Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1959
Furnace Lakes, Guildford Road, Slinfold, RH13 0QZ

DESCRIPTION:
Removal of 9No. fishing swims and the siting of 3 shepherds huts for use as holiday accommodation (Class C3) together with associated works.

RELEVANT PLANNING HISTORY:

DC/24/1924	Variation of condition 1 of previously approved application reference RW/55/99 (Commercial fishing of the top lake) to allow for a reduction in the numbers of anglers permitted to fish at any one time on 'Furnace Lake'.	Application Permitted on 06.02.2025.

DESCRIPTION OF THE SITE

The application site comprises six fishing lakes forming part of 21-hectare estate. The application site relates to a 0.2-hectare area to the south-east of the largest of the two lakes (Furnace Lake). The site previously hosted 9 'swims', which will be removed as part of this application. The site is accessed via a driveway leading from the A281, this driveway is shared with a residential property and a public right of way.

DESCRIPTION OF THE APPLICATION

Planning permission is sought for the siting of 3no. shepherds' huts and associated works on land forming part of Furnace Lakes. The application is retrospective, with two of the huts already on site. The proposed shepherds' huts are sought to provide holiday lets, for additional income for the estate. Each hut would contain a bed, bathroom, kitchen and living area, for two occupants.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31: Rural Economic Development
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Strategic Policy 34: Tourism Facilities and Visitor Accommodation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Rudgwick 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 Objection
The proposed tourist accommodation huts and landscaping will not impact the setting of the listed building. Please determine as you see fit.

HDC Environmental Health: More information required (summary)
The method of sewage disposal may either “existing septic tank” or “unknown”, both boxes are ticked on the application form, but no detail is provided. In order to assess the feasibility for the site, information about the proposed system and particularly the proposed disposal of treated effluent is required. I would recommend that this is provided by the applicant before this proposal receives a decision.

HDC Environmental Health: No Objection

HDC Arboriculture: Objection

Recommend that the application be withdrawn or refused as appropriate on grounds of direct loss of a section of Ancient woodland (AW), from the physical change associated with the pre-emptive extent of groundworks and the associated future pressures associated with the proposed recreational usage, contrary to the NPPF guidance.

Recommend that the development be relocated as appropriate in planning terms to a less landscape sensitive area of the site and the AW be left to re-colonise with indigenous species.

Main Comments

The application site forms part of the Western edge of Furnace House Copse/Roman Woods Ancient Woodland (AW) where it abuts the bank of Furnace Lake.

The wood forms a part of the relatively large Furnace Wood that has good tree'd landscape connectivity W towards Rudgwick and N and E to Rowhook and further towards Okewood Hill.

The soil is the predominating Low Weald clay with woodland species typical of NVC classification W10 dominated by pedunculate oak with significant quantities of formerly worked hornbeam and hazel with occasional Wild service. Ground flora is diverse in places, dependant on localised historic management and usage (or recent lack of).

It is apparent from available imagery that the development area has been denuded of all woodland understorey vegetation and the majority of the woodland trees over the course of approximately the last decade. Some recent planting of ornamental species has occurred as part of the urbanisation of the site.

Pre-emptive denudation of AW is not a sound reason for permitting subsequent development.

The land remains subject of AW designation until such time as Natural England deem otherwise. Provided underlying soils have not been destroyed, the woodland could likely re-colonise given time.

Ecology: No Objection (subject to conditions)
We therefore believe there will be no Adverse Effect on Integrity of the bat SAC.

As Common Toad (which is a Priority species) may be present on site, we support the implementation of the Precautionary Method Statement for mobile protected species in Sections 6.6 and 6.21 of the Extended Phase 1 Habitat Survey (AEWC Ltd., October 2024). This should be secured by a condition of any consent.

We support the 15m buffer between the works and the ancient woodland to the east of the site in accordance with Government Standing Advice. This should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available for determination.

The mitigation and enhancement measures identified in the Extended Phase 1 Habitat Survey (AEWC Ltd., October 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species.

Natural England: No Objection
We concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such:

We have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

WSCC Highways: Comment (summary)
The proposal seeks part retrospective permission for the removal of 9 fishing swims and the siting of 3 shepherds huts for use as holiday accommodation, with associated works. The site is accessed via Guildford Road, an A classified road subject to national speed restrictions.

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been noted several recorded injury accidents at within proximity of the site access. However, from an inspection of accident data it is clear that neither were due to any defect with the highway at this point of the existing access to Furnace Lakes.

PUBLIC CONSULTATIONS:

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

- Evidence and clarification need to be provided on outstanding issues.

Parish Comments:
Rudgwick Parish Council: Objection
Rudgwick Parish Council (RPC) notes that this is a part retrospective application with a Compliance investigation outstanding (EN/24/0179).

RPC Objects to the application until evidence is provided and clarification is given over some of the issues raised in the Compliance investigation.

The concerns are as follows:

- Has PROW 1394 been rerouted to accommodate the huts already in situ, and without approval?
- Discharge of waste into the lake was raised in the Compliance case. This application is unclear over the method of disposal of waste, as both Septic Tank and Unknown boxes are ticked.
- It was alleged in the Compliance case that trees have been removed to accommodate the huts already in situ. A tree survey should be provided to protect the remaining trees and their RPA's during any further development.
- RNP Policy 17 should be noted in conditions attached to any approval regarding the replacement of any trees lost in the development.

Member Comments:
None received.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 7 of the Horsham District Planning Framework (2015) (HDPF) seeks to achieve sustainable economic growth for Horsham District to 2031. Criterion 6 of the policy states that this will be achieved by ‘promotion of the District as an attractive place to stay and visit to increase the value of the tourism economy’.

Policy 10 of the HDPF more specifically relates to the economic development of rural enterprises, or the development of businesses in a rural location, stating that any development should be appropriate

to the countryside location, and in the case of countryside-based enterprises and activities must contribute to the wider rural economy and/or promote recreation and the enjoyment of the countryside. In doing so, development should either:

- Be contained wherever possible within existing converted buildings, and/or within existing boundaries of the site, or;
- Result in substantial environmental improvement and reduce the impact on the countryside where new or replacement buildings are involved.

Policy 11 of the HDPF seeks to encourage measures which promote and enhance local cultural facilities. Any development should be of a scale and type appropriate to its location, and should increase the range, or improve the quality of accommodation, attraction of experiences for tourists, day visitors, business visitors, and residents in the District. Criterion 4 of the policy states that support will be given to proposals which develop the opportunities associated with rural diversification and rural development initiatives, where they benefit the local economy.

In this instance the application falls outside of the existing Built-Up Area and lies within the Countryside. Policy 26 of the Horsham District Planning Framework (2015) would be relevant and requires development outside the Built-Up Area boundaries to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and should 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.

The Horsham District Hotel and Visitor Accommodation Study dated July 2016 outlines that the District is well-placed to capitalise on the projected growth in domestic short break and overseas tourist markets and the increasing demand for family and friend get together, celebrations, and weekends away. The study concludes that there is insufficient provision of all forms of visitor accommodation in the District, with the potential in the rural parts of the District to upgrade existing facilities through the provision of high quality holidays cottages, small holiday lodges/eco lodges, etc.

As indicated within both the Horsham District Hotel and Visitor Accommodation Study 2016, there is an identified need for such tourist accommodation as proposed within the District. The proposed scale and nature of the accommodation is considered appropriate to the character and location of the area, whilst improving the range and quality of facilities for visitors.

The proposal would provide 3x holiday accommodation, their size and scale limiting the number of occupants, with only 6 bedspaces shown across the 3 units. This limits the number of people (to 6) on the site at one time to a maximum of up to 3 households, and there is unlikely to be more than 3 cars on the site at any one time, in addition to the existing users of the site. Due to the number of occupants and the nature of the huts, the proposal would not be expected to have a significant increase in the overall level of activity in the countryside and as such there is considered to be no harmful conflict with Policy 26 of the HDPF. While the site is not particularly well located in respect of surrounding settlements, it benefits from direct access to the public right of way network, thus providing opportunity for the enjoyment of the countryside. With the above in mind, the proposal is considered in accordance with HDPF policies 10, 11 and 26 and the wider scope of the NPPF, thus the principle of development is acceptable.

Design and Appearance:

Policy 25 of the HDPF states that the natural environment and landscape character of the district, including landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. Policy 32 and 33 of the HDPF seeks 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.

The planning statement states that the shepherds' huts have been built to a high quality and screened from view by the woodland backdrop. Each hut measures 6.1m x 2.3m, with a double bed, kitchenette, and shower room, as well as a hot tub and firepit outside. The huts are visible from the nearby public footpath, but some level of visibility is expected as the site historically had fishing equipment and tents. The huts have been positioned on existing areas of hardstanding with an area of decking to the front of each providing an outside sitting area. Decking has also been provided for the siting of a hot tub at each hut. The planning statement states that approximately 300sqm of the existing hardstanding has been planted over with turf. The materials used for the huts are painted timber cladding for the walls and black corrugated sheeting for the roof. The huts are considered to have limited visual impact on the surrounding landscape, and would be of modest size, comprising green painted timber exterior, sited atop a wheelbase. Overall, no objection is raised with regards to the design and appearance of the holiday-let accommodation.

With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of design and appearance.

Trees and Landscaping:

Paragraph 193(d) of the NPPF states that *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.*

The proposal is located within 15m of Ancient Woodland (AW), the Great Copse Ancient and Semi-Natural Woodland. The planning statement states that the scale of activity within the area will be significantly reduced due to the removal of 9 anglers from site and the proposal requires no disturbance of the ground. From aerial photography, it appears that the area where the huts are sited has no woodland there since at least 2018. The planning statement states that the siting of the huts does not require the removal or pruning of the existing trees and a number of additional trees are proposed to be planted for privacy and biodiversity net gain purposes.

The Local Planning Authority are aware that some denudation has occurred in areas of the AW, over the last decade, with the area denuded of all woodland understorey vegetation and the majority of the woodland trees. Nevertheless, AW is an irreplaceable habitat and the NPPF is clear that development resulting in its loss or deterioration should be refused, unless for wholly exceptional reasons. It is recognised that the use of the site as holiday accommodation would be economically beneficial, however, this is not considered to be a wholly exceptional reason for development within Ancient Woodland. The denudation of the development area over the course of the last decade is also not considered by the LPA to justify any further potential denudation.

Ancient Woodland comprises soil and the seedbank within it, as well as the plants currently growing. Therefore, while the proposed development is retrospective, the area remains AW designated and therefore its existence cannot be disregarded, and the pre-emptive nature of the development is not sound reason for permitting subsequent development. The Arboricultural Officer notes that there is potential that the woodland could re-colonise given time, provided the underlying soils have not been destroyed. Given the emphasis the NPPF places on any loss or deterioration of the AW, the LPA consider that they have been given insufficient information to ascertain the impacts of the proposal on the AW. The application is therefore refused on the grounds of the direct loss of a section of Ancient Woodland due to the physical changes associated with the retrospective groundworks and the associated future pressures associated with the proposed recreational usage, which is contrary to NPPF guidance, as above.

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.

The huts are considered to be a sufficient distance from the nearest residential properties and therefore there would not be any adverse impacts on neighbouring residents. The planning statement confirms that the nearest dwelling belongs to the applicant, and the next closest property is over 350m away with sufficient screening in between. Therefore, it is considered that the proposed huts would not have a harmful impact on residential amenity in accordance with the above policy.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The site is accessed off Guildford Road via an existing driveway, the planning statement states that no alteration is required. The traffic generated by the huts is considered to be limited, as due to the size of the huts and sleeping arrangements, there is only provision for up to 6 people. There is sufficient space for cars to park within the existing car park. Furthermore, the proposal is not considered to generate an unacceptable level of trips that would otherwise be unsafe to the general day to day use and operation of the highway. Cycle storage is located in the car park. WSCC Highways were consulted and concluded that the proposal would not have an unacceptable impact on highway safety, as the intention to reduce the number of anglers making use of the site would further reduce movements to and from the site.

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.

The Applicant has submitted an Extended Phase 1 Habitat Survey. Common pipistrelle bats were recorded within 2km of the site. Most of the proposals lie within 15km of ancient woodland. The site has been historically surfaced with some now removed and grassed. Recommendations to avoid ecological impacts include the removal of invasive species, protection and buffering of the adjacent ancient woodland, a pre-works site check for badgers, covering of trenches at night, minimising and controlling lighting, maintaining the proposed working area as a short sward prior to commencement, careful vegetation clearance, and habitat enhancements particularly adjacent to the ancient woodland.

Following consultation with the Council's Ecological consultant there were no objections raised to the proposal. There were not considered to be Adverse Effects on the Integrity of the bat SAC and there were no records for Barbastelle bats within 2km of the site. As common toads may be present on site, the Ecologist supported the implementation of the Precautionary Method Statement for mobile protected species and supported the 15m buffer between the works and the ancient woodland to the east of the site. Therefore, it is considered that there would be no ecological grounds to refuse the application.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be

addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that is should be delayed awaiting an area-wide water neutrality strategy.

The submitted Water Neutrality Statement outlines that the existing baseline is 814.41 l/d which equals 297,259.65 litres per annum. The proposed development represents a water demand of 132,276 litres per annum for the Shepherds Huts and 93,600 litres per annum for the hot tub. The proposed combined water usage would therefore be 225,876 litres per annum. Therefore, there would be a net change of -71,383.65 litres per annum over the existing. 9 fishing swims would be removed to accommodate the proposed water usage. In order to secure the water reductions, this will be secured through a bespoke condition. The strategy therefore demonstrates that the proposed use would use less water than the existing. Officers are therefore satisfied that the proposed development would be water neutral.

Natural England were consulted on the water strategy following the carrying out of an Appropriate Assessment by officers, and raised no objection, subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality. The information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would be water neutral. Appropriate mitigation measures have been demonstrated and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

Other Matters

Flood Risk

Policy 38 of the HDPF states that development proposals will follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere. 1.c states that proposals will only be acceptable in Flood Zone 2 and 3 following completion of a sequential test and exceptions test if necessary.

The part of the site where the shepherds' huts are proposed lies within Flood Zone 3, due to the sitting next to Furnace Lake. The planning statement states that the area next to the lake where the huts are proposed is shown as Flood Zone 3, but this may just be the scale of the map showing the extent of the lake. The applicant also confirms that they are not aware of any flood events affecting the site. However, this is not considered sufficient justification, and a flood risk assessment would be required to determine if there would be an impact from flooding. Furthermore, under the vulnerability classification, sites used for holiday or short-let caravan and camping, are considered a more vulnerable use. Therefore, without a flood risk assessment, it has not been demonstrated to the satisfaction of the LPA that the proposed development would not be adversely impact by flood risk.

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 submitted a Biodiversity Metric which demonstrates a 10.45 % net gain is achievable by way of onsite biodiversity gains. However, this is not so significant as to warrant a legal agreement for monitoring. If the application was being approved, an informative would be attached to detail that the proposed net gain would be secured post-decision.

Conclusions:

The proposed use for holiday-let accommodation is considered to support the rural economic development within the district and contribute to the wider provision of tourist accommodation within the district. The proposal is of a nature and scale that would not result in harm to the amenities of neighbouring properties. However, due to the lack of information on flood risk and the application site falling within flood zone 3, it is considered that there is not satisfactory information to demonstrate that the proposed development would not be adversely impacted by flood risk. Furthermore, the proposal has not suitably demonstrated or justified further landscape harm or loss of Ancient Woodland. The proposal would therefore fail to comply with Policy 31 and 38 of the HDPF and Paragraph 193 of the NPPF.

Recommendation: Application Refused

Reasons for Refusal:

1. Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not be adversely impacted by flood risk, as the proposal falls within Flood Zone 3 and is considered a more vulnerable use. The proposal would therefore not comply with Policy 38 of the Horsham District Planning Framework (2015).

2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the groundworks of the development and future pressure associated with the proposed recreational usage would not result in adverse impact on the designated Ancient Woodland, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraph 193 of the National Planning Policy Framework (2024).

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/24/1959
Schedule of plans/documents **not approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Design & Access Statement	Planning	NONE	17.12.2024
Supporting Statement	Water Neutrality	NONE	17.12.2024
Supporting Statement	Biodiversity Net Gain Assessment	NONE	17.12.2024

Location plan		NONE	17.12.2024
Site plan	Proposed	NONE	17.12.2024
Site plan	Existing	NONE	17.12.2024
Elevation plan		03 REV A	17.12.2024
Floor plan		02 REV A	17.12.2024
Layout plan	3D	NONE	17.12.2024
Details plan	3D	NONE	17.12.2024
Details plan	3D	NONE	17.12.2024
Supporting Statement	Habitat Survey	NONE	17.12.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 12.03.2025

Authorising Officer sign/initial RHERMITAGE Date: 14.03.2025