Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0762
Hornshill Farm, Chestnuts, Guildford Road, Rudgwick, West Sussex, RH12 3BH

DESCRIPTION:

Removal of Condition 3 of previously approved application RW/102/98 (Erection of a double garage and continued use of land for residential garden and continued use of the barn for domestic storage purposes) Relating to the use of the building.

RELEVANT PLANNING HISTORY:

DC/21/1072	Application to confirm the continuous use of a detached building as ancillary accommodation for (Class C3 use) purposes, in non compliance with condition 3 of planning approval RW/102/98 for a period in excess of ten years (Lawful Development Certificate - Existing)	Application Refused on 14.04.2022
DC/22/1050	The barn and curtilage has been use as ancillary accommodation and use to the main house for more than 10 years and the alterations to barn 2 have been done more than four years ago (Lawful Development Certificate - Existing)	Application Refused on 15.02.2024
DC/23/2048	Erection of a detached carport, metal shed, and wooden log store (Part Retrospective)	Application Permitted on 17.04.2024
RW/102/98	Erection of a double garage and continued use of land for residential garden and continued use of the barn for domestic storage purposes Site: Chestnuts Hornshill Farm Guildford Road Rudgwick	Application Permitted on 13.11.1998

SITE AND SURROUNDS

This application relates to land at Chestnuts, positioned to the south of Guildford Road and south of Hornshill Farm. The site is situated in a countryside location, around 800 metres form the Built-Up Area boundary of Bucks Green.

The building approved under RW/102/98 is situated to the front of the plot, adjacent to the parking area, with access to Guildford Road. The building was approved as a double garage and residential storage with a condition that restricts the use for these purposes.

DETAILED DESCRIPTION

This application seeks the removal of Condition 3 of previously approved application RW/102/98 (Erection of a double garage and continued use of land for residential garden and continued use of the barn for domestic storage purposes) to facilitate the use of the building as an annexe.

Condition 3 of planning approval RW/102/98 states:

'The buildings shall be used as private domestic garages and for domestic storage purposes only in connection with Chestnuts, as a dwelling, and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties.'

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 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

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.

Rudgwick Neighbourhood Plan:
RNP1- Spatial Strategy

Rudgwick Parish Design Statement

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:

INTERNAL CONSULTATIONS

HDC Compliance Officer: Comment - Complaint received regarding the occupation of an outbuilding as a dwelling or residential annexe ancillary to Chestnuts in breach of Condition 3 of RW/102/98.

OUTSIDE AGENCIES

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.

Rudgwick Preservation Society: Objection

A material consideration is that the current accommodation is too extensive to be classed as ancillary accommodation. The removal of the condition is considered to be the first step towards establishing a separate dwelling which would constitute development in the countryside well outside the BUAB and contrary to RNP policy 1 and HDPF policies 26 and 28.

Parish Comments: Objection

A material consideration is that the current accommodation as it stands is too extensive to be classed as ancillary accommodation. The removal of the condition is considered to be the first step towards establishing a separate dwelling unit, which would constitute development in the countryside well outside the BUAB, and contrary to RNP policy 1 and HDPF policies 26 and 28.

Representations:

One objection received- overdevelopment for ancillary accommodation

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 main consideration material to this application is whether the condition still serves a planning purpose and is reasonable and necessary.

Condition 3 of planning approval RW/102/98 states:

'The buildings shall be used as private domestic garages and for domestic storage purposes only in connection with Chestnuts, as a dwelling, and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties.'

This application falls outside of the existing Built-Up Area and lies within the Countryside. Policy 26 of the Horsham District Planning Framework (2015) would be relevant and requires development outside the Built-Up Area boundaries to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and should not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserves, and/or enhances the key features and characteristics of the landscape character area.

Policy 28 states that outside the defined built-up areas, house extensions, replacement dwellings and ancillary accommodation will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling. In addition:

3. Ancillary accommodation and garaging will be required to meet with all other appropriate policies, particularly design principles, and demonstrate that the need for additional space cannot be met from an existing dwelling or buildings suitable of conversion on the site. The size of any new outbuilding should have regard to the dwelling they serve and should be grouped with the house. The use of ancillary accommodation as a separate dwelling will not be supported.

The proposed removal of the condition would result in a residential outbuilding without restriction on it's use. The design, appearance and scale of the existing building will not change and continues to be appropriate in this location. The submitted plans indicate that the building would be used as a laundry room, gym/storage, cinema/family room and upstairs bedroom. No other facilities are shown, where it is considered that the use of the building would be ancillary to the residential use of the site.

In accordance with policy 28, as the site is located outside of the Built Up Area it is considered important to ensure that the building remains ancillary to the existing house on the site and that the site remains one planning unit. An additional condition to restrict the use of the building to ancillary use only is therefore recommended to ensure that this is the case.

Design and Appearance

Policy 28 of the Horsham District Planning Framework (HDPF) relates to house extensions and garaging in the countryside and seeks to ensure they can be accommodated appropriately within the curtilage of the existing dwelling and are not disproportionate in relation to the existing. Policy 32 and 33 of the HDPF seeks 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 proposed changes to the built form of the dwelling, with the alterations concentrated on the internal use of the building. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Amenity Impacts:

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.

No adverse impacts are considered to be created by the removal of the condition. The garaging will remain in ancillary residential use, a use wholly acceptable in this location, and a condition will be added to the permission to ensure this is the case.

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 proposal to remove this condition is considered to comply with relevant local and national planning policies. To ensure the principle of development in the countryside remains acceptable and in compliance with policies 26 and 28 of the HDPF, an additional condition is recommended, which states that the outbuildings must be occupied solely for purposes ancillary to the occupation and enjoyment Chestnuts as a dwelling and shall not be used as a separate unit of accommodation.

Recommendation: Application Permitted

2 **Regulatory Condition:** The external walls of the building hereby permitted shall be stained with a timber preservative and the building shall thereafter be retained as such.

Reason: In the interests of amenity and in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Chestnuts, 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).

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/24/0762
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plans	363/ 01	16.05.2024
Floor plan	Pre-Existing and Existing Ground Floor Plan	NONE	16.05.2024
Floor plan	Pre-Existing and Existing First Floor Plan	NONE	16.05.2024

Block plan	Existing Block Plans	363/ 02	16.05.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 17.09.2024

Authorising Officer sign/initial Tamara Dale Date: 18.09.2024