



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0288

Well Cottage, Emms Lane, Brooks Green, West Sussex, RH13 0TR

DESCRIPTION:

Change of Use of existing paddock into residential curtilage.

RELEVANT PLANNING HISTORY:

None

DESCRIPTION OF THE SITE

The application site relates to Well Cottage, Emms Lane, Brooks Green, Horsham, comprising a semi-detached two-storey dwelling and its associated residential curtilage. The site lies within a countryside location outside of any defined built-up area boundary.

The site measures approximately 0.12 hectares and includes the dwelling, driveway, patio and areas of domestic garden planting.

To the east of the dwelling lies an enclosed paddock measuring approximately 0.08 hectares, which forms the application site. This land is currently laid to grass and is bounded by:

- A hedgerow along the northern boundary adjacent to Emms Lane;
- Post and rail fencing and domestic boundaries to the remaining edges.

The surrounding area is characterised by scattered residential properties, gardens and open countryside, including arable fields, woodland and hedgerows. The paddock is physically and visually associated with the host dwelling, although it currently lies outside the lawful residential curtilage following the subdivision of the original dwelling (Hinkhurst) under planning permission DC/18/1858.

DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of an existing paddock to residential curtilage associated with Well Cottage.

The proposal does not involve operational development or built form. Instead, it comprises the incorporation of the paddock into the domestic garden area of the dwelling.

As part of the proposal, the paddock would be used for incidental residential purposes, such as garden and amenity space. The existing access arrangements via Emms Lane would remain unchanged. The removal of the internal post and rail fence and gate between the dwelling and paddock is proposed to create a continuous residential curtilage and all existing boundary treatments, including hedgerows and perimeter fencing, are to be retained.

The proposal is limited in scope and does not include any ground works or alterations to existing habitats. The accompanying ecological information confirms that the development is small-scale and would not result in harm to habitats or protected species, given it is a change of use only.

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 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction

Neighbourhood Plan:

The Shipley Neighbourhood Plan was formally made on 23 June 2021.
Policy Ship HD3 – High Quality Design

Supplementary Planning Guidance:

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

Parish Design Statement:

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:

Southern Water: Standard Advice

PUBLIC CONSULTATIONS:

Representations:

None Received

Parish Comments:

No Objection

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 application seeks the change of use of an existing paddock to residential curtilage associated with Well Cottage. The site lies outside of any defined built-up area boundary and is therefore located within the countryside where development is subject to restraint under the Horsham District Planning Framework (2015).

Policy 26 of the HDPF seeks to protect the intrinsic character and beauty of the countryside by restricting development to that which is essential or can be satisfactorily accommodated without resulting in adverse impacts. In addition, Policy 28 supports development within the curtilage of an existing dwelling, including extensions and associated domestic uses, provided that such development remains proportionate and respects the character of the site and its surroundings.

The proposed development does not involve operational development or the erection of built form, but rather the extension of the existing residential curtilage to incorporate an adjacent paddock. As such, the key consideration is whether the domestication of this land would represent an unacceptable encroachment into the countryside.

The paddock is directly adjacent to the host dwelling and is enclosed by established boundary treatments, including hedgerows and fencing. It is physically and visually related to the residential use of Well Cottage and is not actively used for agricultural purposes. Furthermore, the land has historically formed part of the wider residential planning unit associated with Hinkhurst prior to its subdivision.

The proposal would result in an increase in the size of the residential curtilage; however, given the modest scale of the paddock (approximately 0.08ha) and its contained relationship with the dwelling, it is not considered that the proposal would lead to a harmful or visually intrusive encroachment into the open countryside. Furthermore, the extended curtilage would be comparable to neighbouring dwellings, including Hinkhurst. The retention of existing boundary treatments would ensure that the rural character of the wider area is preserved.

The proposed use is considered to remain ancillary and incidental to the existing residential use, with no intensification or urbanising features proposed. The development would therefore not conflict with the aims of Policies 26 and 28 of the HDPF.

Design and Appearance:

Policy 32 of the Horsham District Planning Framework requires development to achieve a high standard of design which respects the character and appearance of the surrounding area.

In this case, the proposal relates solely to the change of use of land and does not involve the erection of any buildings or operational development. As such, there are no design elements in terms of scale, massing, layout, or architectural detailing to assess. The proposal would retain the existing boundary treatments, including hedgerows and fencing, and would not introduce any urbanising features or alterations that would materially affect the visual character of the site or wider area.

Given the absence of built form and the limited nature of the proposal, it is considered that the development would preserve the existing character and appearance of the site and surrounding countryside. Accordingly, the proposal is considered to comply with Policy 32 of the HDPF.

Residential Amenity:

Policy 33 of the Horsham District Planning Framework (2015) requires development to safeguard the amenities of existing and future occupiers, including matters such as privacy, outlook, noise and general disturbance.

The proposal relates solely to the change of use of an existing paddock to residential curtilage and does not include any built development or physical alterations that would give rise to overlooking, loss of light, overbearing impact or enclosure.

The use of the land as domestic garden space is considered compatible with the surrounding residential context, which comprises neighbouring dwellings and their associated curtilages. The intensification of activity arising from the proposal would be limited to typical residential use and is not considered likely to result in unacceptable levels of noise or disturbance to neighbouring occupiers.

Furthermore, no changes are proposed to access arrangements or parking provision, and therefore no additional impacts in terms of comings and goings are anticipated.

Overall, it is considered that the proposal would not result in any material harm to the amenities of neighbouring properties or future occupiers of the site and therefore accords with Policy 33 of the HDPF.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

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 Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The applicant has submitted a Biodiversity Metric which demonstrates that the development would result in a significant net loss of biodiversity on-site. The submitted information confirms that off-site biodiversity units will be required to achieve the statutory 10% net gain, to be secured through the purchase of units from a habitat bank.

As such, the statutory biodiversity net gain condition has been applied to ensure that a compliant Biodiversity Gain Plan, including details of the off-site provision and its long-term management, is secured prior to the commencement of development.

Conclusions:

The proposed change of use of the paddock to residential curtilage is considered acceptable in principle and would not result in harm to the character of the countryside, the appearance of the site, neighbouring residential amenity, or ecological interests. The development is modest in scale, involves no built form, and retains existing site features, ensuring that the character of the area is preserved. Accordingly, the proposal complies with the relevant policies of the HDPF and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

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- Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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/26/0288

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date

Supporting Docs	Ecological Impact Assessment	NONE	03.03.2026
Location & Block plan	EXISTING AND PROPOSED	26598 / P100	17.02.2026
Supporting Statement	PLANNING STATEMENT	NONE	18.02.2026
Supporting Docs	BNG Metric	NONE	18.06.2026
Supporting Docs	Biodiversity Net Gain Assessment	AR187	18.06.2026

DELEGATED

Case Officer sign/initial Shazia Penne Date: 22.06.2026

Authorising Officer sign/initial RHERMITAGE Date: 23.06.2026