Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0411
St Leonards Forest House, Forest Grange, Horsham, West Sussex, RH13 6HX

DESCRIPTION:
Continued use of a external temporary Chiller / Store unit for private use (Retrospective)

RELEVANT PLANNING HISTORY:
None

SITE AND SURROUNDS

The application site comprises a large two storey dwelling that occupies a large plot that is access via a long-shared driveway from the south side of Forest Road. The driveway also serves other properties as well as Forest Grange Manor. The site is located outside of any built-up area boundaries and is therefore within the countryside and is also located within The High Wealds Area of Outstanding Natural Beauty. The chiller/store sits in a relatively isolated location near the established stables on the southern end of the site located to the rear of the main property and in excess of 160m distance from the nearest neighbour Beech House.

DETAILED DESCRIPTION

The application seeks planning permission for the continued use of a chiller/store for the use of storing meat in a private use capacity.

RELEVANT PLANNING POLICIES
**The National Planning Policy Framework (NPPF)**

**Horsham District Planning Framework (2015)**:
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

**Neighbourhood Plan**:
Colgate has not been designated as a Neighbourhood Plan area.

**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:

**HDC Compliance Officer: Comments -**This application was invited as a result of compliance investigation EN/23/0071.

**HDC Environmental Health and Licensing:** No Objection - Given the location and nature od the area this department have no objections to this application.

**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.

Parish Comments:
No Objection

Representations:
One letter of representation received objecting to the application for the following reasons:

- Design and intended use
- Size of the building
- Unsightly in current setting

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 the Development:**

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

support the needs of agriculture or forestry; enable the extraction of minerals of the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does 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 in which it is located.

The chiller/store was originally installed in 2015 to be used in conjunction with a venison business- however, the business did not materialise and as such the applicant seeks permission to continue to use the building as a store unit and additionally a chiller unit. Given that the use would provide for quiet informal recreational use and can be conditioned as such, it is not considered that it would not lead to a significant increase in the level of activity in the countryside and would support the existing use of the site. It is considered that the proposal would be acceptable in principle, having regard to the above policies and subject to all other material considerations.

**Design, Character and Appearance**:

Policies 25, 32 and 33 of the HDPF promote development that is of a high-quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved, and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

In terms of the physical attributes of the development, the proposal seeks permission for the continued use of an external chiller / store unit for private use. The hardstanding already established lies to the south of an existing field which relates directly to equine uses, the building forms a group of buildings sited within this area. Given its siting to the wider developed area of the site, the proposed area for the storage containers does not appear isolated, or overly out of context.

Given the site's location within the wider site, the building which is not widely visible would appear utilitarian, and thus would appear inconspicuous from a distance. Boundary planting softens the proposed appearance, as such the container does not appear at odds with the prevailing character of the wider part of the site.

It is acknowledged that the use of the site is for private and as such would not increase the use of the site, and it is considered that the regular use would not be so significant as to result in any significant harm to the character of the area, or to warrant refusal standalone. Overall, it is therefore considered that the proposals would not have a detrimental effect on the character of the site or the wider area, in accordance with policies 25, 32 and 33 of the HDPF.

The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB). Section 84(4) of the Countryside and Rights of Way Act 2000 states that "A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area". Section 85(1) continues that "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

The primary purpose of AONB designation is to conserve and enhance natural beauty, and account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

Policy 30 of the HDPF states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty

and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate how the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary, providing mitigation or compensation measures; how the public enjoyment of these landscapes will be retained; and how the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.

The High Weald AONB Management Plan is focused on delivering the statutory purpose of conserving and enhancing the natural beauty, with considerations relating to wider environmental issues, the rural economy, and communities, dealt with in the context of delivering this purpose. The Plan takes a character-led approach with the main body of the plan setting out the long-term policy objectives and short-term targets for conserving and enhancing natural beauty. The Objectives, together with Indicators of Success and Five-Year Targets are effectively the plan's policies and provide the strategic direction for AONB management. As a statutory document, Local Planning Authorities must take the AONB Management Plan into account when formulating their development plans, and in the assessment of planning applications.

Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The chiller/store would be read in the context of other similar paraphernalia within the site and the development is not therefore considered to result in harm to the rural character and setting of the countryside located and AONB. The development is therefore considered acceptable, in accordance with the above polices.

**Amenity Impacts**:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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.

The use has been in situ for nearly 10 years. The use of the site for other activities such as equine is not uncommon within a countryside location, where there is a mixture of agricultural, residential and commercial uses function within a rural locality. The nearest neighbouring residents are some 160 metres away. Given the small-scale use of the site, it is not anticipated that the use adversely harms the amenity of the adjoining neighbours.

The chiller/store would not be so significant as to result in any significant harm to neighbouring amenity above that that already exists. As such, it is considered that, the proposals would not result in significant harm to residential amenity which would warrant refusal of this application. Overall, it is considered that the proposals would be in accordance with Policy 32 of the HDPF.

**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 proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

From the submitted details 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 site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsa 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

**Conclusion**:

In conclusion, the development is considered acceptable in principle and the proposal is not considered to result in harm to the character and appearance of the site, the wider countryside area or the amenities of neighbouring properties and users of land. In addition, the proposal would not result in harm to the function and would not increase water demand. As such, the proposal is considered to accord with all relevant local and national planning policies. The application is therefore recommended for approval.

**Recommendation: Application Permitted**

Conditions:

2 **Regulatory Condition**: The development hereby permitted shall exclusively be utilized for private use only by St Leonards Forest House, Forest Grange, Horsham.

Reason: The establishment of an independent commercial unit would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between users of land, contrary to Policies 26, 28 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/24/0411**
Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Location plan | | 01 1850 REV B | 15.03.2024 |
| Block plan | As existing | 02 1850 REV B | 15.03.2024 |
| Plans | Topographical | 03 1850 | 15.03.2024 |
| Elevation & Floor plan | Roof and Section, as existing | 04 1850 | 15.03.2024 |
| Floor plan | Ground, as existing | 05 1850 | 15.03.2024 |

| | | | |
|---|---|---|---|
| Roof plan | As existing | 06 1850 | 15.03.2024 |
| Elevation plan | South East, as existing | 07 1850 | 15.03.2024 |
| Elevation plan | North East, as existing | 08 1850 | 15.03.2024 |
| Elevation plan | North West, as existing | 09 1850 | 15.03.2024 |
| Elevation plan | South West, as existing | 10 1850 | 15.03.2024 |
| Section plan | A-A, as existing | 11 1850 | 15.03.2024 |
| Supporting Statement | Planning | NONE | 15.03.2024 |

**DELEGATED**

Case Officer sign/initial Shazia Penne Date: 10.05.2024

Authorising Officer sign/initial RHERMITAGE Date: 10.05.2024