Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1492
Delspride , Kent Street, Cowfold, West Sussex, RH13 8BB

DESCRIPTION:
Change of use of agricultural land to allow for dog walking.

RELEVANT PLANNING HISTORY:

DC/24/0515	Change of use of land from agricultural to allow for dog walking	Application Refused on 29.07.2024
DISC/21/0020	Approval of details reservedy by condition 5 to approved application DC/13/2445	Application Permitted on 03.03.2021
DC/21/1416	Application to confirm use as a dwelling in breach of conditions attached to CF/22/92 (Lawful Development Certificate - Existing).	Non-determination on 30.08.2022
DC/22/0468	Prior notification for the change of use of an agricultural building to flexible commercial use(s) to form an assembly workshop to be used for design, production and assembly of handmade cabinetry.	Prior Approval Required and PERMITTED on 29.04.2022
DC/23/1055	Prior Notification for Change of Use of Agricultural Building to 3no dwellinghouses	Prior Approval Required and REFUSED on 17.07.2023
DC/24/0245	Prior Notification for the Change of Use of an existing poultry shed to a car storage facility.	Prior Approval Required and PERMITTED on 05.04.2024
DC/24/0629	Construction of access track and yard .Erection of private stables. (Retrospective)	Under Consideration

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 17 - Exceptions Housing Schemes
Policy 18 - Retirement Housing and Specialist Care
Policy 19 - Park Homes and Residential Caravan Sites
Policy 20 - Rural Workers Accommodation

Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations
Policy 22 - Gypsy and Traveller Sites
Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
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 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Cowfold Neighbourhood Plan (CNP) 2019 – 2031:
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

In order to support the hard work of local communities, Horsham District Council has prepared a Planning Advice Note. These Advice Notes highlight how the policies in the Neighbourhood Plans are considered to align with National Planning Policy. This Planning Advice Note draws together current adopted Local Plan policies, and up-to-date national policy guidance including relevant ministerial statements and the outcome of the Neighbourhood Planning Examiner's report. It therefore forms a material consideration that will be taken into account by decision makers when determining planning applications.

When the strategic solution to Water Neutrality is implemented, the Council will proceed to take the Cowfold Neighbourhood Plan to Referendum and upon a successful result the Council will 'make' the plan at full Council at the earliest opportunity.

Policy 6 – Community Services and Facilities

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.

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 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
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 26: Gatwick Airport Safeguarding
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 33: Equestrian Development
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)

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:

INTERNAL CONSULTATIONS

HDC Environmental Health: Advice / No Objection
The site is currently licenced for two dog related activities which collectively allow for a maximum of 23 dogs plus any pet dogs.

There are residential neighbours in close proximity who's amenity may be impacted by noise from the activities on site if not properly managed.

The terms and conditions document and noise management plan address many of the concerns that this department had previously. One thing I would like to see in the noise management plan is a maximum people to dog ratio. This must not be more than 6 dogs to one person. If this was added to the plan, this department would have no objection provided that both documents were conditioned on any permission granted

Ecology: No Objection

"We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of ecological information included with the application. However, as there are no buildings, trees or hedgerows on site, the existing access will be used and the cark park area will be built on existing hard standing, we agree that no ecological surveys for protected or Priority species and habitats will be required".

Nature Space: No Comment
"The type of development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. …No comments to make at this time"

Natural England: Objection
Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Robust information demonstrating how the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone

West Sussex County Council Local Highways Authority: No Objection
"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".

PUBLIC CONSULTATIONS:

Representations:
None received.

Parish Comments:
Comment – Cowfold Parish Council makes a neutral return in respect of this planning application until the specific mapping requirements requested by the HDC Environmental team is completed.

However, the provision of a safe facility for dog walking has the overall support of the parish council.

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 change of use of agricultural land to allow for dog walking at Delspride, Kent Street, Cowfold. Delspride is a site located at the end of a track off of Kent Sreet, Cowfold. The site is

outside of the built up area boundary and is within the countryside in policy terms. There is a sizable amount of land to the south of Delspride which is the application site for the dog walking which is currently agricultural land. This use is currently taking place and the application is therefore retrospective.

Previously, DC/24/0515 (Change of use of land from agricultural to allow for dog walking) was submitted and refused permission on 29/07/2024 for a lack of information pertaining to whether the development would be water neutral. The reason for refusal is laid out below:

1 *Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 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)*

This application is a resubmission of this application.

Principle of Development:

Policy 10 of the HDPF seeks to support sustainable rural economic development, and the productive use of land that maintains the relative tranquillity of the countryside in order to generate local employment opportunities and socio-economic benefits for local communities. Policy 10 stipulates that development should be appropriate to its countryside location and must contribute to diverse and sustainable farming enterprises, or the wider recreational offer or rural economy, and, in addition, be contained within suitably located buildings which are appropriate for conversion, or result in substantial environmental improvement.

In conjunction, paragraph 88 of the National Planning Policy Framework (NPPF) states that planning decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversions of existing buildings and well-designed new buildings as well as enabling the development and diversification of agricultural and other land-based rural businesses.

Policy 26 of the HDPF requires development in the countryside be of a scale that is appropriate to its countryside character and location and not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside. It also needs to be essential to its countryside location and to meet one of the following criteria:

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

Policy 6 of the CNP is in regard to community services and facilities. It advocates that development proposals should avoid the net loss of community services or facilities unless it is demonstrated that the premises are no longer viable for community use. Proposals involving alterations or replacements will be supported if they provide equivalent or enhanced services, ensure continuity before closure, are accessible by non-car transport, offer safe access and sufficient parking, do not adversely affect local amenities, and protect heritage assets and their settings. Additionally, proposals that repurpose redundant buildings for community benefit will be supported, provided they align with other development policies.

A planning statement has been submitted with the proposed application. The wider site of which Delspride is a part of has been subdivided from its previous agriculture use. As such, the plot of land is no longer feasible as an independent agricultural site owing to this.

The principle is to change the agricultural field to a dog walking site. The use of the site is appointment only for 25 or 55 minute sessions of using the large field privately for dog walking where owners can

walk their dogs in solitude. This is beneficial for dogs who are wary of other dogs and allows owners to let dogs off leash in a contained area. This use of the site in isolation as a dog walking facility is considered acceptable in principle as it would abide by the planning policies laid out above.

Design and Appearance:

Policy 25 of the HDPF seeks that the natural environment and the local character of Horsham District including the landscape, the landforms and development pattern will be protected from inappropriate development. The policy aims to:

- Protects, conserves and enhances the landscape and townscape character, considering areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
- Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
- Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.

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.

It is not proposed to construct any additional built form for this application as the fencing around the perimeter of the dog walking field and hardstanding for car parking are already in situ. As there is no additional development in this regard, it is therefore considered that the proposal would abide the planning policies laid out above due to this.

Amenity Impact:

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.

Following from the previous application, concerns that were previously raised by Environmental Health and the previous officers report on the majority have been addressed under the submitted noise management plan included hours of use. It is recognised that there are neighbouring properties to the application site that could be disturbed, however the premises does have a license for 23 dogs, plus pet dogs.

Environmental Health recommend that dogs on the field should be limited to 6 per person in order to control the level of noise from dogs barking when the field is being used for dog walking by the public. In addition it would be recommended that the applicants provide a point of contact with the noise management plan so that someone is able to be contacted regarding noise for the venue before it is escalated to the council

Though it is considered there could be some additional noise from this use, considering the retrospective use and no representations received regarding noise levels, it is considered that the siting of a dog walking facility and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Policy 41 seeks to find the right balance between ensuring that adequate parking is provided and that it is suitably located and does not conflict with other uses. It should be of good urban design and be appropriate to ensure highway safety. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured

elsewhere the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

It is noted that there could be additional movements on this road owing to the development. The site is located off Kent Street, an unclassified road subject to national speed limit in this location. The site will utilise the existing access point on Kent Street, with a private access road (maintained as Public Footpath no.1789) linking the maintained highway to the application site. The application proposes no alterations to the existing point of access to the wider Delspride site from the public highway.

The LHA commented that "the proposed dog walking field will operate via booking time slots, on a 25-minute or 55-minute basis. Considering this, the LHA does not anticipate that such a use would generate a significant material intensification of use of the existing access point. The plans demonstrate suitable space for the parking and turning of cars for visitors. 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".

Ecology:

Policy 31 of the HDPF 'Green Infrastructure and Biodiversity' states that 'Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained' and that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

Ecology commented "as there are no buildings, trees or hedgerows on site, the existing access will be used and the cark park area will be built on existing hard standing, we agree that no ecological surveys for protected or Priority species and habitats will be required". In addition, Nature Space had no comments in relation to this application. However, the Ecology Consultant did recommend within their comments that a Biodiversity Enhancement Strategy should be submitted "in order to secure net gains for biodiversity"

Considering these responses and the application, it would be thought that there would be limited ecological impact on the site owing to the conversion from agriculture land to dog walking facility.

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 neutrality statement identifies that there is a water supply on the site, and it is understood that the site was previously used for agricultural purposes. The statement does not though confirm what the previous use was or indeed what the proposed use would be. Accordingly, the water neutrality reported submitted with this report lacked specificity and accuracy that the Council requires in order to make an accurate assessment as to whether the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction.

Other Matters:

It is noted that the previous application pointed out concerns regarding that the garage of Delspride was being in used in connection with the business of running a dog walking facility at the site and not as an incidental building in connection to the residential Delspride. The redline boundary of this application has omitted this from the garage and thus is not being considered under the scope of this application.

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 demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

It has not been possible to confirm whether the proposed development is exempt from the requirement to achieve a minimum 10% BNG therefore the condition requiring the submission of the Biodiversity Gain Plan is applied on a precautionary basis.

Conclusions:

By way of lack of detailing regarding the water neutrality statement and the development having potential to contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, it is recommended that the application is refused.

Recommendation: Application Refused

1 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1492
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Water Neutrality Statement	NONE	27.09.2024
Supporting Statement	Planning	NONE	27.09.2024
Supporting Docs	Noise Management Plan	NONE	27.09.2024
Location plan		200_01	27.09.2024
Location & Block plan		200_02	02.10.2024

DELEGATED

Case Officer sign/initial J.Burrowes Date: 27.11.2024

Authorising Officer sign/initial RHERMITAGE Date: 29.11.2024