# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1869
Timbers, Tottington Drive, Small Dole, Henfield, West Sussex, BN5 9XY

DESCRIPTION:
Removal of Condition 2 of previously approved application DC/15/0191 (Change of use from accommodation to include holiday lets and occasional bed and breakfast to accommodation ancillary to the main house) to revert the use of the building to accommodation ancillary to the main house.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/09/1229 | Remove existing garage and replace with brick and timber garage/workshop | Application Permitted on 03.09.2009 |
| DC/15/0191 | Change of use from accommodation ancillary to the main house to accommodation to include holiday lets and occasional bed and breakfast | Application Permitted on 01.04.2015 |

RELEVANT PLANNING POLICIES
**The National Planning Policy Framework (NPPF)**

**Horsham District Planning Framework (2015)**:
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 34 - Cultural and Heritage Assets
Policy 40 - Sustainable Transport
Policy 41 - Parking

**Upper Beeding Parish Neighbourhood Plan (UBPNP) 2018-2031:**
Policy 8 - Design Standards for New Development

**Horsham District Local Plan (2023-40) (Regulation 19)**
Policy 9: Water Neutrality
Policy 19: Development Quality
Policy 20: Development Principles
Policy 34: Tourism Facilities and Visitor Accommodation
Policy 46: Ancillary Accommodation

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.

Parish Comments:
None received

Representations:
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

**Background**

Planning permission was granted under ref: DC/15/0191 for a change of use from accommodation to include holiday lets / bed and breakfast to accommodation, ancillary to the main house. This permission was subject to condition no. 2, which states: -

2 *The dwellings hereby permitted shall only be occupied for the purposes of short-term holiday letting, and shall not be occupied by any one individual, family or group for a period exceeding eight weeks in any three month period. The owner/operator shall maintain an up-to-date register of the name of all occupiers of the residential accommodation and their home address, and shall make this register available to the Local Planning Authority within 14 days of receipt of written request.*

*Reason: To comply with Policy CP4 and CP5 of the Core Strategy (2007)*

The current application seeks consent to remove the above condition and allow the accommodation to be occupied on a permanent basis in a manner ancillary to the main house, Timbers.

**Loss of short-term holiday accommodation**

It is acknowledged that the proposal would result in the loss of a small unit of holiday accommodation,

and that Policy 11 of the HDPF seeks to promote tourism, stating that any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District. There is no suggestion within the application that the accommodation is no longer viable in its current use. There is though no requirement within Policy 11 for such a use to not be viable, and while this requirement would be imposed by emerging Local Plan (and Policy 34) this is not currently of such weight as to be determinative in this case. Further, the nature and location of the tourist accommodation, within an outbuilding associated with an adjoining dwellinghouse, could not be directly evidenced as significantly harming the provision of such accommodation in the locality. It is therefore considered that on this basis the loss of the holiday-let would be acceptable in principle.

**Impact on amenity (incl. highways)**

The outbuilding was originally granted planning permission under ref: DC/09/1229, with the approved layout comparable to that which now exists at the site, with facilities at rear ground floor level and within the roof space which formed the holiday-let. This permission was subject to a condition requiring the building be used for only '*for purposes ancillary to the residential use of the dwelling known as Timbers, Tottington Drive, Small Dole*'.

The removal of the occupancy restriction would essentially allow the accommodation to be occupied in a manner comparable to that which could have taken place within the parameters of the original planning permission for the building. It is noted that the building provides all the facilities required for independent day to day living. The scale of the accommodation is though modest and the submitted plans do not indicate any separation of access / parking arrangements or amenity space. The application seeks an ancillary use and taking into account all relevant factors, as a matter of fact and degree it is considered the proposal would not be tantamount to the creation of an independent dwellinghouse. A condition is recommended to require the building be used solely for purposes ancillary to the main dwelling (of Timbers).

The proposal would not be expected to result in a greater level of activity than could otherwise take place at the site, and further no increased demand for travel to and from the site would be anticipated. The removal of the condition would therefore have a neutral impact on neighbouring amenity, with no unacceptable harm identified.

**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 removal of the condition would not change the intensity to which the accommodation can be used, instead allowing its occupation in a manner ancillary to the main dwelling unlinked to tourism. It is considered that as the accommodation is essentially reverting to that which existed at the time of the original planning permission, given the subsequent use as a holiday-let was not subject to any restrictions which would have prevented continuous occupancy, and as the building would remain linked to the main dwelling, that the removal of the condition would not result in a more intensive occupation, 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 180 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 scheme entails a section 73 planning application, with the original permission made before 2nd April 2024. The proposal is therefore exempt from the requirement to achieve a minimum 10% BNG.

**Conclusion**

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

**Recommendation: Application Permitted**

Conditions:

2 **Regulatory Condition**: The building shall be occupied solely for purposes ancillary to the occupation and enjoyment of Timbers, Tottington Drive, Small Dole, and shall not be used as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation, contrary to Policies 25 and 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and / or any Order revoking and/or re-enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the first-floor eastern elevation of the development without the prior written permission of the Local Planning Authority pursuant to an application for that purpose.

Reason: To the amenities of adjoining residential properties and in accordance with policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The door to the first-floor northern elevation shall remain fixed shut and not used for balcony purposes.

Reason: In the interests of neighbouring 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.

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**Plans list for: DC/24/1869**

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Supporting Docs | Planning Statement | NONE | 04.12.2024 |
| Elevation & Floor plan | As Built, Location and Block Plan | 0907 01 REV B | 26.11.2024 |

**DELEGATED**

Case Officer sign/initial JBurrowes Date: 21/01/2025

Authorising Officer sign/initial Guy Everest Date: 29.01.2025