Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1268
High Barn, Crays Lane, Goose Green, RH20 2LR

DESCRIPTION:

Variation of Condition 1 of previously approved application reference DC/21/2144 (Demolition of 2No. agricultural buildings and the erection of 3No. dwellings). Variation to allow amendments to siting, design and form of Plots 1, 2 and 3 and layout of car parking.

RELEVANT PLANNING HISTORY:

DC/21/2144	Demolition of 2No. agricultural buildings and the erection of 3No. dwellings (revision of DC/20/1870).	Application Permitted on 03.02.2022
DC/23/0383	Variation of Condition 1 of previously approved application reference DC/20/1870 (Demolition of 2No. agricultural buildings and the erection of 3No. dwellings). Variation to allow amendments to siting, design and form of Plots 1, 2 and 3 and layout of car parking.	Withdrawn Application on 27.10.2023

SITE AND SURROUNDS

The application site comprises a steel-framed agricultural barn with half-height block walls and timber slat walls above, and a corrugated steel roof. The existing building measures some 38m x 22m with a ridge height of some 5.4m.

The barn is set adjacent to agricultural land to the east, a small wooded copse to the west, a smaller barn to the north, and converted small commercial units to the south, and a residential barn conversion, part of the original and wider farm site further north of the site, all of which share a single vehicular access into the site off Crays Lane. The building is set some 108m back from the public highway Crays Lane.

DETAILED DESCRIPTION

The application proposes three detached dwellings, the largest dwelling would be four bedroom with a double garage and plots 2 and 3 would both be three bedrooms. Parking to plot 1 would be to the rear, and parking for plot 2 and 3 would be in advance of the dwellinghouses accessed via a private access road. The dwellings are large in scale, with offwhite oak horizontal board, reclaimed brick and clay roof tiles. Rooflights would be conservation style. Site boundary treatments would be post and rail fencing and native hedgerows.

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 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 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
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 40 - Sustainable Transport
Policy 41 – Parking

Horsham District Local Plan (2023-40) (Regulation 19)
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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.

Thakeham Neighbourhood Plan 2017- 2031
Thakeham 1- A Spatial Plan for the Parish

Thakeham Parish Design Statement

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 impact related to heritage

Southern water: No objections to the proposal

HDC Environmental Health: Objection [Summary]

Water Supply /Groundwater Investigation**:**

A comprehensive groundwater investigation report is required, following British Standards, to assess the groundwater quality and the suitability of boreholes for the proposed development. The report should include site investigation details, sampling results, a comparison to UK standards, and treatment options if elevated parameters are detected. Borehole logs and site plans must also be provided. The above has not been provided. The submitted geotechnical report is not sufficient to address water quality concerns. Several parameters in the groundwater (e.g., turbidity, aluminium, and iron) exceed allowable levels, raising significant health concerns.

Treatment System:

While treatment proposals (including reverse osmosis) have been submitted, Environmental Health is not qualified to assess the technical details of the system.

Confidence must be established that the proposed treatment system will reduce contaminants to acceptable levels and remain effective for the development's lifetime.

Additional Recommendations:

A more thorough groundwater investigation is needed, with independent technical advice on the proposed water treatment system.

The potential for contamination from agricultural land use and close proximity of boreholes to sewage treatment plants should be considered. The Environment Agency should be consulted.

Land Contamination:

Phase 1 Report and Geotechnical Investigation:

The submitted Phase 1 report lacks appendices and is incomplete for review. The Geotechnical Investigation is based on a previous application and doesn't target areas that will become soft landscaped or garden areas. Missing chemical testing results and a lack of investigation into potential contamination beneath hardstanding areas are concerns. Further site investigations are needed, particularly for contamination risks.

Construction Phase/Impact on Local Residents:

Noise, dust, and construction traffic could adversely affect local residents, and a Construction Environmental Management Plan (CEMP) should be required to mitigate these impacts.

The current application lacks sufficient detail regarding groundwater quality and treatment, and land contamination. Further investigations are needed, especially regarding water supply and contamination risks, before the application can be properly assessed and determined.

WSCC Highways: No Objection
The proposal is similar to the previous application, although it is noted that plot would now have a double garage. The double garage would fall short of manual for streets space standards, overall however no objections.

Natural England: Objection
Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- Further evidence of the application's quantity and quality of water.

Parish Comments: Objection received [Summarised]
-Design
-Overdevelopment of the site
-Detrimental impact on the Environment
-Water Neutrality Concerns, proposes using boreholes with mains supply as a backup, but the water neutrality is not clearly defined.
- DC/24/1549 for 4 more dwellings on the same site, exacerbating the issues mentioned above.
Request to consider both applications together, as they represent a gross overdevelopment of the site.

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

Background and principle of development:

The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 80 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).

HDPF Policy 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either the Local Plan or the Thakeham Neighbourhood Plan and thus the application proposals directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.

Paragraph 80 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 80 which would allow such developments is as follows –

Planning policies and decisions should avoid the development provided the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- development which 'would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area' will be supported

The application is not being justified against the above criteria, and while the designs of the dwellings (which is considered in detail later in this report) would represent an enhancement when compared to the existing buildings on site, they would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.

Notwithstanding the above, it is noted that previous applications on the site have established the principle of residential development. The most recent under planning reference DC/21/2144 to which the current minor-material amendment relates, remains extant for 3no. new dwellings. These are significant material consideration in the determination of this current planning application.

The presence of this extant planning permission, which could still be implemented, represents a possible fallback position should the current application be refused. A refusal of the current application would not therefore prevent the introduction of residential development at the site. The principle of residential development has therefore been established and is considered acceptable, subject to all other material considerations.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape 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.

In design terms, the development approved under ref: DC/21/2144 permission was for 2 semi detached dwellings and one detached dwelling and designed to reflect a rural vernacular expected within a countryside location, with plots 2 and 3 being semi-detached. The current proposal slightly differs to this extant permission, with the siting of plots 2 and 3 being detached. The plot 2 and 3 dwellings would be set slightly further back from the access road and be served by two parking spaces each and the detached dwelling would be closer to the access road with parking provision for three cars to the rear of

the site and served by a detached double garage. The previous permission under DC/21/2144 raised no objection to the proposal in regards to design and scale. There has been an increase in scale over the previous permission when including the double garage however the increase is modest such that there are no objections to the proposal in regards to policies 25,32 and 33 of the HDPF.

Amenity Impacts:

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.

Sufficient spacing would be retained with the nearest residential dwellinghouse such that the proposed siting would not give rise to a loss of privacy or obtrusive appearance to result in an unacceptable relationship. The dwellings within plots 2 and 3 would have a mutual relationship with some degree of overlooking, however this overlooking would not be direct as to warrant a refusal. There are no immediate neighbours to the site such that the proposal would not be considered to result in harm from overlooking, obtrusive appearance or loss of light to nearby neighbours.

It is acknowledged that there is an agricultural building to the north of the site such that a contamination report would be required, however it would be reasonable to request this as a pre-commencement condition in the event of a planning permission. This would be necessary given the proximity of the application site to the existing agricultural use and the nature of the application site as an agricultural building now. Each of the proposed habitable rooms would benefit from sufficient fenestration such that they have access to daylight. Overall, there are no objections to the proposal in this respect.

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. In addition, proposals should minimise conflict between traffic, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

WSCC Highways have been consulted and have no objection to the proposal given the possible level of parking on site and access arrangements are similar to the previous permission granted. It is noted that the double garage would not be in accordance with Manual for Streets space standards for a double garage, however there is a sufficient level of hardstanding such that the parking requirement has been met. Overall, there are no objection to the proposals due to highways concerns.

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.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

From a case officer site visit and inspection of the history of the site, the site is considered to be of low ecological value. Notwithstanding this, suitable conditions and informatives would be imposed should

the application be considered acceptable to ensure ecological mitigation and enhancement measures are put in place. It is considered that the proposals would not have a detrimental impact on ecology, and overall the proposals are considered to be acceptable in this regard, in accordance with Policy 31 of the HDPF.

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 current agricultural buildings are not metered and the baseline is considered zero. The three dwellings are suggested to need 663 litre per day in total. This is considered by the per person per day number (85 litres per person per day) multiplied by the occupancy for the respective dwellings. Given that the baseline is nil, mitigation is required and proposed through the installation of boreholes.

From the information submitted, it appears that the boreholes should provide 241, 995 litres per annum, with each of the plots supplying their own boreholes. They suggest the amount of water they can get is sufficient for each of the dwellings.

Given the proposed form of water neutrality mitigation, Environmental Health have been consulted. They object to the proposal, noting that there is insufficient detail regarding groundwater quality and treatment to be able to make a proper assessment of whether the water supply is acceptable. From the geotechnical report, it appears several parameters in the groundwater (e.g., turbidity, aluminium, and iron) exceed allowable levels, raising significant health concerns. Insufficient information has been provided to determine with certainty that the proposed treatment system will be able to reduce the elevated parametres to within acceptable levels, and it is not therefore considered that there is sufficient certainty to demonstrate that the proposed strategy would be a viable treatment option for the lifetime of the development. In addition, there are also concerns that the proximity of the proposed boreholes to one another may reduce the yield.

The Council have undertaken an Appropriate Assessment, where it has been concluded that insufficient information has been provided to demonstrate that the proposed water strategy would be viable and adequate for the development and its lifetime. Insufficient information has therefore 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 185 and 186 of the National Planning Policy Framework (2023), 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).

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The s73 application relates to a planning permission granted prior to the relevant date, where the proposal would result in no greater impact on habitats than the previous scheme. The proposal is therefore considered to be exempt from the requirements of BNG.

Conclusions and planning balance:

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 relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however 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 185 and 186 of the National Planning Policy Framework (2021), 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). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

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, and 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).

There are no material considerations that would outweigh the harm as identified above.

Recommendation: Application Refused

Reason(s) for Refusal:

1 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 185 and 186 of the National Planning Policy Framework (2023), 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/24/1268
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Roof plan	Proposed Site / Roof Plan	HB-03	21.08.2024
Elevation plan	Proposed Site Elevations	HB-04	21.08.2024
Floor plan	Plot 1 Proposed Plans	HB-05	21.08.2024
Elevation plan	Plot 1 Proposed Elevations	HB-06	21.08.2024
Floor plan	Plots 2 + 3 Proposed Plans	HB-07	21.08.2024
Elevation plan	Plot 2 + 3 Proposed Elevations	HB-08	21.08.2024
Site plan	Proposed Site Services	HB-09	21.08.2024
Location plan	Sewage Treatment / Borehole Locations	HB-10	10.09.2024
Supporting Statement	Water Neutrality Report dated June 2024	NONE	21.08.2024
Location plan	Location Plan	HB-00	21.08.2024
Block plan	Block Plan	HB-01	21.08.2024
Roof plan	Existing Site/Roof Plan	HB-02	21.08.2024
Supporting Docs	Analytical Report	NONE	21.08.2024
Supporting Docs	Permeate Throttling Report	NONE	21.08.2024
Supporting Docs	Invicta Water Treatment	NONE	21.08.2024
Supporting Docs	Asbestos Demolition Report by Crucial Environmental dated 09.04.2021	C-10078	21.08.2024
Supporting Docs	Geotechnical Investigation dated May 2021	YEX2150	21.08.2024
Supporting Docs	Phase 1: Desktop Study and Preliminary Risk Assessment Report dated April 2021	YEX2150	21.08.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 11.11.2024

Authorising Officer sign/initial Tamara Dale Date: 11.11.2024