DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0197
Fiddlers Rest Care Home, Nuthurst Street, Nuthurst, West Sussex, RH13 6RG

DESCRIPTION:

Change of use from Class C2 to Class C3(b) (Residential Institutions/Dwellinghouses).

RELEVANT PLANNING HISTORY:

DISC/14/0185	Discharge of conditions 4, 5 and 8 on DC/13/1896	Application Permitted on 04.05.2018
DC/13/1896	Change of use from C3 and C2 and proposed self-contained annexe	Application Permitted on 29.11.2013

DESCRIPTION OF THE SITE

The site is not within the defined built-up area boundary, so the application site is within a countryside location. Fiddlers Rest Care Home occupies a single-storey building, situated within a substantial plot. The majority of the land is situated forward of the principal elevation, with a small strip located to the rear. Access to the site is off Nuthurst Street and forms part of a shared drive to Gaveston Hall. The access drive is located at the northern boundary of the site and encloses the garden by a post and rail fence and mature trees. Parking on the site is located both at the front of the building and in a small car park, located to the northeast of the site.

DESCRIPTION OF THE APPLICATION

Planning permission is sought for the change of use of this building from the current class C2 (Residential Institution) to Class C3(b). The application does not propose any internal or external alterations or extensions.

The 'Planning and Heritage Statement' details Fiddlers Rest Care Home currently operates as a residential institution, with this application seeking to change the use to allow a more dedicated supported usage for people with additional needs The site previously operated under a Class C3 use; however, following a refurbishment in 2011 and the successful application DC/13/1896, the use changed to C2.

The supporting documentation details how the proposal will support no more than 6 people, with the service offering supported living, and those in residence becoming tenants under the charity 'The Grace Eye'. For this service to be registered with the Care Quality Commission, a return to a C3(b) use is required.

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 15 - Strategic Policy: Housing Provision
Policy 18 - Retirement Housing and Specialist Care
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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Nuthurst Parish Neighbourhood Plan 2015 – 2031
Policy 10: Housing Design
Policy 14: Green Infrastructure and Biodiversity

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 1: Sustainable Development
Strategic Policy 6: Climate Change
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 42: Retirement Housing and Specialist Care

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

Nuthurst 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 Environmental Health: No objection

Due to the location and nature of the site, Environmental Health have no adverse comments to make relating to the proposals.

HDC Environmental Health Housing Team: No objection

No additional comments to make.

OUTSIDE AGENCIES

WSCC Highways: No Objection

WSCC Highways has raised no objection, stating that the existing and proposed uses are similar and therefore the proposals are not expected to have any material impact on the operation of the highway network.

PUBLIC CONSULTATIONS:

Representations:

No letters have been received, either in support or objecting to the scheme.

Parish Comments:

Nuthurst Parish Council: No comments received

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:

Policy 18 of the HDPF states that proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. The Council will particularly encourage schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership/equity.

Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long-term needs will be encouraged and supported. Particular account will be taken of the need to address the requirements stemming from, among others, people with additional needs, including the disabled and those with learning disabilities.

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:

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.

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.

This proposed application retains all the existing structure and amenities to receive supported care for up to 6 people, and given the current use of the building, there will be no significant increase in activity over what is currently capable within the site. This would therefore accord with Policy 26.

The proposed change of use would contribute to meeting the needs of special education residential care needs within the district, providing supported care for up to 6 people with additional needs. As such, it would be considered to meet the needs of the district in terms of the provision of specialist care housing. This would be acceptable in regard to Policy 18 and Policy 42 of the HDPF.

Design and Appearance:

Policy 32 and 33 of the HDPF seeks to ensure that the development in the district promotes high standard/high quality design to enhance and protect locally distinctive characters such as landscaping (both within a scheme and having regard to the impact on surrounding landscapes) and considerations on the local, social, and environmental characteristics. It also seeks to ensure that the scale, massing and appearance of the development and layout (where relevant) relate sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy 10 of the NPNP states that housing design in scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings.

There would be no additional built form on site resulting from the proposal nor any external alterations made, and the change of use would not in itself result in an unacceptable change of design and appearance.

Highways Impacts:

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

WSCC Highways have been consulted as part of this application and have raised no objection, stating the existing and proposed uses are similar and therefore the proposals are not expected to have any material impact on the operation of the highway network.

Given that there is ample parking on the site, the proposal is acceptable in highway terms; therefore, no conditions to ensure further parking provision are required to serve the development. The proposals therefore, would be in accordance with Policies 40 and 41.

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.

Given the existing use of the site and the proposals not resulting in an increase in built form, it is not considered that the proposal would result in an unacceptable harm to the amenity of the neighbouring property Lake Cottage, which is located immediately to the south of the site, nor result in the loss of light, obtrusive appearance or loss or privacy. It is further noted that no representative comments have been received relating to the proposal.

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.

It is considered that the proposed change of use to this building will result in the same occupancy levels as the existing use, and therefore would not contribute to any further water abstraction than that which already occurs onsite. The proposed number of employees will remain the same, with no external or internal alterations or extensions proposed. The building has 8 bedrooms, 2 kitchens and 7 bathrooms and can support 7 tenants. The proposed use seeks to support no more than 6 tenants. It is therefore considered that the proposal can be screened out from needing to demonstrate the requirements of water neutrality.

Other Matters:

<u>Climate Change</u>:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

The proposal would involve no change to the nature of activity at the site and the proposal would not therefore contribute to an additional impact on climate change.

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:

It is acknowledged that the proposal would result in specialist care facilities that would contribute to this provision within the district in accordance with Policy 42 of the HDPF. The application is acceptable in light of relevant development plan policies and is not required to demonstrate water neutrality.

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.

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/25/0197
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received

			Date
Elevation & Floor plan	Existing Plans and Elevations	1.02	14.05.2025
Elevation & Floor plan	Proposed Plans and Elevations	2.02	14.05.2025
Location & Block plan	Existing Site Location and Block Plans	1.01	14.05.2025
Location & Block plan	Proposed Site Location and Block Plan	2.01	14.05.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 08/07/2025

Authorising Officer sign/initial Tamara Dale Date: 09/07/2025