Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/1818
The Barn, Capel Road, Rusper, West Sussex, RH12 4PY,

DESCRIPTION:

Change of use of existing agricultural storage building to 1No residential dwelling and regularisation of the Deemed Consent (DC/14/0882)

RELEVANT PLANNING HISTORY:

DC/19/1431	Part-retrospective application for the re-cladding and re-roofing of the existing agricultural storage building following removal of asbestos.	Application Permitted on 16.09.2019
DISC/20/0217	Approval of details reserved by condition 3 to approved application DC/19/1431.	Application Permitted on 16.10.2020
DC/21/1832	Installation of windows and doors into an existing agricultural store building.	Application Refused on 17.05.2022

SITE AND SURROUNDS

The application site comprises a former agricultural barn with an area of fenced-off associated land around it, together with established vehicular access to Capel Road.

The agricultural building gained previous permission to be re-clad and re-roofed and this work has taken place. The agricultural building previously contained corrugated metal cladding to side elevations and asbestos sheet roofing which were removed and the building reinforced.

The site is within a countryside location surrounded by sporadic development.

DETAILED DESCRIPTION

The application seeks full planning permission for the change of use of the building to 1no. residential dwelling, along with the insertion of windows and doors.

The proposal would comprise a 3-bed residential dwelling, with windows and doors to the lower part of the elevations. An area of amenity space would be provided around the barn. The plans submitted do not however indicate a parking area for the development.

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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
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 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.

Rusper Neighbourhood Plan:
Policy RUS1 – Spatial Plan
Policy RUS2 – Rural Diversification
Policy RUS3 – Design
Policy RUS5 – Green Infrastructure and Biodiversity

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 Waste Management: No response received

HDC Environmental Health: Comment

Lack of detail on contamination risks and noise impacts to the proposed dwelling. The Planning Statement notes that asbestos materials have been removed from site but provides no further detail on how this was done or whether a licenced contractor was used. No information is provided regarding the condition of the made ground underlying the yard and hardstandings around the building. to ensure the application is properly determined a phase one environmental risk assessment is required.

The site lies within the 57dBALAEQ(16 hour) noise contour for Gatwick airport which is the governments indicator for community annoyance due to aircraft noise. Noise from aircraft will therefore dominate the environmental character of the development site. Both the National Planning Policy Framework and the Aviation Policy Framework require that new development should not be adversely affected by unacceptable levels of noise pollution.

OUTSIDE AGENCIES

WSCC Highways: Comment

The site is located on Capel Road, a C-classified road subject to a speed restriction of 40 mph in this location.

The Application Form states that 6 car parking spaces will be provided for the development. No details of vehicular access or parking have been provided in the plans, and it is not clear where this will be located. The LHA would request that proposed access arrangements and parking provision be demonstrated.

Drainage Consultant: Comment
Insufficient information provided to assess the site drainage. Additional information required, including site drainage patterns, measurement of total site area, pre- and post- development permeable and impermeable areas with supporting catchment plans and calculations; flow and volume rates with supporting information; water filtration discharge methods; surface water management strategy; evidence of measures to prevent pollution of the receiving groundwater and/or surface water; detailed surface water drainage strategy; maintenance and management plan; and foul water drainage strategy.

Southern Water: Comment

There are no public foul and surface water sewers in the area to serve this development. The Applicant is advised to examine alternative means of foul and surface water disposal.

Natural England: Comment

Further information required in order to determine the significant of impacts on designated sites and the scope for mitigation.

An updated Water Neutrality Statement, including evidence to demonstrate the existing baseline water use and to detail any mitigation measures that may be required to achieve water neutrality, is necessary.

Parish Comments:

None received

Representations:

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 Planning Statement refers to the site benefitting from Deemed Consent for the conversion of the building to a residential dwelling under planning reference DC/14/0882. This is on the basis of previous Class MB under Part 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995, where MB.2(3) required that the development shall begin within a period of three years beginning with the date on which either the prior approval is granted or the 56 day period expires without the local planning authority notifying the developer as to whether prior approval is given or refused.

The Council determined the Prior Approval application reference DC/14/0882 on 20.06.2014 on day 57. The Applicant's view is therefore that that the application benefitted from Deemed Consent. The Council's Decision Notice however outlined that the Local Planning Authority were not satisfied that the land was not contaminated, and also considered that the site is in an unsustainable location. It was therefore considered that the proposal would fail the Prior Notification criteria and that full planning permission was required.

A compliance investigation was opened on 16.12.2015 which alleged that works to commence the change of use of the building from agricultural to residential had taken place. The Planning Statement outlines that preparation for the conversion commenced in October 2015 when a company inspected the site for asbestos materials and subsequently removed the side cladding and roof. This is confirmed by a letter dated 11.01.2016 in reference to the compliance investigation which confirms that preliminary removal of all asbestos from the site had taken place. The investigation maintained that the conversion of the building did not represent permitted development under the relevant Class for the reasons contained within the Council's Decision Notice.

A Certificate of Lawful Development Proposed was submitted under planning reference DC/16/1678, which sought to confirm the use of the building as 2no, dwellinghouses and the carrying out of building operations reasonably necessary to convert the building to residential use following prior approval application DC/14/0882. It was noted that the application site comprises a former agricultural barn with an area of fenced-off associated land around, together with an established vehicular access. The current agricultural building is a skeletal reinforced concrete structure, where it appeared that any corrugated metal cladding and roofing has been removed. It was noted that no structural report was submitted with the Prior Approval application in 2014, relating to the condition of the concrete-framed barn or its ability to take additional loadings of the proposed new structural elements.

It was considered that due to the skeletal concrete frame of the building, irrespective of the sheeting which had been removed, a significant amount of re-building would be required to form the new residential dwellings. Additionally, no information on how the first floor would be provided while retaining the existing frame. It was recognised that the permitted development right refers to building operations 'reasonably necessary to convert the building'. The extent of removal of existing walling and the new construction was considered to amount to a new building with very little of the original left, and it was outlined that this could not reasonably be described as either partial demolition nor conversion of an existing structure. The proposal would require a significant amount of reconstruction to enable adaptation of the building for residential use, where it was determined that the work amounted to substantial demolition and reconstruction, with very little of the original left. The Certificate was therefore refused on the grounds that it dies not represent permitted development as the residential conversion would exceed that which would be reasonably necessary, would have an unacceptable external appearance, and the potential for unacceptable levels of aviation noise and disturbance.

This decision was considered at appeal, where it was outlined that non-determination of a prior approval application does not entitle a developer to progress with a development which does not qualify as permitted development under the GPDO. It is lawful only if the development meets all of the qualifying conditions for the Class, and only if it is in compliance with the conditions and limitations of Part 3. The Inspector noted that the Council did not by virtue of its failure to determine and then its purported refusal of prior approval, determine that the qualifications of permitted development were met.

The Inspector noted that the structure comprises a concrete skeleton frame with no walls open to the elements on all sides and has no roof. The skeleton frame was considered to be so minimal that the

works to alter the building to that of a dwelling were deemed to be of such a significant scale that they amounted to a rebuild. As a matter of fact and degree, it was concluded that the proposed works would go beyond what could reasonably be regarded as conversion. It was concluded that the works amounted to substantial reconstruction of the fabric of the building, which goes beyond what is permitted. As a pre-requisite to development had not been met, it was stated that the deemed consent could not grant permission.

This view was also supported at a later appeal in respect of planning application reference DC/21/1832 which sought permission for the installation of windows and doors to the building. The Inspector noted that until a prior approval application was granted for a single dwelling, there is no fallback position in this regard. There was no objective evidence that the building could be used as a single dwelling (of for any dwelling) and the recladding and reroofing works were in relation to the existing agricultural storage building, not a dwelling.

These appeal decisions confirm that the building does not benefit from deemed consent under DC/14/0882, and in this respect, the site does not benefit from a fallback position. The proposed development would therefore comprise the conversion of an agricultural building to 1no. residential dwelling.

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

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

In this countryside location, the proposal is also considered against Policy 26 ‘Countryside Protection’ which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria include supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development would not meet any of this criteria, nor is it considered to be essential to the countryside location.

Policy RUS1 of the Rusper Neighbourhood Plan defines the built-up area boundary of Rusper for the purposes of applying Policy 4 of the HDPF.

Paragraph 70 of the NPPF outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 83 of the NPPF states that “to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

Paragraph 84 of the NPPF continues that “planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

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;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge The pre-application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF, and is considered unacceptable in principle.

It is however recognised that the application relates to the conversion of an agricultural building to a residential dwelling. Policy 10 of the HDPF is therefore of relevance to the application. This policy states that proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance. No justification has been provided to demonstrate why the building is not suitable or viable for an alternative commercial use.

Design and Appearance:

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

Policy RUS3 of the Rusper Neighbourhood Plan states that proposals for new development must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings.

The application building has been subject of an earlier permission for the re-cladding of the building under planning reference DC/19/1431. It was considered that the timber cladding to the elevations was commensurate to an agricultural building in a rural setting, and while increasing the solidity of the building, was not incongruous to the location or in relation to the sporadic pattern of development in the immediate surroundings.

A later application under planning reference DC/21/1832 sought the installation of windows and doors to the building. It was considered that the substantial size and number of windows and doors would result in a domestic form of development to the agricultural building, with no explanation or justification for the proposal in relate to an agricultural use. The application was refused on the basis that the proposal would result in a quantum and layout of openings that would appear overtly domestic in style and appearance, and would detract from and dilute the agricultural and utilitarian character of the building. It was also considered that insufficient information had been provided to justify that the windows and doors were essential to the undeveloped countryside location, where it would result in the erosion of the landscape character of the locality, adding a domestic form of development within the rural area. This decision was appealed, where the Planning Inspector considered that the large number and size of windows and doors, together with their regimented arrangement and placement in the lower and upper parts of the building, would result in a significant area and portion of blank timber cladding being lost. The apparent style of the windows and doors was also considered to give a tangible domestic feel to the building, where punctuating the fabric of the building in this was and to such extent, would seriously detract from the intrinsic prevailing feature of the building. It was therefore considered that the alteration would fundamentally undermine and erode the distinct visual and physical integrity as a typical agricultural storage building. The proposed alterations were also considered to be manifestly out of keeping and incompatible with the rural context.

The current application relates to both the change of use of the building to residential dwelling and the external alterations to install windows and doors. As such, it is recognised that the considerations of the application have changed somewhat. The previous refusals and appeal dismissal do however remain material to the consideration of the proposal in respect of the number of openings and the impact on the character of the rural locality.

The proposal seeks to install doors and windows to the lower part of the building, comprising double doors to the southern elevation, 5-pane doors to the northern elevation, and windows within each of the bays to the east and west elevations. A single door is also proposed to the eastern elevation. These openings would be uniformly spaced and of uniform size, with the glazing details considered to be overly domestic in character and appearance. When considered cumulatively, the proposed openings would fail to reflect the character and visual amenity of the agricultural building. The uniformity and spacing of the proposed openings would also appear disproportionate within the elevations of the building, and would result in a poor quality of design that would erode and dilute the character of the rural building and its setting.

For these reasons, the proposed development is considered to be contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).

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.

Given the separation distance and the nearest residential properties to the north and south-east of the application site, it is considered that no adverse harm would arise to neighbouring residential properties or users of land, in accordance with the above policies.

Highways Impacts:

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

It is noted that the application site benefits from an existing access gate located to the east of the building. However, no details of access or parking have been provided as part of the application. These have not be drawn on the submitted Block Plan, albeit that the Application Form outlines that 6no. car parking spaces would be provided.

Following consultation with WSCC Highways, further information has been requested to illustrate the proposed access arrangements and parking provision. While it would be beneficial to provide these details as part of the submission, it is considered that conditions could be imposed to require details of the parking arrangement. Subject to such condition, it is not considered that the proposed development would result in harm to the function or safety of the public highway network, in accordance with the above policies.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

The application site is located within the countryside and surrounded by agricultural fields, with a number of ponds located within 250m of the site. The site is also located within close proximity to hedgerows, with the proportions of the building having the potential to provide roosting habitat for bats.

The Applicant has provided no ecology information and it has not therefore been demonstrated that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 180 and 186 of the NPPF.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Should the proposed development be considered acceptable, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

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 Water Neutrality Statement outlines that the development would meet the optional Building Regulation standard of 110 litres per person per day. Based on the average occupancy for a 3-bed dwelling of 2.47, the overall demand arising from the development would be 271.7 litres per day.

The Water Neutrality Statement submitted refers to previous farming practice for livestock and crops, however no evidence has been provided to demonstrate this. The Statement specifies that no water bills are available, where the Statement refers to the building having a water connection. There is no evidence available to demonstrate an existing baseline with certainty, with no specific details indicating the agricultural activities that may have previously been undertaken from the building. The planning history over the last 3 years draws into question the use of the building for these purposes, and it is not therefore considered that an existing baseline could be demonstrated. For these reasons, the existing baseline is considered to be zero (0).

The Water Neutrality Statement suggests that the proposed dwelling would utilise water efficient fixtures and fittings. However, no Part G Water Calculator has been provided to demonstrate this. No offsetting measures have been proposed.

For the above reasons, insufficient information has been provided to demonstrate an existing and proposed baseline with certainty. In addition, there is no certainty that an appropriate degree of mitigation or offsetting would be provided so 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.

Conclusions:

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

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance

provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however 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). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

While recognised that the proposed development would represent the conversion of an existing agricultural building, the proposal would result in a single residential dwelling within a countryside location, at a distance from amenities, services, and facilities. Future occupiers would be heavily reliant on private vehicles for their day-to-day needs, where the development is considered to be located within an unsustainable location.

The proposed development, due to the uniformity and design of the window and door openings, would appear overtly domestic in character, and would fail to relate sympathetically to the character and visual appearance of the rural building. The development would therefore result in a poor quality design that would be out of keeping with the rural locality and countryside setting.

In addition, insufficient information has been provided to demonstrate an existing and proposed baseline with certainty. In addition, there is no certainty that an appropriate degree of mitigation or offsetting would be provided so 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

While the proposal would contribute 1no. residential dwelling to the Council's housing supply, the benefits of this would be modest and would not be considered to outweigh the harm as identified above. On the balance of considerations, the proposed development is considered to be contrary to Policies 1, 2, 3, 4, 26, 32, 33, and 31 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	135.43	135.43	0
		Total Gain	**0**
		Total Demolition	**0**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Refused

Reason(s) for Refusal:

1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2023) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).

2 The proposed openings would be uniformly spaced and of uniform size, with the glazing details considered to be overly domestic in character and appearance. When considered cumulatively, the proposed openings would fail to reflect the character and visual amenity of the building and would result in a poor quality design and appearance that would fail to relate sympathetically to the rural character and countryside setting. The proposed development would therefore be 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 (2023), 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).

4 Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 180 and 186 of the NPPF.

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/23/1818

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	NONE	29.09.2023
Block plan	Block Plan	NONE	08.04.2024
Floor plan	Existing Plans	RUSPERBARN-EXTPLN REV	29.09.2023
Elevation plan	Existing Elevations	RUSPERBARN-EXTELE REV	29.09.2023

Floor plan	Proposed Plans	RUSPERBARN-PROPLN REV	29.09.2023
Elevation plan	Proposed Elevations	RUSPERBARN-PROELE REV	29.09.2023
Supporting Statement	Water Neutrality Statement dated April 2024	NONE	05.04.2024

DELEGATED

Case Officer sign/initial Tamara Dale Date: 31.05.2024

Authorising Officer sign/initial Guy Everest Date: 03.06.2024