Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0979
Highgate, Hammerpond Road, Plummers Plain, West Sussex, RH13 6PE

DESCRIPTION:
Variation of Condition 6 of previously approved application DC/17/2086 (Retention of existing kennels and re-homing centre with ancillary overnight accommodation. Extension to existing detached outbuilding in connection with this use) to allow use of the overnight accommodation as a primary residence in connection with the kennels and re-homing centre.

RELEVANT PLANNING HISTORY:

DC/17/2086	Retention of existing kennels and re-homing centre with ancillary overnight accommodation. Extension to existing detached outbuilding in connection with this use.	Application Permitted on 03.05.2019
DC/20/0317	Demolition of existing kennels and rehoming buildings. Erection of a two storey detached dwelling.	Application Refused on 20.04.2020
DC/23/0552	Application to confirm the continuous use of Old Tack Room as a residential dwellinghouse for a period in excess of four years (Lawful Development Certificate - Existing).	Application Refused on 15.01.2024

PLANNING COMPLIANCE HISTORY:

EN/16/0347	Alleged use of upper floor of stables for residential purposes and use of the land for business purposes (rescue centre for dogs and stabling of horses)	CLOSED: Application Received
EN/16/0545	Timber extension to existing barn. Alleged: Change of use of site to commercial (dog kennels) and associated residential occupation.	CLOSED: Application Received
EN/21/0570	Alleged: overnight accommodation in permanent use in breach of condition 6 of DC/17/2086	CLOSED: No Breach

DESCRIPTION OF THE SITE

The application site lies to the south of Hammerpond Road, outside the built-up area boundary and therefore within the countryside. It contains a former stable building with an attached lean-to barn, together with a detached single-storey structure, all arranged around a hardstanding with direct access onto Hammerpond Road. The site is positioned between two residential properties, while the wider surroundings are predominantly rural in character, with sporadic residential and commercial development.

DESCRIPTION OF THE APPLICATION

This application seeks to vary condition 6 of the previously approved application, DC/17/2086, which was permitted for the *Retention of existing kennels and re-homing centre with ancillary overnight accommodation. Extension to existing detached outbuilding in connection with this use.*

Condition 6 reads as follows:

Regulatory Condition: *The overnight accommodation, within the building indicated on drawing no. 17006 P 001, shall not be used as a primary place of residence, and shall only be used in connection with the kennels and rehoming centre, as set out in the Design and Access Statement dated September 2017.*

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 1, 3, 4, 26 and 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 4 - Strategic Policy: Settlement Expansion
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
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 27 - Settlement Coalescence
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Neighbourhood Plan: The Lower Beeding Neighbourhood Plan has undergone examination with a Decision Statement issued confirming that the plan should proceed to referendum, scheduled for the 4th September 2025.

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.

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 Planning Compliance: Comments received

PUBLIC CONSULTATIONS:
Representations:
No letters of representation, either objecting or supporting the proposals have been received.

Parish Comments:
Lower Beeding Parish Council: Comment
The LBPC voted to remain Neutral on this application, stating the PC supports the business owner however this application is too complex for the PC to make definitive comments so voted to remain neutral.

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

Background:

Application DC/17/2086, approved in May 2019, established the lawful use of the site as kennels and a rehoming centre. The presence of such activities on the site was shown to have taken place for a continuous period, dating back to around 1994, when the applicant first acquired the land. As part of this application it was demonstrated that overnight accommodation was required on animal welfare grounds, particularly in connection with sick or birthing animals. Permission was therefore granted to retain and extend the former tack room, with the building authorised for use as ancillary overnight accommodation in direct connection with the kennels and rehoming centre, but not as a separate dwelling.

Application DC/20/0317, refused in April 2020, proposed demolition of the kennels and rehoming buildings and their replacement with a detached dwelling. The application was subsequently dismissed

at appeal, concluding that the scheme represented unsustainable residential development in a countryside location.

Application DC/23/0552, refused in January 2024, sought a Lawful Development Certificate for use of the former tack room as a single independent dwelling. The application was subsequently dismissed at appeal, in February 2025, the Inspector finding the use remained functionally tied to the kennels and formed part of a mixed-use planning unit, requiring a ten-year rather than four-year immunity period.

Principle of Development:

The applicant's Cover Letter details there are currently 53 dogs on the site and explains that Arundawn Kennels and Rehoming Centre has operated from the premises since around 1994. In the early years, overnight stays were only occasionally required in order to care for sick animals or during the birthing of puppies and foals. Over time, however, the circumstances of the operation changed, with the residential use of the former tack room extending beyond intermittent stays to daily overnight accommodation. This shift was driven by the increasing demands of the rescue centre, with the number of dogs on site rising to between 40 and 52 at any one time. The applicant's agent states that daily overnight accommodation is now essential to the safe and effective running of the kennels, given that many of the dogs are extremely vulnerable and require continuous supervision. This application therefore seeks to vary condition 6 of DC/17/2086.

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does 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.

It is considered that sufficient evidence has already been established through previous applications to demonstrate that the overnight accommodation within the former tack room has been used on a daily basis by the applicant in connection with the operation of the kennels and rehoming centre, and that this accommodation is necessary. The current proposal does not seek to introduce any new residential unit or to intensify the use of the site beyond that which has previously been authorised. Application DC/17/2086 confirmed the principle of overnight accommodation on the site, and the proposed variation to the wording of Condition 6 would not give rise to any additional impact and would ensure the accommodation remains tied to the rehoming centre. On this basis, it is not considered that the rewording of the condition would result in any greater residential presence or an intensification of activity beyond the established use.

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing, and appearance of development relates sympathetically with the built surroundings, landscape, open spaces, and routes within and adjoining the site, including any impact on the skyline and important views.

There are no changes proposed to the design and appearance of the building. The building consists of a kitchen/dining/office area, living room, bathroom and mezzanine area with a bedroom. The internal use would remain residential and therefore no changes are proposed to the external built form.

Residential Amenity:

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

It is noted no letters of representation objecting to the scheme have been received. The site already accommodates an established element of residential occupation linked to the kennels and rehoming centre. The proposal would not represent an intensification of the site's overall use and therefore the proposal would not result in any adverse impacts on neighbouring residential amenity.

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.

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 site 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 194 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Climate Change:
Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development is of a limited scale and is not considered to give rise to any material impact on climate change.

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:

- This Section 73 application relates to a planning application submitted to and approved by the Council prior to the BNG requirement coming into effect.

Conclusions:

It is therefore recommended that condition 6 of DC/17/2086 be varied. A note to applicant is recommended to advise the remaining conditions continue to be relevant.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: Within 3 months of the date of this permission a scheme for the disposal of waste shall be submitted to the Local Planning Authority for its written approval. The scheme shall be implemented in accordance with the approved details within 1 month of such written approval being given. The scheme shall thereafter be retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: Within 3 months of the date of this permission details of on-site parking, turning and access facilities shall be submitted to the Local Planning Authority for its written approval. The on-site parking, turning and access facilities shall be provided in accordance with the approved details within 1 month of such written approval being given. The parking, turning and access facilities shall thereafter be retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected on the site without express consent of the Local Planning Authority first being obtained.

Reason: To enable the Local Planning Authority to regulate and control the development of land having regard to Policies 26 and 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The hereby approved use shall be used as a kennels and rehoming centre, as set out in the Design and Access Statement dated September 2017, and for the keeping of horses and other small animals and shall not be used for any other purpose without the express consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The overnight accommodation, within the building indicated on drawing no.EX02 received 11/08/2025, shall only be used in connection with the kennels and rehoming centre.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 1, 3, 4, 26 and 33 of the Horsham District Planning Framework (2015)

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 Regulations 4, 5, 7 & 8 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:

1. 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 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);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is 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.

NOTE TO APPLICANT – Conditions Require Discharge
Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at planningportal.co.uk/planning/planning-applications

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0979
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Existing Floor Plans and Elevations	EX02	11.08.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 18/08/2025

Authorising Officer sign/initial RHERMITAGE Date: 22.08.2025