Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0676
Hen And Chicken , Worthing Road, Southwater, West Sussex, RH13 9BH

DESCRIPTION:

Erection of outbuilding and fencing (Retrospective)

RELEVANT PLANNING HISTORY:

DC/20/0625	Erection of a detached dwelling with associated access from Worthing Road, parking, and amenity space following alterations to the car park and garden of the pub.	Withdrawn Application on 12.06.2020
DC/21/0530	Construction of detached dwelling with new access from Worthing Road on land to the south of the Hen & Chicken public house.	Application Refused on 07.05.2021
DC/22/0131	Retention of outdoor seating area within covered decking area and retention of extraction system.	on
DC/22/1715	Retention of outdoor seating area within covered decking area and retention of extraction system.	Application Refused on 06.03.2023
DC/23/1596	Construction of outdoor seating area and decking.	Application Permitted on 22.02.2024

SITE AND SURROUNDS

The application site comprises a public house located along Worthing Road, within the built-up area boundary of Southwater. The road comprises a mix of uses including Hen and Chicken itself and various houses of mixed architectural styling. Hen and Chicken is a Locally Listed Building / Public Heritage Asset.

DETAILED DESCRIPTION

The application seeks retrospective planning permission for the erection of an outbuilding and fencing.

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 9 - Employment Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
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 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

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.

Southwater Neighbourhood Development Plan (SNDP) 2019 - 2031:
SNP16 – Design
SNP19 – Parish Heritage Assets

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:

Horsham District Council Conservation: No Objection

The Hen and Chicken has been recognised as a locally listed building within the Southwater Neighbourhood Plan. It is considered that the works outlined in the application would be viewed within the context of the site and would not harm the architectural or historic interest of the principal building. No objection would therefore be raised.

Parish Comments: Objection

Due to loss of two parking spaces whilst increasing onsite operations and provision of services/events.

Representations:

1 Letter of Representation was received which supported the application.

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

This application is for the erection of outbuilding and fencing (Retrospective) at Hen And Chicken, Worthing Road, Southwater, West Sussex. Hen and Chicken is an 18th Century gastro-pub located in Southwater on Worthing Road and has been identified as a Parish Heritage Asset under Policy SNP19 of the SNDP. Worthing Road is a main road of mix uses including Hen and Chicken itself and various houses of mixed architectural styling.

Design and Appearance:

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.

SNP16 of the Southwater Parish Neighbourhood Plan advocates for design to be of high quality. Though there is no specific architectural style to Southwater, design should be appropriate and respectful of the neighbouring amenity in terms of privacy, outlook, daylight and sunlight.

The development relates to the erection of outbuilding and fencing (Retrospective) at Hen And Chicken, Worthing Road, Southwater, West Sussex. The works see the erection of a fence 9.1m in length and 2.1m in height to the front elevation of the Hen and Chicken. Also erected is an outbuilding with a slight monopitch roof that is 3.8m in width, 3.5m in depth with a height of 2.5m at its highest. The outbuilding and fencing look to be finished in a dark grey cladding which is complementary of the light grey exterior finish of the Hen and Chicken. Though the proposal does have a modern finish, it is not considered that the proposal harms the Hen and Chicken, nor the wider area.

The proposal is considered to be of a design, form and scale which is appropriate to the character and appearance of the existing dwelling, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Heritage Impacts:

Section 16, Paragraph 209 of the NPPF (2023) states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

SNP19 of the SNDP seeks to preserve and protect entities identified as Parish Heritage Assets (PHA). Development proposals will be supported where they protect and where possible enhance these assets and where there is no adverse effect on their stature.

Though not a building that is nationally recognised as a Listed Building, the Hen and Chicken has been designated as one of the 22 identified Parish Heritage Assets (PHA) in Southwater. Following consultation with HDC Conservation, there is no identified harm to the PHA with this addition.

Amenity Impacts:

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

It is considered that the siting and layout of the development and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Water Neutrality:

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

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation or use of the premises 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.

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 development subject of the application is retrospective and is therefore exempt from the requirements of BNG.

Other Matters:

The Council recognises the views of the Parish Council. Whilst the council recognises that there has been a loss of parking, this is not considered relevant to this application. Further parking has been enabled to the south of Hen and Chicken by repurposing the extended pub garden to gravel car park.

Recommendation: Application Permitted
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/24/0676
(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
Block plan	Proposed Block Plan	2023.406.05b	12.06.2024
Elevation plan	Existing Site Plan and Elevations	2023.406.02b rev A	16.07.2024
Location plan	Existing Location Plan	2023.406.01b	30.04.2024
Elevation & Floor plan	Proposed Outbuilding	2023.406.03b	30.04.2024
Elevation plan	Proposed Site Plan and Elevations	2023.406.04b rev A	16.07.2024

DELEGATED

Case Officer sign/initial JBurrowes Date: 28/08/2024

Authorising Officer sign/initial TDale Date: 29/08/2024