Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/2271
Kahnters Farm, Gay Street, Pulborough, West Sussex, RH20 2HJ

DESCRIPTION:
Demolition of existing equestrian stable and storage barn and erection of replacement building to provide ancillary residential accommodation.

RELEVANT PLANNING HISTORY:

DC/24/1178	Demolition of existing equestrian 6 stable block and erection of an equestrian 6 stable block to incorporate feed, tack and welfare rooms.	Pending determination

SITE AND SURROUNDS
The application site is located in the countryside approximately 1.26 kilometres to the south away from the built up area boundary of Nutbourne. The character of the area is rural in appearance with some sporadic residential development. The nearest neighbours are approx. 40m to the north and south respectively. A Public Right of Way is located approximately 110m to the north.

DETAILED DESCRIPTION
The application seeks permission for the demolition of an equestrian stable and storage barn and the erection of a three-bedroom building to provide ancillary residential accommodation. The building would be single storey with a pitched roof set in an L-shaped configuration, located to the north of main farmhouse at Kahnters Farm. The design takes on a barn-style with the materials comprising a mixture of tiles, horizontal dark timber and stone at the base. Access would be via Kahnters Farm.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
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 30 - Protected Landscapes
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 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction
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 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.

Pulborough Parish Neighbourhood Plan: The Plan has passed through examination but has not reached referendum owing to the water neutrality issue that has impacted on all development in the district.
Relevant policies:
Policy 1- A Spatial Plan
Policy 15- Design

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:
Natural England: Objection
Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:
- All issues highlighted in the HRA/AA are addressed.
- Due to the location being within 5.85km of the Mens SAC, a bat HRA will be necessary

HDC Environmental Health: Objection
"Odour

The proposed dwelling is located very close to an existing stable block, odours from the stable block are therefore likely to have an impact on proposed residential amenity. Given this and the fact that there is no guarantee that the stable block and the proposed dwelling will stay in the same ownership the close proximity of the proposed dwelling to the stables is a concern to Environmental Health.

Land Contamination

Given the historic agricultural use of the site, a land use which Environmental Health considers potentially contaminating, we are of the view that the ground on the site has the potential to be contaminated.

Given the above and taking into account the proposed residential use of the site, a land use that is sensitive to the presence of contamination, to ensure the site is suitable for residential development the application should be supported by a preliminary contamination risk assessment (PCRA), undertaken by a suitably competent and experienced environmental consultant – no such assessment has however been submitted in support of the application.

Given the above Environmental Health are not in a position where can support this application."

WSCC Highways: No Objection

"Access

The proposal seeks to demolish the existing equestrian stable and storage barn and erect a replacement building to provide ancillary residential accommodation to the host dwelling at Khanters Farm. The site is accessed via Gay Street, a D classified road subject to national speed limit restrictions at the point of access. No changes are proposed to the access onto the highway which appears to have functioned for some time with no known injuries or personal injury claims reported to flag an existing concern with its operation.

Capacity

The existing equestrian use has potential to generate a greater number of vehicular movements over that considered to be generated by a residential use. In highways terms, deliveries, farriers, vets, horse boxes etc, would be anticipated on a regular basis with visits spread throughout the day. This would be considered to reduce with 3 less stables present. The nature of trips would change as a result of the proposal, in that movements would be anticipated to be more in line with the network peaks, however it is not considered that a greater number of movements would occur to flag a "severe" highways safety concern with the proposal.

Parking

Parking is demonstrated within the associated plans as within the existing yard area, two spaces have been outlined as designated for the proposal, although the applicant outlines that a total of 8 spaces serve the site. I have compared this to data within the WSCC Parking Demand Calculator which outlines that 3 parking spaces would be sufficient to serve a dwelling of this size within this area. Residents may be able to make use of the space within the existing yard, should the additional space be required, Space is achievable for vehicles to park and turn in order to egress onto Gay Street in a forward gear.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and there are no known transport grounds to resist the proposal."

Naturespace Consultant: Comment

Thank you for consulting me on the above planning application. The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. I therefore have no comments to make at this time. If the proposal changes, then please seek further advice from me if necessary.

Southern Water: General comments

The Environment Agency shall be consulted directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Parish Comments:
No objection

Representations:
One letter has been received objecting to the application for the following reason:

- The building is too large to qualify as ancillary
- Surface water causing localised flooding

One letter has been received supporting the application.

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 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. Policy 3 of the HDPF directs development within existing settlements which have defined built-up area boundaries (BUAB) and Policy 4 states that development will be permitted outside BUAB via the expansion of settlements where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. These policies are reflected in Policies 2 and 3 of the submission Horsham District Local Plan ('the submission HDLP').

Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.

The site is not allocated in either the HDPF and as such the proposed development does not accord with Policies 3 and 4 in this regard. The erection of a dwelling is not considered to be essential to its countryside location, nor does it meet any of the criteria set out in Policy 26, therefore this proposal does not accord with Policy 26. Therefore, the principle of the proposed development is contrary to the overarching spatial strategy and principles of the HDPF.

The Council cannot currently demonstrate a 5-year housing land supply (the Council's latest Authority Monitoring Report shows a 2.9 year supply). In recognition of these HDPF housing policies being out-of-date, the Council has published interim guidance on how housing proposals are to be considered in its Facilitating Appropriate Development (FAD) document. The FAD recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position. The FAD confirms that applications which meet all the following criteria will be positively considered:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

In this instance the proposal fails to accord with these criteria.

Policy 28 of the HDPF states that outside of the built-up area, ancillary accommodation will be supported where it can be accommodated appropriately within the curtilage of the existing dwelling. Ancillary accommodation is required to meet with all other appropriate policies and demonstrate that the need for additional space cannot be met from an existing dwelling or buildings suitable for conversion on the site. This proposal is stated to be for ancillary accommodation and is therefore subject to consideration against this policy.

Whilst the application states that the building is to comprise an annexe, the scale, location and composition of the building is identical to an independent planning unit, with there being no indication of what functional link would exist between the building and the host dwelling. It is noted that the access within the plans is shown to be distinct from the stables, however this does not reflect the access arrangements within the site. The access to the host dwelling house would continue along its frontage from the siting of the current stables and whilst it is noted that the proposal would be modest in its eaves and ridge height, would compete in scale with the host dwellinghouse in terms of footprint. Indeed the building would be of a greater footprint than the host dwelling. There would also be sufficient provision around the proposed building to provide separate garden amenity area which would contribute to a sense of independence to the host dwellinghouse.

Given the scale and nature of the proposed building it is not considered appropriate to consider the application under policy 28, with what has been proposed being more akin to an independent dwellinghouse. Given the facilities described within the plans would be sufficient for an independent use as a dwellinghouse and it would have three bedrooms it is to be considered as a new dwelling house within the countryside and not as an annexe in this instance. Whilst noted that the proposed accommodation is stated to be used by the applicants' parents, limited justification has been provided including the need for three bedrooms and why expansion of the host dwelling could not equally meet the applicant's needs. Consequently the proposed form of development is considered to be commensurate of a separate residential unit, with occupiers able to live entirely independent of the host dwelling.

Given the nature of the development and its position outside of the built-up area, the proposal is not considered to accord with policy 28 or enable the sustainable development of the rural area or meet any of the other criteria as stated within Policy 26 of the Horsham District Planning Framework, the criteria of the FAD, and would not be essential to its countryside location.

Design and appearance

Policies 32 and 33 of the HDPF aim to ensure that development promotes high-quality design that enhances and protects the distinctive local character. These policies also emphasize that the scale, massing, and appearance of new developments should relate harmoniously with the surrounding built environment, landscape, open spaces, and routes, both within and adjacent to the site, while also considering impacts on the skyline and important views.

Policy 28 of the HDPF states that Outside the defined built-up areas, ancillary accommodation will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling. 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 proposal would have the appearance of a converted barn along its principle elevation and it is noted that this would not be unsympathetic to the character of the wider locality given its rural context. The proposal would though be viewed as an independent dwellinghouse given its scale, which would be viewed in contrast to the character of the host dwellinghouse. Nevertheless, given the distance from public vantage points this would not be considered to result in harm to the rural landscape character of the area. The submission does not appear to alter landscaping arrangements on site, apart from some proposed native hedge planting to the north although the details of this in addition to the boundary treatment would be able to be secured via condition if the application had been otherwise been acceptable. Notwithstanding other material concerns with this application, the proposed building would raise no objection in regards to policies 32 and 33 of the HDPF.

Amenity Impacts:

Policy 33 of the HDPF states that development should consider the scale, massing, and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The proposed dwellinghouse would be limited to ground floor level, such that the relatively close proximity to the nearest dwellings to the north and south would not be considered to result in a loss of outlook, privacy or light. It is considered that the proximity to the stables to the west would result in some concern over contaminated land which would have potential to have an unacceptable impacts on the future occupiers.

The proximity of the proposal to an existing stables, which are shown to be retained on the proposed block plan, raises some concern about the potential health impacts of future occupants. No information has been submitted in terms of a preliminary contamination report and Environmental Health have objected to the proposal on the basis of insufficient information. In this instance, it is considered that this information can be requested by condition to ensure compliance with policies 24, 32 and 33 of HDPF.

Highways Impacts:

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

There is no evidence to suggest that the existing access is operating unsafely, or that future use would create a level of use which would cause harm to the operation of the highway network. 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. There are considered to be no reasons to take a different view and there are no transport grounds to resist the proposal.

Ecology

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

A bat assessment has been undertaken by the applicant and submitted with the application. The document assessed the suitability of the site for foraging and roosting opportunities for bats. The buildings assessed were concluded to have negligible potential for foraging and roosting bats and as such, the proposal would not require further survey or mitigation.

There are no objections to the proposal due to concern over protected species and the information submitted has allowed the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 of the Crime and Disorder Act 1998.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from Natural England (September 2021) 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 applicant has not provided a dedicated Water Neutrality scheme to support this planning application. Instead, a paragraph within the Planning statement has been provided to suggest that the proposal would be occupied by 1 individual who would use 142 litres per day. This is not considered to adequately reflect the proposed site circumstance, with the three bedrooms providing an average occupancy of 2.47 people. There are no fixtures and fittings proposed such that the proposed usage per person per day is unsubstantiated through Part G calculator. The baseline is suggested to be from what a typical horse could drink and there are no metered water bills or indication of how many horses are on site. Overall, without a baseline usage that can be relied upon with reasonable certainty, the baseline is considered nil. Overall, the proposal would likely result in an increase in water abstraction over the existing site arrangements and would not be water neutral.

An Appropriate Assessment has been undertaken based on the submitted information, and consulted upon with Natural England, who are in agreement with officers that there is insufficient information submitted in order to determine the likely impacts of the proposal, by way of a lack of evidence over the baseline water use. Therefore, officers conclude that notwithstanding what has been submitted, insufficient information has been provided to demonstrate that the development is water neutral. It cannot therefore be concluded that the proposed development would not result in a likely adverse impact on the Arun Valley protected sites.

In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to Policy 31 of the Horsham District Planning Framework (2015) Policy HB2(D), Paragraph 186 National Planning Policy Framework (2023), and the Council's duties under the Conservation of Habitats and Species.

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 was submitted prior to the introduction of BNG on the 2nd April 2024 such that it is not subject to Biodiversity net gain requirements. There are no objections to the application in this regard.

Conclusions:
The application for a three-bedroom building has been submitted on the basis that the building will comprise an annex to the host dwelling. However, the scale and design of the proposed annexe is considered to be inconsistent with the character of an annexe, whilst insufficient information has been submitted to justify the need for an annex of this scale on this site. The building would in practice result in a physically and functionally separate dwelling rather than an ancillary structure, contravening policies 2, 26 and 28 of the HDPF, which seek to prevent unsustainable development outside of built-up areas.

Chapter 3 of the Council's most recent Authority Monitoring Report (AMR) revealed that the Council currently benefits from a deliverable supply of housing sites of 2.9 years. Therefore, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged in this instance. NPPF paragraph 11(d)(ii) states that where there are no relevant development plan policies in place, the policies that are considered most important for the determination of applications (in this case, Policies 1, 2, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

However, in this case the Paragraph 11(d) 'tilted balance' is disengaged as the absence of water neutrality providing a Footnote 7 clear reason for refusal as the development risks contributing to the adverse impact on protected habitats in the Arun Valley SAC, SPA, and Ramsar sites. As such, the proposal is also contrary to policy 31 of the HDPF, NPPF paragraph 186, and the Conservation of Habitats and Species Regulations 2017. The application is therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The proposed development by reason of its proposed scale, nature and level of accommodation and separation from the main dwelling would provide all the necessary facilities to form a separate, independent unit of residential accommodation. Considered as a dwelling, the site is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Consequently, the proposal represents unsustainable development contrary to policies 2, 26 and 28 of the Horsham District Planning Framework (2015).

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

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/23/2271
(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
Block plan		GP/03/23 REV A	13.12.2023
Location plan		NONE	13.12.2023
Supporting Statement	Planning	NONE	13.12.2023
Elevation & Floor plan	Proposed roof	GP/02/23	13.12.2023
Elevation & Floor plan	Existing	GP/01/23	13.12.2023

DELEGATED

Case Officer sign/initial Hannah Darley Date: 17/09/2024

Authorising Officer sign/initial Adrian Smith Date: 17/09/2024