DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/2232
43 Carpenters, Billingshurst, West Sussex, RH14 9RA

DESCRIPTION:
Change of use of amenity land to residential garden and the erection of new boundary fence (Retrospective)

SITE AND SURROUNDS

The application site comprises a two-storey semi-detached dwelling, with an enclosed amenity space to the rear and an opened grassed area to the front. The property is situated within the built-up area boundary of Billingshurst, within a residential estate known as the Carpenters. Properties within this estate are similar in style and age.

DETAILED DESCRIPTION

This is a retrospective application seeking planning permission to regularise the relocation of the boundary fence and extension of the residential curtilage.

RELEVANT PLANNING HISTORY:

BL/98/01	First-floor side extension Site: 43 Carpenters Billingshurst	Application 07.11.2001	Permitted on

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Billingshurst Parish Neighbourhood Plan 2019-2031
Policy Bill 2 – Housing design and character

Billingshurst 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:

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:
No Objection

Representations:
One letter of representation received in support of the application stating that the retrospective fencing does not block the view of oncoming traffic.

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

Design and Appearance:

The site is located within the built-up area boundary of Billingshurst, sited on the northern side of Carpenters. The application is a retrospective planning application seeking to regularize the installation of fencing to the eastern boundary and the extension of the residential curtilage by incorporating the grass verge to the east of the site and thus changing the use a small strip of land from public amenity space to residential curtilage.

The extension of the curtilage to the east would be at most, incorporating a narrow strip of public amenity grassed verge some to align with the neighbouring boundary to the east, across the road No. 37 Carpenters, who similarly received planning permission for the repositioning of boundary fencing under planning Ref: DC/07/0186. Though the realignment of the fence has resulted in the loss of public

amenity grassed verge, this is not considered so uncharacteristic on the street, given the neighbouring boundary that also directly abuts the public footpath. No objection has been raised in regard to the modest change of use of the land. Matters relating to ownership of the land or land registry are not material to the consideration of the Local Planning Authority, and must be resolved by the applicant accordingly.

The fencing is clearly visible within the street scene, though would not appear overly dissimilar from the pre-existing arrangement. Furthermore, the timber materials would not be unusual in this location and street scene and given the modest height would be a subservient addition and is considered to be of a design, form and scale which is acceptable 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.

Amenity Impacts:

Policy 33(2) 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 proposed extension and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity. It is noted that no neighbouring representations of objection have been received.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling 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 185 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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/23/2232
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		RA_SLP01a	19.03.2024
Supporting Statement	Planning	NONE	05.12.2023

Site plan	Existing	RA_SLP04a	19.03.2024
Site plan	Proposed	RA_SLP05a	19.03.2024
Elevation plan	Proposed	RA_SLP03	13.03.2024
Elevation plan	Existing	RA_SLP02	13.03.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 13.05.2024

Authorising Officer sign/initial RHERMITAGE Date: 14.05.2024