DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0998
1 Oakwood Cottages , Hooklands Lane, Shipley, West Sussex, RH13 8PY

DESCRIPTION:

Variation of Condition 3 and 4 of previously approved application DC/24/0079 (Use of an annexe as a separate residential dwelling) Relating to occupation.

RELEVANT PLANNING HISTORY:

DC/24/0079	Use of an annexe as a separate residential dwelling	Application Permitted on 06.06.2024
DC/19/1004	Prior notification for a new access track and 12 foot agricultural gate (3.6m)	Prior Approval Not Required on 22.05.2019

SITE AND SURROUNDS

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

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

DETAILED DESCRIPTION

Consent is sought to vary Condition 3 and 4, attached to the approved permission DC/24/0079, to accommodate changes to the date given for the water neutrality requirements to be provided.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 10 - Rural Economic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction Policy 40 - Sustainable Transport
Policy 41 – Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Shipley Neighbourhood Plan:
Policy Ship HD1: New Housing Development

Shipley Parish Design Statement:

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

OUTSIDE AGENCIES

Natural England: Standing Advice: -

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:

None received

Representations:

None received

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

Consent is sought to vary Condition 3 and 4, attached to the approved permission DC/24/0079, to accommodate changes to the date given for the water neutrality requirements to be provided.

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.

Condition 3:

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

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

Condition 4:

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

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

The cover letter outlines that the change is requested to afford the applicant the right to choose whether they wish to implement the consent. It also requested to allow additional time for the information to be provided. The Local Planning Authority notes the reasons for the requests.

The use of the annex as a separate residential dwelling is required to prove water neutrality. The planning permission related to the change of use of the building only, with no building operations required to facilitate the use. It is thereby possible to occupy the building for the purpose of a self-contained residential dwelling at the point the planning permission was granted, with no obvious trigger point to confirm implementation of the permission. On this basis, conditions 3 and 4 were imposed to secure the water neutrality measures and strategy were submitted within an appropriate timeframe. This was considered necessary, relevant, and reasonable to ensure the proposal is inline with the conservation objectives for the Arun Valley SPA, SAC and Ramsar site. The Local Planning Authority is required, in-line with the People over Wind CJEU Court ruling, to be beyond reasonable scientific doubt concerning the effects of the work envisaged on the site.

Ensuring there is not an adverse impact on the integrity of the Arun Valley SAC/ SPA /Ramsar site is paramount. A condition giving one month for the submission of details and another month after their approval for the implementation of the installation is considered suitable to ensure that a proposal with no set trigger point for implementation is water neutral.

Recommendation: Application Refused

1 The proposed variation to conditions 3 and 4 would not satisfy the tests under paragraph 56 of the NPPF and would fail to secure the required degree of certainty to ensure that 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, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats and 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/24/0998
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Cover Letter	NONE	02.07.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 23.08.2024

Authorising Officer sign/initial Tamara Dale Date: 23.08.2024