Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0629
Delspride, Kent Street, Cowfold, West Sussex, RH13 8BB,

DESCRIPTION:
Construction of access track and yard .Erection of private stables. (Retrospective)

RELEVANT PLANNING HISTORY:
There is an extensive planning history for the site, of most relevance to the current application are: -

DISC/21/0020	Approval of details reserved by condition 5 to approved application DC/13/2445	Application Permitted on 03.03.2021
DC/21/1416	Application to confirm use as a dwelling in breach of conditions attached to CF/22/92 (Lawful Development Certificate - Existing).	Appeal Dismissed on 24.08.2023
DC/22/0468	Prior notification for the change of use of an agricultural building to flexible commercial use(s) to form an assembly workshop to be used for design, production and assembly of handmade cabinetry.	Prior Approval Required and PERMITTED on 29.04.2022
DC/22/1837	Application to confirm use as a dwelling in breach of conditions attached to CF/22/92 (Lawful Development Certificate - Existing).	Application Refused on 23.11.2022
DC/24/0245	Prior Notification for the Change of Use of an existing poultry shed to a car storage facility.	Prior Approval Required and PERMITTED on 05.04.2024
DC/24/0515	Change of use of land from agricultural to allow for dog walking	Application Refused on 29.07.2024
DC/24/0560	Prior Notification for Change of Use of 2No. Agricultural Buildings to 5No. dwellinghouses	Prior Approval Required and PERMITTED on 05.06.2024

SITE AND SURROUNDS
'Delspride' is a former chicken farm that has been divided into three separate Lots, all within different ownership. The wider site, known as Delspride Farm, contains three main buildings together with other smaller buildings, most of which were used as chicken sheds up until 2020. The land holding is serviced by vehicular access along the eastern side, leading from an unclassified single-width access lane that serves a number of properties and land-holdings, off the eastern side of Kent Street.

Officers note that the site is subject to a low flood risk area for surface water, covering the pond in the eastern side of the site. A wider low risk runs along the southern boundary of the site, where a flow path exists in what is likely to be an historic land drainage ditch that runs into the pond.

Lot 1 is the south-eastern section of the former chicken farm and consists of a large chicken shed and an area of hardstanding, which has historically served as access to the wider chicken farm. Permission for the erection of two blocks of stables for private equestrian use, has been permitted under DC/23/1020 (dated Sept 2024). Within Lot 1 is a former chicken shed, which is subject to a live full planning application for conversion to residential use, and a recent appeal decision allowing prior approval for it's conversion (DC/22/0729).

The former chicken sheds in Lot 1 and Lot 2 have recently been subject to an approved Prior Notification under Class Q (DC/24/0560) for the conversion to residential use, leading to a total of 5 new dwellings, although no works for the implementation have begun and no HRA applications have been received to address the water neutral position.

Lot 3 is another former chicken shed located to the north of the building in Lot 2 and the west of Lot 1. Prior Notification under Class R has been approved for use of this building to a car storage facility (DC/24/0245) and separately for use as an assembly and cabinet making workshop (DC/22/0468).

Further planning history is attached to land set between the former chicken sheds and the farmhouse 'Delspride' where an application to allow the land to be used for dog walking was refused in July 2024 (DC/24/0515), primarily for lack of supporting water neutrality information.

The application site lies to the north of these three Lots and includes a pond. It has been fenced off separately to the other lots, and is accessed by way of the shared track that serves the original host farmhouse 'Delspride', and Lot 1. A track has been created to serve Lot 2 which lies to the south-west corner of the application site.

The application site area has been marketed for sale, noting that electric and water connections are available. Officers also note that a pre-fabricated timber stable block has been sited within the south-western corner of the site as evidenced by way of an officer site visit in November 2022, and was still on site in January 2024. However, at the time of a later officer site visit in June 2024, the stable block had been removed

DETAILED DESCRIPTION

This application seeks planning permission for the erection of a single stable block for personal use and associated hardstanding. The stable block would be a typical timber structure, some 12m x 3.6m with a low-profile roof and overhang to the eastern side. The floor plan shows the stable block divided into 2 stable boxes with a 3rd box/ tack room.

There is no evidence or details available on where the horses would be exercised and if there is any paddock land available to the applicant, or how the animal welfare duties would be fulfilled if there is no associated residential dwelling.

Permission is also sought to form a new access track around the north and western sides of the site facilitating access to Lot 2. The track is formed on compacted hardcore and covered with road planings.

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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
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 4.3 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.

Cowfold Neighbourhood Plan
Cowfold Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. To unlock the Cowfold Neighbourhood Plan, further work has taken place to address the issue of water, with a Decision Statement now issued to confirm that the plan should proceed to referendum. The following policies are of relevance to this current scheme: -

Policy 1: Groundwater and Surface Water Flood Risk
Policy 2: Green Infrastructure
Policy 16: Car Parking Provision
Policy 17: Water Neutrality

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:
HDC Environmental Health: Further to the request for additional information on the 7th August in relation to the source of imported materials used for the hard-standing, the revised details remain insufficient but development is considered relatively low risk, so no further objections.

WSCC Highways: The stables are for private use only and therefore are not anticipated to give rise to a material intensification of use of the existing access point. 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.

Nature Space: No likely impact on account of the retrospective nature of the works already having taken place. There would have been some concern over the works given the proximity to the ponds and the wider pond network/

Parish Comments:
Cowfold Parish Council (CPC) makes a neutral return in respect of this retrospective planning application, a process which parish council members have iterated on previous occasions is not favoured. CPC councillors wish to have sight of the ecological report for the site which to date has not been provided.

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:

Policy 26 of the Horsham District Planning Framework (2015) (HDPF) sets out a general policy of restraint against inappropriate development in the countryside in order to protect its rural character and undeveloped nature. However, it does allow for, amongst other things, quiet, informal recreational use, such as that derived from private equestrian activities.

Policy 29 of the adopted Horsham District Planning Framework 2015 (HDPF) is generally supportive of new equestrian development, subject to several criteria, including the proposal being appropriate in scale and character, and level of activity, and being in keeping with the location, being well-related to existing buildings. The policy sets out that existing buildings should be re-used before new buildings are considered and seeks to ensure that a proposal would be well-related to a bridleway network.

The DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their hybrids (2017) states that, *'as a general rule, each horse requires approximately 0.5-1.0 hectare of grazing of a suitable quality if no supplementary feeding is being provided'.* The guidance goes on to state that a '*smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout. If stabling or a yard area is not available, a safely enclosed area of hard standing should be available to facilitate routine and emergency treatment, such as farriery, dentistry and veterinary attention'.*

The size of the site and the proposed layout is such that it would not include a suitable means of enclosing any paddock area, with that provided of limited size and not seemingly large enough to sustain 3 horses without items being brought to the site. There is no indication that horses would have access to any other adjoining land. While the site is reasonably close to two public rights of way (both footpaths) there is no accessible bridleway network within the vicinity of the site, with this extenuating concerns relating to the layout and limitations of the site for equestrian use.

The site is considered to be substandard when assessed against the DEFRA standards and it is not apparent that it is suited to the intended use. Accordingly, there is concern that the proposed development in not appropriate in scale and nature and creates conflict with the requirements of policy 29 of the HDPF.

It is noted that the access arrangement and the location of tracks within and adjoining the site is inconsistent between the various permissions granted at adjoining buildings. This is though considered to be primarily a land ownership issue and would not be a reason to refuse the current proposal, which if approved would need to be implemented in accordance with the submitted plans.

Design, Appearance, and Landscape Impact:

Policy 26 of the HDPF requires that any acceptable proposals must conserve, protect and / or enhance the key features and characteristics of the landscape character area in which it is located. Policies 25 and 32 of the HDPF require that the natural environment and landscape character of the district is protected against inappropriate development, and that development complements locally distinctive characters of the district. Policy 33 of the HDPF sets out a presumption in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses.

The application site lies within Landscape Character Area J3 (Cowfold & Shermanbury Farmlands), which is defined as having a declining landscape condition on account of the loss of hedgerows and shaws, a loss of traditional land management and visual intrusion from pylons, modern farm buildings and suburban development.

The submitted details refer to the use of road-planings as a surface and proposes a 1m high post-and-rail type fence, neither of which would be unexpected in a rural area. The proposal would however lead to a fundamental change to the character of the site, which was currently a grassed enclosure linked to the wider agricultural use of the site. The proposal would introduce a more intense form of development, with stabling for 3 horses which could not be sustained from the wider site, which is insufficient in size to provide a related paddock area.

The application site is defined by a robust belt of trees along the north side that links into adjacent field boundaries and significant tree belts. The ponds and tree belt appear on historic OS mapping as early as 1874 and are therefore considered to be significant contributing features of the site. The development, comprising a track and an enclosed stable yard the site, would represent a change from an open field to one that is near fully occupied by hardstanding / track, subdivided by fencing and occupied by the built form of a stable block and associated equine paraphernalia. It is considered that the cumulative impact of the development would lead a further erosion of the rural setting, leading to a proliferation of built form and hardsurfacing on a modest site which would lead to unacceptable harm to the character and appearance of the site and the surrounding area by reason of the urbanising effect on the visual appearance of the rural area, contrary to Policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

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.

It is considered that the scale and siting of the stable building, and the site layout itself, could achieve an acceptable relationship with neighbouring development, noting the various existing permissions which include a change of use to residential within neighbouring former agricultural buildings. The application has been submitted on the basis of private equine use only, and so a condition could be secured to restrict the use for private use only, and as such, any activities arising, would not be expected to result in potential for harmful levels of activity or related noise and disturbance.

Ecology and Green Infrastructure:

Policies 25 and 31 of the HDPF seek to ensure that development safeguards and minimises effects upon protected species and features of biodiversity interest, secures a proportionate biodiversity net-gain and that any loss of green infrastructure or protected trees resulting from proposed development is compensated for. HDPF Policy 31, further, requires that development resulting in direct or indirect adverse effects on features for biodiversity that development will be refused unless it can be demonstrated the need for the development clearly outweighs the need to protect the value of the site and that appropriate mitigation/compensation are secured.

No Ecological Reports or Assessments have been provided, particularly in respect of any potential impact to the pond situated to the eastern side of the site. However, the Ecological response from NatureSpace is noted in respect of the potential impact to Great Crested Newts, and that the potential impact has likely already taken place with no further adverse impact on protected species and its habitat expected to result.

Policy 2 of the Cowfold Neighbourhood Plan is noted, which, despite having passed Examination, has not yet been through referendum. However, it is considered that the document is at an advanced stage, and therefore carries material weight. This policy expects all development which result in a loss of existing green infrastructure to incorporate provisions to deliver an overall net gain in biodiversity and Green Infrastructure. Officers have not been presented with any evidence to demonstrate how such enhancements might be delivered on this site, but if necessary it is possible that these could be secured through condition.

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.

This application, together with previous permissions on adjoining Lots within the wider site, would use less water than the previous use. This is based on the previous use on the site as a chicken farm, with credible evidence of previous / recent use comprising 3,800 chickens at a time. The information derived by officers from the water neutrality statement submitted in respect of LOT 1 reveals a remaining water budget which would be available to offset the likely water demands arising from the stabling of 3 horses on the application site (based on the proposed stable building having 3 boxes). Therefore, there is scope for the site to continue to be water neutral.

The proposal, therefore, is not considered to increase the water usage on site as to contribute to the potential adverse impact on the Arun Valley sites by way reason increased abstraction.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The LHA has reviewed the submitted planning documents which confirm that the application is for retrospective permission for stables for private use only. The site includes sufficient space to accommodate the parking and turning of equestrian vehicles.

Officers note that a condition could be applied to restrict the use of the stables to a private permission that excludes any commercial use, to ensure no unacceptable impact on the private road or wider highway (as well as the intensity of the use in the countryside).

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a Biodiversity Metric as part of this application. Officers are satisfied that the proposal does not meet the exemptions and would therefore be required to demonstrate BNG.

In the event the application is approved, it is a condition of the planning permission that a Biodiversity Net Gain Plan, including a Metric Tool calculation, be submitted and approved in writing by the Local Planning Authority. This should show how the development will achieve BNG 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.

Other Matters:

<u>Contamination:</u>

Officers note government guidance in relation to dealing with stable waste, which sets out that pollution from liquid waste, derived from washing down of stables, yards, and manure storage, must not be allowed to drain uncontrollably where it could lead to contamination of groundwater. The proximity of the pond on the application site, as well as those close to the application site is noted, with guidance setting a minimum distance is required between any stable waste and a watercourse, or 50m from a borehole used for a potable water supply. The submitted plans provide no details in relation to managing stable waste, although officers note that a planning condition could secure details of the manure storage and disposal.

Officers note that the Council's Environmental Health Officer (EHO) sought more details on the potential for contaminated materials to have been imported to the site as part of the levelling works. Although the additional details are noted from the applicant, these are not considered sufficient. However, a view has been taken by the EHO relative to the relative low risk nature of the development, and no further objections are raised.

Conclusions:

The development, by reason of its location, size and layout, would not well-related to the existing bridleway network and would not incorporate sufficient land for use as a paddock or for turnout. The proposed equestrian use is considered to be inappropriate to the constraints of the site, and contrary to Policy 29 of the Horsham District Planning Framework (2015).

The development, and the cumulative impact of the access, fencing and stable block, would lead to an erosion of the rural setting, leading to a proliferation of built form on a modest site which would lead to unacceptable harm to the character and appearance of the site and the surrounding area. The development is therefore contrary to Policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

It is therefore recommended, for the reasons set out above, that planning permission be refused for the development.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The development, by reason of its location, size and layout, would not well-related to the existing bridleway network and would not incorporate sufficient land for use as a paddock or for turnout. The proposed equestrian use is considered to be inappropriate to the constraints of the site, and contrary to Policy 29 of the Horsham District Planning Framework (2015).

2. The development, and the cumulative impact of the access, fencing and stable block, would lead to an erosion of the rural setting, leading to a proliferation of built form on a modest site which would lead to unacceptable harm to the character and appearance of the site and the surrounding area. The development is therefore contrary to Policies 25, 26, 32 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/24/0629

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

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		24.02.01	16.04.2024
Elevation & Floor plan	Proposed Stables	24.02.02	16.04.2024
Supporting Statement	Planning	NONE	16.04.2024
Supporting Statement	Access Track information	None	12.08.2024

DELEGATED

Case Officer sign/initial Nicola Pettifer

Authorising Officer sign/initial Guy Everest