Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/2028
Rose Cottage, Bakers Lane, Shipley, West Sussex, RH13 8GF

DESCRIPTION:
Change of use of residential land to allow for the siting of a shepherd's hut, sauna and hot tub for commercial holiday lets, together with associated landscaping.

RELEVANT PLANNING HISTORY:
None relevant.

DESCRIPTION OF THE SITE
Rose Cottage is a large detached dwelling set in close proximity to Bakers Lane, with an existing access to the west and a garage to the north west behind the dwelling. The application site is located in a relatively isolated countryside location, with the nearest building being a Scouts building to the south on the opposite side of the road.

DESCRIPTION OF THE APPLICATION
The application is retrospective in nature, with the proposed part of the site within the red line boundary being used for holiday accommodation. The site features a non-permeable tarmac recently placed within the existing access. The proposal includes two shepherd's huts, both with black corrugated roof, the external walls of the first unit would be green and one would be red. The post and rail fence would include some metal wire. One of the sheperds huts would be for the residential accommodation and the other would have the sauna and hot tub within it.

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 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
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
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31: Rural Economic Development
Strategic Policy 34: Tourism Facilities and Visitor Accommodation

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:
Ecology: No objection, subject to conditions.

WSCC Highways: No objection. 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 116), and that there are no transport grounds to resist the proposal.

HDC Arboriculture: Comment: -

The area of property curtilage land allocated for the change of use is scattered with early mature oak trees. The trees collectively make a positive contribution to the rural Low Weald landscape context.

Recent installation of impermeable hardstanding for associated car parking in very close proximity to one oak tree, is contrary to industry standard recommendations for new development near trees that are to be retained. It may foreseeably impact upon future tree health. The siting of a hot tub within an area of trees of good future growth potential is IME likely to place additional future pressure for tree removals due to issues of nuisance associated with natural seed fall, leaf fall, twig fall and invertebrates and birds utilising the habitat.

Natural England: Standing Advice issued.

Representations:
Ten representations were received (from 8 different addresses) supporting the application for the following reasons: -

- Provides much needed accommodation
- Accommodation is affordable
- A positive design

Parish Comments:
Support the application.

Members did have concerns that the proposed cladding colour was not in accordance with the Parish Design statement. They ask that the HDC officers ensure a condition is placed to reflect this.

Also concerned about the lack of landscaping/screening details in the application. It seems the hot tub and sauna will be clearly visible from the road and the surrounding area. Members ask that this is rectified with a suitable condition for landscaping rather than wooden fences.

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:

The application is retrospective, and the site visit confirmed that both the residential and holiday-let uses. The site lies outside a defined built-up area and is therefore considered countryside under Policies 26 and 10. Policy 26 restricts countryside development unless essential to the location and without causing unacceptable increases in activity

Policy 10 of the HDPF supports rural economic development where proposals are appropriate to their countryside location and contribute to sustainable farming or the wider rural economy, including recreation and enjoyment of the countryside. This is supported by NPPF paragraph 81, which also supports sustainable rural tourism that respects countryside character.

Policy 11 encourages tourism and cultural development of a scale and type suited to the location, where it enhances the range or quality of visitor accommodation and experiences. It gives particular support to schemes that reinforce local distinctiveness, improve existing facilities, are appropriately located within towns and villages (especially the High Weald AONB and South Downs National Park),

The proposal introduces a small-scale tourism use through two shepherds huts, sited outside but related to the residential curtilage of Rose Cottage. The site is within a rural location where visitors would to some extent be dependent upon private vehicles to access surrounding settlements, services and attractions. The site is though well located in relation to the right of way network, with footpaths within 50 metres, with a public house located approximately 115 metres to the south-east. It is also noted other facilities in the vicinity of the site include a scout headquarters.

There are some concerns relating to the location of the site. The proposal would though provide useful visitor accommodation which, on the basis of the available nearby right of way network and other facilities would create scope for trips to made other than by vehicle. On balance, the location of the site is not therefore considered to result in a form of unsustainable development which would be resisted by relevant policies of the HPDF, or the NPPF. The principle of development is therefore considered acceptable, subject to detailed considerations.

Design and Appearance:

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

There has been extensive clearance on the site, which although result in the loss of established planting would not have required planning permission. It has though appreciably opened up views of the site and created a more urbanised appearance to the immediate locality. The land is though directly associated with the pre-existing curtilage of Rose Cottage, and its enlargement has not result in any intrinsic harm to the visual amenity or landscape character of the locality. There is scope through a sensitive landscaping scheme to reintroduce planting to the site, particularly the boundaries, and this would assist in assimilating the site with the surroundings. An appropriate condition is recommended to secure such details.

The scale and siting of the shepherd's huts is modest, and their presence would not be entirely unexpected in a rural location. Their presence is not considered to have result in any harm to the character or appearance or the site or surrounding area.

Subject to the inclusion of the aforementioned condition, there are no objections to policies 25, 32 and 33 of the HDPF.

Residential Amenity:

Policies 23 and 33 of the HDPF requires consideration be had to the resulting amenities of neighbouring occupiers of nearby land and property, for example, through overlooking or noise.

The application site is relatively isolated with the nearest building being a Scouts building to the south on the opposite side of the road. The scale and nature of the uses are limited to only one of the huts being occupied, with the other being for the sauna and hot tub. It is not considered that the scale of development would result in unacceptable impacts on neighbouring amenity, in accordance with the above policy.

Highways Impacts:

Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

Policy 41 of the HDPF states that adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

The application proposes changing the use of land to allow a shepherd's hut, sauna and hot tub to be used for commercial holiday accommodation on Bakers Lane. Access would use the existing entrance onto the road, which has adequate visibility for the speed limit. The development is expected to generate only a small number of additional vehicle movements. One car parking space is proposed and is considered sufficient, with the option for the planning authority to request cycle parking.

Overall, the proposal is not expected to harm highway safety or significantly impact the road network, and there are no transport or highway reasons to refuse it under national planning policy. No objections to policies 40 and 41 of the HDPF.

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.

It is considered that subject to conditions, and based on the information submitted, the development would not result in any adverse impacts on protected species or habitat, in accordance with the above policy.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

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 proposal involves the re-use of an existing building rather than new build development, which reduces embodied carbon and resource use. The scale of the development is modest and does not give rise to significant energy demands beyond those typical of small rural enterprises.

The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Improved pedestrian and cycle links

The proposal is therefore considered acceptable in climate change terms.

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). The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG, as it is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

The development is considered to accord with relevant local and national planning policies, and is recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition:** Within 3 months of the date of this decision, a drainage strategy detailing the proposed means of foul and surface water disposal shall be submitted to the Local Planning Authority for its approval in wiritng. The drainage strategy shall be carried out in accordance with the agreed details prior to the first occupation of the development hereby permitted.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

3 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of cycles, refuse and recycling has been made within the site boundaries. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition:** The development hereby permitted shall not be first occupied until full details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all existing trees and planting to be removed and retained
(b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
(c) Details of all hard surfacing materials and finishes, including the parking space proposed

(d) Details of all boundary treatments
(e) Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following its approval. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site (other than those within private gardens) shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 30 years after completion of the development. Any proposed or retained planting outside of private gardens, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity and parking requirements in accordance with Policy 33 and 41 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition:** The development hereby permitted shall not be first occupied until the car parking space has been provided in accordance with the approved plans. The car parking space shall thereafter be retained as such for its designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition:** The development hereby permitted shall not be first occupied until a Biodiversity Enhancement Strategy for protected and Priority or threatened species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

7 **Regulatory Condition:** The residential accommodation hereby permitted shall limit the water usage to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and 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), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority 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).

8 **Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Protected Species Walkover Survey (Animal Ecology & Wildlife Consultants Ltd., November 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected and Priority species in Section 6.2 of the Protected Species Walkover Survey (Animal Ecology & Wildlife Consultants Ltd., November 2025), which avoids impacts on protected species.

Reason*:* To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

9 **Regulatory Condition:** The residential accommodation hereby permitted shall be managed in accordance with the following:

(a) The accommodation shall be occupied for holiday and short-term let purposes only;
(b) The accommodation shall not be occupied as a person's sole, or main place of residence;
(c) The accommodation shall not be occupied by any one person for a period exceeding 28 days in any calendar year;
(d) The accommodation shall at all times be managed and supervised by Rose Cottage (as identified on the approved plans)
(e) The owners / operators shall maintain an up-to-date register of the names of all owners / occupiers of the accommodation on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.

Reason: To maintain the availability of the site as short term holiday tourist accommodation in accordance with Policies 10, 11 and 26 of the Horsham District Planning Framework (2015).

Biodiversity Net Gain Condition
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.

NOTE TO APPLICANT
The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation.

Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Additionally, all works shall be carried out in accordance with the following measures:

- Any demolition materials should be stored in skips or similar containers rather than in piles on ground
- Any trenches left overnight should be covered or provided with ramps to prevent great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.

If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

- Stop all works immediately and leave the area
- Inform an ecologist immediately who will provide further guidance / instructions
- Do not resume construction works until advised it is safe to do so by an ecologist

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/25/2028

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

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		ROSE-01 REV A	08.12.2025
Site plan	Proposed	ROSE-02 REV A	08.12.2025
Elevation & Floor plan	Proposed Shepherds Hut	ROSE-03 REV A	08.12.2025
Plans	Proposed Street Scene	ROSE -04 REV A	08.12.2025
Supporting Statement	Protected Species Walkover	25-083	08.12.2025
Supporting Statement	Hydrogeological and Water Neutrality	25260458	08.12.2025
Design & Access Statement		NONE	08.12.2025
Location plan		NONE	08.12.2025

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 01.06.2026