Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0042
8 Chestnut Drive, Thakeham, West Sussex, RH20 3QX

DESCRIPTION:
Relocation of existing fence and change the use of the land.

RELEVANT PLANNING HISTORY:
None.

DESCRIPTION OF THE SITE
8 Chestnut Drive is a semi-detached dwelling within the Abingworth Nursery Site development.

DESCRIPTION OF THE APPLICATION
Permission is sought for the relocation of existing fence and change of use of the land to the east elevation in order to extend the existing garden.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Thakeham Neighbourhood Plan (2017-2031)
Policy 6 – Design

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old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).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.

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

Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

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

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:

WSCC Highways: No Objection

PUBLIC CONSULTATIONS:

Representations:
None received.

Parish Comments:
Thakeham Parish Council: No Objection

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

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.

8 Chestnut Drive is a semi-detached dwelling in a new build residential area in Thakeham. It is surrounded by dwellings of similar design and appearance, the development at present is located outside the built-up area of Thakeham. The application seeks for the permission to relocate the existing fence on the east elevation to include a grass verge, which is separated by a footpath before the highway. This is for the enjoyment of its residents by having a larger garden, thus providing more space and storage.

There have been similar approved applications near the site. One of which is 15 Penn Stone Way, although slightly taller and closer to the curb, and at 7 Penn Stone Way. The Officer Reports for both applications describe *that the fences do not: significantly differ in character, obstruct sightlines in a manner that would cause unacceptable harm to vehicle safety, or substantially detract from the area's appearance or function.* Additionally, the closure of the entrance to Strawberry Close and the creation of an enclosed alleyway.

The relocation of the fence does not significantly impact the overall 'Open Space' feel of the original development, as the fencing mirrors the character and materials of existing boundary treatments. Although not in complete alignment with the original landscape design, the change is minor and integrates with the surrounding environment. Whilst the loss of relative openness in the area is regrettable, it is not of a scale that would be detrimental to the overall character and appearance of the estate as a whole.

The proposed fence is of the same material and does not differ in height. Though the realignment of the fence has resulted in the loss of public amenity grassed verge, this is not considered so uncharacteristic on the street, given other neighbouring examples. With this and the above in mind, the proposal is on balance considered acceptable and in accordance with the above policies.

Residential Amenity:

Policy 33(2) of the HDPF supports development that does not cause unacceptable harm to the amenity of nearby properties.

Given the application site's location on the street away from nearby residential properties, the introduction of the fence would not adversely harm neighbouring amenity by way of loss of light or overbearing. Whilst there would be some loss of general public landscape amenity, it is not considered so severe as to warrant concerns in terms of its impact on the wider use of the site by its occupants.

It is therefore considered that the proposal poses minimal impact upon the residential amenity of and wider character of the street scene.

Highways Impacts:

Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.

The fence, while visible, does not obscure drivers' line of sight to a degree that would cause a safety hazard. Given the visual integration with the existing streetscape and the negligible impact on public amenity and safety, the development aligns with Policy 40 and is therefore acceptable. Private off-street and on-street public parking would not be affected by the proposal.

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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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 development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

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 **Regulatory Condition**: The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 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/25/0042
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Photos		NONE	13.01.2025
Elevation & Floor plan	Existing and proposed	NONE	31.01.2025
Location plan		NONE	31.01.2025
Supporting Statement	Planning	NONE	11.03.2025
Block plan		NONE	31.01.2025

DELEGATED

Case Officer sign/initial Meg Bayliss Date: 28/04/2025

Authorising Officer sign/initial RHERMITAGE Date: 02.05.2025