Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0497
Moatfield Farm , Kings Lane, Cowfold, West Sussex, RH13 8BD

DESCRIPTION:
Conversion of 2no agricultural buildings to form 2no dwellings.

RELEVANT PLANNING HISTORY:

DC/20/0172	Prior approval for a proposed change of use of agricultural buildings to form 2no dwellinghouses (Class C3).	Prior Approval Required and REFUSED on 20.03.2020
DC/20/1009	Prior approval for a proposed change of use of agricultural buildings to form 2no dwellinghouses (Class C3).	Prior Approval Required and REFUSED on 27.07.2020
DC/20/1907	Prior notification for change of use of agricultural buildings to dwellinghouses (Class C3).	Prior Approval Required and PERMITTED on 17.12.2020
DC/21/0699	Conversion of 2no agricultural buildings to form 2no dwellings.	Application Permitted on 13.07.2021
DISC/22/0275	Approval of details reserved by condition 3 to approved application DC/21/0699	Withdrawn on 23.04.2024

SITE AND SURROUNDS
The application site is located outside of any built-up area and is therefore within a countryside location in policy terms. The site comprises 2no. modern agricultural buildings located to the south-east of the access track, with the northern building oriented to face east and the southern building oriented to face north.

The site is located in proximity to two residential dwellings known as Park Farm and Little Park. The site is bound by mature vegetation along the western boundary and a public right of way running along its western curtilage.

DETAILED DESCRIPTION
The application seeks full planning permission for the conversion of 2no. agricultural buildings to 2no. dwellings, along with operational development to infill the elevations and install windows and doors.

The northern-most building would be converted into a 5-bed dwelling. The proposal would involve the installation of external walls to the south and east. The proposal would provide 5no. bedrooms (three with ensuite), lounge, bathroom, w.c, kitchen/living/dining room, study, and utility room.

The southern-most building would be converted to a 2-bed dwelling, with the western portion of the building being utilised as associated garaging and storage area. The proposal would involve the installation of external walls to the northern and western elevations, with the installation and doors and

windows to the north and south. The proposal would provide 2no. bedrooms, bathroom, kitchen/living/dining areas and utility room.

Although not detailed within the plans, the curtilage of the application is sufficient such that each dwelling would be able to benefit from a separate amenity space within its plot.

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 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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 41 - Parking

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 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
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 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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.

Cowfold Neighbourhood Plan
Policy 1 - Groundwater and Surface Water Flood Risk
Policy 9 - Residential Development Principles
Policy 10 - Windfall Housing
Policy 16 - Car Parking Provision

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:
Ecology: There is an absence of ecological information included with the application to help assess the potential use of the site by bats. As the application includes the conversion of agricultural buildings and there is a tree immediately adjacent to the north end of the northern building to be converted at Park Farm, and a hedgerow forms the boundary to the west of the buildings. Recommend that a Preliminary Roost Assessment (PRA) of the building and a Ground Level Tree Assessment (GLTA) for bats, in line with 4th Edition Good Practice Guidelines, should be undertaken by a suitably qualified ecologist and the results provided to the LPA. This should include any mitigation measures to support a lawful decision.

Natural England: Concur with the conclusion of your authority's HRA appropriate assessment, insofar that we have no objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement, to achieve water neutrality.

HDC Public rights of way: It is understood that the application does not impact upon, or propose any alteration, to the Public Rights of Way. Standard informative recommended

HDC Environmental Health: No Objection. Further land contamination reports have been submitted with the current application. This information confirms there is no significant risk from the historic land use but measures are recommended to protect the water supply pipes. Conditions recommended.

WSCC Highways: No Objection. This application seeks the conversion of two agricultural buildings to form two dwellings. This application seeks renewal of previous permission DC/21/0699, of which WSCC as Local Highway Authority (LHA) commented previously raising no highway safety concerns.

Given the plans are identical to permission DC/21/0699 and that the LHA raised no concerns previously, the LHA raise no highway safety concerns to the current renewal. The Local Planning Authority (LPA) may wish to refer to the LHAs consultation response for application DC/21/0699 for more detailed comments. Conditions recommended

Southern Water: Comments in relation to SuDs, full comments available via public access.

Fire and rescue: [Standard consultation advice supplied] Full comments available via public access.

Parish Comments:
No objections.

Representations:
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 any defined built-up area boundary (BUAB) and does not form part of Horsham's adopted development plan comprising the Horsham District Planning Framework (HDPF), or a 'made' Neighbourhood Development Plan.

Policies 1 and 2 of the Horsham District Planning Framework 2015 (HDPF) outline its strategic aims, which include a presumption in favour of sustainable development, and specifying growth outside of the settlement of Horsham should be, amongst other things, in accordance with the settlement hierarchy. Policy 3 of the HDPF sets out this hierarchy, allowing development within those towns and villages which have defined built-up areas, provided the proposal is of an appropriate nature and scale. Policy 4 of the HDPF supports the expansion of settlements under specific circumstances, including that the site is allocated for development. These policies are broadly consistent with the National Planning Policy Framework (the Framework) both in terms of allowing villages to grow and thrive whilst limiting development in the open countryside.

Policy 26 permits development in the countryside where such a location is essential, and the proposal meets one of four criteria.

The proposal would not be essential to its countryside location and would fail to accord with the approach set out in Policies 1, 2, 3, 4 and 26 of the HDPF.

Previous planning history is a material planning consideration in decision making and has to be considered as part of this application. The Design and Access statement indicates that the proposal would be acceptable in principle given that there is planning history within the site for the conversion of the agricultural buildings to residential.

Whilst a viable fallback for two dwellings in this location would be a material consideration it is considered that the related application, ref: DC/21/0699 does not provide a viable fallback position, having not been enacted and not having discharged relevant pre-commencement conditions. It is noted that an application was submitted to discharge the pre-commencement conditions under DISC/22/0275 but this application was withdrawn. Without having discharged the details within the pre-commencement condition pursuant to DC/21/0699 it would not be possible for the applicant to enact

the permission without being in breach of this pre-commencement condition. A viable fallback in this instance, has not been demonstrated. The current proposal would therefore result in a net increase of two residential dwellings within a countryside location without justification by way of an extant permission.

The Design and Access statement outlines that the permitted prior notification (DC/20/1907) on site acts as a fallback option, and whilst not referred to explicitly it is understood in this instance that the applicant would enact the Prior notification if they did not receive a permission for the current application. The description of development was '*Prior notification for change of use of agricultural buildings to dwellinghouses (Class C3)'.* The current proposal would retain a section of the agricultural building which was shown within the Class Q application to be demolished. In the case of the current application under assessment, this would be retained as a garage. Furthermore, the proposal would be incorporating an additional curtilage over what was approved under the Class Q application. It is noted that there has been no HRA application forthcoming following the DC/20/1907 such that the prior notification could not be enacted. As such, this permission is also not regarded as a viable alternative to the current application under assessment.

The Design and Access statement outlines policy 79 of the NPPF in respect of the re-use of buildings as an exemption to isolated homes in the countryside. By mentioning the above paragraph, it is understood that the applicant has indicated that the development would be isolated in the countryside, but that it would form an exception to this policy as the development would be re-using the agricultural buildings. This version of the NPPF has since been updated to be Paragraph 84 (formerly 79). This states that *'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply… c) the development would re-use redundant or disused buildings and enhance its immediate setting.'*

The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be "isolated" in its truest sense, and does not therefore engage the considerations of paragraph 84. In any case, it is not apparent that the development would enhance its immediate setting.

In recognition of the HDPF housing policies being out-of-date, the Council published interim guidance on Facilitating Appropriate Development (FAD). The FAD recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, the FAD confirms that applications which meet all the following criteria will be positively considered:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

While the proposed development could be considered to meet some of the required above, the application site is located approximately 1.6km south east of Cowfold and does not adjoin an identified settlement, therefore failing the first criterion and not according with the FAD. It is therefore considered that the principle of the proposed development within the countryside is contrary to the overarching spatial strategy and principles of the National Planning Policy Framework and Local Development Plan.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

Policy 9 of the Cowfold Neighbourhood Plan states that residential proposals will be supported where they: are of a sympathetic scale, relating positively to the character, function and layout of the area; incorporate the use of high quality building materials and finishes consistent with high thermal efficiency; and are a density appropriate to its location and has regard to current levels in the immediate area.

The proposed design largely reflects that of the previous application under DC/21/0699, other than the alterations outlined in the principle of development section of this report. The officer report concluded that the design overall would be acceptable with the proposed development involving external alterations to the existing barns to convert each into a residential dwelling. The design and scale of the proposal would not result in an unacceptable development in terms of impact on character of the site or surrounding built environment and landscape setting. On the basis of the above assessment, it is not considered that the proposal would result in further or adverse harm to the appreciation, understanding or significance of the designated heritage asset to the south west of the site.

The proposed 2 bedroom dwelling would have an 18 metre wide garage which is considered to be of a large scale, with a width equivalent to the width of the dwelling house and an approximate height of 4.45 metres when measured with adobe on its western elevation. Nevertheless, the proposed external alterations are considered to retain the proportions, form and utilitarian character of the subject buildings. On this basis, the proposal is considered to relate sympathetically to the character and context of the existing buildings and wider surroundings, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

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.

Policy 9 of the Cowfold Neighbourhood Plan states that residential development proposals will be supported where they maintain appropriate distances between buildings to avoid unacceptable adverse impacts on existing facilities or amenity of adjacent residential properties.

While recognised that the resulting dwellings would be oriented and designed to result in some mutual overlooking, it is not considered that this would be so severe to justify a reason for refusal on amenity grounds. The proposal is not considered to have a detrimental impact on the amenities or sensitivities of neighbouring properties, and the proposal is therefore considered to accord with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Policy 16 of the Cowfold Neighbourhood Plan states that development proposals that demonstrate that off road parking provision is sufficient to minimise on-street parking will be supported. Residential development proposals that mee the minimum standard of 3 spaces for a 2-bed dwelling and 4 or more spaces for a 3-bed dwelling will be supported.

The access and hardstanding have not been altered since the previous application. It is not clear from the submitted plans or Design and Access statement if this garage area is intended to serve both dwellings but given that these details could be secured by condition, the lack of certainty in this regard would not be a reason for refusal given that the land within the curtilage is sufficient in size to provide adequate space for vehicle turning and parking associated with the proposed development.

It is not therefore considered that the proposed development would result in harm to the function or safety of the highway network, in accordance with Policy 41 of the Horsham District Planning Framework (2015)

Ecology and Trees

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

No Ecological information has been submitted as part of the information. It is recognised that the previous application included submission of a Preliminary Ecological survey, however given the age of this document, and that seemingly no updates or site walkover surveys have been undertaken since the absence of a Preliminary Ecological Assessment cannot reasonably be relied upon.

Insufficient information has therefore been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from Natural England (September 2021) 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.

A Water Neutrality report has been submitted during the course of the application and advanced that the existing baseline figures evidenced on metered water bills where the consumption is from between 45-50 cattle. This established that usage was approximately 609.32 litres/day.

The proposed water consumption for the 5 bedroom dwelling and 2 bedroom dwelling would be based on the average occupancy (4.97 people) and estimations from water efficient fixtures and fittings. This concludes that the water usage would be 96.20 litres per day per person. Overall when considering occupancy this would result in 478.11 litres per day. Their mitigation measures proposed would be to change the cattle's water supply from mains connection to a rainwater harvesting system. The Rainwater would be collected on the roofs of the new houses and a suitable tank stored within the site such that this would provide the cattle and the development would not use additional water.

During the course of the application, the applicant has submitted details in terms of the rainwater harvesting details, a plan showing the location of existing troughs which have been verified in terms of their location and an updated block plan to detail the extent of the land within the applicant's ownership.

The water neutrality statement has outlined that the proposed is capable of achieving water neutrality and would not therefore harm the integrity of the Arun Valley SAC, SPA and Ramsar sites. If the application were approved this mitigation would need to be secured through appropriate conditions and / or a legal agreement.

Conclusions:

There is no viable fallback option such that the proposed development would result in a net increase of two dwellings within a countryside location, which is unacceptable in principle contrary to policies 1, 2, 3, 4 and 26 of the HDPF. As the Council cannot demonstrate a five-year supply of deliverable housing sites, the presumption in favour of development within Paragraph 11(d) and this part of the framework would be engaged. This would reduce the weight attributed to the above policies.

The proposal would make a small numerical contribution to reducing the housing supply deficit but would nevertheless accord with the Government's objective outlined within the Framework to boost the supply of homes from a variety of sites. Given the current under-provision of housing, this attracts considerable positive weight. However, the extent of the benefit would be very modest given the small scale of the development.

There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation, however the scale of this benefit would be limited given the number of new homes.

The site is not in a location that is currently deemed appropriate for new dwellings and is poorly located in respect of access to nearby settlements and the related services and functions. Further, no ecological information has been submitted with regards to the existing agricultural buildings, such that it is not considered possible to assess any potential impact of the proposal on protected species which is considered contrary to policy 31 of the HDPF.

Whilst there would be some beneficial aspects of the two dwellings, considered overall such development would cause harms which would conflict with the development plan when taken as a whole. The application is therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The development would enable a residential use within a countryside location outside of the built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical

approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), and the National Planning Policy Framework.

2. Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 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/24/0497

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		100_05	28.03.2024
Elevation & Floor plan	Existing Building 1	100_01	28.03.2024
Elevation & Floor plan	Existing Building 2	100_02	28.03.2024
Elevation & Floor plan	Proposed Building 1	100_03	28.03.2024
Elevation & Floor plan	Proposed Building 2	100_04	28.03.2024
Supporting Statement	Water Neutrality Statement	TN01	28.03.2024
Supporting Statement	Planning	none	28.03.2024
Supporting Docs	Notice letter	RH/Let/P1882	28.03.2024
Supporting Docs	Cover Letter	RH/Let/P1882	28.03.2024
Supporting Docs	Decision Notice	DC/21/0699	28.03.2024
Supporting Statement	Contamination Investigation Report	20823/CIR Rev1.0	28.03.2024
Supporting Statement	Supplementary Contamination Investigation Report	21191/SCIR Rev1.0	28.03.2024
Supporting Statement	Preliminary Investigation Report	20022/PIR_R26 Part 1 of 4	28.03.2024
Supporting Statement	Preliminary Investigation Report	20022/PIR_R26 Part 2 of 4	28.03.2024
Supporting Statement	Preliminary Investigation Report	20022/PIR_R26 Part 3 of 4	28.03.2024
Supporting Statement	Preliminary Investigation Report	20022/PIR_R26 Part 4 of 4	28.03.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 25/07/2024

Authorising Officer sign/initial Guy Everest Date: 26.07.2024