DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1705
Castle Barn, 2 Castle Lodge, Broadwater Lane, Copsale, Horsham, West Sussex, RH13 6QJ

DESCRIPTION:
Change of use of existing ancillary garage and summerhouse to independent self-contained C3 residential accommodation.

RELEVANT PLANNING HISTORY:

DC/24/0491	Change of use of existing ancillary garage and summerhouse to independent self-contained C3 residential accommodation.	Withdrawn Application on 16.05.2024

DESCRIPTION OF THE SITE

The application site is located on the eastern side of Broadwater Lane and situated outside of the designated built-up area. The proposal relates to an ancillary outbuilding which gained planning permission under N/43/02. The outbuilding includes sheltered vehicle parking to the front, store, living space, shower room at ground floor with office space in the attic at first floor. The site is bounded by mature trees and vegetation of the Registered Park and Garden of Sedgwick Park to the north and east. The southern boundary adjoins the residential rear gardens of 1 and 2 Castle Lodge both of which are Grade II Listed Buildings. The western boundary abuts the highway Broadwater Lane and consist of a vehicular access onto the highway.

DESCRIPTION OF THE APPLICATION

The proposal seeks planning permission for the change of use of existing ancillary garage and summerhouse to independent self-contained C3 residential accommodation.

The proposal would create a new vehicular access off Broadwater Lane and construction additional 2 no. car parking spaces to the northwest of the outbuilding. The rear garden of the host dwelling would be subdivided to create additional amenity space for the new dwelling. There are no physical alterations proposed to the outbuilding. The proposed internal layout would comprise of refuse / cycle storage to the front of the former sheltered parking area, living / dining, kitchen and shower room at ground floor and a bedroom at first floor.

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 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Neighbourhood Plan:
Nuthurst Parish Neighbourhood Development Plan 2015-2031
- Policy 1: A Spatial Plan
- Policy 10: Housing Design

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
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
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 24: Sustainable Transport
Policy 25: Parking

Parish Design Statement:
Nuthurst Parish Design Statement

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:

Ecology: *We have no ecological objections. We understand that this is a change of use application only and note from Section 4.1 of the Planning Statement (Cross Town Planning, September 2024), that no physical alterations to the building are proposed. However, as bats are mobile species, we recommend that the guidance of Informative 1 Precautionary Measures for Bats should be followed at all times.*

The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

HDC Conservation: *Satisfied the proposal will not result in harm to the setting of the adjacent listed buildings and scheduled ancient monument. I am also satisfied no harm will come to the Registered Park. I am interested in the form and appearance of any boundary treatments between the properties. I cannot find reference to how this physical boundary will be achieved. Planning permission will be required for a physical boundary as this will be a structure within the curtilage of a listed building. Can you ask for confirmation of the form of any physical boundary and a plan of where it will run? I also suggest permitted development rights are removed for the barn to avoid potentially harmful extension and additional detached structures.*

Southern Water: *No objection*

Sussex Garden Trust: *Thank you for consulting Sussex Gardens Trust (SGT) and the Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Garden. SGT is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of such consultations.*

SGT has reviewed documents submitted with the application. On this occasion SGT also has no comments to make.

HDC Arboricultural officer: *The development proposal requires extension of curtilage and engineering operations to create associated parking facilities within a group of trees subject of a Tree Preservation Order (Ref: TPO 1253) surrounding Sedgwick Castle that could foreseeably be detrimental to the future health and public amenity afforded by them.*

In addition, the relationship of the building to surrounding trees may have implications on the foreseeable retention/pruning of trees due to issues of associated seasonal nuisance (principally leaf, seed and twig fall) and proximity of stems and branches to build and fenestration.

If minded to approve in other planning terms, please request a BS5837:2012 compliant tree survey and Arboricultural Impact Assessment.

Newt Officer: *It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. The development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:*

Natural England: No Objection – subject to appropriate mitigation being secured.

Archaeology Consultant: *The site is within an Archaeological Notification Area DWS8705 Sedgwick Park Medieval Moated Site and Registered Park and Garden but the proposal does not involve any below ground disturbance or external alteration to the existing structures and so we have no archaeological concerns in this case.*

Please note that this response relates solely to buried archaeological remains.

WSCC Highways: *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.*

PUBLIC CONSULTATIONS:

Representations:
There were 4 letters of Objection received, objecting to the application on the following grounds:

- Highway access and parking- everything inside the 'red lined' southern boundary up to the Oak tree are on my land.
- The loss of the extra space to join the road would cause poor visibility on that corner.
- Overdevelopment of site.

- When lay-by is occupied it restricts the visibility of oncoming traffic when exiting Sedgwick Park and is a potential safety hazard
- Permanent parking allowance along Broadwater Lane could cause serious accident on the lane.
- Trees and Landscaping - proposal would involve cutting down and clearing trees, hedgerow and woodland currently on the castle site which has a blanket TPO, and ultimately on my land.

Parish Comments:
Nuthurst Parish Council: Objection – In the event that the officers are minded to propose the acceptance of this application, Nuthurst Parish Council would ask for it to go to full committee and that the Parish Council is allowed to speak to their objections at the meeting.
- There have been planning applications for this in the past DC/20/2036 and DC/20/2053 both of which have been refused/withdrawn. The current application is no different to the previous applications.
- The proposed development is located outside the settlement boundary, in the countryside, in an unsustainable rural location and not allocated on the Nuthurst Neighbourhood plan NNP (Policy 1). It would be contrary to policies 1,2,3,4,26 and on the HDPF 2015.
- It is not required in the Parish as identified in the NNP.
- Access and parking could potentially cause issues with TPO trees.
- It is in a remote area not services by public transport.

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:

This application is a resubmission of a recently refused planning permission reference DC/20/2036 for the change of use of existing outbuilding/home office (Class C3) to single dwelling (Class C3). Since the previous application the National Planning Policy Framework has been revised in December 2024 and Horsham District Council are in the process of drafting a new local plan. However, for the purpose of this application Horsham District Planning Framework 2015 would be applicable. Also, it is noted that the provision for rural housing remains the same as the previous version of the NPPF when DC/20/20236 application was determined, apart from re-numbering of the relevant paragraphs.

The site is located outside of the built-up area and does not form part of Horsham's adopted development plan (comprising the HDPF or a 'Made' Neighbourhood Development Plan). As a result, residential development in this location would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 (Settlement Expansion) and is therefore not considered to be acceptable in principle. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the built-up area boundary and as the proposed residential development is not considered to be essential to this countryside location.

Policy 1 of the Nuthurst Neighbourhood Plan states that development proposals within the Built-Up Area Boundary of Mannings Heath, as defined on the Policies Map, will be permitted, provided they accord with the other provisions of the NPNP and HDC's adopted Development Plan. Policies 2-9 of the plan allocate sites within the Parish for development.

The adopted development strategy outlined in the HDPF provides for appropriate housing development across the District through site allocations and the opportunity to develop smaller settlements through the Neighbourhood Planning process. In accordance with national planning policy set out in the NPPF (2024) and the HDPF (2015), the principle of residential developments in inappropriate locations, outside of the settlement boundaries and within the countryside is resisted. For the reasons outlined above, the principle of providing housing on a site which is located outside the defined built-up area boundary and within the countryside, and where the land has not been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The principle of the proposed development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, Policy 1 of made Nuthurst Neighbourhood Plan, and paragraphs 2, 11, 12 and 48 of the NPPF which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Therefore, the assessment made on the principle of the development on the previous application DC/20/2036 remains the same. The proposed development is unchanged from the previous application, apart from the creation of a new driveway and marginally setting back of the 2no. additional parking spaces. Consequently, as before, the principle of the development remains unacceptable and the full justification is set out in the officer report for application reference DC/20/2036.

With the above in mind, the principle of the proposal is resisted. The appropriate degree of weight to be assigned to conflict with these policies is detailed further below.

Design 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.

Policy 10 of the made Nuthurst Parish Neighbourhood Development Plan states that the 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 are no external alterations proposed to the outbuilding and the proposed internal alterations would be the same as the previous application DC/20/2036. Therefore, the previous assessment made on design and appearance would remain the same for this application. Due to the change of use nature of the development, it is considered that the proposal would not have an adverse impact on either the design and appearance of the building nor the character of the site or wider surrounding area. The visual impact of the proposal is therefore considered acceptable and in accordance with the above policies.

Trees and Landscaping:

Policy 26 seeks to maintain that development in the countryside protect, conserve and enhance the key features and characteristics of the landscape character area in which it is located including the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features.

The application is not accompanied by any supporting information in respect of the potential impact on adjacent trees of public amenity value.

Following consultation with the Council's Arboricultural Officer, it is acknowledged that the development proposal would require extension of the curtilage and engineering operations to create associated parking facilities within a group of trees subject of a Tree Preservation Order (Ref: TPO 1253)

surrounding Sedgwick Castle. The TPO includes mature trees visible from/alongside Broadwater Lane that make a positive contribution to landscape character. The engineering requirements for the new/upgraded hardstanding proposed could be damaging to the roots and key rooting environment of the protected trees, and that could foreseeably be detrimental to the future health and public amenity afforded by them, in contrary to the relevant design standard – BS5837: 2012. In addition, the relationship of the building to the surrounding trees may have implications on the foreseeable retention/pruning of trees due to the issues associated with seasonal nuisance (principally leaf, seed and twig fall) and proximity of stems and branches to build and fenestration. If this application were to be approved, then a BS5837:2012 compliant tree survey and Arboricultural Impact Assessment would be required.

Heritage Impact:

Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

Following consultation with the Council's Conservation Officer it is judged the proposal would not result in harm to the setting of the adjacent Listed Buildings, Scheduled Ancient Monument and the Registered Park. If the proposed boundary treatment were to change then a further application for approval would be required to prevent any adverse effect on the setting of the adjacent Listed Buildings.

Residential Amenity:

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

The proposed amenity area of the new dwelling would be similar as the previous application DC/20/2036 apart from the creation of a new driveway and marginally setting back of the 2no. additional parking spaces. Therefore, the previous assessment made on neighbour amenity impact would remain the same here as well. The potential loss of privacy and overlooking onto the host dwelling would be mitigated by the proposed 2m hedgerow along the southern boundary. Due to the separation distance and the proposed boundary treatment, it is considered that the proposal would not have a detrimental on the amenities of neighbouring properties in accordance with Policy 33 of the HDPF.

Highways Impacts:

Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposed dwelling would be served by the existing access located to the north from Hammerpond Road. The submitted details indicate that there would be sufficient space for vehicle parking on site.

Policy 10 of the made Nuthurst Parish Neighbourhood Development Plan states that residential development proposals should include adequate off-street parking so as to minimise any need for on-street parking.

Following consultation with the Local Highway Authority (LHA), the proposed new access would require trimming back of vegetation to the north of the access point to ensure suitable visibility splays are maintained. Further licence would be required from the LHA for the proposed access work. The additional 2 no car parking spaces would accord with WSCC Parking Standards for a dwelling of this size and location which are of suitable size with on-site turning. The provision of bicycle storage accords with WSCC Parking Standards.

However, the site is positioned in a relatively rural location that lacks access to nearby services and amenities. Furthermore, Broadwater Lane has a lack of footways and street lighting. As such, the future

occupiers would be reliant on the use of private car. It is acknowledged that the nearby village of Southwater is within cycle distance, although cycling may only be viable for experienced cyclists. Therefore, it is considered that the site is an unsustainable location for a new housing and would not be acceptable in this regard.

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 proposal seeks to change the use of an existing ancillary garage and summerhouse to an independent self-contained C3 residential accommodation. The submitted water neutrality statement details that the proposed development would comprise a water demand for the whole site of 402.96 l/d. Through the use of onsite efficiencies, the proposed water demand would be reduced to 318.26 l/d.

It is considered that subject to conditions securing the strategy as proposed, the approach outlined above would be sufficient to ensure that the proposal need not result in an increased water consumption at the site. An Appropriate Assessment was undertaken in accordance with the strategy provided, and Natural England have raised no objection to the above conclusions, with a condition recommended to ensure the agreed strategy is adhered to if the proposal were to be approved.

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 submitted planning statement explains that the development would be subject to the de minimis exemption that the '*Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitat such as hedgerows'*, due to the change of use nature of the application.

However, the proposed site layout shows a proposed new driveway to be created and proposed 2 no. additional car parking spaces to be constructed resulting in approximately 79m2 of new hardstanding area. Therefore, the proposal would have needed to demonstrate that the development would achieve 10% biodiversity net gain within the application site. Given the other reasons to refuse permission it was not considered necessary to seek further information on this matter.

Conclusions and Planning Balance:

The proposal seeks planning permission for the change of use of an existing ancillary garage and summerhouse into an independent self-contained C3 residential accommodation. Due to the site not

being allocated for development within the HDPF or a made neighbourhood plan, as the site is located outside of the built-up area boundary, the principle of the development is unacceptable in contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 48 of the NPPF and Policy 1 of the Nuthurst Neighbourhood Plan.

The Council published its Authority Monitoring Report (AMR) in December 2023. Chapter 3 of the 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)(i) 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, 3, 4 and 26 of the HDPF, owing to the lack of a five-year housing land supply) permission should be granted unless there is a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations.

The granting of this permission would conflict with Policies 1, 2, 3, 4 and 26 of the HDPF and Policy 1 of the Nuthurst Parish Neighbourhood Development Plan. This conflict with the development plan is afforded significant weight, as it would undermine the strategic process of allocating housing sites for development in appropriate locations, and the democratic process of selecting sites within Neighbourhood Plans.

No other discernible benefits would arise from the granting of this permission. As such, this adverse impact of the development's location disengages the presumption in favour of sustainable development in the 'titled balance' to its default position.

The Facilitating Appropriate Development (FAD) document was endorsed at Full Council on 19 October 2022. The FAD recognises that the Council is likely to receive applications outside of defined BUABs and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position and the principles behind HDPF Policy 4, it will consider positively applications that meet *all* of the criteria:

- 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.

While the current housing shortfall is a material consideration of significant weight, however, the site does not adjoin any settlement edge. The contribution of one market dwelling would bestow socio-economic benefits in the form of housing delivery, nonetheless the proposed development would result give rise to conflict with the development plan which demonstrably outweigh the benefits arising from the negligible contribution of the dwellings to the Council's housing supply- therefore, the proposal would not benefit from the provisions of the FAD as above. The material benefits are not therefore considered to outweigh the harm identified above, and the proposal is therefore recommended for refusal.

Recommendation: Application Refused

Reason for Refusal:

1. The proposal is situated in the rural countryside, outside of any defined built-up area boundary, on a plot not allocated for development within the Horsham District Planning Framework or a made Neighbourhood Plan. The proposal would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the district. Furthermore, the proposed development would be remote from day-to-day services with lack of access to sustainable modes of transportation and it has not been demonstrated as essential to its countryside location. The proposal therefore represents unsustainable development and is contrary to policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015) and Policy 1 of the Nuthurst Neighbrouhood Plan.

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/24/1705

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

Plan Type	**Description**	**Drawing Number**	**Received Date**
Location & Site plan	Existing	20767/100 REV J	04.11.2024
Block plan	Existing	20767/101 REV H	04.11.2024
Details plan	Existing Visability splay	20767/102 REV D	04.11.2024
Floor plan	Existing Ground	20767/110	04.11.2024
Floor plan	Existing First	20767/111	04.11.2024
Roof plan	Existing	20767/112	04.11.2024
Elevation plan	Existing North and South	20767/120	04.11.2024
Elevation plan	Existing East and West	20767/121	04.11.2024
Location & Block plan	Proposed	20767/200 REV H	04.11.2024
Block plan	Proposed	20767/201 REV H	04.11.2024
Details plan	Visibility Splays	20767/202 REV G	04.11.2024
Floor plan	Proposed Ground	20767/210	04.11.2024
Floor plan	Proposed First	20767/211	04.11.2024
Roof plan	Proposed	20767/212	04.11.2024
Elevation plan	Proposed North and South	20767/1220	04.11.2024
Elevation plan	Proposed East and West	20767/221	04.11.2024
Design & Access Statement		none	04.11.2024
Supporting Statement	Water Neutrality	20240430P2	04.11.2024

DELEGATED

Case Officer sign/initial	Halima Chowdhury	Date:	13.01.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	17.01.2025