Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0334
Little Sele, Brighton Road, Lower Beeding, West Sussex, RH13 6PR

DESCRIPTION:
Removal of Condition 2 of previously approved application DC/06/0749 (Conversion of Coach House to provide ancillary accommodation) to allow for occupation for other purposes which are not ancillary to the residential use of the dwelling.

RELEVANT PLANNING HISTORY:

DC/06/0749	Conversion of Coach House to provide ancillary accommodation	Application Permitted on 02.03.2007.
S106/24/0014	Discharge of planning obligations to approved application DC/06/0749	Pending Consideration
DC/25/0335	Non-Material Amendment to previously approved application DC/06/0749 (Conversion of Coach House to provide ancillary accommodation) to remove the word 'ancillary'.	Application Refused on 31.03.2025.

DESCRIPTION OF THE SITE

The application site form part of a larger holding known as Selehurst, located on the Western side of the A281; East of Nuthurst and South of Lower Beeding. The property known as Little Sele is to the North of Selehurst and is a 'U' shaped two-storey building. The application site is not within a conservation area or subject of an article 4 direction. There is however, a S106 legal agreement attached to the site.

DESCRIPTION OF THE APPLICATION

The application seeks to remove condition 2 of previously approved application DC/06/0749 for the Conversion of Coach House to provide ancillary accommodation, to allow for occupation for other purposes which are not ancillary to the residential use of the dwelling.

Condition 2 is as follows:

The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Selehurst.

Reason: The use of this accommodation as an independent unit would be contrary to Policy CS1 of the Horsham District Local Plan 1997.

The application proposes to remove this condition, allowing for other occupants to inhabit the building.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
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 40 - Sustainable Transport
Policy 41 - Parking

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 9: Water Neutrality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
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
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Policy 45: Replacement Dwellings and House Extensions in the Countryside
Policy 46: Ancillary Accommodation

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

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:

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.

PUBLIC CONSULTATIONS:
Representations:
None received.

Parish Comments:
Lower Beeding Parish Council: Neutral

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 proposes to remove condition 2 (below) to allow for occupation for other purposes which are not ancillary to the residential use of the main dwelling.

The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Selehurst.

Reason: The use of this accommodation as an independent unit would be contrary to Policy CS1 of the Horsham District Local Plan 1997.

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.

The planning statement states that The Coach House has been occupied by the applicant's family for 15 years, however, due to circumstances they have moved. The proposal is to offer the Coach House on the open rental market to find suitable tenants, otherwise the building would be left empty. It is noted that there is a S106 legal agreement which ties occupancy to ancillary. There is also a separate application (ref: S106/24/0014) to discharge this S106 planning obligation which is currently being assessed.

The condition has been serving a purpose, with the occupation tied to ancillary due to family members living there. However, as stated above, the condition has served its purpose and rather than leaving the building redundant, the Horsham District could benefit from 1 additional dwelling to the housing land supply through reusing an existing building that has an already established residential use. The building is currently used as a self-contained, independent dwelling; therefore, the change of occupancy would not be harmful as the use is already established. The removal of the condition would not result in a more intensive use of the site/dwelling, and as such there would be no increase in level

of activity in the countryside, with no evidence to suggest any increased water consumption would arise as a result of the conditions removal.

Design and Appearance:

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.

There are no changes proposed to the design and appearance of the building. The internal use would remain residential and therefore no changes are proposed to the external built form.

Residential 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.

There remains an established residential use on the site which has been utilised for the past 15 years. Therefore, there are no changes to the existing usage, with this not resulting in increased vehicle movements. There are not considered to be harmful impacts arising as a result of removing the condition that requires the ancillary use in relation to the main dwellinghouse.

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 use of the building is separate from the main dwellinghouse, however, there is an existing residential use within the building. Therefore, there is an existing water usage which would not change as there are no changes proposed to the building relating to the number of bedrooms and therefore occupants. The condition seeks to the change the restriction on who can occupy, rather than the number of occupants. Therefore, water can be screened out and the development is not required to demonstrate water neutrality.

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 and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The original planning permission to which this section 73 planning application relates was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Conclusions:

It is therefore recommended that condition 2 of DC/06/0749 be removed. A note to applicant is recommended to advise the remaining conditions continue to be relevant.

Recommendation: Application Permitted

NOTE TO APPLICANT
The applicant is advised that this decision relates solely to the removal of condition 2 from planning permission ref: DC/06/0749. The remaining conditions attached to DC/06/0749 remain in force.

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/25/0334
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning	NONE	04.03.2025

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 25.04.2025

Authorising Officer sign/initial RHERMITAGE Date: 29.04.2025