Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0183
Land To The East of, Spring Gardens, Washington, West Sussex,

DESCRIPTION:
Retention of existing entrance and stable block together with reduced area of hardstanding (permeable) and parking for a single works van / trailer (Retrospective)

RELEVANT PLANNING HISTORY:

DC/22/0219	Creation of new paddock entrance following removal of existing entrance.	Application 31.03.2022	Permitted on
DC/22/1023	Erection of a stable & kennel building and laying of hardstanding.	Application 19.06.2024	Refused on
DC/24/1327	Retention of existing entrance and stable block together with reduced area of hardstanding (permeable) and parking for a single works van / trailer.	Application 28.10.2024	Refused on

DESCRIPTION OF THE SITE

The existing site is an irregular shaped piece of land which is predominantly flat, with a slight rise towards the south-west. The site is accessed directly off of Spring Gardens where a new and formalised paddock entrance has been formed. Officers note that the permission under DC/22/0219 for the new access into the open paddock land set out a simple five-bar gate with tarmac 'transition strip', with the site boundary shown to be some 2m back from the edge of the Spring Gardens public highway.

During an officer site visit it was noted that the new vehicular access into the paddocks is not in accordance with the approved details under DC/22/0219, but is of a grander appearance with flanking angled brick walls and stone-capped pillars. The timber post and rail fencing has been moved right out to directly abut the highway edge. It was also evident that a stable block has been erected and that more than one vehicle, along with trailers and what looked like building waste was stored on the site.

The site is situated outside of any defined built-up boundary and is classed as countryside in policy terms. Furthermore, the site is not associated directly with any residential curtilage. A public right of way (footpath 2624) runs along the private track that serves properties Hillyfield and High Chaparral to the west of the site. Separated from the private lane by a vegetated strip and ditch is a vehicular access to 5 residential properties (The Orchard, Sumar, Russets, Woodfold and Birchdown). To the north of the site are more residential properties, with No. 1 directly adjoining the northern side of the application site.

DESCRIPTION OF THE APPLICATION

The application seeks partly retrospective permission for the retention of the existing entrance and stable block together with reduced area of hardstanding (permeable) and parking for a single works van / trailer.

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 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Storrington, Sullington and Washington Neighbourhood Plan:
Policy 1: A Spatial Plan for the Parishes
Policy 8: Countryside protection
Policy 14: 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):

Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 11: Environmental Protection
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking

Policy 31 Rural Economic Development

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:

HDC Environmental Health:
I have a couple of concerns about this application. We received noise complaints in the early part of the summer when it appears that dogs were being kept overnight in the stable buildings. The refused application DC/22/1023 included a kennels. The use of the stables as a kennels would not be acceptable give the proximity of neighbouring residents. Its also not clear how the manure from the horses would be managed.

If you are minded to approve the application I would recommend that the following conditions are attached:

1. The stable block hereby approved shall be used solely for the stabling of horses and for no other purpose.

2. No exterior lighting shall be installed or operated without the prior written approval of the local planning authority.

3. A scheme of works to control odour, vermin or insects associated with the keeping of animals and storage of manure shall be submitted to and approved in writing by the local planning authority.

The scheme as approved by the local planning authority shall be fully installed before the use hereby permitted commences and shall be operated for as long as the use is continued.

Natural England:
We concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such:

We have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

WSCC Highways:
WSCC in its role as Local Highway Authority (LHA) has been consulted for the above application which seeks to retain an existing entrance and stable block with a reduced area of hardstanding and parking for a single works van/trailer.

For context, the preceding application DC/24/1327 sought similar proposals at this site. WSCC as LHA was a consultee for application DC/24/1327, raising no objections. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

For the current submission, the proposals appear not too dissimilar from that of the previous application at this site. The existing access is to be retained, and this was implemented under licence from WSCC following the permission of application DC/22/0219. The use of this access has been previously assessed and approved by the LHA.

The scale of the proposed hardstanding has been reduced somewhat. However, there still appears to be suitable space for the parking and manoeuvring of vehicles associated with the proposed use.

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 116), and that there are no transport grounds to resist the proposal.

WSCC Highways:
Having taken a quick measure from the plan, including the van, trailer and horse box trailer as shown on the plans, it looks like two more car parking spaces could be accommodated within the frontage of the stables (I attach a crude drawing of two car parking spaces at 2.4m x 4.8m each). However, this may limit access into the stables. Of course, additional parking could also be accommodated within the turning circle, although this would inhibit the ability for a car with trailer to turn on-site. On-site turning for a car without a trailer could be possible with less space.

I guess it is a question of how many vehicles you expect would need to be parked at the site at any given time.

PUBLIC CONSULTATIONS:

Representations:

Three (3) letters of Objection have been received from three(3) addresses, objecting to the application on the following grounds:

- Highways, access and parking
- The site is used as a builders yard.
- Impact on amenity by way of noise from the use of the site for the keeping of dogs.
- The site use is not as a paddock.
- Concerns about the burning of waste on the site.
- Impact on general amenity, light and privacy.
- The cutting of trees by the applicant.

Parish Comments:
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

Principle of Development:

The site is located outside of the built-up area boundary and separated from any residential property. While representations have raised concerns about the lack of horses on the site the LPA consider the last lawful use of the site was equestrian.

As it is located within a countryside location, Policy 26 of the HDPF would be relevant and requires development outside the Built-Up Area boundaries to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must meet one of the following criteria:

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

Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and should not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserves, and/or enhances the key features and characteristics of the landscape character area.

Policy 29 of the HDPF supports appropriate equestrian development provided that the re-use of existing buildings on a site are considered first before any new buildings are proposed, and that the proposed scale and level of activity would be in keeping with the location and surroundings, and where possible be well-related to the bridleway network.

The presence of a stable block on the site would not, as a matter of course, be unexpected in a countryside location and although there are no bridleways in close proximity, the remainder of the paddock would meet the needs of any stabled horses. The principle of a stable is considered acceptable, subject to detailed considerations.

While reduced from the previous submission (DC/24/1327) the proposal also includes a sizeable area of hardstanding with the description of development also referring to use of the site for the parking of a single works van and trailer (with the submitted plans also including the parking of a horse box trailer). The Planning Statement includes information on the need for parking. The LPA understand from this statement that the applicant does not consider there is space to park within the curtilage of their dwellinghouse and does not support the option of parking on the road due to safety concerns and risk of constricting the highway. Other than information which appears to be assertions of the applicant's opinion, no other justification as to the need for off street parking and inability to accommodate the applicant's work vehicle and trailer within their dwelling has been provided. The LPA have also identified photos from May 2023 which show a works van of the same company name of that parked within the application site parked within The Orchard. Information on why this is no longer possible has not been provided.

While the applicant states the reduced hardstanding would be used for their one commercial vehicle and trailer the Local Highway Authority have confirmed that more than one vehicle could park and safely turn within the site. Whilst the reduction of the hardstanding would be welcomed. it has not been demonstrated why an area of hardstanding of the scale sought is required, particularly since it provides more space than would be needed for parking and manoeuvring.

Further to this the Officer's visits to the site have demonstrated that the applicant currently stores more than one vehicle at the site, along with what appears to be commercial waste. Representations from the public also support the LPA's position that a number of vehicles use the site as well as their being waste material being present.

There is limited information and justification within the application as to the need for the commercial van / trailer to be parked on the site, and why a countryside location is necessary. This raises further concerns

as to the potential for future activities and uses to take place on the site which similarly do not require a countryside location to take place.

Policy 10 of the HDPF states that development in the countryside must contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy. In addition, development must either: -

> a) Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or
>
> b) Result in substantial environmental improvement and reduce the impact on the countryside, particularly if there are exceptional cases where new or replacement buildings are involved.

The applicant has provided information on the expected trips to and from the site, with two vehicle movements per day and the occasional movements in relation to the equestrian activity. The LPA does not consider this to be a robust and true representation of the site. As demonstrated from the site visit and available information more than one vehicle parks on the site along with construction waste, and the stables. In addition, the LHA have confirmed the proposed hard surfacing would be adequate for the parking of more than one vehicle albeit with some limitations to a trailer attachment and stable access.

The hardstanding is sited on previously undeveloped land. The LPA do not consider need for the parking of a commercial van / trailer on the site has been justified, and there is no apparent link between the proposed parking and the equestrian use or wider countryside location, with no essential need for a countryside location being suitably justified. In addition, limited information has been provided as to the level of activity which would arise from related vehicle movements to or from the site, and whether any further activities would spill out onto the wider area of hardstanding. This element of the proposal would therefore create conflict with the above policies.

Design and Appearance:

Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape, with Policy 33 of the HDPF stating that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan (SSWNP) requires development to reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The siting of a modestly proportioned timber framed stable building, clearly associated with an area of paddock land, would not be unexpected alongside a private paddock and would not as a matter of course create any conflict with the above policies. As constructed, and as identified as part of a preceding application on the site, the stable structure is though visually and physically more aligned with the existing and proposed reduced area of hardstanding than the area of paddock land behind the dividing fence or grassed area proposed to the east. The gate between the area of proposed (reduced) hardstanding where the stable sits and the fenced paddock behind is set apart. This creates a further visual and physical and functional disconnect between the paddock land and the stable building. Furthermore, the hedge proposed to enclose the parking for a van and trailer would add an additional barrier.

While reduced from (DC/24/1327) the size of the hardstanding is considered to have an unduly urbanising impact on the paddock and has harmed its previous undeveloped character. The size of the hardstanding is still considerable and would create significant potential for the storage of items and for the parking of vehicles, and it is not apparent that such activities could be effectively controlled through condition. The hardstanding together with the presence of parked vehicles, even if just a trailer and van would introduce unexpected activity / use and create a poor and unsightly with the undeveloped character of the site. While this impact could be partly alleviated by landscaping through the introduction of a beech hedge

this could not be relied upon in perpetuity. In addition, the introduction of such formalised hedging into a space that was previously open field would appear out of keeping with the site.

The cumulative impact of the hardstanding, hedging, fencing and stable block would be harmful to the rural character, landscape and appearance of the site and surrounding area, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Representations have raised concerns about the use of the stables and their use for the keeping of dogs, rather than horses. Permission under this application has not been sought for the keeping of dogs. Were the application considered supportable a condition restricting the use of the stables would be attached.

Were the application supportable a condition securing a scheme of works to control odour, vermin and insects would be attached to the application.

The applicant has provided information as to when they expect to access the site and the manner they expect to do so. It is expected that the noise levels and movement into and out of the site could be restricted by way of condition, as such the impact by way of noise is not considered to warrant refusal.

Representations have raised concerns about cutting back of trees impacting neighbours amenity. The trees at the site are not protected by a TPO. The LPA do not therefore have the power to require the retainment of these trees. Issues with the tree removals in this instance are a civil matter and can not be dealt with through the planning system.

Subject to conditions, which would be attached were the application supportable, it is considered that proposal and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.

The LPA note that representations have raised concerns with the safety of the highway and the sites access. The Local Highway Authority have confirmed that they do not have any objections to the access at the site.

The scale of the proposed hardstanding has been reduced; however, there still appears to be suitable space for the parking and manoeuvring of vehicles associated with the proposed use.

The Local Highway Authority have confirmed the proposal would not have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network.

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 site comprises greenfield land formerly used as a paddock. The Water Neutrality Statement provides dry cleaning methods and suitably demonstrates the site and stables would be able to accommodate additional horses beyond that pre-existing. The proposal is therefore considered not to use water in excess of the pre-existing use of the site and to be water neutral.

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

Conclusions:

The cumulative impact of the hardstanding, hedging, fencing and stable block would be harmful to the rural character, landscape and appearance of the site and surrounding area, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan.

The proposed development would be located in the countryside, outside of any defined built-up area boundary, and outside of an established commercial site. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development is essential to its countryside location and that there is an essential and functional need for the parking of a commercial vehicle and trailer in this rural location. It has also not been demonstrated that the proposed development would not lead to a significant level and intensity of activity in the countryside location, and consequently, the proposal represents inappropriate and unjustified development within the countryside, contrary to Policies 1, 3, 4, and 26 of the Horsham District Planning Framework (2015).

Recommendation: Application Refused

Reasons for Refusal:

1. The cumulative impact of the hardstanding, hedging, fencing and stable block would be harmful to the rural character, landscape and appearance of the site and surrounding area, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policy 14 of the Storrington, Sullington and Washington Neighbourhood Plan.

2. The proposed development would be located in the countryside, outside of any defined built-up area boundary, and outside of an established commercial site. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development is essential to its countryside location and that there is an essential and functional need for the parking of a commercial vehicle and trailer in this rural location. It has not been demonstrated that the proposed development would not lead to a significant level and intensity of activity in the countryside location, and consequently, the proposal represents inappropriate and unjustified development within the countryside, contrary to Policies 1, 3, 4, and 26 of the Horsham District Planning Framework (2015).

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/25/0183

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		676-01	05.02.2025
Site plan		676-02	05.02.2025
Plans	Proposed Hardstanding	676-04 REV A	05.02.2025
Elevation & Floor plan	Proposed Stable	676-05 REV A	05.02.2025
Plans	Proposed entrance	676-06 REV A	05.02.2025
Plans	Proposed Visibility Splays	676-07 REV A	05.02.2025
Supporting Statement	Water Neutrality	none	05.02.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 01.04.2025

Authorising Officer sign/initial RHERMITAGE Date: 02.04.2025