Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/2230
Wallhurst Manor, Garden Cottage, Picts Lane, Cowfold, West Sussex, RH13 8AW

DESCRIPTION:

Retrospective change of use of building from office to AirBNB

RELEVANT PLANNING HISTORY:

DC/19/2123	Erection of a two storey side extension to provide garage, workshop and office studio with roof of existing detached outbuilding to be raised	Application Permitted on 20.12.2019
DC/20/0487	Raising of roof of existing detached outbuilding and erection of a two storey side extension to provide garage, workshop and office (B1(a)) use	Application Permitted on 26.06.2020
DC/23/1372	Variation of Condition 1 and removal of Condition 4 of previously approved application DC/19/2123 (Erection of a two storey side extension to provide garage, workshop and office studio with roof of existing detached outbuilding to be raised) to allow for the provision of a 1-bed annexe.	Withdrawn Application on 05.12.2023

SITE AND SURROUNDS

Garden Cottage is a two-storey dwellinghouse situated on the south side of a private driveway and originally part of the Wallhurst Manor estate. The application property is accessed from Picts Lane near Cowfold. The property is the north-eastern half of a semi-detached building which has a separate outbuilding on its north-eastern side.

The area is located outside a defined built-up area and is therefore identified as countryside. The site is located within the High Weald Area of Outstanding Natural Beauty (AONB).

DETAILED DESCRIPTION

The application seeks to change the use of the previously approved residential outbuilding (DC/19/2123 and DC/20/0487) to a holiday let/Airbnb.

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 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
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

Neighbourhood Plan:
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.

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: No Objection – subject to appropriate mitigation being secured.

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: delivery, management and maintenance of measures identified in the Water Neutrality Statement to achieve water neutrality. An appropriate condition or obligation to secure this should be attached.

WSCC Highways (response dated 15.03.2024): Comment

The use of the building as an Air B&B has been in practise for some time with no known highways accidents or personal injury claims as a result to flag a concern with its practise. The change in proposal does not materially alter the comments issued by the LHA on 11/01/2024.

WSCC Highways (response dated 11.01.2024): Comment

Wallhurst Manor is serviced via a long privately maintained access route adjoining Picts Lane. Picts Lane is a rural D class road subject to national speed limit restrictions. The access serves the existing property and a number of other residential properties. The access point also offers a good amount of visibility given the road geometry here, due to the wide and open verges either side. No changes are proposed to this access.

The alterations have been completed prior to requesting planning permission and have been in place for some time. From observation of WSCC accident data, there appear to have been no personal injury claims or highways collisions reported to flag a concern with its operation.

From observation of the plans, there appears ample space within the site for parking and turning to be accommodated with no overspill anticipated within the publicly maintained highway.

The dimensions of the proposed garage are in excess of WSCC minimum standards for a double garage which will allow space for 2 average sized vehicles and allows the possibility of cycle storage to be accommodated also.

The proposal to include an air B&B would not be anticipated to generate a severe material increase in vehicular movements over those already generated by the properties sharing this access. Movements may increase during peak tourism months and be spread throughout the day, not necessarily during network peaks.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and there are no known transport grounds to resist the proposal.

Southern Water: Comment

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

West Sussex Fire and Rescue: Comment

The nearest fire hydrant for the supply of water for firefighting is 330 metres away, 155 metres further than the 175-metre distance required for a domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document– B (AD-B) Volume 1: B5 section 14.

Evidence is also required to show suitable access for a fire appliance to the site, the access road can support 18 Tonne axial weight of a fire appliance and a suitable turning facility to enable a fire appliance to turn and make their exit. The road widths for a fire appliance are given in AD-B Volume 1: B5 section 13.

Parish Comments: Objection

Querying, among other concerns, the statement that there will be no additional water consumption above those levels used prior to the alternative occupancy of the extension/conversion for which retrospective planning application is now being made.

Representations:

1 letter of support was received and this can be summarised as follows:

- Not inconvenienced by traffic, light, or noise
- Add to the local economy
- Close to the countryside
- Will not augment traffic on the drive

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 application relates to the change of use of the building, permitted as a residential outbuilding under reference DC/19/2123 and DC/20/0487, to short-term holiday-let accommodation/Airbnb.

Policy 7 of the Horsham District Planning Framework (2015) (HDPF) seeks to achieve sustainable economic growth for Horsham District to 2031. Criterion 6 of the policy states that this will be achieved by 'promotion of the District as an attractive place to stay and visit to increase the value of the tourism economy'.

Policy 11 of the Horsham District Planning Framework (HDPF) states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District. The policy sets out that support will particularly be given to proposals which, amongst other matters, focus major tourism and cultural facilities in Horsham town centre; seek to ensure that facilities are available within the towns and villages in the District and are in keeping with their relationship with the urban area and countryside around them; and develop the opportunities associated with rural diversification and rural development initiatives, particularly where they assist farm diversification projects, benefit the local economy, or enable the retention of buildings contributing to the character of the countryside.

The Horsham District Visitor Accommodation Study dated July 2016 outlines that the District is well-placed to capitalise on the projected growth in domestic short break and overseas tourist markets and the increasing demand for family and friend get togethers, celebrations, and weekends away. The study concludes that there is insufficient provision of all forms of visitor accommodation in the District, with the potential in the rural parts of the District to upgrade existing facilities through the provision of high quality holiday cottages, small holiday lodges/eco lodges etc. While there is a District-wide requirement for additional tourism and visitor accommodation, the Study makes it clear that this requirement is much more specific than the simple provision of additional lettings. Small holiday units, such as the proposed, must still be considered acceptable in planning terms.

The application site is located within Wallhurst Manor, accessed from Picts Lane, approximately 2 miles from Cowfold. It lies in the countryside, within the boundary of the High Weald Area of Outstanding Natural Beauty. While any occupation of the site would likely to be dependent upon private vehicles on arrival and departure the site is close to existing public rights of way, which would provide opportunity for walking and cycling to nearby local services and community facilities. This proposal is considered to promote quiet informal recreation and enjoyment of the countryside by being located within easy distance of public footpaths and bridleways allowing access and enjoyment of the surrounding countryside.

For this reason, the proposed use for short-term holiday let accommodation is considered in accordance with HDPF policy 11 and the wider scope of the NPPF, thus the principle of development is accepted. Furthermore, the proposal is considered to maintain the settlement pattern and avoid coalescence with other settlements and would not adversely impact on its character.

Design and Appearance:

Policy 25 of the HDPF relates to the Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:

1. Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.

2. Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
3. 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.
4. Conserve and where possible enhance the setting of the South Downs National Park.

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 33(6) of the HDPF presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

The front of the outbuilding, which borders onto the site's driveway, currently has no access, with the entrance instead located at the building's rear, which borders the garden. The outbuilding is built into a slope, with the garden facing entrance approximately 1.2m below the level of the driveway. From the site's access road and entrance to the property, the outbuilding appears of a smaller scale than its actual size. In terms of appearance, the outbuilding is of a traditional design, with timber cladding and a plain clay tiled roof. A small veranda also currently extends into the garden from the outbuilding's rear. It is extensively covered with overgrown foliage on all sides and roof, largely concealing the exterior of the outbuilding when viewed from the garden. It is considered that there would be no adverse impact on the special character of the area, including of the AONB. The proposed development is therefore considered to comply with relevant policies of the HDPF. The submitted plans indicate a nature and level of use which would remain clearly subservient to the main building, with a condition recommended to ensure use as such. For these reasons, the proposal is therefore considered to accord with Policies 25, 30, 32 and 33 of the HDPF (2015).

Impact on High Weald Area of Outstanding Natural Beauty

The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB). Section 84(4) of the Countryside and Rights of Way Act 2000 states that "A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area". Section 85(1) continues that "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

The primary purpose of AONB designation is to conserve and enhance natural beauty, and account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

Policy 30 of the HDPF states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate how the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary, providing mitigation or compensation measures; how the public enjoyment of these

landscapes will be retained; and how the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.

The High Weald AONB Management Plan is focused on delivering the statutory purpose of conserving and enhancing the natural beauty, with considerations relating to wider environmental issues, the rural economy, and communities, dealt with in the context of delivering this purpose. The Plan takes a character-led approach with the main body of the plan setting out the long-term policy objectives and short-term targets for conserving and enhancing natural beauty. The Objectives, together with Indicators of Success and Five-Year Targets are effectively the plan's policies and provide the strategic direction for AONB management. As a statutory document, Local Planning Authorities must take the AONB Management Plan into account when formulating their development plans, and in the assessment of planning applications.

Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The holiday let/Airbnb would be read in the context of the existing use within the site and the development is not therefore considered to result in harm to the rural character and setting of the countryside located and AONB. The development is therefore considered acceptable, in accordance with the above polices.

Amenity Impacts:

Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The conversion of the building for short-term holiday rental is not expected to significantly increase activity or noise compared to its approved use as a home office and storage. Although Airbnb guests may come and go sporadically to this countryside location, the impact on the area's activity levels is not anticipated to be unusual.

Complaint has been raised in regards to water supply issue reported by the neighbouring property. The local planning authority primarily deals with land use, development, and environmental impact. Issues related to utilities like water supply are typically addressed through civil means. Therefore, the water supply issue falls outside the scope of planning regulations and would not be of material consideration.

Additionally, designated parking outside the Airbnb will minimize disturbance to the shared driveway. Moreover, considering the building's location within the area and its relationship to neighbouring properties, adverse effects on neighbouring amenities such as overlooking, overshadowing, or being overbearing are not expected. Thus, the proposal aligns with Policy 33(2) of the HDPF.

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'.

With the above in mind, Officers are satisfied that the proposal would not result in adverse harm to the safe use and operation of the public highway, as such application is considered in accordance with Policies 40 and 41 of the HDPF.

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 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 it should be delayed awaiting an area-wide water neutrality strategy.

The plans submitted indicate that the resulting building has been converted where the ground floor level has a two-bay parking garage with a kitchenette and living room, the lower ground floor has one bedroom with bathroom. Given the change in use of the existing building and level of accommodation proposed, the development has the potential to increase water consumption at the site, particularly given the additional w.c./shower room.

The water strategy provided suggests that the water demand can be reduced. The proposed development will use on average 145.20 l/day prior to any mitigation techniques. This water demand can be reduced to 117.53 l/day through the installation of water reducing appliances. Re-using the water through rainwater harvesting tanks can further reduce the water demand down to 81.39l/day.

It is proposed to reduce the existing water demand for the main house to address the demand arising from the development. This would be achieved by installing water efficient devices outlined in the 'Existing Fittings Survey' accompanied with the Water Neutrality Statement dated 27.09.2023. The existing dwelling has a total population of 4 which has a total water demand of 505.24l/day. By following the above measures, this can be reduced down to 399.44 l/day, which is a reduction of 105.80 l/day. This results in the site being water neutral.

Subject to the mitigation measures as outlined, it has been demonstrated that the proposed detached holiday-let/Airbnb would create a lower demand for water consumption than results from the existing dwelling, with the submitted Water Statement considered to be sufficiently detailed in this regard.

Natural England were consulted on the water neutrality strategy following the carrying out of an appropriate assessment by officers and have taken the view that with the appropriate mitigation methods as stated in the Water Statement dated 04.09.2023 there is no objection to the proposal provided suggested condition is met.

Upon review by the Council, the information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would result in no greater demand than the existing situation. Appropriate mitigation measures have been embedded within the development and would be secured by condition as part of the planning consent. These measures are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects, 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).

Conclusion

The development would accord with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement by CGS Civils received 04.09.2023). Within 3 months of the date of the permission hereby granted, evidence shall be submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, 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 he imposition of the following conditions: 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).

3 **Regulatory Condition**: The accommodation hereby permitted shall be occupied and managed in accordance with the following:-

i) The accommodation shall be occupied for holiday and short-term let purposes only;
ii) The accommodation shall not be occupied as a person's sole, or main place of residence;
iii) The accommodation shall not be occupied by any one person for a period exceeding 28 days in any calendar year;
iv) The owners / operators shall maintain an up-to-date register of the names of all owners / occupiers of the accommodation on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.

Reason: To maintain the availability of the site as short term holiday tourist accommodation in accordance with Policies 10, 11, 26 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).

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/23/2230
(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
Location plan	Site Location Plan	DE882/01A REV P1	12.12.2023
Block plan	Site Block Plan	DE882/01B REV P1	05.12.2023
Section plan	Proposed and Existing Sections	DE882/08 REV P1	05.12.2023
Floor plan	Proposed Ground Floor Plans	DE882/05 REV P2	05.12.2023
Elevation plan	Proposed Elevations - Sheet 1 of 2	DE882/06 REV P1	05.12.2023
Elevation plan	Proposed Elevations - Sheet 2 of 2	DE882/07 REV P1	05.12.2023
Supporting Statement	Water Neutrality Report by cgs civils dated 04.09.2023	C2825 Rev P-	12.12.2023
Supporting Statement	Existing Fittings Survey	C2825 Pev P-	12.12.2023

DELEGATED

Case Officer sign/initial Shazia Penne Date: 24.04.2024

Authorising Officer sign/initial Tamara Dale Date: 25.04.2024