Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0501
Nutwood Cattery , Guildford Road, Clemsfold, West Sussex, RH12 3PW

DESCRIPTION:

Erection of a new timber Cattery building.

RELEVANT PLANNING HISTORY:

DC/08/1580	Erection of cattery boarding pens	Permitted on 17/9/2008

SITE AND SURROUNDS

Nutwood Cattery is situated on the A281 Guildford Road in the grounds of the residential dwelling 'Nutwood Cottage'. The site is situated in the countryside around 2km from the nearest Built Up Area Boundary of Slinfold. The Town House Copse Ancient Woodland runs to the north, south and west of the site, immediately adjoining the boundary of the wider Nutwood Cottage site.

The existing cattery was granted planning permission in 2008, with this permission subject to a number of conditions, including a restriction which limits use of the units for cats only and to require operation of the cattery in conjunction with the occupation of Nutwood Cottage.

DETAILED DESCRIPTION

This application seeks planning permission to erect a further ten cattery pens within one additional block within the existing site boundary. The new building would have a GIA of 72.32 square metres and be constructed of timber to match the existing cattery pens.

The originally submitted layout plan showed the new pen to the north of the existing pens, running north to south. New plans were submitted 14.05.24 with an amended location to the south of the existing cattery running east to west.

No new access or parking is proposed.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
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 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 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.

Slinfold Neighbourhood Plan:
Policy 12: Economy and Enterprise

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:

INTERNAL CONSULTATIONS

HDC Tree Officer:

08.05.2024: No Objection

The revised location for the building has no foreseeable additional indirect impacts on the areas of designated Ancient Woodland (AW) surrounding the property to the current domestic/business use.

Raise no arboricultural concerns in respect of impacts on trees of significant public amenity value. The hazel coppice to be removed on the Eastern boundary is not of individual significance within the wider landscape context.

The proposed development is for an additional cattery building now sited immediately to the South of that approved in 2008 (DC/08/0547).

The siting of the building has been moved within the site and now respects the minimum recommended buffer from AW to new development of 15m.

Sufficient hardstanding/space exists for the AW not to be foreseeably impacted upon by activity associated with the development process.
24.04.24: Objection

The development involves the direct loss of a small section at the SW tip of the Town House Copse Ancient Woodland (AW). It therefore does not comply with the National and Local Plan policies of conserving this irreplaceable landscape resource.

Recommend withdrawal or a standard reason for refusal in respect of failure to conform with both Local and National requirements for conservation of AW that is a material consideration in the assessment of landscape impact.

Recommend that any new development at the property is designed to comply with the minimum recommended buffer of 15m to the edge of the AW.

The property is one of several 20th Century developments on the Northern side of the A283 Guildford Road. The construction of 4 or 5 of the dwellings and associated curtilages have involved the denudation of the once larger woodland area of Townhouse Copse.

The remaining woodland area which includes the remnant sections between properties and providing a buffer to the roadside are recognised and classified as Ancient Woodland (AW).

The proposed development is for an additional cattery building to the North of that approved in 2008 (DC/08/0547).

The siting of the building is partially within the AW designation and entirely within the minimum recommended buffer to new development. The application has incurred some pre-emptive clearance works on site, including the coppicing of an outgrown hornbeam coppice stool, that is an indicator of the extent of AW that remains on site.

OUTSIDE AGENCIES

WSCC Highways: No Objection

Natural England: No Objection

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:

No objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

Parish Comments:

No Objection

Representations:

One representation has been received in support of both the original layout and revised layout.

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:

Policy 10 of the HDPF states sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and 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 and/or promote recreation in, and the enjoyment of, the countryside; and either 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 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. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities. It must be demonstrated that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the building, or an alternative logical solution is proposed.

The existing cattery was granted planning permission in 2008, with this permission subject to a number of conditions, including a restriction which limits use of the units for cats only and to require operation of the cattery in conjunction with the occupation of Nutwood Cottage. The proposal would entail the construction of a new cattery block to the south of the existing block, to cater for the demand the cattery is facing for additional facilities.

The proposal is considered to be in compliance with HDPF policy 10 and there would be no objection in principle to the provision of a new cattery block on the site, which will contribute towards the rural economy in this area of Slinfold, at an established site that appears to be operating effectively.

Design and Appearance:

Policies 32 and 33 of the HDPF seek 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.

The originally submitted layout plan showed the new cattery pen to the north of the existing pens, running north to south. New plans were submitted 14.05.24 with an amended location to the south of the existing cattery running east to west. This was to overcome concerns in relation to the proximity to the Town House Copse Ancient Woodland which runs to the north, south and west of the site. The new position would still be to the rear of the main house and would create a small cluster of cattery buildings within a more enclosed space.

The proposed building would be sited on a part of the site which already features built development and an adjoining grassed area. The proposed scale and design of the building would reflect its intended purpose and the nature and pattern of adjoining development. It is considered, given the existing character of the site and the nature of adjoining boundary screening and land, that the proposed building would represent an innocuous addition which would not appear out of keeping or intrusive.

Trees and Landscaping:

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 originally submitted layout plan showed the new cattery pen to the north of the existing pens, running north to south. The Council's Tree Officer objected to this proposal due to the siting of the building partially within the Town House Copse Ancient Woodland and entirely within the 15 metre buffer zone.

New plans were submitted 14.05.24 with an amended location to the south of the existing cattery running east to west. This was to overcome the Tree Officers concerns. The Tree Officer has confirmed that the revised location for the building has no foreseeable additional indirect impacts on the areas of designated Ancient Woodland (AW) surrounding the property and raises no arboricultural concerns in respect of impacts on trees of significant public amenity value. The hazel coppice to be removed on the Eastern boundary is not of individual significance within the wider landscape context.

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.

The proposed building would serve an existing established cattery business and would be sited in a part of the site which is well screened by surrounding planting with an existing structure to be demolished to facilitate the proposed building. It is considered that the scale and siting of the building, coupled with the proposed use, which would reflect the existing lawful use of the site, would not result in any unacceptable harm to neighbouring amenity, in accordance with the above policy. A condition is recommended that means that the cattery must continue to be operated in conjunction with the occupation of the dwelling known as Nutwood Cottage. This is because the cattery may not be an acceptable neighbouring use if they were occupied separately and is in line with the originally consented scheme and conditions attached to that.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.

It is not anticipated that the proposal would generate a material increase in trips or parking demand beyond that created by the existing quantum of development on the site. It is therefore considered that the proposal would not cause any unacceptable impacts on highway safety or 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 includes a Water Neutrality Statement indicating an existing baseline water demand of 389.86l/d for the existing 15 cattery units, the dwelling known as Nutwood Cottage, and the home office. This is based on provided water bills and corroborated by a Part G calculator.

The proposed development would comprise a water demand of an additional 16.92lpd. The proposal incorporates onsite offsetting to Nutwood Cottage which would improve the efficiencies of the wash basins and shower. The statement suggest that this will reduce the water consumption by 40 litres a day at the property from 359lpd to 319lpd (shown in part G and evidenced by a survey of existing fittings). This is however calculated on the basis of the average occupancy rate of a 3-bed dwelling of 2.47. The

Applicant has confirmed that 2 people occupy the dwelling, with the water savings therefore calculated to be 31.8 litres per day. This would result in an overall reduction in the water demand on the site from 389l/d to 357.2l/d. The strategy therefore demonstrates that the proposed use would use less water than the existing use.

An Appropriate Assessment has been undertaken, where it has been concluded that subject to the mitigation proposed, which would be secured by condition requiring that the development be carried out in strict accordance with the water strategy, the development would result in no significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. Natural England have been consulted on the Appropriate Assessment and agree with the Council's conclusion in this case. 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The development is considered acceptable in principle, and is considered to be of a nature, scale and appearance that would not result in harm to the visual amenities or landscape character of the area. The development would not result in harm to the amenities of neighbouring properties or the function and safety of the highway network. The development is therefore considered to accord with all relevant local and national planning policies.

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 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (20240311P1 received 09.04.2024). No development permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that development 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).

4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plan DE1241/04 Revision P2 dated 01.05.2024 unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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).

5 **Regulatory Condition**: The Cattery units hereby approved shall be used solely for the accommodation of cats.

Reason: In order to ensure that the safe operation of the development and for the protection of the amenities of nearby residents, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The use of the cattery hereby approved shall only be operated in conjunction with the occupation of the dwelling Nutwood Cottage, Guildford Road, Clemsfold.

Reason: The establishment of an additional cattery building would lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 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/24/0501
(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	Water Neutrality Statement by H2Ogeo dated 14.03.2024	20240311P1	09.04.2024
Location & Site plan	Site Location & Block Plan	DE1241/01 REV P3	14.05.2024
Floor plan	General Arrangement	DE1241/02 REV P3	14.05.2024
Floor plan	Proposed Floor Plan	DE1241/03 REV P2	01.05.2024
Elevation plan	Proposed Elevations	DE1241/04 REV P2	01.05.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 29.05.2024

Authorising Officer sign/initial Tamara Dale Date: 04.06.2024