PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	1st April 2025
DEVELOPMENT:	Retrospective erection of a single storey garden office building at the rear of the property.
SITE:	18 Croft Way Horsham West Sussex RH12 2AS
WARD:	Trafalgar
APPLICATION:	DC/24/1837
APPLICANT:	**Name:** Mrs Anna Page **Address:** 1 Shottermill Horsham West Sussex RH12 5HG

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is seeking retrospective planning permission for the erection of a single storey garden office/Pilates Studio building at the rear of the property at 18 Croft Way, Horsham. The building has a width and depth of 7 metres and 8 metres respectively. With a dual-pitched roof, the building has a ridge height of 3.9 metres.

1.3 Building works have commenced though remains unfinished. Further works have been halted since the Council's Compliance Team advised the building does not meet permitted development rights under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.4 The intended purpose of the building would be for home schooling purposes in addition to infrequent use of the building for teaching Pilates classes, which would be incidental to the operation of the main use of the dwelling. The applicant has advised that the reason for the failure to meet relevant permitted development rights was due to a construction error

resulting in the building being located too close to the boundary of the curtilage of 18 Croft Way.

DESCRIPTION OF THE SITE

1.5 The application site comprises a two-storey detached dwellinghouse that occupies a large plot in Croft Way within the built-up area of Horsham. The road comprises both detached and semi-detached two-storey modern residential houses, constructed with either buff or red brickwork.

1.6 The garden office (outbuilding) relevant to this planning application is located to the rear of the plot, with its principal elevation located about 28 metres away from the rear elevation of the dwellinghouse.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework:

Horsham District Planning Framework (HDPF 2015):
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Horsham Blueprint Business Neighbourhood Plan 2019-2036
Policy HB3- Character of Development
Policy HB4- Design of Development
Policy HB5- Energy Efficiency and Design

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 9: Water Neutrality
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/23/1352	Removal of existing conservatory. Erection of single storey rear and two storey side and rear extensions.	Application Permitted on 05.09.2023

3. OUTCOME OF CONSULTATIONS

3.1 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.

3.2 OUTSIDE AGENCIES

3.3 **Natural England**: Standing Advice: -

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.

3.4 PUBLIC CONSULTATIONS

3.5 Representations:
A total of 14 letters of objection have been received from 13 separate addresses during the consultation period, objecting to the application on the following grounds:

- The building results in overdevelopment
- Concerns over its possible commercial use
- Overshadowing to neighbouring properties
- Traffic and noise as a result of possible commercial use
- Increased parking pressures on the street and wider area
- Intrusion to neighbours' privacy
- The building is unnecessary
- Concerns over possible light pollution
- Design not sympathetic to the surrounding area
- Disturbances from construction
- The proposed use goes against a covenant on the property
- Loss of property value in wider area

3.6 Neighbourhood Council Comments:
Trafalgar Neighbourhood Council: Comments
Whilst members had sympathy with comments from residents, they agreed that there were no grounds on which HTNC could object in terms of planning consent. Members did however, wish to suggest that the roof be lowered to be less obtrusive and to meet the request of residents

3.7 Member Comments:
None received

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 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.

4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The main issues are the principle of the development and the effect of the development on:-

- The impact of the outbuilding to the character of the dwellinghouse of the plot and the surrounding area
- The amenities of the occupiers of nearby properties

Design and Appearance:

6.2 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.

6.3 Policies HB3 and HB4 of the HBBNP seeks to ensure that developments have high quality of design. Local character shall also be respected to integrate with its surrounding built form. The development is for the part-retrospective erection of an outbuilding for the primary purposes of a garden office located at the rear garden of 18 Croft Way, Horsham, RH12 2AS.

6.4 A site visit was carried out to the application site and it is confirmed that the outbuilding is currently part constructed, with the external walls and roof, windows, and internal renovations yet to be completed. A small side window is proposed for the proposed toilet facility, a front window is proposed, fronting the rear of the dwellinghouse of the application site as well as the rest of the rear garden, and in addition two rooflights would also be installed to the rear roof of the building.

6.5 The application site contains one of the largest plots amongst properties along Croft Way. Single and two-storey rear extensions for the dwellinghouse at the application site was approved under DC/23/1352, and the distance between the rear elevation of the dwelling and the front elevation of the outbuilding remains about 28 metres.

6.6 The outbuilding is located 1m away from the rear boundary of the plot, and is proposed to consist of grey metal panels to the rear, green and brown coloured composite slatted panels to the sides and front elevation, and grey slate tiles. Had the building been sited 2m from the rear boundary of the site, planning permission would not be required as the outbuilding would have met the conditions and requirements of Class E of Part 1, Schedule 2 of the General Permitted Development Order (2015) as amended for outbuildings.

6.7 The proposed design and scale of the outbuilding is subservient to the host dwelling at the application site. Whilst visible from other properties, the outbuilding would not result in an adverse impact to the prevailing character of the built environment and is not considered to

be intrusive to the appearance of the surrounding area, in accordance with the above planning policies.

Impacts on Neighbouring Amenity

6.8 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.

6.9 The outbuilding at the rear of 18 Croft Way would be visible from surrounding dwellinghouses on Croft Way, Merryfield Drive, and Ryecroft Drive. The dwellinghouse closest to the development is to the immediate south at 2 Ryecroft Drive. There would be approximately 15m between its rear elevation and the closest point of the proposed outbuilding. At that closest point the eaves of the outbuilding would be 2.2m, which is 0.2m higher than a fence could be. It is though recognised the outbuilding would then rise to a total height of 3.9m with the pitch sloping away from the rear boundary.

6.10 Whilst the outbuilding would be clearly visible, that does not mean it has an unacceptable amenity impact. The proposal would not have an overbearing impact on the amenities of No 2 Ryecroft Drive nor other surrounding neighbours, with a sufficient distance between them and an acceptable level of amenity still provided in garden areas.

6.11 Therefore, it is considered that the siting, scale and layout of the outbuilding and the resulting relationship with adjoining properties would prevent any unacceptable harm to neighbouring amenity, in accordance with Policy 33 of the HDPF.

Other Matters

6.12 In regard to concerns over the possible commercial use and the risks of increasing traffic flow, noise and parking issues, the applicant has described the intended use of the development as a home office and Pilates Studio with the primary use being as an office.

6.13 It is recognised that home offices for self-working, and running a business from home in most cases do not require planning permission as they are incidental to the enjoyment of your dwellinghouse. Condition 3 as recommended will control the use of the building for this purpose. If the building is used more intensely in the future is may be that a further application for a change of use is required, but that is not the subject of consideration within this application.

Water Neutrality

6.14 Whilst the outbuilding would include WC facilities, this would not provide for additional occupation or accommodation to the dwelling, thus there is no or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling 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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain

6.15 In accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all householder applications are current exempt from the statutory requirement to demonstrate a 10% net gain in biodiversity.

Conclusion

6.16 Whilst it is recognised the building is relatively large for an ancillary outbuilding, it is acceptable considering the size of the plot and distance to neighbouring dwellinghouses. The development is considered subservient to the host dwelling through the appropriate use of external materials, and is considered acceptable to the character of the surrounding built environment. The proposal is also considered to be acceptable on amenity grounds and as such, the application is considered to be in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015), and Policies HB3 and HB4 of the Horsham Blueprint Business Neighbourhood Plan 2019-2036.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

Conditions:

1 **Approved Plans**

2 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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).

3 **Regulatory Condition**: The development hereby permitted shall be occupied solely for purposes incidental to the enjoyment of 18 Croft Way as a dwelling and shall not be used for business or commercial purposes, additional ancillary accommodation, or separate unit of accommodation.

Reason: The establishment of a business or an additional independent unit of accommodation could give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/24/1837