Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1863
Dalehurst Farm, Sedgewick Lane, Horsham, West Sussex,

DESCRIPTION:

Recreational use of tree house, linked bridge and platform for nature viewing.

RELEVANT PLANNING HISTORY:

DC/24/0882	Application to confirm the completion of the Tree House, linking bridge and nature viewing platform, on 27/07/2019 (Lawful Development Certificate - Existing)	Permitted on 07.08.2024
DC/22/1207	Retrospective application for the erection of a tree house with linked bridge to nature viewing platform.	Refused on 17.04.2024

DESCRIPTION OF THE SITE

The application site comprises a built tree house, linked bridge and platform attached to a tree in a wooded area belonging to Dalehurst Farm towards the west of the main farm complex. The site is surrounded by fields and sits within a wooded area and is only accessible on foot. The site is not within a conservation area and there are no Article 4 Directions covering the site. The site is within Ancient Woodland.

DESCRIPTION OF THE APPLICATION

This application seeks to regularise the use of the lawful tree house bridge and platform for personal, non-commercial recreational use.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable 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

Nuthurst Neighbourhood Plan
Policy 14: Green Infrastructure and Biodiversity

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 27: Inclusive Communities, Health and Wellbeing

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

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

None Received

OUTSIDE AGENCIES

None Received

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments:

None Received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The tree house, linking bridge and viewing platform have been established as lawful through the granting of a certificate of Lawful Development to 'confirm the completion of the Tree House, linking bridge and nature viewing platform, on 27/07/2019'. However, this does not confirm the lawful use of the structures.

The application seeks to regularise the use of the site for 'recreational' purposes. This has been described as 'private use by family and friends' and would be limited to the type of use you would expect within a residential garden but within an agricultural/ woodland site.

The principle of the use is considered acceptable as a private recreational use of the land as set out in the planning statement. A condition is recommended to restrict the use for private/ non commercial purpose and to limit the site to not allow over night stays. This is to ensure the intensity of the use remains appropriate in this countryside location and the site does not become an independent residential unit.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape 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.

This application does not include any alterations to the design and appearance of the lawful structure.

Trees and Landscaping:

This site is situated within a belt of Ancient Woodland that runs north to south. The Council's Tree Officer has previously visited the site and has raised no objection to the structures in relation to trees.

Historically the area where the viewing platforms are located has been used to hold grazing livestock. The land owner has erected a wire fence to the east of the platforms separating them from the adjacent field, which is still used for livestock. It would seem that the absence of grazing animals has benefited the AW, allowing the seed bank stored within the soil to become active due to the lack of above-ground

activity and disturbance caused by the animals. In addition, the landowner has created 760m2 of tussocky neutral grassland and blackthorn scrub replacing intensively managed pasture, to offset the erection of the platforms within the AW. It should also be noted that the private ownership and lack of commercial use of the site does limit the overall impact on the Ancient Woodland.

To ensure that the Ancient woodland continues to be protected, it is considered appropriate to attach a condition to this planning permission that limits the use of the structures to private recreational use only and strictly for non commercial purposes. This will limit the intensity of the use and ensure that the trees continue to be protected.

Residential Amenity:

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

The nearest residential properties to the site are situated around 150 metres to the north and south of the site, separated by trees, hedgerows and grazing fields. The private recreational use of this structure in the woodland is unlikely to create any amenity concerns for these residents due to the private non-commercial nature of the use and the distance from the properties. As above, a condition is recommended to restrict the use of the site to private use in association with Dalehurst Farm and for the provision of no over night stays.

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.

There is no water supply to the site and no water will be used at the site. This site is therefore considered to be water neutral without w=mitigation measures being required.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The application is retrospective and is therefore exempt from the requirements of BNG.

Conclusions:

This application seeks to regularise the private recreational use of the lawful treehouse, viewing platform and bridge. This is considered to be an acceptable use for the site, subject to a condition restricting the use of the site to non-commercial, private recreational and restricting the site to no over night stays.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition:** The tree house, linked bridge and platform for nature viewing shall not be used for commercial purposes or in connection with any form of business, and shall be used for private recreational purposes only. The development shall not be occupied over night.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development 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/24/1863
(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	Location Plan	3864-PL-01	26.11.2024
Block plan	Tree Location Plan	Figure 1 - TLP	26.11.2024
Elevation & Floor plan	Nature Observation Platform	001	26.11.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 28.1.25

Authorising Officer sign/initial Tamara Dale Date: 04.02.2025