DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1747
Garlands , The Haven, Billingshurst, West Sussex, RH14 9BH

DESCRIPTION:
Erection of a 30.480 x 12.192m general agricultural storage shed.

RELEVANT PLANNING HISTORY:

DC/19/0472	Extension to existing horse exercise area	Application Permitted on 24.04.2019

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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 40 - Sustainable Transport

Rudgwick Neighbourhood Development Plan (RNDP) to 2031:
Policy 6 - Design

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 9: Water Neutrality
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
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 31: Rural Economic Development
Policy 33: Equestrian Development

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
Horsham District Council - Conservation: No Objection. The proposed building will be an unattractive and conspicuous structure in the countryside. However, it will be located some distance from the listed buildings and will not obstruct or compete with them. The opportunity to understand and appreciate their special interest within their setting will remain without visual reference to the proposed building.

HDC Arboriculturalist: No Objection. The existing barn is screened from the tennis court to the South by a cypress hedge which is to be retained. Young tree planting to the East is retained as a visual buffer in views from the Lane. No foreseeable indirect impacts on trees are envisaged due to extent of available surrounding working area.

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.

Nature Space: It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within close proximity to an unsurveyed pond and within the amber Impact Risk Zone an informative is recommended.

Place Services: There is an absence of ecological information included with the application to help assess the potential impacts on ecology by the development. However, note from the Pre-Development Plan Baseline Map (submitted 26th November 2024) that the habitats onsite comprise modified grassland, developed land sealed surface, artificial unvegetated, unsealed surface and bramble scrub, with no trees or hedgerows being removed. Also note from the Post-Development Plan that the bramble scrub will be retained. Therefore do not consider that an ecological survey will be required, and believe there will be no Adverse Effect on Integrity of the bat SAC.

Representations:
One representation was received from Rudgwick Preservation Society objecting to the proposal. Comments were made pertaining to heritage and the Conservation Officer's comments and issues pertaining to water neutrality.

Parish Comments:
It is unclear from the information submitted as to the potential increase of water usage involved by replacing the current building with one considerably larger. It is a commercial business with aqua treadmill and training and stabling for horses. There is no Water Neutrality statement or evidence of the current usage submitted. Holding Objection until it is clear whether the Water Neutrality requirements are met, and also whether the HDC Conservation officer is satisfied that the larger replacement building will not affect the setting of the listed buildings on the site.

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 a 30.480 x 12.192m general agricultural storage shed at Garlands, The Haven, Billingshurst, West Sussex. Garlands itself is a Grade II* Listed Building (indexed 1959) described by Historic England as "C17 or earlier timber-framed house entirely refronted with red brick on ground floor and fishscale tiles above but with a coved bressumer, now painted, exposed between. Gables to the projecting wings. Central gabled porch. Horsham slab roof. Casement windows with small square panes. Two storeys. Four windows".

The application site itself is the equestrian site approximately 110m north of Garlands and currently consists of a barn and shed. The proposal would look to serve the existing business on site, Equine Aqua Training.

Principle of Development:

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 28 seeks that development for equestrian related purposes will be supported provided that it can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered. The proposal should be appropriate

in scale and level of activity, and be in keeping with it's location and surroundings, and where possible is well. The proposal should where possible be well related to a bridleway network.

The proposal entails the erection of an agricultural barn at Garlands, The Haven, Billingshurst. The barn would provide storage space for hay, straw and vehicles (inc. Polaris and a tractor) with stabling for up to 8 horses also included. It is apparent that the existing barn and smaller shed in this position are in poor condition and that the proposal would provide improved facilities in connection with an established use of the wider site. It is considered that taking into account all relevant matters that in principle the proposal would accord with the above policies, and is acceptable subject to detailed considerations.

Design and Appearance:

Policies 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.

Policy 6 of the RNDP lays out the design guidance for development within Rudgwick Parish. Development should be satisfactory of Policy 6 and its included subsections of RNP6 Materials; RNP7 Architectural Style; RNP8 Development Height; RNP9 Street Scene. Development should be of high quality, using materials and architectural cues that are seen within the area. Development height should be in scale to its locale and reflective of the wider street scene to ensure the rural character of the parish is retained.

The proposed barn would be appreciably larger than the existing barn and shed on site and would be more prominent when seen from surrounding properties and land, with public rights of way running to the south, west and north of the proposed location. The barn would though be sited in reasonable proximity to existing development, with the footprint partly over existing buildings to be demolished. The proposal allows for the retention of existing adjoining natural screening, and this would serve to help soften the appearance of the barn, which would in part be viewed against this backdrop.

The presence of a barn of the type proposed would not be unexpected in a rural location alongside existing equestrian facilities, with the proposal 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 208 of the NPPF (2024) states that "the local planning authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise". Paragraph 213 adds that "[a]ny harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy 34 of the HDPF seeks to conserve, sustain and protect the cultural and heritage assets that are within the district. It ensures that development within conservation areas is consistent with the special character of buildings and areas of which they are located within. Areas and buildings that fall under conservation, Listed Building designations or are approximate to them will be protected from inappropriate development which will harm the character and setting of the area / building.

The proposal would be considered a conspicuous structure in the countryside, however, the Grade II* Listed Building that is located close to the proposal is not considered to be directly affected by the proposal as there remains a separation between Garlands and the proposal.

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 intended use of the barn together with the relationship with neighbouring properties and land would be such that no unacceptable harm on neighbouring amenity would arise from the proposal, which would instead accord with the above policy.

Ecological Impact:

Policies 25 and 31 of the HDPF seek to ensure that development safeguards and minimises effects upon protected species and features of biodiversity interest, secures a proportionate biodiversity net-gain and that any loss of green infrastructure or protected trees resulting from proposed development is compensated for. HDPF Policy 31, further, requires that development resulting in direct or indirect adverse effects on features for biodiversity that development will be refused unless it can be demonstrated the need for the development clearly outweighs the need to protect the value of the site and that appropriate mitigation/compensation are secured.

The habitats onsite comprise modified grassland, developed land sealed surface, artificial unvegetated, unsealed surface and bramble scrub, with no trees or hedgerows being removed and a condition recommended to prevent external lighting being installed without formal planning permission. It is not therefore considered that an ecological survey is required and no adverse impacts on protected species or habitat are envisaged.

An informative is recommended, as while the development is considered to present a low risk to great crested newts and their habitats the development is in close proximity to an un-surveyed pond and within the amber Impact Risk Zone.

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 application itself does not look to generate any additional water usage beyond that which could already take place on the wider holding. The proposal does though include rainwater harvesting from the roof of the new building to be used for livestock purposes on site and for use for the water treadmill, which is not located within the existing or proposed barn. It is therefore considered that the proposal does not have an explicit water usage and by its very nature would achieve water neutrality. The grant of planning permission would not therefore adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects, or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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).

The Applicant has submitted a Biodiversity Metric which demonstrates a 19% net gain is achievable by way of planting 5 trees on an adjacent plot of land to the west of the proposed barn, and this would be secured through condition.

Conclusions:

It is considered that the proposal accords with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition**: The development hereby permitted shall be used in accordance with the approved plans and as set out in the approved Supporting Statement (dated November 2024). The building shall not be used for any other purpose(s) without the written consent of the Local Planning Authority but way of a formal application.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites, and as alternative uses are not considered appropriate due to the location and constraints of the site, in accordance with Policies 26, 31 and 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plans and application form.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:

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Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at:

https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

NOTE TO APPLICANT
Newts
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.

The following recommendations are also provided to further reduce the likelihood of impacts on this species:

- Any vegetation in the construction area will be kept closely mown during the course of the construction work.
- Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

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/24/1747
(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
Supporting Statement	Pre-Development Plan Baseline Map	none	26.11.2024
Supporting Statement	Biodiversity gain plan	none	26.11.2024
Elevation & Floor plan	Existing	PS0024201	26.11.2024
Supporting Statement	HMMP	none	26.11.2024
Supporting Docs	BNG Metric Calculation	none	26.11.2024
Location plan		REV. A	02.04.2025
Block plan		ST2400201	11.11.2024
Elevation & Floor plan		ST0024202 REV B	26.11.2024
Supporting Statement	Pre development Baseline Map	none	11.11.2024
Supporting Docs	Small sites metric	none	04.12.2024
Supporting Statement	BNG Plan	none	11.11.2024
Supporting Docs	Application Form	none	11.11.2024
Supporting Statement	Supporting Statement	none	26.11.2024

DELEGATED

Case Officer sign/initial Jacques Burrowes Date: 02/04/25

Authorising Officer sign/initial Guy Everest Date: 03.04.2025