03.2024
Location plan		NONE	11.03.2024
Supporting Statement	DC/16/2133	NONE	11.03.2024
Elevation & Floor plan		24649	11.03.2024
Elevation & Floor plan		24-24649	08.05.2024
Supporting Docs	Application Form	NONE	08.05.2024

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 16.09.2024