Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1924
Furnace House, Guildford Road, Slinfold, Horsham, West Sussex, RH13 0QZ

DESCRIPTION:
Variation of condition 1 of previously approved application reference RW/55/99 (Commercial fishing of the top lake) to allow for a reduction in the numbers of anglers permitted to fish at any one time on 'Furnace Lake'.

RELEVANT PLANNING HISTORY:

RW/55/99	Commercial fishing of the top lake Site: Furnace House Guildford Road Slinfold	Application 01.09.1999.	Permitted on
DC/08/2184	Retrospective planning commission for the continued use of Plantation Lake for commercial fishing	Application 11.12.2008.	Permitted on
DC/08/2185	Retrospective planning permission for the erection of 3 lodges and 3 toilets in connection with the commercial fishery	Application 11.12.2008.	Permitted on

DESCRIPTION OF THE SITE
The application site consists of a number of fishing lakes, collectively known as Furnace Lakes, which are located to the north of Guildford Road in Slinfold. Furnace Lake and Furnace Pond were purchased by the Applicant in 2023.

DESCRIPTION OF THE APPLICATION
The application is made pursuant to the provisions of S.73 of the Town and Country Planning Act 1990 and seeks to vary condition 1 attached to ref: RW/55/99, this condition states: -

At no time shall there be more than 60 anglers fishing the lake at any one time.

Reason: To protect the rural character of the locality.

The application seeks to amend the wording of the condition to read:

At no time shall there be no more than 15 anglers fishing the lake at any one time.

Reason: To protect the rural character of the locality.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure, and Recreation

Rudgwick Neighbourhood Development Plan (-2031):
RNP1: Spatial Strategy

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health, and Wellbeing
Policy 28: Community Facilities, Leisure, and Recreation

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.

Representations:
1 letter received which had no objection to the application.

Parish Comments:
No Objection; no comment can be made as to whether this meets the water neutrality requirements for a future planning application until the full details of the application are submitted and made available.

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
The application seeks a minor material amendment to the existing planning permission (RW/55/99), through a variation of Condition 1. The variation would involve reducing the number of anglers permitted to fish at Furnace Lake to 15.

Paragraph 56 of the National Planning Policy Framework (NPPF) provides that planning conditions must be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

Policy 26 of the HPDF requires development in the countryside to be of a scale that is appropriate to its countryside character and location and not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside. It also needs to be essential to its countryside location and to meet one of the following criteria:

- 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.

Condition 1 of RW/55/99 restricts the number of anglers on the site to 60, to protect the rural character of the locality and to ensure that the intensification of activity within the countryside did not have a harmful impact on the locality.

The variation of the condition would reduce the number of anglers to 15 at any one time. This would not change the nature of the use of the lakes and would result in a lesser degree of activity on the site. There are considered to be no planning reasons to resist the reduction in capacity, which would not raise any new considerations or unacceptable impacts, or create any conflict with relevant local or national planning policies.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

There is no clear or compelling evidence to suggest the variation of the condition, which would reduce the number of anglers which can use the site at any one time, 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 (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). The proposed variation of condition would have no impact on habitats and therefore falls under the 'below the threshold' exemption for BNG.

Conclusion:

The variation of condition 1 of RW/55/99, to allow for the reduction in the number of anglers permitted to fish at Furnace Lake at any one time, is considered to accord with relevant local and national planning policies.

Recommendation: Application Permitted

Conditions:

1. **Regulatory Condition**: At no time shall there be no more than 15 anglers fishing at Furnace Lake at any one time.

   Reason: To protect the rural character of the locality in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

2. **Regulatory Condition**: No organised matches or competitions shall be undertaken during the weekends other than between 31st September and 28th February inclusive.

   Reason: To control the level of development in the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3. **Regulatory Condition**: At no time shall there be more than 52 organised matches per calendar year unless otherwise agreed in writing with the Local Planning Authority.

   Reason: To control the level of development in the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Regulatory Condition**: The commercial fishing use hereby approved shall only continue in associated with the residential occupation of Furnace House.

   Reason: To control the level of development in the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in

determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1924
(The approved plans will form Condition 5 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		001	11.12.2024
Plans	Ownership	002	11.12.2024
Supporting Docs	Planning Statement	NONE	11.12.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 06.02.2025

Authorising Officer sign/initial Guy Everest Date: 06.02.2025