Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0079
1 Oakwood Cottages, Hooklands Lane, Shipley, Horsham, West Sussex, RH13 8PY

DESCRIPTION, SITE LOCATION AND SURROUNDINGS:

Permission is sought for the use of an annexe as a separate residential dwelling.

The application site relates to an annexe located in a detached garage, to the north west of no.1 Oakwood Cottages.

The site is situated in the countryside along a relatively narrow country lane, outside of any defined built-up area in the Parish of Shipley. Development in the area is sporadic in nature with a number of isolated rural dwellings and farmsteads scattered amongst agricultural / pastoral and equestrian fields.

The annexe was permitted under the planning application Ref: DC/10/2498 and conditioned the detached garage and annexe to the following: *"The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling know as 1 Oakwood Cottages".*

A garden/residential curtilage is proposed. No external works, other than rainwater harvesting, or internal changes are proposed. It is clear though that layout changes have been made since permission was granted by DC/10/2498.

It is noted that the external staircase and steps were erected without planning permission. The agent has confirmed in their Planning Statement that these were erected with the rest of the building. Furthermore, the Local Planning Authority have photos of the erected staircase and terrace in 2020. These appear to show a weathered and well-integrated staircase and terrace. These elements are therefore considered to have become immune to enforcement action through the course of time.

RELEVANT PLANNING HISTORY:

DC/10/2498	Demolition of existing 3 No. garage buildings, construct 1 No. double garage, building with storage/accommodation within the roof	Permitted on 09.02.2011
DC/21/0912	Subdivision of existing annexe from 1 Oakwood Cottages to create a self-contained dwelling.	Refused on 23.12.2021 Appeal Dismissed

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 10 - Rural Economic 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 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction Policy 40 - Sustainable Transport
Policy 41 - Parking

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.

Neighbourhood Plan:
The Shipley Neighbourhood Plan was formally made on 23 June 2021

Objective 1: To ensure that all new development is of a high quality of design and is located within the existing villages and hamlets.

Policy Ship HD1: New Housing Development. This policy states that applications for new housing development should be located within existing villages and hamlets (Coolham and Shipley), protecting the rural character of the Parish.

Parish Design Statement:
Shipley 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:

Natural England: No objection

Concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such: no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Southern Water: No objection

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Local Highway Authority: No objection

The site is located on Hooklands Lane, an unclassified road subject to national speed limit.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application DC/21/0912, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways, and a subsequent appeal was dismissed.

The proposed self-contained 1-bedroom dwelling will utilise the existing access to the site, no alterations to the access are proposed. The proposal is not anticipated to result in a material increase in vehicle movements over the existing use of the site.

The proposed plans indicate that the dwelling will retain use of the double garage on the ground floor which is considered to provide sufficient parking provision for the dwelling. There appears to be sufficient space within the rest of the site to accommodate vehicles associated with 1 Oakwood Cottages.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, a condition securing the garage parking provision for use of the proposed dwelling is advised.

Representations:

Pulborough Parish Council: Support

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 main considerations in the determination of this application relate to the design and appearance of the proposed development; the potential impacts on the amenities of local residents, highway safety and the position and location of the self contained unit.

The application has been assessed on the basis of the submitted details, together with the planning history of the site, available images and photographs. These details were considered sufficient to allow the application to be properly considered and determined.

Principle of Development and Location:

Policies contained in the HDPF together seek to guide development to the main towns and villages in the District, in line with a settlement hierarchy. Policy 3 sets out a settlement hierarchy for development. Policy 26 seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development.

The Shipley Parish Neighbourhood Plan 2019- 2031 (the SPNP) shares the objective to ensure that all new development is of a high-quality design and located within the existing villages and hamlets.

The proposal would result in a new self-contained dwelling located outside of any defined built-up area boundary. The site is in a distinctly rural location where access is possible only via unlit country roads without footpaths and which are subject to the national speed limit. Given these attributes, in combination with the significant distance to the nearest settlements, future occupiers of the development would be heavily reliant on the use of private cars and there would be no reasonable alternative. Furthermore, the site is considered to be isolated. Given this isolated position it is imperative that the acceptability of the self-constrained dwelling's location is accessed.

Being outside of the built-up area the proposal would conflict with some of the spatial policies of the HDPF and the SPNP. Furthermore, the proposal would conflict with policy 26 of the HDPF as it would not be essential to the countryside location.

Despite these conflicts the HDPF and NPPF make provisions for the use of existing buildings in such locations.

Policies 2 and 33 of the HDPF encourage the effective use of land by re-using that which has previously been developed. The proposal would make use of an existing annexe, supporting the reuse encouraged by these policies.

Policy 10 of the HDPF relates to economic development. It does not preclude the conversion of rural buildings, but seeks consideration of business and commercial uses before residential uses.

It should be recognised that the Planning Inspector for the dismissed appeal under planning reference DC/21/0912 deemed the location of the self-contained dwelling to be acceptable. It was noted at this time that while there is some conflict with the Council's spatial strategy in Policies 3 and 4 and the objectives of the Slinfold Parish Neighbourhood Plan, the proposal would comply with the more recent provisions of paragraph 80 of the NPPF and the provisions of Policies 2 and 10 of the HDPF which weight in favour or the proposal. The Appeal Inspector for DC/21/0912 deemed the site not appropriate for business and commercial use and to broadly comply with the provisions of Policy 10, insofar as it relates to rural conversions. The Local Planning Authority do not which to dispute the inspector's position on this. The Inspector thereby concluded that the proposal would be suitably located, and no harm would arise from the location.

The proposal is situated in an isolated area and, as the proposal entails the subdivision of an existing residential building, the proposal complies with paragraph 80 of the NPPF relating to isolated homes in the countryside. The Framework also acknowledges, at paragraph 105, that opportunities to maximise sustainable transport solutions will vary between rural and urban areas.

Character and Appearance:

Policies 25, 32 and 33 promote development which is of high quality design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which it forms a part.

The proposals do not indicate any external alterations, other than rainwater harvesting. The building is considered to be of an appropriate design and therefore no concerns are raised in this regard.

Impact on Neighbouring Amenity:

Policy 33 of the Horsham District Planning Framework 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.

The proposed dwelling would maintain similar distances to neighbouring properties when compared to the existing property on site. Given the position of the proposed dwelling and orientation, it is not considered that the proposals would result in any harmful overlooking beyond that of the existing dwelling to be replaced. As such, it is considered that the proposed building would not have a detrimental impact on neighbouring amenity and is considered to be acceptable in this regard.

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 water statement states that the meter readings are available for the annex, the meter also supplies water for the main house. The meter reading show that there is an overall mains water consumption of 370.91 litres per day for the main house and annex. A flow survey was undertaken on 17th October 2023 to determine the individual water usages of the main house and the annex. A Part G calculation following the flow survey of the main house gives a water consumption of 123.94 litres per person per day, which equates to 247.89 litres per day for the three-bedroom dwelling with a population of 2. A Part G calculation following the flow survey of the annex gives a water consumption of 133.57 litres per person per day, which equates to 133.57 litres per day for the one-bedroom annex with a population of 1. The total water usage for the main house and the annex, following the flow survey, is 381.45 litres per day. This is 10.54 litres per day more than the meter readings, therefore a conservative approach is to be taken for the existing water use of the annex.

The proposal seeks to install a rainwater harvesting system that would be used for the toilets and washing machine. This would reduce the reliance on mains water to below the existing baseline. It is therefore considered that with this mitigation measure, the development would result in no greater water use than the existing. The development would not therefore result in a more intensive occupation of the dwelling 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Highways

The Local Highway Authority has sought to limit the use of the garage to parking to the new self-contained dwelling. The Local Planning Authority have deemed it suitable to restrict the use of the garage to the new dwelling, to ensure appropriate car parking space is provided.

Conclusions

The proposal would add a much-needed dwelling to the housing land supply on previously developed land. While there is some conflict with the Council's spatial strategy and policy 26 as well as the objectives of the SPNP, as concluded by the Planning Inspector, the proposal would comply with the

more recent provisions of paragraph 80 of the NPPF, and the provisions of policies 2 and 10 of the HDPF also weigh in favour of the proposal. Furthermore policies 2 and 26, due to the Council's inability to demonstrate a five-year supply of deliverable housing supply, carry only moderate weight. On balance the proposals compliance with the NPPF and policies 2 and 10 of the HDPF are considered to outweigh the harm from the council's spatial policies and policy 26.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	383	383	0
		Total Gain	
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

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 **Regulatory Condition**: Within one (1) month of the date permission is granted, unless otherwise agreed in writing with the Local Planning Authority, full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (12.01.2024) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

4 **Regulatory Condition**: Within one (1) month of the details required by condition 2 being approved, evidence shall be submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5 **Regulatory Condition**: The car parking spaces as contained within the area annotated "Double Garage" and shown on the approved plan reference 2020/3/1 Rev A shall be made available for use in association with the development hereby approved, and shall thereafter be retained as such for their designated use.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DC/24/0079
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	WS/OFC/01	12.01.2024
Block plan	Proposed Block Plan	WS/OFC/02	12.01.2024
Supporting Statement	Technical Note 1: Water Neutrality Statement by Motion dated 08.12.2023	1wsshi/2310088	12.01.2024
Elevation & Floor plan	Garage Block	2020/3/1 Rev A	12.01.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 28.05.2024

Authorising Officer sign/initial Tamara Dale Date: 06.06.2024