Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/1704
Pine Cottage , Forest Road, Colgate, West Sussex, RH12 4SZ

DESCRIPTION:

Erection of open barn (Retrospective)

RELEVANT PLANNING HISTORY:

No relevant planning history

SITE AND SURROUNDS

The application site is located to the south of Forest Road, outside of any designated built-up area boundary. The site comprises a field located to the east of Pine Cottage, which forms the end of a ribbon of residential development to the north and west.

The wider surroundings are characterised by open countryside and woodland.

DETAILED DESCRIPTION

The application seeks the retention of a barn located centrally within the plot. The barn is used for storage of straw and feed, with occasional use for the Applicant's livestock.

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 7 - Strategic Policy: Economic Growth
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 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 40 - Sustainable Transport

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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 4.3 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.

Supplementary Planning Guidance:
High Weald AONB Management Plan

Neighbourhood Plan:
Colgate has not been designated as a Neighbourhood Plan area.

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 Landscape Architect: No Objection

The site is not viewed from any nearby Rights of Way and is well screened from Forest Road although during winter months, barns may be more visible. However, being seen from the road will be in context of the houses along this stretch of road.

OUTSIDE AGENCIES

Agricultural Consultant Highways: No response received

Ecology Consultant: Comment

In the absence of ecological information included with the application, the potential use of the site by bats was not assessed before works commenced. The site appears to be bordered by a thick belt of trees on the east (Google Maps – Colgate), there are two records for Common Pipistrelle bat less than 30m to the south (Sussex Biodiversity Record Centre – accessed under licence) and a European Protected Species Licence was granted in 2016 for Brown Long-eared, Common Pipistrelle and Soprano Pipistrelle bats 330m to the south of the site (MAGIC Maps https://magic.defra.gov.uk/MagicMap.aspx). Therefore, it is possible that bats were present and may have been affected by the development, although it appears from the Application Form that no trees were removed as part of this retrospective development.

However, are satisfied that there is sufficient ecological information available for determination of this application. With appropriate biodiversity enhancement measures secured, including a wildlife sensitive lighting scheme, the development can be made acceptable.

Given that bats were likely to be present and affected by the development, recommend that reasonable biodiversity enhancement measures for protected and Priority species are secured by a condition of any consent.

High Weald AONB Unit: No response received

Natural England (Standing Advice): Objection

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments: The majority had no objection to the development, however concerns were raised, including:

- Insufficient details on water neutrality
- No details of the stick to be kept in the large barns

Representations:

3 letters of objection received from 1 separate household, and these can be summarised as follows:
- Noise and disturbance
- Highway safety

1 letter of representation received neither supporting or objecting, and this can be summarised as follows:

- Storage is acceptable
- Concerned about keeping of animals as the ground gets extremely wet
- Keeps pigs, donkeys, and a variety of different poultry

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 26 of the Horsham District Planning Framework (HDPF) states that development outside of built-up area boundaries must be essential to its countryside location, and in addition meet of one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does 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 in which it is located.

The application documents outline that the barn is used for storage in association with the existing agricultural activities taking place on the land, with the barn used for the storage of straw and feed associated with the animals kept on the land. It is intended that the barn would be used for occasional shelter for the animals when needed.

The development supports the agricultural activities taking place on the land and is considered acceptable in principle, subject to all other material considerations.

Landscape and Visual Impact:

Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance. Policy 26 continues that outside built-up area boundaries, development should protect, and/or conserve, and/or enhance the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area, its historic and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees and other features; and the landform of the area.

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.

The application building is considered to be of a modest scale and footprint which sits comfortably within the context of the land holding. The building has been designed to appear utilitarian in form and character, and is considered to relate sympathetically to the rural character of the countryside location and the characteristics of the High Weald AONB. The development is therefore considered to relate sympathetically to the landscape character and visual amenity of the site and surroundings, in accordance with the above policies.

Amenity Impacts:

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

Given the location of the barn, which is positioned at a distance from any nearby residential property of user of land, it is not anticipated that the proposal would result in harm through overlooking, loss of light, or loss of privacy.

It is recognised that a number of concerns have been raised with regard to the use of the building for agricultural purposes. The application site is in lawful use for agriculture, where the barn would facilitate the continued use of the land for this purpose. The development itself is not considered to result in any greater level or intensity of activity, noise, or disturbance than the established lawful use of the land.
For these reasons, it is not considered that the development results in adverse harm to the amenities of neighbouring properties or users of land, in accordance with the above policies.

Highways Impacts:

Policy 41 of the HDPF states that development should provide safe and adequate parking, suitable for all anticipated users.

No alterations are proposed to the existing access arrangement, with the development seeking to provide storage for the existing agricultural activities. It is not anticipated that the development would result in any greater vehicle movements above the existing situation, and no highways concerns are raised.

Ecology:

Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites.

Following consultation with the Council's Ecologist, it is recognised that the site is bordered by a thick belt of trees on the east (Google Maps – Colgate), where there are records of Common Pipistrelle bat less than 30m to the south and a European Protected Species Licence was granted in 2016 for Brown Long-eared, Common Pipistrelle and Soprano Pipistrelle bats, It is therefore possible that bats were present and may have been affected by the development. On this basis, while no objections have been raised, it considered reasonable and necessary to secure biodiversity enhancements on the site. This can be reasonably secured by condition, with a condition restricting external lighting also considered appropriate. Subject to these conditions, no ecology concerns are raised.

Water Neutrality:

The application documents outline that the barn is used for storage in association with the existing agricultural activities taking place on the land. The main is not connected to mains water, with the land serviced by an existing rainwater harvesting system. For these reasons, the development is not anticipated to increase water demand at there site, and there is no clear or compelling evidence to suggest the nature and scale of the development would result in a more intensive use of the land

necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. 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:

For the reasons outlined above, the development is considered acceptable, in accordance with the relevant local and national planning policies.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: Within 3 months of the date of the permission hereby granted, a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

3 **Regulatory Condition**: The development hereby permitted shall be used solely for agricultural purposes, as defined in Section 336(1) of the Town and Country Planning Act 1990, for the storage of hay and machinery, in accordance with the Planning, Design and Access Statement. The development shall not be used for any other purpose(s) without the prior express consent of the Local Planning Authority by way of a formal application.

Reason: The site lies in a countryside location where only development types specified in Policy 26 of the Horsham District Planning Framework (2015) would normally be permitted.

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/23/1704
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	NONE	13.09.2023
Floor plan	Top Plan	1 of 5	23.10.2023
Elevation plan	West View	2 of 5	23.10.2023
Elevation plan	South View	3 of 5	23.10.2023
Elevation plan	East View	4 of 5	23.10.2023
Elevation plan	North View	5 of 5	23.10.2023
Block plan	Block Plan	NONE	13.09.2023

DELEGATED

Case Officer sign/initial Tamara Dale Date: 22.12.2023

Authorising Officer sign/initial RHERMITAGE Date: 22.12.2023