Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0176
1 Bayley Paddock, Mill Lane, Partridge Green, West Sussex, RH13 8JU

DESCRIPTION:

Alterations to existing building, two storey extension to dwelling and erection of a detached store/carport and pergola

RELEVANT PLANNING HISTORY:

DC/06/1500	Relocation of stables and tack store	Application Refused on 06.11.2006
DC/06/2915	Replacement building comprising 4 stables	Application Refused on 14.02.2007
DC/16/0986	Conversion of building into a dwelling house	Application Refused on 11.07.2016
DC/17/0553	Change of use from stables to B1 & B8 purposes including provision of parking and access	Application Refused on 05.05.2017
DC/17/1148	Proposed change of use from existing stable to separate dwelling (Amendments to previously refused application DC/16/0986).	Application Refused on 14.07.2017
DC/18/1827	Change of use of existing stable building to 2no. holiday-let units, with associated landscaping and parking	Application Permitted on 24.10.2018
DC/18/1828	Change of use from stables to B1 purposes including provision of parking and access	Application Permitted on 24.10.2018
DC/20/2583	Application to determine whether the 2no. holiday-lets (subject of planning approval DC/18/1827) would benefit from permitted development rights under Classes A to H of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 when completed (Certificate of Lawful Development - Proposed)	Split Decision on 21.04.2021
DISC/20/0325	Approval of details reserved by conditions 5 and 6 to approved application DC/18/1827	Application Permitted on 06.05.2021
DC/21/1240	Conversion, extensions and alterations to existing stable building to form a single dwellinghouse and erection of 2no two-storey detached dwellings with detached carports/garages and associated works	Application Refused on 22.09.2021
DC/21/2324	Conversion of stable building, previously approved for two holiday-lets, into a single dwellinghouse with associated alterations and provision of incidental garage and greenhouse	Application Refused on 01.02.2022
DC/22/0181	Change of use and alterations to existing stable building to form 1no holiday-let unit (part-retrospective)	Application Permitted on 29.03.2022
DC/22/0811	Change of use and alterations to existing stable building to form 1no dwellinghouse.	Application Refused on 21.06.2022
DC/23/0107	Removal of Condition 5 of previously approved application DC/22/0181 (Change of use and alterations to existing stable building to form 1no holiday-let unit (part-retrospective)) to allow for the removal of the occupancy limitation(s).	Application Refused on 14.03.2023
DC/23/0154	The development proposed is described on the application form as: Alterations and extensions to stables, approved for 2 dwellinghouses, to form a single dwelling	Application Refused on 24.03.2023
DC/23/1887	Conversion and enlargement of stables into 1 no dwelling house and erection of two detached dwellings.	Application Refused on 25.01.2024

SITE AND SURROUNDS

The application site is located to the south of Mill Lane, outside of any designated built-up area boundary. The site is therefore located within the countryside in policy terms. The site is located approximately 0.6km to the north of the built-up area of Partridge Green.

Linear residential development is located to the north and east of the application site, and this comprises the unclassified settlement of Littleworth. A mix of hedging, mature vegetation, and fencing separates these dwellings from the application site, with 2no. new dwellings known as Far Lea and Highdowns located to the south of the site.

DETAILED DESCRIPTION

The application comprises a two storey extension to the southern section of the existing building, along with the erection of a car port and pergola.

The proposed two storey extension would measure to an overall height of 7.39m, incorporating a gable feature with juliette balcony and full height doors to the front elevation. A single storey outshut is proposed to the south of the two storey extension to accommodate a log burning stove and flue. The proposal also seeks to replace the windows and doors to all elevations.

The proposed car port and pergola would be sited to the east of the building, within the parking area serving the development. The proposed car port would comprise 3no. bays with a hipped and catslide roof, and would incorporate timber cladding and plain tiles to the roof. The pergola would comprise timber and would located along the southern boundary of the site.

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 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
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 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 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.

West Grinstead Neighbourhood Plan
Policy 1 – Retention of Local Gaps
Policy 4 – Green Infrastructure, Existing Trees, Hedgerows, Habitats and Wildlife
Policy 10 – Car Parking

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:

OUTSIDE AGENCIES

Ecology Consultant: Comment

There is an absence of ecological information included with the application to help assess the potential use of the existing building by bats.

Bats may be present and affected by the works, given that the roof will have new replacement tiles (Application Form (January 2024)). There are over 30 records for bats within 2km, including Serotine, Brown long-eared, Common and Soprano Pipistrelle and Natterer's (Sussex Biodiversity Information Centre – accessed under licence). In addition, European Protected Species Mitigation Licences were granted in 2015 for Brown Longeared and Common Pipistrelle bat approximately 1km to the north of the site and for Soprano Pipistrelle in 2016 approximately 1.3km to the south of the site recommend that a Preliminary Roost Assessment for bats should be undertaken by a suitably qualified ecologist and the results provided to the LPA along with any recommendations for further surveys.

The results of this assessment are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty.

Also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023).

NatureSpace: Comment

The development lies within the red impact risk zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for great crested newts within the area surrounding

the application site. The site contains grassland, and potentially other suitable habitat features that great crested newts would use during their terrestrial period.

There are sixteen ponds within 500m of the proposed development, with the closest falling 30m northwest of the site. The landscape shows a clear pond network through the area with few barriers and many wildlife corridors.

Due to the close proximity of potentially suitable ponds, it is recommended that the development follow reasonable avoidance measures to minimise the risk to great crested newts. These could come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

Should the developer wish to eliminate all risk associated with great crested newts. The developer can obtain a license for the works. There are 2 licensing options available, the District License, or tradition European Protected Species Licensing.

NatureSpace (Additional Response received 02.04.2024): Comment
The site has joined the District Licence and have been the NatureSpace certificate. The Certificate contains conditions that should be included on the Decision Notice in verbatim should the application be approved.

Natural England (Standing Advice): Objection

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:

No Objection

Representations:

1 letter of objection has been received, and this can be summarised as follows:

- Intention of the Developer
- Overdevelopment in a rural setting
- Overlooking and loss of privacy

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 use of the former stable building as a residential dwelling was approved at appeal under planning reference DC/23/0107. The conversion works have been completed and the building is therefore considered to represent a residential dwelling.

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.

The application comprises a two storey extension to the southern section of the existing building, along with the erection of a car port and pergola.

The proposed two storey extension would measure to an overall height of 7.39m, incorporating a gable feature with juliette balcony and full height doors to the front elevation. A single storey outrigger is proposed to the south of the two storey extension to accommodate a log burning stove and flue. The proposal also seeks to replace the windows and doors to all elevations.

It is recognised that the proposed extension would increase the bulk and massing of the modest building, with the alterations to the windows and doors and addition of a flue further domesticating the character and appearance of the building. It is not however considered that the existing building is of particular visual or aesthetic character to justify its retention in its current state, with the proposed additions and alterations considered to result in a dwelling of similar size and appearance to other examples within the immediate locality. On the balance of these considerations, the proposed extensions and alterations to the existing building are considered to relate sympathetically to the character and appearance of the site and wider surroundings.

The proposed car port and pergola would be sited to the east of the building, within the parking area serving the development. The proposed car port would comprise 3no. bays with a hipped and catslide roof, and would incorporate timber cladding and plain tiles to the roof. The pergola would comprise timber and would located along the southern boundary of the site. While the proposed building and structure would be clustered to the frontage of the site, it is recognised that similar features are located within other properties within the vicinity. The proposed additions are consisted to be of a design and form that would relate sympathetically to the principal building on the site, and would be of a scale and massing that would sit comfortably within the context.

For these reasons, and on the balance of these considerations, the proposed development is considered to relate sympathetically to the character and appearance of the site and wider surroundings, in accordance with Policies 25, 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.

It is considered that the siting and layout of the proposed extensions and additions, and the resulting relationship with adjoining properties, would be sufficient to prevent any unacceptable harm to neighbouring amenity, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

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 seeks extensions to an existing building which has previously been converted from stables to a holiday-let unit. The Applicant has confirmed that the works for the conversion have been completed and no evidence of bats within the roof space, and it was not therefore necessary to apply for a Bat Licence. On the basis of previous works taking place, and the lack of evidence to suggest that bats have been or will be impacted by the proposal, no concerns are raised with regard protected species. An informative advising of licensing requirements will however be attached to the Decision Notice for reference.

The Applicant has entered into the District Licensing Scheme, where a Certificate has been issued by NatureSpace on behalf of the Council. This confirms that the proposed development has been evaluated in relation to the terms and conditions of the District Licence and to the NatureSpace Great Crested Newt Strategy, and no further compensation actions are required. The relevant conditions of the Licence are recommended.

For these reasons, it is not considered that the proposal would result in further adverse harm to protected species and habitat, in accordance with the above policy.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The proposed development is considered to accord with all relevant local and national planning policies.

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 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form unless detail of alternative materials have been submitted to and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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).

4 **Regulatory Condition**: No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR149, or a 'Further Licence') and with the proposals detailed on plan "1 Bayley Paddock: Impact plan for great crested newt District Licensing (Version 1)" dated 14th March 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence

(WML-OR149, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

5 **Regulatory Condition**: No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR149, or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR149, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

NOTE TO APPLICANT
The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: equiries@bats.org.uk, http://www.bats.org.uk/.

NOTE TO APPLICANT
It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR149, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

NOTE TO APPLICANT
It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

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/24/0176
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	0939.82/01	01.02.2024
Block plan	Block Plan	0939.82/02	01.02.2024

Elevation & Floor plan	Existing Floor Plan and Elevations	0939.70/04	01.02.2024
Floor plan	Proposed Floor Plans	0939.80/03	01.02.2024
Elevation plan	Proposed Elevations	0939.82/04C	18.03.2024
Elevation & Floor plan	Car Port and Pergola	0939.82/05	01.02.2024

DELEGATED

Case Officer sign/initial Tamara Dale Date: 03.04.2024

Authorising Officer sign/initial RHERMITAGE Date: 03.04.2024