Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1766
St Johns Farm, Trout Lane, Brooks Green, West Sussex, RH13 0JN

DESCRIPTION:
Conversion of detached garage into a one-bedroom residential annexe ancillary to St Johns Farm.

RELEVANT PLANNING HISTORY:

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| DC/09/0314 | 2-Bay garage and store | Application 14.04.2009. | Permitted on |
| DC/20/2344 | Application to confirm the continuous use of a plant hire and store/workshop and associated external area for Civil Engineering (Sui Generis Use Class) purposes for a period in excess of ten years (Certificate of Lawful Development - Existing). | Application 21.05.2021. | Permitted on |
| DC/20/2385 | Application to confirm the continuous use of a silage clamp for storage and distribution of woodchip (Class B8 use) purposes for a period in excess of ten years (Certificate of Lawful Development - Existing). | Application 16.04.2021. | Permitted on |
| DC/21/2396 | Change of use of building from agriculture to a mix of agriculture alongside drying, processing and storage of firewood (Sui Generis) (Retrospective) | Application 03.02.2022. | Permitted on |

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

**Horsham District Planning Framework (2015)**:
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 40 - Sustainable Transport
Policy 41 - Parking

**Billingshurst Neighbourhood Plan (2019-2031)**:
Policy BILL 2 – Housing design and character

**Horsham District Local Plan (2023-40) (Regulation 19)**:
Policy 9: Water Neutrality
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

**Billingshurst Parish Design Statement**

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**: No Objection – Subject to appropriate mitigation being secured.

**WSCC Highways**: Comment
The application seeks the conversion of an existing detached garage to one-bedroom residential annexe ancillary to St Johns Farm. The site is located off Trout Lane, a C-classified road subject to national speed limit in this location.

No alterations are proposed to the existing vehicular access arrangement. The proposed change of use to residential annexe would not be anticipated to give rise to a material intensification of use of the existing vehicular access point.

The use of the existing garage for vehicular parking will be lost. However, from inspection of the plans and local mapping, there appears to be suitable space for vehicular parking elsewhere within the wider site to serve the host dwelling.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

**WSCC PROW:** No Objection
It is understood that the access route for construction traffic will be along the established access track to St Johns Farm, which includes sections of Public Footpaths 1902 and 2812. This creates a potential for conflict between the public using the rights of way and the vehicular construction traffic accessing the application site. I would particularly draw the Local Planning Authority's attention to paragraphs I and O, below.

Signs should be erected on the approach to each of these junctions to warn the walkers of the presence of construction traffic. The applicant should ensure that there is adequate visibility at each of these junctions.

In order to mitigate potential conflict, it is requested that the applicant erect notices at the points at which the access route joins Public Footpath 1902 and 2812, informing drivers of construction traffic of the likely presence of walkers and their dogs, and directing construction traffic to STOP and GIVE WAY to public users of the path, whose right of access takes precedence.

The Applicant's attention is drawn to paragraph K, below, and the requirement that they make good any damage that might be caused to the surface of the public right of way by vehicular traffic accessing the application site.

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

**Ecology:** Grant permission subject to conditions

Following two bat emergence surveys in August 2024 on Building B1 (carport), the Bat Survey Report (Arun Ecology, November 2024) concludes that there are no bat roosts in the building. In addition, we understand from the Preliminary Ecological Appraisal (Arun Ecology, November 2024) that no trees will be impacted by the development. We therefore agree that no further surveys for roosting bats are needed for buildings or for trees.

The site lies approximately 9.7km east of The Mens Special Area of Conservation (SAC) and is therefore within the 12km Wider Conservation Area (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The qualifying feature for the SAC is Barbastelle bats, but there are no records for this species within 2km of the site (Sussex Biodiversity Records Centre (SxBRC) - accessed under licence and MAGIC maps).

We therefore believe there will be no Adverse Effect on Integrity of the bat SAC. We are satisfied that there is sufficient ecological information available for determination.

The mitigation and enhancement measures identified in the Bat Survey Report (Arun Ecology, November 2024) and Preliminary Ecological Appraisal (Arun Ecology, November 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

**Natural England (Bats):** No Comment

Parish Comments:
Members voted to support the application.

Representations:
1 representation received to the application for the following reason:

- Entrance to Trout Lane fast and dangerous

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 has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, available images and photographs supplied by the agent. These details were considered sufficient to allow the application to be properly considered and determined.

**Character and Appearance**

Policy 28 of the HDPF relates to house extensions and outbuildings in the countryside, stating that ancillary accommodation and garaging must demonstrate that the need for additional space cannot be met from an existing dwelling or buildings suitable of conversion on the site, with new outbuildings sited to have regard to the dwelling they serve and be grouped with the house. The policy also states that the use of ancillary accommodation as a separate dwelling will not be supported.

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing, and appearance of development relates sympathetically with the built surroundings, landscape, open spaces, and routes within and adjoining the site, including any impact on the skyline and important views.

Policy BILL 2 of BPNP advises that development should be of high quality that respects the character and rural feel of the parish. It should reflect the local scale and vernacular of the area and use materials that are in keeping to the character of the area.

The application seeks permission to convert the detached garage into a one-bedroom residential annexe ancillary to St Johns Farm. The proposal would renovate and make use of an existing building within the curtilage. The planning statement states that the annexe would be occupied by visitors/ family members in connection with the main dwelling. The annexe would retain the footprint of the existing garage and the size would be subordinate to the main dwelling, maintaining the visual connection and a 24m distance. The garage would retain the same dimensions, 5.29m in height, 5.37m in width and 9.32m in length. The wooden beams and existing window openings would be retained, this would not appear overly domestic and would maintain the subservient outbuilding garage appearance. Additional openings and rooflights are proposed for natural light and ventilation. The materials would match those on the existing building, with horizontal timber cladding. The annexe would be accessed via the existing access to St Johns Farm. There would be no subdivision of the plot, as the outbuilding would sit within the existing residential curtilage.

The proposal would be a clearly subservient addition and is considered to be of a design, form and scale which is appropriate to the character and appearance of the existing dwelling, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact on the proposal is acceptable and would accord with the above policies.

**Impact on Neighbouring Amenity**

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The annexe sits towards the east of the site, sited close to a belt of trees along the boundary. The building would be screened by vegetation and is positioned at a sufficient distance to nearby amenity, with the nearest 57m away. It is therefore considered that the siting and layout of the proposed annexe and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity. It is noted that one representation letter was received, which noted that the entrance to Trout Lane, a WSCC maintained road, is fast and dangerous.

**Impact on Parking Provision**

Policy 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. In addition, Policy 41 states that adequate parking and facilities must be provided within development to meet the needs to anticipated users.

The application seeks to convert a garage into accommodation this would result in the loss of 3 parking bays. There would be no change to the existing planning unit. No alterations are proposed to the existing vehicular access arrangement. WSCC Highways concluded that there appears to be suitable space for vehicular parking within the wider site to serve the host dwelling, and any parking related to the annexe. It was not considered that the proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network. The proposal therefore accords with the above policies.

**Impact on 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 site lies approximately 9.7km east of The Mens Special Area of Conservation (SAC) and is therefore within the 12km Wider Conservation Area (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol).

The application is accompanied by a Preliminary Ecology Appraisal which recommended that a bat survey be carried out. While there was evidence of bats within the open areas of the barn, it was confirmed to be unlikely a bat roost is present within the building. The subsequent survey confirmed that bats or their roosts would not be adversely impacted as a result on the development. Ecology was consulted on the application and confirmed that there will be no Adverse Effect on Integrity of the bat SAC. They were satisfied that there is sufficient ecological information available for determination and recommended conditions for planning consent.

**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 applicant submitted a water neutrality statement which evidenced that the existing baseline water consumption is 0 l/d. The water demand prior to mitigation would be 145.20 l/d (1.32 x 110 l/p/d). Through installing water efficient devices, the water demand can be reduced to 117.53 l/d. Through retrofitting the existing fixtures and fittings within the existing dwellinghouse on site, the water consumption can be reduced to 89.04 l/d, which is a reduction of 132.58 l/d over the existing. The overall water demand would be reduced by 15.05 l/d, which demonstrates that the proposed annexe would use less than the existing use and the proposal is therefore water neutral.

Natural England were consulted on the water strategy following the carrying out of an Appropriate Assessment by officers, and raised no objection, subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality. The information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would be water neutral. Appropriate mitigation measures have been demonstrated and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

**Biodiversity Net Gain**

In accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all householder applications are current exempt from the statutory requirement to demonstrate a 10% net gain in biodiversity.

**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 **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.

3 **Pre-Occupation Condition**: A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Arun Ecology, November 2024), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

4 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Report C3161 REV P received 15.11.2024). The annexe hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for the annexe and the existing dwelling at St Johns Farm has been implemented in full. The evidence shall include the specification of fittings and appliances used for both units, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar or improved water performance.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2021), and to enable the Local Planning Authority 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).

5 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Arun Ecology, November 2024) and Preliminary Ecological Appraisal (Arun Ecology, November 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

6 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of St Johns Farm, Trout Lane, RH13 0JN as a dwelling 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/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
If the Local Planning Authority is minded to grant planning consent the applicant should be advised of the following informative notes:

A. The granting of planning permission does not authorise obstruction of interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g., install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

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/24/1766**

Schedule of plans/documents **approved**:

| **Plan Type** | **Description** | **Drawing Number** | **Received Date** |
|---|---|---|---|
| Design & Access Statement | Planning | NONE | 15.11.2024 |
| Location & Site plan | | Healy/23/01 | 15.11.2024 |
| Elevation & Floor plan | Existing | Healy/23/02 | 15.11.2024 |

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|---|---|---|---|
| Elevation & Floor plan | Proposed | Healy/23/03 | 15.11.2024 |
| Supporting Docs | Preliminary Ecological Appraisal | C-NJA-012-001-001 | 15.11.2024 |
| Supporting Docs | Bat Survey Report | C-NJA-012-002-001 | 15.11.2024 |
| Supporting Docs | Water Neutrality Report | C3161 REV P | 15.11.2024 |

**DELEGATED**

Case Officer sign/initial Bethan Tinning Date: 07.01.2025

Authorising Officer sign/initial RHERMITAGE Date: 07.01.2025