Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0420
Westmill Farm, The Granary , Shoreham Road, Small Dole, West Sussex, BN5 9YG

DESCRIPTION:
Change of use of land to domestic curtilage and erection of replacement garage building.

RELEVANT PLANNING HISTORY:

None Relevant

SITE AND SURROUNDS

The development subject to this planning application is located west of Shoreham Road and north-west of the built-up boundary. The site is accessed through a private road and is distanced from the site's main farmhouse. 'The Granary', as termed, was a former brick built agricultural building, the building has since refurbished. An adjacent former cowshed has been rebuilt and now interlocks with and effectively extends this building. Residential use of The Granary was confirmed as lawful at appeal under Reference: APP/Z3825/C/19/3224705. Whilst the appeal established the lawfulness of The Granary as a dwelling, it did not establish a domestic curtilage around the property. The land comprises a rear garden of 6 metres in depth on the north side of the building along with the neighbouring former agricultural building immediately to the west of the dwelling. This building is currently in use for ancillary domestic purposes. A small concrete parking area to the east is also included within this proposed curtilage.

DETAILED DESCRIPTION

The planning seeks to formalise the residential curtilage, on three sides, with a post and rail fence and planting. A planting schedule is presented with this application. The application also proposes a replacement garage building is proposed following the demolition of the existing building located immediately to the west of The Granary. The new building would sit largely on the footprint of the existing and comprise three bays of a barn-style garage.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking

Henfield Neighbourhood Plan was formally made on 23 June 2021.

Policy 12- Design Standards for Development

Henfield 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:
HDC Landscape Architect: No Objection on landscape grounds.

Nature Space Newt Consultant: No Objection - It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, recommend informative attached.

Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
Objection (*N.B. no comments received as to the nature of the objection*).

Representations:
None 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:

The principle of conversion to residential has been established at appeal under Reference: APP/Z3825/C/19/3224705 (EN/18/0055). Whilst the appeal established the lawfulness of The Granary as a dwelling, it did not establish a domestic curtilage around the property.

The proposed curtilage would remain within the established boundary of the main farmhouse site and would not result in any visually harmful encroachment into the wider countryside. The resulting curtilage is considered to improve the quality of the development for future occupants, with the proposal providing dedicated amenity space and parking facilities as the development additionally seeks planning permission for the demolition and erection of a single storey garage for cars and farming vehicles for the approved dwelling. This would result in social and environmental benefit that would outweigh the limited harm to the countryside location.

Character and Appearance:

Policy 28 of the Horsham District Planning Framework (HDPF) relates to house extensions, ancillary accommodation, and garaging in the countryside and seeks to ensure they can be accommodated appropriately within the curtilage of the existing dwelling and are not disproportionate in relation to the existing. Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates 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 12 of the Henfield Neighbourhood plan is to ensure that all new development is: of a high quality; is environmentally sustainable; is well-designed and reflects the distinctive character of the villages within the Parish.

The proposed development seeks to provide dedicated private amenity space to the approved residential dwelling, on three sides, with a post and rail fence and planting. It is recognised that the existing built form and associated hardstanding result in visual impact upon the countryside setting in their current form. While the proposal would further formalise and domesticate the site, through the provision of a defined amenity space, it is not considered that this would result in any particular adverse impact on the landscape character. Furthermore, given the relatively enclosed nature of the site, particularly when seen from the north, it is not considered that the proposal would result in a level of harm which would warrant a refusal of planning permission.

The application also proposes a replacement garage building following the demolition of the existing building located immediately to the west of The Granary. The new building would sit largely on the footprint of the existing and comprise three bays of a barn-style garage. The plans submitted indicate that the resulting building would be ancillary to the main dwellinghouse and it is considered reasonable and necessary to secure this by condition. It is considered that the form reflects the character and interest of the neighbouring dwelling, with the resulting development remaining subservient to the existing dwelling and sitting comfortably within the residential curtilage.

The proposal would reflect the rural character and appearance of the existing building. The resulting building would remain in keeping with the other buildings within Westmill Farm curtilage, and the character and appearance of the development is considered appropriate and is not considered to harm visual amenity of the wider area. It is considered that the visual impact of the proposal is acceptable and would accord with the above policies.

The proposed development would remain within the established boundaries of the site (as a whole) and would not therefore result in the encroachment of the countryside, and is considered to be arranged in a manner that would appropriately within the wider context. The proposal is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

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

It is proposed to provide private amenity space to the existing dwelling, with parking for 1 no. of domestic vehicle and two parking spaces for agricultural vehicles. It is recognised that the site as previously approved would facilitate a degree of mutual overlooking, particularly for the dwellings on site. Overall, it is considered that the proposed curtilage has been arranged and designed to address potential amenity issues.

It is recognised that there are a number of adjoining uses immediately adjacent to the amenity spaces, the permission granted at appeal raised no concerns with the proximity of these uses to the dwellings, with the introduction of residential receptors in such proximity to these adjoining uses thereby established as acceptable.

The addition of private amenity space approved for existing dwellings on site, is not considered to harm the existing surroundings but improve the quality of the approved accommodation for future occupiers. The public benefit arising from this is considered to be a material consideration of weight that supports the proposed development.

It is considered that the siting and layout of the proposed extensions and outbuilding and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

On the balance of these considerations, it is considered that the benefit arising from the private amenity space would outweigh the limited harm arising, with the proposed development considered to reasonably accord with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

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

From the submitted details there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters

It is noted that the application site falls within the red zone for Great Crested Newts, where ponds are located in excess of 50m from the site. Given the existing nature of the site, it is not considered that the proposal would impact upon suitable habitat, and no concerns with respect to Great Crested Newts are anticipated. An informative related to Great Crested Newts is recommended.

Conclusions:

The proposed curtilage would remain within the established boundary the main site and would not therefore result in an encroachment into the countryside. The resulting curtilage is considered to improve the quality of the development for future occupants, with the proposal providing dedicated amenity space and parking facilities for the approved dwelling. This would result in social and environmental benefit that would outweigh the limited harm to the countryside location. In addition, the proposal is not considered to result in harm to the amenities and sensitivities of neighbouring properties and users of land or harm the function and safety of the public highway network. The proposal is therefore considered to accord with all relevant local and national planning policies.

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.

3 **Regulatory Condition**: The incidental residential curtilage hereby approved shall be confined to the area identified within the red line area on the approved palns, received 18 September 2023, and shall be retained as such hereafter.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 25, 26 and 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The outbuilding hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the residential property at The Granary, Westmill Farm, Shoreham Road (as identified on the approved plan D 0224/680/02), and shall not be used as a separate unit of accommodation, as habitable living accommodation, for any commercial purposes or for any other purpose(s) / use(s).

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites, and as the establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation, and in accordance with Policies 26, 28, 31 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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/24/0420
(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
Floor plan		D 0224/680/04	18.03.2024
Roof plan	Proposed	D 0224/680/05	18.03.2024
Elevation plan	Existing	D 0224/680/06	18.03.2024
Elevation plan	Proposed	D 0224/680/07	18.03.2024
Supporting Statement	Planting Schedule	NONE	18.03.2024
Supporting Statement	Planning	NONE	18.03.2024
Location plan		D 0224/680/01	18.03.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 29.05.2024

Authorising Officer sign/initial Guy Everest Date: 03.06.2024