DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/2038
Development Site Lot 1, Kent Street, Cowfold, West Sussex,

DESCRIPTION:
Temporary siting of mobile home for a period of 3 years.

RELEVANT PLANNING HISTORY:

DC/23/1625	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse	Prior Approval Required and REFUSED on 26.10.2023
DC/23/1609	Prior Notification for demolition of existing agricultural building.	Prior Approval Not Required on 25.09.2023
DC/23/1020	Erection of No.2 stable blocks and hardstanding.	Under Consideration
DC/22/0729	Conversion and alterations to redundant chicken shed to form 2no three-bedroom dwellinghouses (Use Class C3).	Under Consideration

SITE AND SURROUNDS
The application site is situated within the countryside around 2km (as the crow flys) from Cowfold Built-Up-Area- Boundary. It is accessed a long a shared private track/ PROW from Kent Street.

'Delspride' is a former chicken farm that has been divided into three separate 'Lots', all within different ownership. The wider site, known as Delspride Farm, contains three main buildings together with other smaller buildings, most of which were used as chicken sheds up until mid 2020.

Lot 1 is the first section of the site that you come to as you enter the former chicken farm.

DETAILED DESCRIPTION
This application seeks planning permission for the retention of the one bedroomed 'mobile home' at Lot 1, Delspride for the temporary period of three years.

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 16 - Strategic Policy: Meeting Local Housing Needs
Policy 17 - Exceptions Housing Schemes
Policy 20 - Rural Workers Accommodation

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 39 - Strategic Policy: Infrastructure Provision
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 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

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:
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.

Cowfold Parish Comments:

Neutral response, noting that the application is for a temporary (period of three years) and not the permanent siting of a mobile home.

Representations:
One representation was received, objecting to the proposal due to unacceptable and unsafe access, and the impact on privacy, light and noise.

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 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlement of Horsham, whilst allowing appropriate growth across the rest of the district according to the settlement hierarchy that is set out in Policy 3.

Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; where the level of expansion is appropriate to the scale and function of the settlement type; where the development is demonstrated to meet the identified local housing needs; where the impact of development individually or cumulatively does not prejudice comprehensive long term development; **and** where the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

In addition, paragraph 79 of the National Planning Policy Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for an agricultural worker to live at or near the site; where such development would represent the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to enhancement of the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Consistent with this, Policy 26 of the HDPF states that any development should be essential to its countryside location and should 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.

Paragraph 80 maintains the presumption against isolated new dwellings in the countryside unless they are essential, noting: *"Planning policies and decisions should avoid the development of isolated homes in the countryside unless a specified circumstance applies, including:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside…"

Planning Practice Guidance entitled “Housing Needs of Different Groups” outlines how the need for isolated homes in the countryside for essential rural workers can be assessed. Considerations that may be relevant include: evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry, or similar land-based rural enterprise; the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process; whether the need can be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance, and local context; and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

The primary test set out in the NPPF and Policy 20 of the HDPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work.

This site is situated outside of the Built-Up-Area boundary of Cowfold and is considered to be a countryside location for the purposes of applying HDPF Policies. The spatial strategy seeks to protect the countryside against inappropriate development. This proposal would not have any special circumstances or essential need for a countryside location in terms of Policy 26, nor would it have any identifiable connections with the needs of a rural enterprise, informal recreational use or the sustainable development of a rural area. This application is not for a temporary rural workers dwelling but for the landowner to live on the site whilst they seek to gain planning permission for a permanent residential dwelling on the site.

There is recent planning history on the site, which includes a valid appeal in relation to the refused Prior Notification for the change of use of the chicken shed to a residential dwelling, an application for a new stable block and a full application to convert the chicken shed to two residential units, which has been granted and which would allow residential development on the site. The current planning history of the site would not therefore justify a temporary mobile home on the site. The application is therefore considered premature in these regards.

The wider site is no longer in active agricultural use, having been subdivided and sold into separate lots, and there is no other essential need for a mobile home to be sited on the land.

It is therefore considered that as there is no justification that demonstrates the mobile home is required in association with agricultural operations or any other identified planning need, and the site does not benefit from extant planning permission for a dwelling, that the principle of development of this application is contrary to policies 2,3,4, 20 and 26 of the HDPF.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape 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.

The mobile home is of standard construction and appearance and is of no particular architectural merit. Notwithstanding this, the unit is low in height and small in scale and its presence on the site for a temporary period, potentially in association with neighbouring permanent development, would not have an unacceptable impact on the surroundings within the context of the site.

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.

The location of the mobile home is in close proximity to a complex of agricultural buildings in a rural setting, which would have formed a single agricultural unit and farmyard, known as 'Delspride'. This has been divided into there 'Lots'. All lots are located adjacent to each other in a triangular shape. The buildings at Lots 2 and 3 are located around 27 metres from the mobile home at Lot 1. The main agricultural building on Lot 2 is not currently in use but is subject to a recently refused Prior approval to convert to residential. Lot 3 has a current Prior Approval application for a car storage use and an extant Prior Approval for a cabinetry use. While the chicken sheds are not in use currently, there are no restrictions that would limit the use of the building and wider land at any of the Lots for a range of agricultural purposes in the future.

Any potential occupiers of the dwelling would have no control over the lawful use of any buildings on the wider site. The re-instatement of a chicken farm could occur, or another equally noisy or incompatible agricultural use could occur in the immediate area which may adversely impact on the residential amenity of future occupiers. This would not just be a concern in relation to noise but also to general disturbance and odour.

Previous Prior Approvals on the wider site have been refused for these reasons (DC/22/1579 DC/23/1055 DC/23/1625). It is considered that it is not just the location of the buildings but the land use across the lots that could cause the unacceptable amenity and make the siting of any residential dwelling otherwise impractical or undesirable.

No information has been submitted to demonstrate that the adjacent uses would not be noise intensive and would not create unacceptable disturbance for future residents of lot 1. Distance is not the only factor which influences the unacceptable relationship and it is the Planning Authority's judgement that the amenity of future occupiers would be unacceptable. The temporary permission could be tied to the landowner of Lot 1 but due to the other land ownerships the rest of the site is out of their control.

It is therefore considered that there is the potential for future occupants of the proposed dwelling to be adversely impacted by significant noise levels through activities undertaken to the west of the site for the mobile home from the remaining agricultural buildings to the west. Any potential occupiers of the dwelling would have no control over the use of any buildings on the wider site, or any uses operating in the immediate area which may adversely impact on the residential amenity of future occupiers, contrary to policy 32 of the HDPF 2015.

Highways Impacts:

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

The application proposes no alterations to the existing point of access to the wider Delspride site from the public highway. Although a neighbour has raised concerns around the use of the track by additional vehicles it is not considered that this application would increase the amount of traffic to the site over and above the permitted agricultural use on site. There is sufficient space within the applicants ownership for parking within the hardstanding adjacent to the mobile home.

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 proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy. The Applicant has submitted a 'Water Neutrality Justification Statement'. This relies on the previous use on the wider site (in the chicken shed) and states that the caravan use would be less than this. However in this instance it is not considered an appropriate approach as this caravan is seen as an additional water use on top of the existing use rather than a replacement water use. This is because this application is not for a conversion or alternative use of the chicken shed. Given the other reasons to refuse permission it is not considered necessary to seek further information or a revise strategy at this stage. In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The proposal (although retrospective) for a temporary mobile home would be inappropriate to the countryside location, with a lack of justification for an essential need to reside on site. Therefore, the proposal is considered to be contrary to policies 2,3,4, 20 and 26 of the HDPF and paragraphs 78 and 80 of the NPPF.

The proposal is considered to result in unacceptable amenity levels to the occupants of the proposed temporary dwelling by virtue of the location within a wider agricultural site. There is the potential for the future occupiers of the dwelling to be adversely impacted by the lawful agricultural activities undertaken on the wider site by reason of noise and general disturbance associated with these activities, which are outside of the landowner's control. This is contrary to policies 32 and 33 of the HDPF 2015.

In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

While the Council is not currently able to demonstrate a 5YHLS, the benefit derived from the scheme would only be temporary and outweighed by the policy conflicts identified above.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The stationing of the mobile home would not be essential to its countryside location, and would not support the needs of agriculture or forestry; enable extraction of minerals or the disposal of waste; or enable the sustainable development of the rural area. The stationing of the mobile home therefore represents unsustainable development contrary to policies 2,3,4, 20 and 26 of the Horsham District Planning Framework (2015).

2. Given the location of the mobile home, there is the potential for the future occupiers of the dwelling to be adversely impacted by the agricultural activities undertaken on the wider site by reason of noise and general disturbance associated with these activities. As such it is considered that the proposal fails to provide an acceptable level of amenity for future occupiers contrary to policies 32 and 33 of the Horsham District Planning Framework (2015).

3. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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/23/2038

(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
Supporting Statement	Introductory Statement and Planning Statement	NONE	06.11.2023
Location plan	Location Plan 23-04-01	23-04-01	06.11.2023
Site plan	Site Plan 23-04-02	23-04-02	06.11.2023
Photos	Photograph A	A	06.11.2023
Photos	Photograph B	B	06.11.2023
Photos	Photograph C	C	06.11.2023
Photos	Photograph D	D	06.11.2023
Supporting Statement	Water neutrality	NONE	25.01.2024
Elevation & Floor plan		NONE	04.12.2023

DELEGATED

Case Officer sign/initial Kate Turner Date: 19/3/24

Authorising Officer sign/initial Guy Everest Date: 21.03.2024