Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0893
Washington Paddocks, London Road, Washington, West Sussex, RH20 4AJ

DESCRIPTION:

Change of Use of Existing Sand School for Dog Agility in addition to Equestrian Purposes (Retrospective)

RELEVANT PLANNING HISTORY:

DISC/18/0385	Approval of details reserved by conditions 3, 4, 5 and 6 on DC/17/0397	Application Permitted on 10.01.2019
DC/24/0159	Erection of a two storey attached annexe to existing dwelling	Application Permitted on 07.08.2024

SITE AND SURROUNDS

The application site forms part of an existing caravan and camping site on the east side of the A283 (The Pike) set approximately 100m east of its junction with the A24. It is located to the north of the village of Washington and outside of the settlement boundary. The access serving the main property on site is located along the main road going south located to the east. The South Downs National Park sits directly opposite the site and A283 to the south and west.

DETAILED DESCRIPTION

The application is a retrospective planning application for the change of use of the existing sand school located to the northern end of the site for dog agility in addition to equestrian purposes.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
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 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:
Storrington Sullington and Washington Neighbourhood Plan has been Made.
Policy 14-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:

HDC Environmental Health: Advice

In order to protect the amenity of nearby residents, there must be a management plan in place which should form a condition on any planning permission that may be granted.

This should include, but not be limited to: Hours of use; waste removal; maximum session numbers; booking procedure; site supervision of the activity; refusal policy (banning persons/dogs); terms of use for customers. This must be submitted to the planning authority and agreed in writing prior to permission being granted.

Re-consultation (received 04.10.2024): No Objection

This department is happy to accept this going forward.

WSCC Highways: No Objection

In summary, 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.

Minerals and Waste: No Objection

Given the site is already developed and no extension to the site is proposed, it is our understanding that no additional development would commence that may sterilise any safeguard mineral resource. Therefore, as per Policy M9 of the JMLP, no mineral sterilisation would occur and the MWPA would offer no objection to the development in this regard.

With regard to the safeguarding of minerals infrastructure, the application site is located within close proximity to the southwestern corner of Rock Common, the boundary of which is located some 105m to the northeast. Policy M9 (a) of the JMLP states that:

(a) Existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.

The LPA should be satisfied that the proposed development would not prevent or prejudice the continued operation of the safeguarded waste infrastructure either by way of introducing additional sensitive receptors or cumulative highways impacts, as per the advice provided within para 3.4 of the M&W Safeguarding Guidance. Subject to the LPA being satisfied that the proposed change of use would not have any significant impacts upon the existing quarry, the MPA would offer no objection to the proposal.

Parish Comments:

None received

Representations:

12 letters of representation have been received in relation to this application, 9 in support of the application, 2 objecting and 1 neither objecting or supporting the application.

Reasons for support:

- Support for the recreational grounds for dogs' health and wellbeing
- In support of small businesses
- Benefitting human health
- Adaptability and effective use of space

Reasons for objection:

- Loss of general amenity
- Overdevelopment of the site
- Privacy, light and noise
- Concerns over the noise for dogs barking.
- LED Floodlights creating bright lights.

Reason for neither objecting nor supporting

- Comment made to restrict hours of use to resolve the floodlight issue.

Member Comments:

The members acknowledge that the facility has been operating without planning permission for some time, and the current application seeks retrospective approval. This situation allows public feedback based on actual experience with the facility.

Public comments indicate that users, including some from outside the area, greatly value the facility. However, neighbours express concerns that it negatively impacts their enjoyment of their homes due to noise and light intrusion.

Regarding light, members highlight the need to protect the dark skies of the adjacent South Downs National Park and prevent facility lights from shining into neighbouring properties.

On noise, while the Noise Management Plan outlines measures to address complaints and limit the number of dogs and users, the term "unnecessary disturbance" is considered vague. Dogs will naturally bark, and owners may occasionally raise their voices, making it unclear when this would be considered "unnecessary." Members assume the complaint handling procedure will address this issue.

Additionally, there is concern about dogs being left in cars parked near a resident's boundary, causing barking when the resident is in their garden. A proposed solution is to relocate parked cars with dogs to a quieter area of the site, provided such space is available.

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 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 or 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.

Policy 10 of the Horsham District Planning Framework (HDPF) states that sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social, and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

1. Contribute to the diverse and sustainable farming enterprises within the District or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either
    a. Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or
    b. Result in substantial environmental improvement and reduce the impact on the countryside, particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.

2. Demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.

The proposal seeks retrospective permission for the use of an existing sand school for dog agility, in addition to its established equestrian use at Washington Paddocks Caravan Park. This application must be assessed in the context of the Horsham District Planning Framework (HDPF), the Storrington, Sullington and Washington Neighbourhood Plan, and the National Planning Policy Framework (NPPF).

The site is located within the countryside where Policy 26 of the HDPF requires the protection of rural character and the undeveloped nature of the landscape. However, it allows for certain uses where they are essential to their countryside location and support quiet, informal recreational activities. In this instance, the sand school’s primary function as an equestrian facility aligns with its countryside setting, and its use for dog agility, a recreational activity, complements the existing equestrian activities without necessitating significant physical changes or impacting the character of the countryside.

Furthermore, the proposal is modest in scale, with only four dogs using the facility at any time. This limited usage, combined with the sand school’s location within an already active caravan and camping site, ensures that the development does not lead to a significant intensification of activity in the countryside. Policy 26 emphasizes that development should not result in an increase in overall activity levels, which, in this case, remains consistent with the site's established use.

Policy 10 of the HDPF encourages sustainable rural economic development, particularly where it supports local employment and provides social and environmental benefits. The sand school’s use for dog agility offers recreational opportunities for local residents, fostering community engagement and promoting physical activity in a way that enhances rural life without compromising the surrounding landscape. The existing caravan and camping site has been operational for several years, and no complaints have been recorded regarding the sand school’s use, further supporting the suitability of this recreational activity in this location.

In conclusion, the proposed use of the sand school for dog agility is consistent with the rural recreational objectives set out in Policy 26 of the HDPF. It aligns with the sustainable rural development goals of Policy 10, supports community engagement, and preserves the landscape's character in accordance with Policy 25. There is no identified conflict with the Storrington, Sullington and Washington Neighbourhood Plan or the wider development policies. Therefore, the principle of development is considered acceptable, and planning permission should be granted.

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.

The proposal seeks to change the use of the land for a mixed-use purpose. The land will still be used for equestrian purposes and alongside dog agility. Due to the nature of the proposed use, it is likely that moveable agility training equipment would be placed within the sand school, however these are not considered to be materially different from horse jumps in respect of visual impact.

The development does not involve any new structures or extensions, thus maintaining the area's landscape character. The South Downs National Park (SDNP) boundary lies to the south and west, but the proposal will not affect the park's setting or identified views. Policy 25 of the HDPF emphasizes the conservation of landscape character, which the proposal adheres to by utilizing an existing facility and avoiding any harmful landscape changes.

Given this context, it is not considered that the development would appear out of character within the wider surroundings. The field is of a form and proportion expected within similar agricultural fields, with the development as constructed not considered to result in harm to the visual amenity and landscape character of the area.

Amenity Impacts:

Policy 33 of the Horsham District Planning Framework (HDPF) emphasizes that development should not result in harm to the amenity of nearby residents. In this case, the main concerns relate to the potential for noise from dogs barking and light pollution from the facility's operations, particularly as it sits near residential properties and the South Downs National Park.

The Noise Management Plan (NMP), submitted by Mr. and Mrs. Cleaver, outlines specific measures designed to mitigate the impact of noise on nearby residents, which directly addresses concerns raised about barking dogs and associated disturbances.

The NMP establishes clear guidelines for managing noise and addressing complaints, ensuring that the facility operates within acceptable limits:

Restricted hours of use: The NMP sets specific hours for dog agility activities—Monday to Friday from 13:00 to 20:30 and Saturday mornings from 9:00 to 13:00. These restrictions help minimise the potential for disturbance during times when residents are more likely to be at home and seeking peace and quiet.

Controlled number of dogs and supervision: The sand school is limited to a maximum of four dogs and four owners at any one time, with all dogs being closely supervised. This restriction ensures that noise levels remain manageable, reducing the likelihood of excessive barking.

No Amplified Sound: The NMP prohibits any form of amplified sound or music, live or recorded, which prevents any additional noise disturbances that could affect neighbouring properties, a condition has been applied to restrict this.

Complaint handling procedures: A formal complaints procedure is in place. The plan requires the applicants to document all noise complaints, record the details, and take appropriate action to address

and resolve issues. This process allows for continuous monitoring and accountability, giving nearby residents a clear channel for raising concerns and receiving feedback.

These measures are in line with Policy 24 of the HDPF, which seeks to protect the environment and residents from the harmful effects of noise pollution. Furthermore, the limited scale of the development, coupled with the control measures laid out in the NMP, demonstrates compliance with Policy 33, ensuring that the amenity of neighbouring residents is preserved.

In conclusion, the Noise Management Plan effectively addresses the amenity concerns raised regarding the potential for noise and light disturbances from the dog agility facility. By implementing these measures, the proposal mitigates any negative impacts and aligns with the relevant planning policies.

Highways Impacts:

Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.

This application seeks retrospective permission for the change of use of existing sand school for dog agility in addition to equestrian purposes. The site is located on London Road, an A-classified road subject to a speed restriction of 50 mph in this location.

Following consultation with WSCC Highways, an inspection of collision data provided by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely during this time, or that the proposals would exacerbate an existing safety concern. In addition, the site appears to exhibit suitable parking and turning facilities to serve the proposed use.

As such, WSCC Highways does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. On the basis of these considerations, the proposal is not considered to result in adverse harm to the safety and function of the highways network, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

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 application site falls within the Sussex North Water Supply Zone, which draws its water from groundwater abstraction at Hardham. Natural England has raised concerns regarding the potential for new development in this zone to impact the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites due to increased water usage.

The proposal does not introduce any significant changes to the existing water demand. The dog agility activities, alongside the established equestrian use, do not necessitate additional water consumption that would exacerbate existing pressures on water resources in the area, as the use of the existing equestrian facilities for dog agility training would not result in an intensification of use. Affectively, when used for dog agility purposes, this would by and large replace equestrian exercise that could take place at the same time. There are no proposed changes to the built form or infrastructure that would lead to an increase in water consumption, and no new facilities (such as restrooms or irrigation systems) are planned.

As a result, the proposal is screened out from requiring a full water neutrality assessment, as it does not introduce any material changes to water usage on the site. This is in line with the guidance

provided by Natural England and Horsham District Council's Policy 31, which focuses on the efficient use of water resources.

By maintaining the existing operational practices, the development demonstrates compliance with water neutrality requirements, ensuring that it will not have an adverse effect on the protected areas within the Sussex North Water Supply Zone. Therefore, no further mitigation or offsetting is deemed necessary in this case.

Conclusions:

In conclusion, the proposed development is considered acceptable in principle, aligning with the sustainable rural development objectives set out in Policies 10 and 26 of the Horsham District Planning Framework (HDPF). The development maintains the rural character of the countryside while contributing to the local economy and ensuring minimal visual or environmental impact. The design, which involves no significant physical structures beyond the existing gate and moveable equipment, is sympathetic to the landscape and consistent with the surrounding agricultural setting, meeting the requirements of Policies 25, 32, and 33 of the HDPF.

While there are concerns regarding noise impact, particularly related to dog barking, these can be effectively mitigated through the noise management plan, as noted by the Council's Environmental Health Officer. Given the sites established commercial nature and its location near the A264, the potential for noise disturbance is not considered to result in significant harm to neighbouring residents.

Furthermore, the proposal has adequately addressed the issue of water neutrality, ensuring that the development does not contribute to increased water consumption within the Sussex North Water Supply Zone. The use of rainwater collection to supply water for dog training activities demonstrates a commitment to minimizing environmental impact, in line with Policy 31 of the HDPF and relevant national regulations.

On balance, the proposed development is considered to meet all relevant planning policies and is therefore recommended for approval, subject to appropriate conditions to manage potential noise and traffic impacts.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The paddocks mix-use as a dog agility shall operate by appointment only and shall not operate outside of 09:00-19:00 hours Monday to Friday and 09:00 - 17:00 Saturdays; No activity Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: There shall be no more than 4 dogs present on site at any one time or per booking slot, in accordance with the Planning Statement (received on 12.06.2024) and Noise Management Plan (received on 26.09.2024).

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: There shall be no overnight kennelling / boarding of dogs on the site.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: No additional external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: No music, live or recorded, shall be played on any part of the application site (shown edged in red on plan approved site and location plans, received (05.07.2023) unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: The use hereby approved (dog agility training) shall only take place on 'Riding Rink', as shown on the Location/Block Plan 115A (received 18.06.2024).

Reason: The use of other paddocks for the approved use would result in an undue intensity that would otherwise result in potential levels of activity in the countryside and amenity harm that would be contrary to Policies 26 and 33(2) 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/24/0893
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		115A	18.06.2024
Supporting Statement	Planning	NONE	12.06.2024
Supporting Statement	Noise Management Plan	NONE	26.09.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 08.10.2024

Authorising Officer sign/initial RHERMITAGE Date: 11.10.2024