



# Planning Committee (North)

Tuesday, 10th May, 2022 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Billy Greening (Vice-Chairman)	
	Matthew Allen	Tim Lloyd
	Andrew Baldwin	John Milne
	Tony Bevis	Colin Minto
	Martin Boffey	Christian Mitchell
	Toni Bradnum	Jon Olson
	Alan Britten	Louise Potter
	Peter Burgess	Sam Raby
	Christine Costin	Stuart Ritchie
	Ruth Fletcher	David Skipp
	Tony Hogben	Ian Stannard
	Liz Kitchen	Cilve Trott
	Lynn Lambert	Claire Vickers
	Richard Landeryou	Belinda Walters
	Gordon Lindsay	Tricia Youtan

You are summoned to the meeting to transact the following business

Jane Eaton  
Chief Executive

## Agenda

	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 10
To approve as correct the minutes of the meeting held on 1 March. (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

**To consider the following reports of the Head of Development & Building Control and to take such action thereon as may be necessary:**

5. **Appeals** 11 - 12

Applications for determination by Committee:

6. **DC/21/1263 Twenty Five Acres, Leechpond Hill, Lower Beeding** 13 - 28

Ward: Nuthurst and Lower Beeding  
Applicant: Mr Duncan Harvie

7. **DC/21/1946 Pemberley, Copsale Road, Maplehurst, Horsham** 29 - 42

Ward: Nuthurst and Lower Beeding  
Applicant: Miss R Wedekind

8. **DC/21/2766 Horsham Railway Station Car Park, Station Road, Horsham** 43 - 52

Ward: Forest  
Applicant: We Buy Any Car Limited

9. **DC/21/2767 Horsham Railway Station Car Park, Station Road, Horsham** 53 - 58

Ward: Forest  
Applicant: We Buy Any Car Limited

10. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

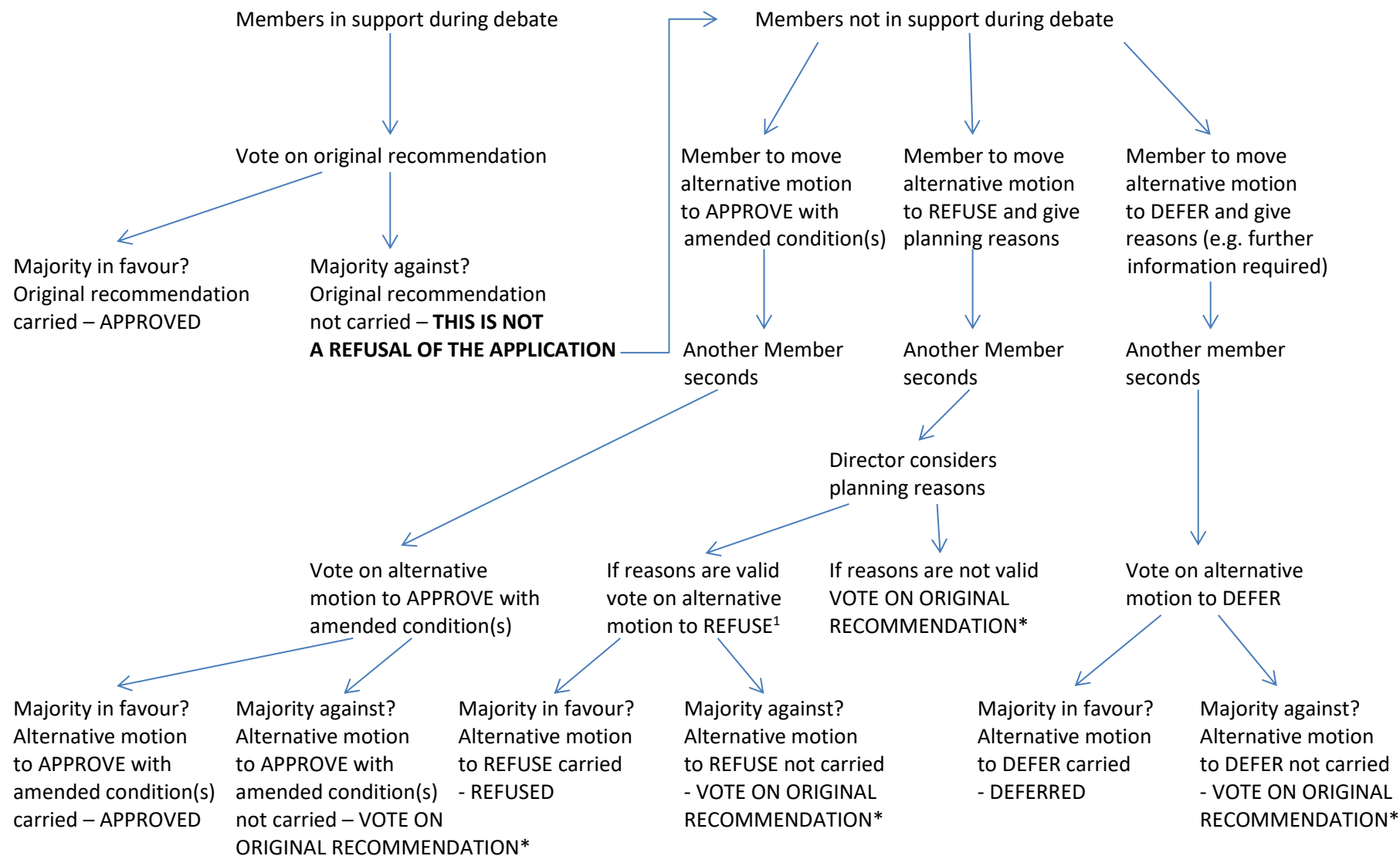
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

<b>Addressing the Committee</b>	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
<b>Declarations of Interest</b>	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
<b>Public Speaking on Agenda Items</b> (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed <b>5</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> <li>○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final.</li> <li>○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer's recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
<b>Alternative Motion to Refuse</b>	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer's recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
<b>Voting</b>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
<b>Vice-Chairman</b>	<p>In the Chairman's absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

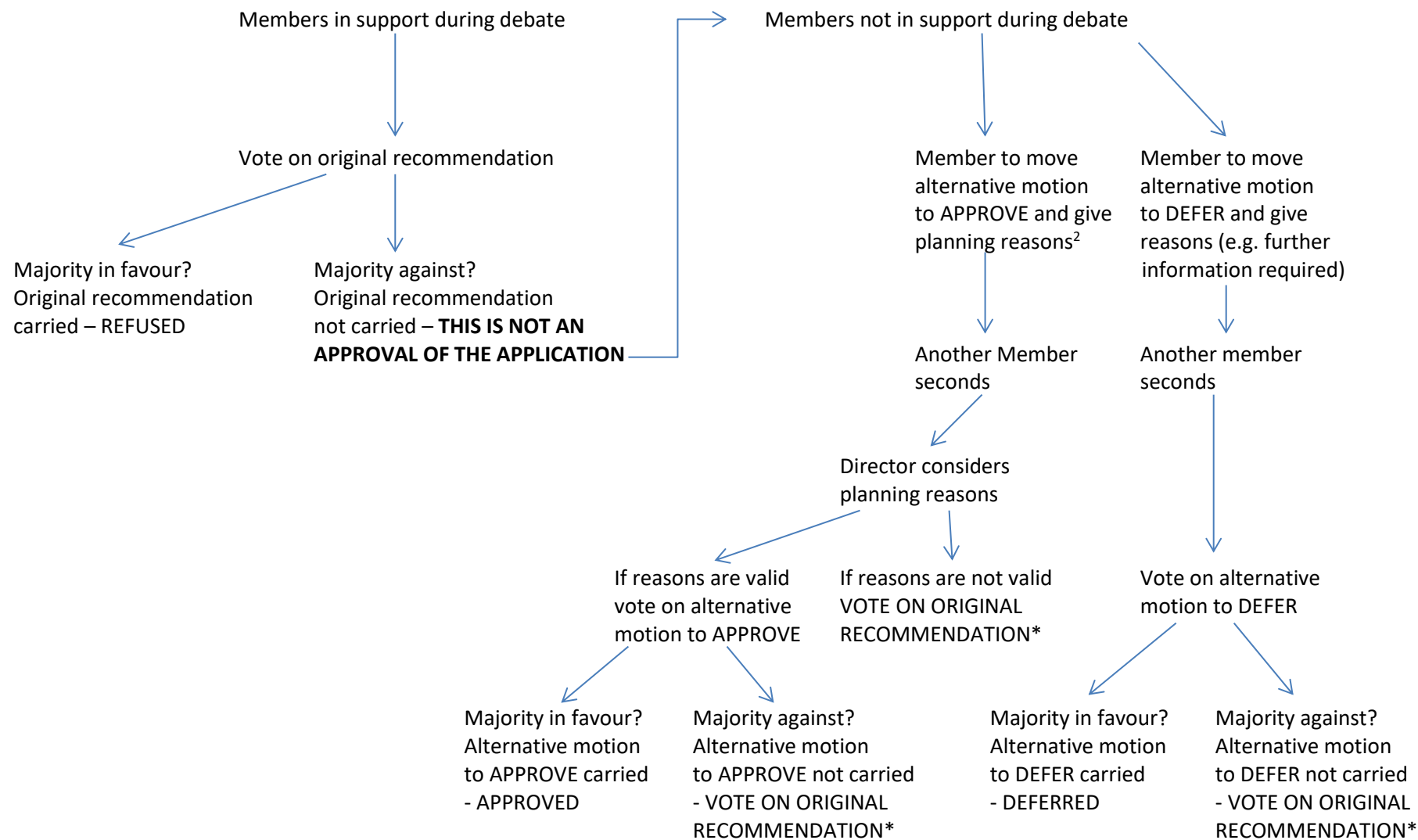
## Original recommendation to APPROVE application



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> Subject to Director's power to refer application to Full Council if cost implications are likely.

## Original recommendation to REFUSE application



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (North)**  
**1 MARCH 2022**

Present: Councillors: Karen Burgess (Chairman), Billy Greening (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Martin Boffey, Toni Bradnum, Peter Burgess, Christine Costin, Ruth Fletcher, Tony Hogben, Liz Kitchen, Lynn Lambert, Richard Landeryou, Gordon Lindsay, Tim Lloyd, John Milne, Colin Minto, Christian Mitchell, Louise Potter, Sam Raby, Stuart Ritchie, David Skipp, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Jon Olson  
Absent: Councillors: Alan Britten

PCN/63 **MINUTES**

The minutes of the meeting held on 1 February were approved as a correct record and signed by the Chairman.

PCN/64 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/65 **ANNOUNCEMENTS**

There were no announcements.

PCN/66 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated were noted.

PCN/67 **DC/21/1831 SMITH AND WESTERN, 37 NORTH PARADE, HORSHAM**

The Head of Development & Building Control sought planning permission for the demolition of existing restaurant facility and erection of 20 residential apartments including landscaping, external works, parking and cycle spaces.

This application followed previous application DC/20/0614 which was refused at committee in December 2020 due to the scale, design and proposed building and no legal agreement being completed to secure the affordable housing requirement.

The development comprised seven 1- bed and 13 2-bed apartments occupying a corner plot with dual frontage to North and West Parade. The building formed

two distinct separate buildings with the overall footprint reduced from the previously refused scheme.

The Parish Council raised no objection to the scheme.

Two separate consultations periods had taken place as further information had been received. 21 letters of objections had been received (2 from 3 different households) and one letter of support.

The agent spoke in support of the application.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principle of development, design and appearance, affordable housing, impact on neighbouring amenity, highways impact, climate and water neutrality.

Members were generally in support of the application and felt the new proposal was a huge improvement on the previous refused application. They were positive that previous comments at Committee had been taken into consideration and felt the development would enhance the local area.

Some concern was raised regarding demolition and construction works affecting local residents and neighbouring properties. The Committee were advised that further requirements could be added to Condition 3 of the report under the Construction Management Plan regarding demolition and protecting the local amenity.

The Committee discussed that under the current plans provision had not been provided for non standard cycles in the cycle parking shelter. A further requirement would be added under Condition 15 to address this issue. Officers advised the Committee that the offer of £50,000 for affordable housing in lieu of the affordable housing review mechanism was appropriate in this instance.

## RESOLVED

That planning application DC/21/1831 be approved subject to a legal agreement to secure the affordable housing contribution and appropriate conditions as reported to include the addition of demolition and dust prevention to Condition 3, and with Condition 15 to include reference to non-standard cycle provision as follows:

Pre-Occupation Condition: Prior to the first occupation of any part of the development hereby permitted, details of the covered cycle parking shelter for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include provision for non-standard cycles. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have

been fully implemented and made available for use. The provision for cycle parking shall therefore be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

PCN/68 **DC/20/2564 WOODFORDS, SHIPLEY ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this outline application sought to amend the reasons for refusal being considered under the current appeal by the Planning Inspectorate.

The outline application was for the erection of up to 73 dwellings, retention of existing farmhouse building, associated public spaces, landscaping, vehicular access, drainage and highways infrastructure works. All matters were reserved apart from access.

The application site was located to the east of Shipley Road, directly to the south of the village of Southwater, but within the Parish of Shipley.

The existing site comprised a main dwelling known as 'Woodfords' which was not listed, but thought to date back to the seventeenth century (therefore considered to be a non-designated heritage asset); and other associated but more modern buildings. The site boundaries were largely defined by mature landscaping including dense hedgerows and mature trees. All protected trees on the site would be retained.

The report had been returned to committee to consider revisions for refusal for application DC/20/2564 which was subject to current appeal by the planning inspectorate and it was recommended that:

- (a) The current reason for refusal relating to the principle of development, owing the Council's lack of five year housing land supply should be withdrawn.
- (b) A new reason for refusal relating to the adverse impact of the development on the Arun Valley SAC/SPA and Ramsar sites should be introduced as the development had not demonstrated to be water neutral.

Members noted the planning history of DC/20/2564.

Both Shipley and Southwater Parish Councils objected to the application. 73 letters of objection had been received from 63 different households including a letter from CPRE Sussex. No letters of support were received.

Most Members were generally in support of the Officer recommendations.

RESOLVED

That planning application DC/20/2564 will advise the Planning Inspectorate that it will:

- (a) No longer be seeking to defend the reason for refusal no. 1 regarding the principle of development given the Council's five year housing land supply position; and
- (b) Will be defending the refusal of planning permission instead on the following grounds:
  - 1. 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
  - 2. The proposed development had not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units, the proposed footway improvements on Worthing Road and Shipley Road, or include a requirement for the provision of 4 custom / self build units. The proposal is therefore contrary to Policy 16 of the Horsham District Planning Framework (2015) as it had not been demonstrated how the affordable housing and infrastructure needs of the District would be met.

*The meeting closed at 6.30 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee (NORTH)

Date: 10th May 2022



Report on Appeals: 17th February - 26th April 2022

### 1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/21/2102	Sussex Topiary, Naldretts Lane, Rudgwick, West Sussex, RH12 3BU	31-Mar-22	Application Refused	N/A

### 2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/21/2296	Best Practice IFA Group Ltd, Sussex House, North Street, Horsham, West Sussex	Written Representation	22-Mar-22	Application Refused	N/A
EN/22/0026	Warren Wood Hammerpond Road Plummers Plain West Sussex	Public Inquiry	06-Apr-22	Notice served	N/A
DC/21/1200	Windacres Farm, Church Street, Rudgwick, West Sussex, RH12 3EG	Written Representation	07-Apr-22	Application Refused	N/A
DC/21/1313	Richmond House, Rye Farm Lane, Barns Green, Horsham, West Sussex, RH13 0QB	Written Representation	11-Apr-22	Application Refused	N/A
EN/22/0050	24 Wellington Road, Horsham, West Sussex, RH12 1DD	Written Representation	20-Apr-22	Notice served	N/A
DC/21/2683	24 Wellington Road, Horsham, West Sussex, RH12 1DD	Written Representation	20-Apr-22	Application Refused	N/A

### 3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/19/1650	Stonehouse Farm, Handcross Road, Plummers Plain, Horsham, West Sussex, RH13 6NZ	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/1285	11 Elgar Way, Horsham, West Sussex, RH13 6RH	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/20/0805	Perrets, Smithers Hill Lane, Shipley, West Sussex, RH13 8PP	Written Representation	Appeal Dismissed	Application Refused	Application Refused



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 10<sup>th</sup> May 2022

**DEVELOPMENT:** Construction of equestrian rehabilitation and training centre comprising stable building and indoor sand school with internal facilities. Alterations to vehicle access and creation of new access road and car parking.

**SITE:** Twenty Five Acres Leechpond Hill Lower Beeding West Sussex

**WARD:** Nuthurst and Lower Beeding

**APPLICATION:** DC/21/1263

**APPLICANT:** **Name:** Mr Duncan Harvie **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

**RECOMMENDATION:** To refuse planning permission

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

- 1.1 Planning permission is sought for the erection of two large commercial equestrian buildings comprising 20x stables (and associated facilities) and an indoor arena / therapy centre, in addition to associated landscaping and re-levelling works, access track, and a new parking area with 14x spaces and a delivery / turning area.
- 1.2 The proposed buildings would be sited towards the north-western corner of the site, sited parallel to the western boundary. The stable would measure approximately 59.8m in length, 15.4m in width, and would host a pitched roof with an eaves height of 4.9m and an overall ridge height of 7m. The building would accommodate 20x stables, a feed store, tackroom, 2x vitafloor stalls and 2x tie-up solariums.
- 1.3 The proposed arena / therapy building would also be sited towards the north-western corner of the site, sited parallel to the northern boundary of the site, and perpendicular to the proposed stable building. The building would measure 94.2m in length, 30.3m in width, and host a pitched roof with an eaves height of 4.8m and an overall ridge height of 9m. The

building would accommodate a 30m x 60m indoor sandschool, a hypoxic chamber (for altitude training), a horse gym, and an internal water horsewalker. In addition, a mezzanine floor is proposed within the roof area comprising a view gallery and an office.

- 1.4 In order to accommodate the buildings in this location, works would be required to level the site, requiring the removal and depositing of materials within the landscape. In addition, a new access track from an existing access on to Leechpond Hill (the B2110), travelling from the southern side of the site towards the north, on a new parking area.
- 1.5 The proposal incorporates a commercial equestrian use, which is aiming to create '*a state-of-the-art facility that will benefit the rehabilitation of serious injuries in horses and also build performance in competitive horses from around the UK and abroad*'. The applicant intends to operate the site all-year-round. The facility is aimed to help recovery and rehabilitation, as well as performance, for any level of rider.

#### DESCRIPTION OF THE SITE

- 1.6 The application site relates to land east of Leechpond Hill, sited south of Lower Beeding. The site is located outside of the built-up area boundary and is therefore considered to be within a countryside location. The site is laid to grass, and slopes downwards towards the east, and is bound by mature and established foliage / planting to all boundaries. The site is currently served by two existing accesses from Leechpond Hill. The site is located wholly within (albeit on the western edge of) the High Weald Area of Outstanding Natural Beauty.
- 1.7 The site is wholly rural in character. The surrounding area is formed predominantly of similarly sized large open fields, with a sporadic ribbon of development on Leechpond Hill, with the settlement of Lower Beeding sited some 320m north of the site.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 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 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 27 - Settlement Coalescence  
Policy 28 - Replacement Dwellings and House Extensions in the Countryside  
Policy 29 - Equestrian Development  
Policy 30 - Protected Landscapes  
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 38 - Strategic Policy: Flooding  
 Policy 39 - Strategic Policy: Infrastructure Provision  
 Policy 40 - Sustainable Transport  
 Policy 41 - Parking  
 Policy 42 - Strategic Policy: Inclusive Communities

## RELEVANT NEIGHBOURHOOD PLAN

### **Lower Beeding Neighbourhood Plan** (pre-referendum)

Policy 2: Landscape Character  
 Policy 12: Design  
 Policy 18: Economic Growth

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1389	Installation of land drains across 30 acres. Construction of a retention and reed-bed filtration pond. Amend and reverse the existing soil erosion and secure affected areas.	Application Refused on 06.11.2020
DC/12/1497	Erection of a barn (Prior Notification)	Withdrawn Application on 15.08.2014
DC/12/1323	Erection of a barn (Prior Notification)	Withdrawn Application on 09.08.2012

## 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural:** No Objection (*summary*) – The site in question is situated to the east of Leechpond Hill, Lower Beeding. The main consideration for this proposal's suitability in regards to trees is the position of the proposed structure in the northern part of the site and the new access track on the western side of the site and what impact this will have on the tree on and off the site.

No trees at the site are covered by a Tree Preservation Order, nor is it located within a Conservation Area, and the only planning constraint related to trees is the designated Ancient Woodland (AW) to the north of the site.

- 3.3 **HDC Landscape Architect:** Objection (*summary*) – Having read the submitted landscape and visual appraisal and also have considered the Landscape Strategy Masterplan, I agree with the AONB unit that the proposals will result in harm to some of the landscape components that make the AONB special most noticeably the landform as the proposals will result in a large cut and fill operation, the introduction of impermeable surfaces and hardstanding without a SuDS strategy in place and the perceived qualities of scenic beauty and unspoilt rural landscape.

These effects have been identified in the Landscape and Visual Appraisal as minor to moderate adverse and therefore not normally considered 'significant' adverse impact, albeit if you consider that footnote 60 of the NPPF is triggered then the moderate effects should be carefully weighed.

- 3.4 **HDC Environmental Health:** Comment (*summary*) – Before the Environmental Health Team can determine whether any form of noise assessment is required they would be grateful for some commentary from the applicant on the likely pattern of use for the proposed centre, the likely size of vehicles that will be entering/exiting the centre and times of the day/night when vehicles will be entering/exiting the centre. Other matters can be controlled by way of condition.

- 3.5 **HDC Drainage Engineer:** No Objection (*summary*) – suggested conditions

#### OUTSIDE AGENCIES

- 3.6 **Agricultural Consultant:** No Objection (*summary*) – RAC consider that the applicant's proposal to erect a stable building and indoor sand school building to facilitate an equine rehabilitation centre is compliant with Policy 29 of the Horsham District Planning Framework.

- 3.7 **WSCC Highways:** Comment (*summary*) – whilst the site is relatively large and given the nature of the use as described in the Transport Statement, overall traffic generation will be relatively low. However, there will be regular access requirements by larger and towing vehicles therefore the following information is required:

- Stage 1 Road Safety Audit
- Access to be widened to 4.5m
- Access gradient to be examined
- Consideration to increase kerb radii to ease movement by larger vehicles
- Visibility splays from the access of 2.4 x 210
- Forward visibility on approach to the access.
- In the event the above cannot be provided - a speed survey will be required
- A Planning level drawing clearly showing; visibility splay, access design and gate location.

- 3.8 **Ecology Consultant:** No Objection (*summary*) – suggested conditions

- 3.9 **Southern Water:** No Objection.

- 3.10 **WSCC Flood Risk Management:** Comment (*summary*) – further information required.

- 3.11 **Woodland Trust:** No Comment

- 3.12 **High Weald AONB Unit:** Objection (*summary*) – In summary, the High Weald AONB Unit objects to this proposal on the grounds that it considers it to be major development within the AONB which should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

#### PUBLIC CONSULTATIONS

- 3.2 Five (5) letters of representation received from five separate addresses *objecting* to the proposal on the following grounds:
- Dangerous access to the site from Leechpond Hill
  - Increased traffic and congestion within the area
  - Potential public health hazard (increase in insects)
  - Overdevelopment, and out of scale within the area
  - Unsustainable location

- Adverse landscape impact
  - Harm to the AONB
  - Resultant ecological harm
- 3.3 One (1) letters of representation received *supporting nor objecting* to the proposal, stating:
- Concerns of existing surrounding traffic
- 3.4 Eleven (11) letters of representation received from eleven separate addresses supporting the proposal on the following grounds:
- Equine rehabilitation centres are needed within the area
  - The proposal provides for a quiet use
  - The proposal would generate needed employment
  - Diversification of rural use
- 3.5 **Lower Beeding Parish Council** *objects* to the proposal on the following grounds:
- Outside of the BUAB.
  - Not included in the Neighbourhood Plan.
  - Increase vehicle movements on an already very busy road.
  - Within an AONB and a dark sky area.
  - Without any accommodation on site for staff.
  - An industrial enterprise in an agricultural area.
  - Without water and other utilities connected to the site.
  - Is not sustainable and the application is not complete as the additional services needed to operate were not considered.

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

##### Principle of the Development

- 6.1 The application site is located outside of the defined built-up area boundary and is therefore considered to be within the countryside. Therefore, the relevant countryside protection policies apply. Further, as a proposed commercial enterprise, establishing the principle of the proposal will be assessed against the following rural economic development policies:
- 6.2 Policy 10 of the HDPF relates to rural economic development, and 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.
- 6.3 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.*
- 6.4 Further, policy 26 of the HDPF relates to development outside of the built-up area, and states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:
1. *Support the needs of agriculture or forestry;*
  2. *Enable the extraction of minerals or the disposal of waste;*
  3. *Provide for quiet informal recreational use; or*
  4. *Enable the sustainable development of rural areas.*
- 6.5 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, including;
1. *The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;*
  2. *The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and*
  3. *The landform of the area.*
- 6.6 Policy 29 of the HDPF relates to equestrian development, and states that development for equestrian related development will be supported provided that:
1. *It can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered.*
  2. *The proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings;*
  3. *The proposal should where possible be well related to a bridleway network.*
- 6.7 Policy 30 relates to Protected Landscapes and states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes.
- 6.8 Paragraph 176 of the NPPF states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of

Outstanding Natural Beauty which have the highest status of protection in relation to these issues.' Paragraph 177 continues, stating 'When considering applications for development within... Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

- 6.9 This proposal is within the High Weald AONB and as such the requirements of Policy 30 of the HDPF and Policy 172 are applicable.
- 6.10 Policy 18 of the emerging Lower Beeding Neighbourhood Plan (LBNP) states that Development proposals for employment uses will be supported where:
1. Development proposed is on previously developed land;
  2. Is in keeping with the rural character of the local area;
  3. Proposals have no significant detrimental impact on residential amenity; and
  4. Would not have unacceptable impact on the local road network.
- 6.11 The proposal incorporates a commercial equestrian use, accommodated within two large buildings towards the north-easterly corner of the site: a large stable building, comprising 20x stables and associated facilities, and a larger indoor riding arena and therapy facility. The site is currently laid to grass and does not benefit from an existing equestrian use. The submitted business plan indicates that to start the site would only be operated at 10%, this requiring the employment of one or two full-time grooms. Once operations reach 50% capacity, additional staffing will be required. It is also detailed in the business plan that horses will be stabled at the facility when they are on a set rehabilitation programme however, in order to create further income at the start of the development it may be necessary to provide a livery service at the application site.
- 6.12 Following consultation with the Council's Agricultural Consultant, it was concluded that the proposed stable building would be an 'appropriate facility' in terms of stabling and storage needs for the rehabilitation use.
- 6.13 The Council agrees with its Agricultural Consultant that the proposal would comply with the requirements of criterion (1) and (3) of HDPF Policy 29, in that: there are no existing buildings to consider for conversion, and; the proposal seems to ensure operation is maintained within the site, thus it is not necessary to consider its impact on the bridleway network (ROW\_2832 site some 511m north-east of the site). However, this assessment has not included the considerations of the Council's Senior Landscape Architect and of the views of the High Weald Area of Outstanding Natural Beauty (AONB) Unit, both of which have objected to the scale of the development within this location (further detailed below). Therefore, in respect of criterion (2) of Policy 29, Officers do not consider that the proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings. This matter relating to landscape impact has been raised by the Council, but has not been addressed by the applicant- therefore, Officers consider the proposal contrary to Policy 29.
- 6.14 The 20 stables would be used to accommodate horses bought in for rehabilitation. The submitted statements indicate that this would operate on a year round basis, though it is unclear how long each horse would be in rehabilitation for, or an expected level of custom within a 12 month period. Though, paragraph 5.13 of the submitted Design and Access statement describes the operation as 'low-key', but does not detail any specific information as to the regular operations of the site. In addition, as above, the submitted business plan

indicates that private livery use *may* initially operate on site, starting at 10% capacity (presumably using 2 of the 20 stables), then ramping up to 50% (10 of the 20 stables). Though, this use could be adequately controlled by way of condition if it was not considered appropriate in this location.

- 6.15 The submitted application form suggests that the site is currently in use as equestrian and agricultural use. However, Officers note that there are no extant permissions on the site for existing equestrian operations. Furthermore, following a visit to the site, no horses were observably present. Therefore, the use of the site is assumed to be agricultural, though it may well be used informally by the applicant as a paddock for horses. In terms of the Council's Countryside Protection Policy (Policy 26), the proposal would result in an increased level of activity on the site over and above the existing arrangement. Officers do not doubt that the proposed use is essential to a countryside location (in that this use would not be welcomed within a built-up area). However, the proposal does not support the needs of agriculture or forestry, and does not enable the extraction of minerals or the disposal of waste. Therefore, the onus of consideration falls to criterion (3) and (4) of Policy 26.
- 6.16 Criterion (3) of Policy 26 requires development to '*Provide for quiet informal recreational use*'. As above, the Design and Access Statement indicates that the use would be 'low-key', though provides no details that would guarantee this to be the case. Ultimately, the proposal incorporates a *commercial* equestrian use within a countryside location, on site not currently explicitly used for equestrian purposes, accommodating 20 stables and a large indoor riding arena and other facilities. Officers do not consider that the operation would be informal or quiet, given the existing arrangement on the site. The submitted statements, though detailed, do not satisfactorily demonstrate how the proposal would accord with Policy 26 in terms of its use. Therefore, Officers consider the proposal contrary to Policy 26.
- 6.17 With regards to rural economic development, the proposal would promote recreation in and the enjoyment of the countryside, generating local employment opportunities. The proposed use is also characteristic of its countryside location (albeit, not of an appropriate scale), and would facilitate the development of a rural enterprise. Furthermore, the development would promote local tourism, facilitating a rural diversification scheme which would ultimately benefit the local rural economy. As such, Officers consider the proposal to accord with Policy 10. However, this consideration does not carry significant weight in the determination of the application taking into account the scale of the development and its visual impact within the AONB.
- 6.18 With respect to Paragraph 177 of the NPPF, the need for the development in the location has not been fully justified. Given the scale of the development, Officers consider that the proposal represents 'major' development (as specified under footnote 60, paragraph 177 of the NPPF). The Councils agree with the objection raised by the High Weald AONB Advisory Committee. The proposal would provide some economic benefit to the District, as outlined above. However, the applicant has not advanced any alternate strategy for the provision of this use outside of the AONB. Furthermore, it is not considered that the landscape impacts of the proposal have been fully satisfied (further detailed below). Given the great weight attributed to protecting the character of the AONB, the proposal is therefore considered to detrimentally impact on the protected landscape of the High Weald AONB. The potential use, with the expected comings and goings, is also considered inappropriate in this quiet countryside setting. Ultimately, the proposal does not represent an exceptional circumstance that would adequately meet the tests of Paragraph 177 of the NPPF, and in accordance with the national policy, permission should therefore be refused.
- 6.19 With the above in mind, the development would result in an adverse increase in activity within the countryside, comprising a scale that would not be appropriate for this location, or in-keeping with its location and surroundings, contrary to Policies 26 and 29 of the HDPF. Furthermore, the proposal represents major development within the High Weald AONB, and

does not meet the tests of Paragraph 177 of the NPPF with regards to representing an 'exceptional circumstance'. Therefore, the principle of the development is resisted.

#### Design, Appearance, and Scale

- 6.20 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.21 Policy 12 of the emerging LBNP states that Development proposals which are in keeping with the local vernacular will be supported.
- 6.22 The development would largely be situated toward the north-eastern corner of the site, running parallel to the respective boundaries. The landscape surrounding the built form would be levelled, and the soils deposited on site to accommodate the buildings. A new track would be created from the existing access to the south, and would travel along the western boundary of the site.
- 6.23 Officers acknowledge that the proposed buildings are large and combined would occupy a footprint of 3,774.26m<sup>2</sup>. The buildings would comprise a utilitarian appearance, which would not appear out of the ordinary within a rural location. Barns are typically large in size, hosting pitched roofs and simple squared planform. Materials have not been explicitly detailed, though Officers are satisfied that this could be dealt with by way of condition. As such, no concerns are raised with regards to the appearance of the buildings.
- 6.24 As per the advice received from the Council's Agricultural Consultant, the proposed size of the buildings is considered appropriate for the use and facilities within. Officers do not challenge this, as indoor equestrian uses generally require substantial space. However, that is not to say that the proposed scale does not result in harm. The stable building would be sited some 20m east of the western boundary, standing at an overall height of 7m, and the arena / therapy centre some 100m south of the northern boundary with an overall height of 9m.
- 6.25 The site is bound by mature and established foliage and planting close to the development site, including ancient woodlands (ANCWOO225261) to the north some 30m from the proposal area. Despite the boundary planning (which in the case of the boundary to the west is seasonal in any case) and the separation distance between the boundaries and the development, the proposed buildings would appear prominent. Whilst it is noted that Leechpond Hill does incorporate a number of buildings close to the boundary shared with the street (including dwellings further north towards Lower Beeding), none are of a scale as the proposed buildings. It is also noted that there are a number of existing agricultural buildings within the locale (e.g. at Keepers Cottage), these are all set further into the fields and away from prominent regular public view.
- 6.26 As such, the proposal is considered to incorporate a scale and massing that would not relate sympathetically within the landscape, and would appear incongruous and out of place within its locality, contrary to Policy 33 of the HDPF.

#### Arboricultural and Landscape Impact

- 6.27 Policy 25 of the HDPF relates to the Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected

landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:

1. *Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.*
2. *Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.*
3. *Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.*
4. *Conserve and where possible enhance the setting of the South Downs National Park.*

6.28 Policy 33(6) of the HDPF presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

6.29 Policy 2 of the emerging LBNP states that Development proposals which conserve and enhance the natural environment and landscape character of the Parish will be supported subject to compliance with other policies in the LBNP.

6.30 The site comprises an existing open field currently laid to grass, which slopes downwards towards the east. The site is located wholly within, albeit on the outer part of, the High Weald AONB. Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by, amongst others: (a) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan), and; (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from the natural capital and ecosystem services – including the economic benefits of the most versatile agricultural land, and of trees and woodland.

6.31 Policy 30 of the HDPF states that the natural beauty of the AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate:

- a. *How the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures.*
- b. *How the public enjoyment of these landscapes will be retained.*
- c. *How the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.*

6.32 The pre-text to Policy 30 states that it is essential that the key qualities of these protected landscapes are conserved and enhanced. In the AONB, this includes the heavily wooded character, gill streams, and historic farmsteads and into the locally distinctive hammer ponds. The conservation and enhancement of protected landscapes will be actively supported, particularly as defined in the High Weald AONB Management Plan. Development has the potential to harm protected landscapes. Major development will not normally be permitted and would need to demonstrate that the need for development cannot be met elsewhere or in another way, and that the development is in the public interest. It is however acknowledged that protected landscapes need to be able to adapt to cope with new pressures and meet the needs of residents in the area, and there may be cases where small scale development

that helps to maintain economic or social wellbeing in or adjoining these landscapes is necessary.

- 6.33 In relation to development within a protected landscape (such as the AONB), paragraph 177 of the NPPF states that:

*‘...permission should be refused for major development other than exceptional circumstances, and where it can be demonstrated that the development is in the public interest’ [emphasis added]*

- 6.34 Given the scale and visual impact of the proposal, the application is designated as ‘major’ development within the AONB. Following consultation with the Council’s Senior Landscape Architect, it was agreed (with the views of the High Weald AONB Unit) that the development would result in harm to some of the landscape components that make the AONB special. Most noticeably the landform, as the proposals will result in a large cut and fill operation, the introduction of impermeable surfaces and hardstanding without a SuDS strategy in place and the perceived qualities of scenic beauty and unspoilt rural landscape.
- 6.35 Further, the Council’s Senior Landscape Architect does not agree with a number of conclusions drawn to in the applicant’s Landscape Visual Appraisal, including aspects on drainage, impact on dark skies and impact on tranquillity. The applicant has been made aware of these matters, though have not addressed them as part of the proposal.
- 6.36 Overall, the proposal fails to comply with policy 25(1) of the HDPF, which seeks to protect and conserve the natural environmental and landscape character, due to its resultant harm on the special character and setting of the site within the High Weald AONB. The application site is located wholly within the High Weald AONB, in which Officers consider that the site (as a whole) currently positively contributes to the setting and character of this designated landscape. In addition to the above, the development constitutes major development within a designated landscape, for which it has not been demonstrated that the proposal would result in the conservation or enhancement of this setting of the AONB (in addition to conserving / enhancing the public enjoyment of the High Weald AONB with regards to management plan objectives), contrary to Policy 30.
- 6.37 Therefore, the granting of permission cannot be said to protect or enhance this valued landscape, nor contribute to and enhance the intrinsic character and beauty, contrary to Paragraph 174 of the NPPF. Furthermore, the proposal does not accord with Paragraph 177 of the NPPF, as the proposal constitutes major development, and as succinctly stated in the paragraph, permission should be refused, as no exceptional circumstances have been presented to the Local Planning Authority that would allow this harm to occur in the valued landscape to override this core national planning policy consideration.
- 6.38 With the above in mind, the development is considered to result in an adverse harm to the landscape character and the site’s setting within the wider landscape, and the High Weald AONB. As such, the proposal is considered contrary to Policies 25, 26, 30 and 33 of the HDPF, in addition to Policy 2 of the emerging LBNP Paragraphs 174 and 177 of the NPPF, and thus is not supported on landscape grounds.

#### Amenity Impact

- 6.39 Policy 33(2) of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.40 The site is located within a relatively isolated countryside location with regards to proximity to nearby neighbouring dwellings, and is predominantly surrounded by open fields with ample boundary planting.

- 6.41 Given the separation distance of the site in relation to the nearest neighbouring properties, the proposed use and built form would not give rise to neighbouring amenity concerns by way of overlooking or overshadowing.
- 6.42 With the above in mind, the proposed development is not considered to result in adverse harm to neighbouring amenity, in accordance with Policy 33(2) of the HDPF.

#### Highways Considerations

- 6.43 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.44 The application was accompanied with a detailed Transport Statement. The statement reveals that the development is not anticipated to exceed 11x two-way daily trips, and would thus not result in an adverse impact on the safe use and operation of the highway. However, following consultation with WSCC Highways, it was revealed that this data does not relate to this specific use, and thus the overall trip generation is likely to be higher. Officers made requests for further information in order to attain a more accurate depiction of the level of vehicular activity to / from the site, though to date the applicant has not addressed the discrepancy in the data.
- 6.45 As above, the existing access to the site from Leechpond Hill would be altered and utilised. WSCC have raised no objection in principle to the use of this access. However, as a 60mph road, larger visibility splays would be required to demonstrate safe access for larger vehicles. Furthermore, it was noted that the access gates should also be located further back to avoid vehicles stopping on the highway (a 60mph road) when trying to access the site.
- 6.46 In conclusion, WSCC states that whilst the site is relatively large and given the nature of the use as described in the Transport Statement, overall traffic generation will be relatively low. However, there will be regular access requirements by larger and towing vehicles, and further information was requested in order to properly assess the transport impact of the proposal. However, to date, the applicant has not provided the necessary information required to overcome concerns raised by the Highway Authority. This includes the submission of a Road Safety Audit. As such, without the further information requested, the Highway Authority is not able to confirm that this application is appropriate on highway safety grounds and the scheme is considered contrary to Policy 40 of the HDPF.

#### Water Neutrality

- 6.47 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.
- 6.48 A recently received advice note from 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.

- 6.49 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. The proposal is for a commercial equestrian use on a greenfield site. Given the use of water for the rehabilitation centre (mainly to the water walker), and the expected consumption of water of up to 20x horses, mitigations and offsetting would be required in order to establish whether the development would be water neutral. No information has been submitted relating to how the proposal would seek to demonstrate water neutrality. In the absence therefore of a strategy to demonstrate water neutrality through the incorporation of on-site measures and appropriate offsetting actions, there is no certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 179 and 180.

## **Other Matters**

### Ecological Considerations

- 6.50 No ecological documentation was submitted in support of the proposal. However, the LVA identifies that the field is currently in use as grazing pasture, and therefore has low ecological value. Additionally, the Landscape Strategy Masterplan identifies that all trees onsite will be retained and protected, and the ancient woodland to the north will be given a 15m buffer.
- 6.51 The Council's Ecology Consultant concluded did not raise any objections to the proposal on these grounds and, subject to adequate avoidance, mitigation and enhancement measures secured via suggested conditions, does not object to the proposed development on ecological grounds.

### Drainage and Flooding

- 6.52 The Environment Agency's (EA) online flood maps show that the site is located wholly within Flood Zone 1, meaning that the land is in a 'low probability' flood zone, and has a 'less than 1 in 1,000 annual probabilities of river or sea flooding'.
- 6.53 The application was not accompanied with a detailed drainage design, or a flood risk assessment. With regards to drainage on site, the Council's Drainage Engineer was satisfied that this could be adequately controlled by way of condition. With regards to flood risk: the WSCC Lead Local Flood Authority team (LLFA) had requested further information, though noted that the site was at low risk from surface water flooding and ground water contamination, stating that there was no record of localised flooding and no ordinary watercourses nearby. As above, drainage detailed can be satisfied by way of condition, though further information was requested with regards to flood risk. While the risk was identified as 'low', some degree of certainty is needed to ensure that the proposal would not result in an increased risk of flooding on site or nearby. As such, the Local Planning Authority, if recommended for approval, conditions would be imposed requiring the submission of a Drainage Strategy for approval.

### Conclusions and Planning Balance

- 6.54 The principle of the use of the site as a commercial equestrian facility is not considered acceptable, resulting in an overall increase in activity within the countryside that would not provide for quiet, informal recreational use, and would comprise a scale that would not be appropriate for its location, or in-keeping with the surrounding area. In addition, the proposal represents major development within the High Weald AONB, and does not considered to meet the tests of Paragraph 177 of the NPPF in relation to representing an exceptional circumstance.

- 6.55 Furthermore, given the site's location within the High Weald AONB, combined with the scale of the proposed development, the development is considered to result in an adverse harm to the landscape character and the site's setting within the wider landscape.
- 6.56 The proposal is not anticipated to result in any adverse harm to neighbouring amenities, or result in any adverse harm to the ecological qualities of the site. Officers are also satisfied that details relating to drainage could be adequately controlled by way of condition in the event that permission were to be granted.
- 6.57 Further information has been requested relating to objections received from consultees relating to the highways impact of the proposal. Furthermore, no information has been submitted relating to how the proposal would seek to demonstrate water neutrality. To date, none of these matters have been addressed by the applicant.
- 6.58 With the above details in the preceding sections of this report in mind, Officers recommend to members that the application for the proposed 20x stables, and equestrian rehabilitation therapy centre / indoor sandschool is refused for the reasons outlined below.

## **7. RECOMMENDATIONS**

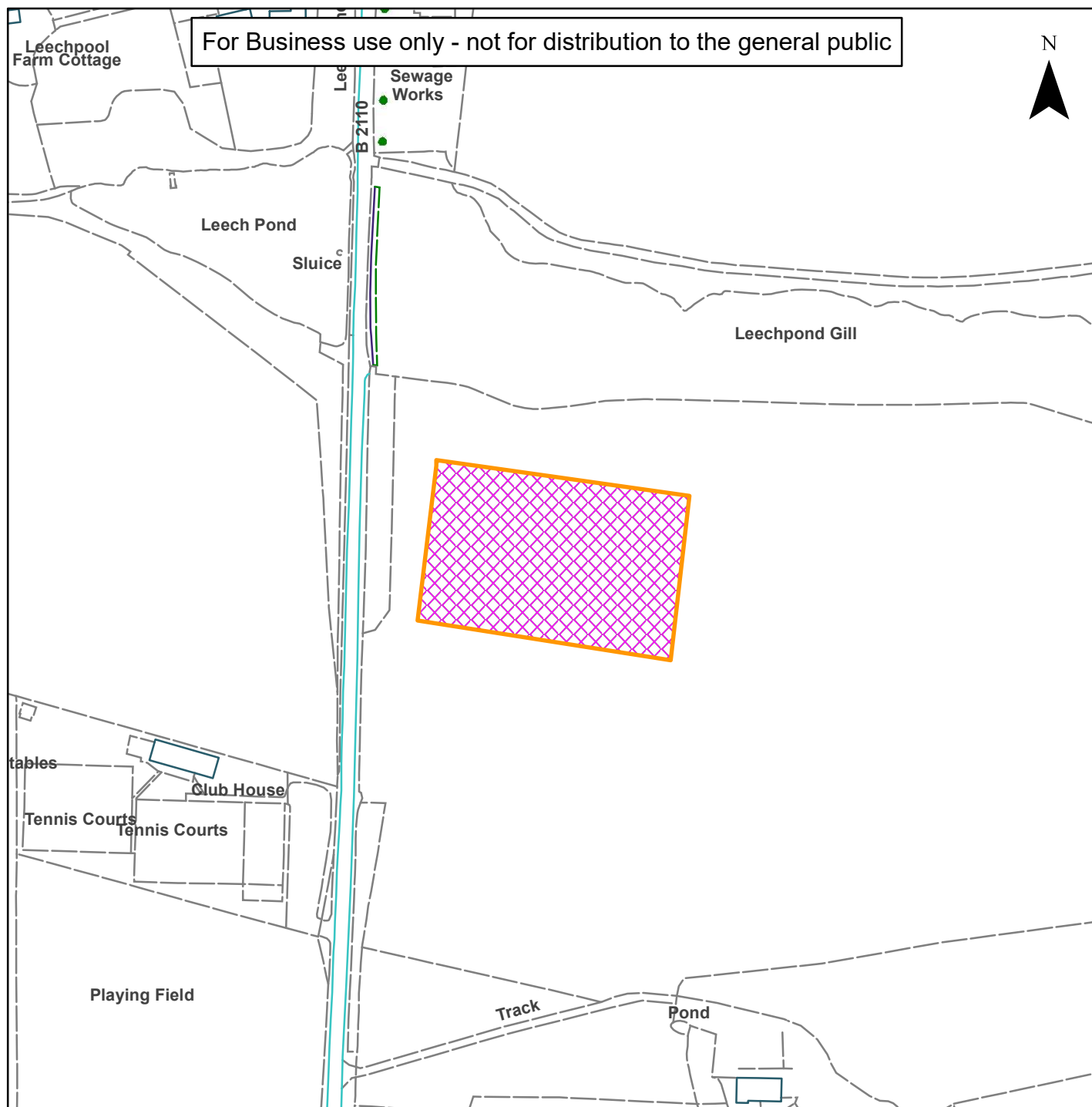
### Reasons for Refusal:

- 1 The proposal represents major development within the High Weald Area of Outstanding Natural Beauty and would result in an undue increase in overall activity within a countryside location, which would not provide for quiet recreational use. Furthermore, given the scale of the development within a protected landscape, the proposal would not be visually appropriate or be in-keeping with its location and surroundings and would fail to protect or enhance the landscape character of the High Weald Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015) and Paragraphs 174, 176 and 177 of the National Planning Policy Framework (2021), which attribute great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 2 Notwithstanding information submitted with the proposal, it has not been demonstrated to the satisfaction of the Local Planning Authority, in consultation with the Local Highways Authority, that the site can be safely accessed from Leechpond Hill. The proposal is therefore contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), 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).

Background Papers: DC/21/1263



Twenty Five Acres, Leechpond Hill, Lower Beeding, West Sussex



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Organisation	Horsham District Council
Department	
Comments	
Date	27/04/2022
MSA Number	100023865

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## **Planning Committee North – 10<sup>th</sup> May 2022**

### **Agenda Item 06 – DC/21/1263**

### **Twenty Five Acres, Leechpond Hill, Lower Beeding, West Sussex**

#### 1. PURPOSE OF THE REPORT

- 1.1 To update Committee Members following the review of additional information.

#### 2. PLANNING ASSESSMENT

- 2.1 Following the publication of the Committee Report, additional information has been submitted relating to water neutrality and further comments have been received from WSCC Highways.

##### Water Neutrality

- 2.2 A Water Neutrality Statement (WNS) was received by the Council on 28.04.2022. There are no buildings present on site which is laid to pasture. As such, the existing water use is presumed to be nil. The submitted WNS details that average 500kg horses consume an average of 40 litres per day (l/d). The total water use has been calculated as 600l/d at an occupancy of 15 horses. However, Officers note that the stabling is capable of accommodating 20 horses, so the proposed use could likely be higher (800l/d).
- 2.3 The site will also make use of a water walker as part of the rehabilitation process. The walker itself will hold approximately 60,000l of water- this would require an initial fill-up and replacement every 18 months. In addition, hose use would be needed on a daily basis equating to a further 2,100l/d.
- 2.4 At paragraph 2.1.1, the WNS states that *'the proposed works will not utilise any utilities for on-site personnel e.g. sinks, WC etc. and as the plans only indicate stables, the water demand from the propose[d] site will come from the needs of the horses'*. However, at paragraph 2.1.5, the WNS states that approximately 129.7l/d would be required to staffing facilities.
- 2.5 The total initial water demand for the proposed works is estimated at 62,339.3l/d, and the constant water demand at 2,339.3l/d.
- 2.6 At Section 3, the WNS recommends efficiency measures that could be utilised to reduce the daily water use from 2,339.3l/d to 1,421.35l/d. At Section 4, the WNS states that rainwater

harvesting would also be used to further reduce the water demand further, and storage for 21 days drought contingency. Section 5 of the WNS states that existing wells would be used to store excess water (up to 80,000l). The report asserts that through the use of these water reduction and harvesting methods, the proposal would be neutral.

- 2.7 Officers do not dispute the calculations regarding efficiencies and resultant reductions, and accept that the level of rainwater harvesting could in most instances cater for the needs of the horses in terms of drinking water and wash down. Though the WNS caters for 15 horses, and the site has the capacity for 20, the level of harvesting gives some head room to allow for an increased accommodation.
- 2.8 However, Officers have identified several deficiencies with the statement, including:
- The WNS provides for a 21-day drought contingency. Drought storage should provide for at least 35-days' supply to provide robustness to address climate change, equivalent to the most recent drought periods experienced in the region
  - Basins are proposed to use harvested water. Whilst this would use recycled water, no filtration details have been provided, and therefore it is not possible to ascertain whether this water would be safe to use.
  - The WNS accounts for 5x staff members only. No guest / visitor water use has been calculated. Given the level of stabling and the size of the client viewing office and galleries, there is potential for a further increase in water consumption over what has been calculated (129.7l/d)
  - The WNS details that water will be stored within existing wells present on the site. No information has been provided as to the location of these wells or how these would be connected to the development. It is also unclear if the wells are connected to the water table- if so, abstraction from these wells would take water from the source rather than at Hardham. In order to be satisfied that this is not the case, clear and convincing geological surveys would be needed.
- 2.9 Whilst there is some merit to the contents of the submitted WNS, Officers are not satisfied that enough information has been submitted to provide the certainty needed to demonstrate that the development would be water neutral. As such, it has not been possible to progress the application to Appropriate Assessment. Therefore, given that a WNS has now been submitted in support of the application, is it recommended that reason for refusal 3 is amended to incorporate the following wording:

*Notwithstanding information submitted, the application has not satisfactorily demonstrated 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), 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).*

#### Highways Comments

- 2.9 WSCC Highways initially objected to the proposal, stating that further information is required regarding the access (see 3.7 and 6.43-46 of the Committee Report). In response to this, an updated Transport Statement was received. Further comments from WSCC were received on 09 May 2022.
- 2.10 The revised Transport Statement include a Stage 1 Road Safety Audit, which WSCC have raised no objections to. WSCC noted that whilst the access was requested to be widened to

4.5m, the 3.8m widened access includes swept path analysis which demonstrates turning of a larger vehicle can turn and enter the site access and this shows that within the access in its current dimensions workable. WSCC comment further that the requested revisions and additional information have been provided as well as justification for the design. WSCC have concluded that the additional information has addressed their concerns and recommend conditions to be attached in the event that planning permission were to be granted.

- 2.11 With the revised Transport Statement and the updated comments from WSCC in mind, Officers are satisfied that the second reason for refusal relating to safe access attached to the Committee Report can be removed.

Drainage Details:

- 2.12 Further to the committee report, additional drainage details have also been received for this proposal. As outlined in the report, no objection has been raised in principle to the development from the HDC Drainage Officer or from WSCC Flood Risk Management in terms of drainage and flooding. If recommended for approval, suitable conditions could be imposed which would require full drainage details, including a detailed surface and foul water drainage statement, to be submitted for approval.

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 10<sup>th</sup> May 2022

**DEVELOPMENT:** Conversion of existing barn to form a two-bedroom carbon neutral live/work dwelling with associated landscaping works.

**SITE:** Pemberley Copsale Road Maplehurst Horsham West Sussex RH13 6QY

**WARD:** Nuthurst and Lower Beeding

**APPLICATION:** DC/21/1946

**APPLICANT:** **Name:** Miss R Wedekind **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

**RECOMMENDATION:** To refuse planning permission

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the retention of the barn and its conversion to form a two bedroom live-work dwelling. Part of the new dwelling will be allocated as work/office space as the applicant intends to run her accountancy business from the property. The proposal includes alterations to the existing building including new windows, doors and solar panels. The existing access would be retained and car parking is proposed to a permeable hardstanding area by the live / work unit. The proposal also includes refuse storage, cycle parking and landscaping.

#### DESCRIPTION OF THE SITE

1.3 The application site is located outside the built up area and within a countryside location, to the north of Copsale Road. The surrounding area is predominantly rural in nature with some residential properties located along the road. The application building comprises a timber-clad barn which was granted planning permission in 2004 under application DC/04/1463 for the erection of building comprising 6 stables, 2 tack rooms, store and storage area for hay, straw and machinery. The barn is accessed from Copsale Road via a private track. Planning

permission has also been granted for a separate stables adjacent the site within the applicant's land (ref: DC/20/1205).

## 2. INTRODUCTION

### STATUTORY BACKGROUND

#### 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### 2.2 National Planning Policy Framework

#### 2.3 Horsham District Planning Framework (HDPF 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 7 - Strategic Policy: Economic Growth  
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 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

#### 2.4 Relevant Neighbourhood Plan: Nuthurst Neighbourhood Plan 2015-2031:

- Policy 1: A Spatial Plan
- Policy 10: Housing Design
- Policy 14: Green Infrastructure & Biodiversity

#### 2.5 Planning Guidance: Nuthurst Parish Design Statement 2016

#### 2.2 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/04/1463	Construction of stable building with store.	Permitted on 31.08.2004
DC/19/2117	Conversion of stable building / store to a two bedroom live-work unit.	Refused on 20.06.2020. Appeal dismissed
DC/20/1205	Construction of stables and sand school.	Permitted on 04.12.2020.

### 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)
- 3.2 **HDC Landscape Architect:** No concerns.
- 3.3 **HDC Environmental Health:** Comments. If recommended for approval the following conditions are recommended:
- Contaminated Land. No development to commence until a scheme to deal with any potential land contamination has been submitted and approved in writing. The development shall not be brought into use until verification has been submitted that an appropriate remediation scheme has been implemented.
  - No soils shall be imported or re-used within the site until details of chemical testing have been submitted for approval.
  - No works relating to construction to take place outside the hours of 08.00 and 18.00 hours Monday to Friday and 08.00 and 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
  - No deliveries of construction materials outside the hours of 08.00 and 18.00 hours Monday to Friday and 08.00 and 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 3.4 **HDC Conservation Officer:** Comment. The alterations to convert the building would not significantly alter its visual impact within the wider setting of Sheepwash Farm.
- 3.5 **WSCC Highways:** No highway objections.
- 3.6 **WSCC Fire and Rescue Service:** Comment. Information is required to show a suitable turning area for a fire appliance.
- 3.7 **Southern Water:** Comment. Details of means of foul and surface water drainage are required. Initial investigations indicate that there are no public foul and surface water sewers in the area to serve this development. Alternative means of draining foul and surface water from this development may be required.
- 3.8 **Natural England:** Objection
- 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.

#### PUBLIC CONSULTATIONS

- 3.9 **14 letters / emails of support** for the application have been received on the following grounds:
- The proposal is visually appropriate and sites comfortably in its surroundings. This is a great example of a sustainable conversion which the Council should be supporting.

- The proposal results in the re-use of a redundant building with no impact on anyone.
- Nearby Maplehurst is now a secondary settlement and therefore the utilisation of this building should be supported.
- The proposal would improve the ecology and landscaping of the site.
- At a time when the HDC cannot provide a 5 year housing supply and is facing water neutrality issues, this application should be supported.
- This would be a small dwelling with no increase in traffic. This would not be for commercial use, as is implied.
- This would reduce the carbon footprint of the owner as she will be living and operating at the dwelling.
- The dwelling would offer security for the nearby stables and horses.
- This is a carefully thought out conversion which has been sympathetically designed.
- The proposal is in accordance with HDPF as sustainable development in the countryside.

3.10 **13 objections** have been received to the application on the following grounds:

- The water neutrality statement is incorrect and misleading.
- The proposal is overdevelopment of the countryside and harmful to the rural character of the area. There are plenty of new homes already being built in the district.
- It is disputed that the site is a 'farm' and is in fact private equestrian usage.
- It is disputed that the applicant's commute to the stables should be a consideration in this proposal.
- The land is not suitable for development.
- The development is unsustainable and contrary to policies 1, 2, 3, 4, 26, 33 and 40 of the HDPF. The proposal is also contrary to the Nuthurst Neighbourhood Plan.
- The proposal would result in an increase in car usage.
- The previous HDC decision to refuse development to this plot was upheld by the Inspectorate. The development is not essential to the countryside location.
- The scheme would result in increased noise.

3.10 **Nuthurst Parish Council:** Strongly object on the following grounds:

1. The application site is outside any Built up Area Boundary or settlement boundary and therefore is development in the countryside. The site is not allocated for development within the Horsham District Planning Framework (HDPF) or the Nuthurst Parish Neighbourhood Plan (NPNP). The proposed development would be inconsistent with the overall strategy for development in the HDPF. It is therefore contrary to policies 1, 2, 3, 4, 26 and 40 of the HDPF (2015), policy 1 of the NPNP (2015) and the National Planning Policy Framework (NPPF, 2018).
2. The site lies within a rural location outside the limits of any existing settlement and the proposed live work dwelling (for an accountancy business) does not constitute a use considered essential to such a countryside location, such as supporting agriculture or forestry. The proposed development would therefore conflict with policies 1, 2, 3, 4 and 26 of the HDPF (2015) and the NPPF (2018).
3. The application constitutes inappropriate backland development. The Independent Examiner of the Parish's NPNP required the removal of a site in Nuthurst from the draft NPNP purely because it was a backland development. He said the proposed site was behind a row of large houses in large plots, the development would appear incongruous in its setting, out of character with the nearby houses and would fail to protect the rural character of the area. These reasons apply equally to this site at Pemberley.
4. The proposed development would harm the setting of the Grade II listed building, Sheepwash Farmhouse because of the proximity and the inappropriate design of the proposed dwelling, contrary to policy 34 of the HDPF (2015). It is also contrary policy 195 of the NPPF (2018) which states: "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the

substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss ....". The Parish Council maintains that there is no public benefit from the proposed development.

5. The proposed development does not meet policy 33 of the HDPF (2015) and policy 10 of the NPNP (2015) because the development does not reflect the architectural and historic character and scale of the surrounding dwellings. Furthermore, it does not meet the overarching aim of the Nuthurst Parish Design Statement (PDS, 2017) to retain its largely rural character and in particular the proposed "fibrous cement roof" is contrary to section 2.3 of the PDS (2015) because the roof slope is well less than 45° and the roof is not made of traditional countryside materials such as clay tiles.
6. The conversion of the agricultural barn into one very unattractive dwelling – an industrial style structure constructed with a fibrous cement roof and fronted with a large area of glass - would be out of keeping with the surrounding buildings fronting Copsale Road, most of which are constructed of brick and tile while Sheepwash Farmhouse has white plaster walls and a Horsham stone roof. It would also result in harm to the open and rural landscape character of the area. The proposed dwelling would contravene policy 10 of the NP and various policies in the HDPF. It would also be contrary to the over-arching aim of the Nuthurst Parish Design Statement to make sure that new dwellings fit in well with the rural nature of the Parish.
7. Relocating an accountancy business, which is not a countryside activity, from a very sustainable location in Steyning to an unsustainable location in the countryside is unacceptable because of the increase in traffic in the countryside with its attendant pollution. Furthermore there is no parking provision for cars belonging to the applicant's clients or indeed for the applicant's own vehicles including horseboxes.
8. The Parish Council fully supports the objection from the owners of the Grade II listed Sheepwash Farm and the objections from nearby residents

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

- 6.1 Planning permission is sought for the retention of the barn and its conversion to form a carbon neutral two bedroom live-work dwelling. The proposal includes part of the new dwelling to be allocated as work/office space as the applicant intends to run her established accountancy business from the property. The applicant keeps horses and purchased the barn at Pemberley and the surrounding 26 acres of land (plus 3 or 4 acres of lake and woodland) with the horses. Recently, planning permission has also been granted for a separate stables and sand school within the applicant's land to the south of the existing barn. The applicant has stated that if planning permission is granted for the proposal it will allow the continued running of the accountancy business in a more spacious and professional environment along with being able to live on site to better enable the care of the horses and the maintenance of the land.
- 6.2 This permission follows the refusal of a planning application for the conversion of the barn to a two-bedroom live work unit in January 2020 (ref: DC/19/2117). This permission was refused on the following grounds:

‘The proposal would create a dwellinghouse, outside the limits of any town or village, and represents an undesirable form of sporadic residential development which is not essential to its countryside location, and would not meet the requirements for an essential need of a rural worker. The proposal would therefore be contrary to policies 1, 2, 3, 20 and 26 of the Horsham District Planning Framework (2015), and would conflict with the aims of the NPPF, in particular Paragraph 79.’

- 6.3 The refusal of the planning application was appealed by the applicant. The subsequent appeal was dismissed the Planning Inspector and the above reason for refusal relating to the principle of development in the countryside upheld.
- 6.4 The main considerations in this application are whether the current application has addressed the Inspectors reason for dismissing the appeal. Other considerations are whether the scheme is appropriate in terms of its appearance, highway impacts, heritage impacts, impact on residential amenity and other material planning considerations.

**Principle of Development:**

- 6.5 Policies 1 and 2 of the Horsham District Planning Framework (2015) (HDPF) outline its strategic aims, which include a presumption in favour of sustainable development and an intention to focus development in and around the key settlement of Horsham, while allowing growth in the rest of the district in accordance with the settlement hierarchy. The settlement hierarchy is identified by Policy 3 of the HDPF which directs development first to the built-up area of Horsham followed by towns and villages, and then unclassified settlements. Policy 26 of the HDPF states inappropriate development which is not essential to its countryside location should be resisted outside built-up areas to, amongst other things, ensure that it enables the sustainable development of rural areas.
- 6.6 This site is not within any defined built-up area boundary. The site is close by to the settlement of Maplehurst. However, Maplehurst is not an established built up area, as defined by the HDPF. Maplehurst is proposed as a secondary settlement under the Local Plan Review. The Local Plan Review has currently been put on hold and cannot be given any significant weight at this time. Notwithstanding this, the proposed site at Pemberley is not within the boundary of the proposed secondary settlement, as currently drafted. The Nuthurst Parish Neighbourhood Plan 2015 (NPNP) also steers new development to established settlements within the area, and at Policy 1 allows for very small scale infill development within the confines of settlements which include Maplehurst.
- 6.7 The policies in the HDPF set out an overall strategy for the pattern and scale of places in line with the National Planning Policy Framework. As outlined in the Inspector's report development here would not be sustainable and does not accord with the broad overall strategy for the location of development in the District. Additionally, the proposed conversion is not justified by Policy 26 as being essential to 'essential' to its countryside location and therefore would be at odds with this policy as well as the overall spatial strategy of the HDPF.
- 6.7 This application is ostensibly the same proposal as was considered under DC/19/2117, with some amendments. The applicant has submitted evidence, including case studies and a legal opinion, in support of the current application. It is also argued that the circumstances of this case have changed with permission being granted for new stables adjacent the site.
- 6.8 The previous application for the conversion was refused on the grounds of the principle of development in the countryside and subsequently dismissed at appeal on the same grounds. In the appeal decision, the Inspector outlined the benefits of the scheme, this included some economic and social benefits such as reducing future journeys for the appellant for work, to care for horses on the adjacent land and the efficient use of an existing building to form a dwelling. However, drawing matters together, the Inspector concluded that the benefits of

the scheme, whether considered individually or cumulatively, do not outweigh the harm identified and the conflict with the development plan.

- 6.9 As outlined in the Inspector's decision, allowing this conversion would run counter to the overarching strategy established by the HDPF. This accepts, in principle, development within built-up area boundaries of the main settlements but strictly controls it outside of them. Furthermore, this rural location is not well placed to encourage the use of transport modes other than the car and is considered unsustainable development in this respect.
- 6.10 The current scheme is again for the conversion of the barn to a live work dwelling. The applicant's arguments for allowing this application do not put forward any new material considerations which overcome the conflict with the spatial strategy of the HDPF. It is acknowledged that there would be some benefits to this conversion, as outlined in the appeal statement. It is also acknowledged that there are examples of conversions and new dwellings within the District. Case studies were also put forward as part of the appeal. Each application is assessed on its own merits and any permission takes into account the HDPF's overriding spatial strategy. In this instance, the Inspector's appeal decision is a material consideration of significant weight. No additional material consideration have been put forward for this application, which is ostensibly the same as the previous refused scheme, in order to overcome the Inspector's reason for dismissing the appeal on the grounds of principle of development in the countryside. The current application is therefore be contrary to Policies 1, 2, 3, 4 and 26 of the HDPF and has not overcome the Inspector's reason for refusing the previous application.
- 6.10 The local plan is now over five years old and the Council is unable to demonstrate a five year supply of deliverable housing sites. This is material consideration for the determination of this application for housing. However, the provision of one dwelling towards the housing supply shortage is a very modest contribution that is not considered to be of significant weight, given the conflict with spatial strategy and the limited impact this scheme would have on housing numbers. This position is consistent with a number of recent appeal decisions where schemes of a limited amount of housing in the countryside have been dismissed by the Inspector on the grounds of principle and the HDPF spatial strategy, despite the Council not having a five year housing supply.
- 6.11 As in the previous scheme and confirmed under the appeal decision, the proposal is not considered as rural workers accommodation or as an isolated dwelling in the countryside. As such, the proposal is not considered under Policy 20 (Rural Workers) of the HDPF or paragraph 79 of the NPPF, both of which support new isolated homes in the countryside, subject to criteria.

#### **Design and Appearance:**

- 6.12 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.
- 6.13 The building subject of the proposed conversion is a timber clad barn which is considered to be of a modern utilitarian character. The building is not therefore considered to be of particular architectural or aesthetic merit in its current form. The proposal seeks to retain the timber weatherboarding to the external walls and the profiled metal sheeting, yet would introduce full height glazing to the northern and western elevations of the building. The proposed external works to accommodate the conversion would alter the appearance of the building which would appear more domestic in character. However, when considering the proposed external works in totality, it is considered that they would not cause any harmful impact to the rural countryside character of the site and its surroundings. No objection was

raised to the design and visual impact of the proposed conversion of the barn under the appeal decision.

#### **Heritage Impacts:**

- 6.14 Paragraph 199 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.15 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.
- 6.16 The building subject of the application is a utilitarian structure reminiscent of a twentieth century industrial shed. Whilst the existing building is considered to be an incongruous building in the countryside, the alterations to convert it to residential use would not significantly alter its impact within the wider setting of Sheepwash Farm. The Design and Conservation Officer has advised that the existing building results in less than substantial harm to the adjacent listed building, albeit towards the lower end of this scale. This is due to the unattractive form of the building interfering with an appreciation of the rural setting of the listed building. Whilst the comments of the Design and Conservation Officer are acknowledged, given the current utilitarian appearance of the building, it is not considered that the proposed alterations would alter its impact within the wider setting of the listed building. It is therefore considered that a reason for refusal on heritage grounds could not therefore be substantiated. Again, under the previous appeal for the conversion of the building, the Inspector agreed with the Council in this respect.

#### **Highway Impacts:**

- 6.17 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. The proposal would utilise the existing and established access and track to the site. There is currently an informal parking area to the western side of the barn for approximately 3 vehicles. Whilst no plan has been submitted to show the proposed parking or turning areas for vehicles in conjunction with the proposed development, there is adequate space within the existing site for the parking and turning vehicles. WSCC Highways have not raised any objections to the proposal.

#### **Impact on Amenity:**

- 6.18 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 nearest neighbouring properties to the barn subject of proposed conversion are located between 60-70m to the south, comprising Sheepfold House and Courtup Barn. Given the single storey nature of the existing building, coupled with the distance between the building and neighbouring properties, it is not considered that the proposal would result in unacceptable overlooking or loss of privacy to the neighbouring properties to the south.

#### **Climate change:**

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

a 'carbon neutral barn conversion, with energy provided by solar panels'. If recommended for approval, the following measures could be secured to ensure the scheme meets the requirements of these policies:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points

#### **Water Neutrality:**

- 6.20 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water 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 near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore 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.
- 6.21 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.22 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 6.23 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a new material planning consideration relevant to the appeal proposals. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.24 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e. that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.
- 6.25 The application has submitted Water Neutrality Statements during the process of the application. The final statement concludes that the development would be water neutral through off setting measures using the applicant's house and another house in the District. It is proposed that measures to reduce water use would be implemented at these addresses.

Whilst this approach could work, the statement does not include enough detail for there to be certainty that these measures would demonstrate water neutrality, and be controlled in the longer term. For instance, details of the exact location is unknown and we do not have sufficient detail on the exact measures which would be required to reduce the water usage for each property. In addition, the proposal does not include a legal agreement which would be needed to secure these measures and to be certain that the scheme is water neutral. As such, it is therefore not possible to conclude with sufficient certainty that the development would not result in adverse impact on the integrity of the Arun Valley habitat sites.

- 6.26 On this basis the development does not comply with s.70 of the Conservation of Habitats and Species Act 2017 and is also contrary to Policy 31 of the HDPF and paragraph 180 of the NPPF.

#### **Ecology:**

- 6.27 The applicant has submitted a Preliminary Roost Assessment and Barn Owl Survey Report. The report concludes that the ecology impacts of the development are low. To enhance the value of this site for bats and birds and to secure on site gains for biodiversity, the report enhancement measures, such as bird boxes. If recommended for approval, these enhancements could be secured via a recommended condition.

#### **Conclusion**

- 6.28 In considering the proposal, a balance needs to be considered taking into account the benefits of the scheme weighed against its detriments. The detriments of the proposal are outlined above and relate to the conflict of the proposal to the Council's spatial strategy and the detrimental ecological impacts on water neutrality.
- 6.29 This is weighed against the benefits of the scheme. The scheme would result in some economical and social benefits. The Council also acknowledges that it doesn't currently have a five year housing land supply for the District. The absence of a five year housing land supply is a significant material consideration that in itself triggers the presumption in favour of sustainable development at paragraph 11d of the NPPF. However, the provision of one dwelling towards the housing supply shortage is a modest contribution that is not considered to be of significant weight in the context of the remaining conflict with spatial strategy (to which reduced weight has been given) and the limited impact this scheme would have on housing numbers. In addition, the proposal has not overcome the Inspector's reason for refusal on the previous scheme for a similar live / work unit.
- 6.30 As well as the conflict with the spatial strategy, which strongly resists development in the countryside on unallocated land, the planning balance takes into account the ecological harm including to the Arun Valley habitat sites (a NPPF footnote 7 matter), contrary to both the local plan and NPPF. The presumption of sustainable development outlined in paragraph 11 of the NPPF is therefore not triggered for this scheme by virtue of the footnote 7 harm to protected habitat sites forming a clear reason to refuse permission. Given the importance of ensuring appropriate development in accordance with the spatial strategy of the council, the limited public benefits offered by the delivery of this conversion would not overcome these fundamental issues.
- 6.31 The scheme is therefore recommended for refusal in accordance with 11d of the NPPF which states that development is to be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.', and where 'policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'
- 6.32 The proposed conversion is therefore recommended for refusal on the following grounds:

1. Given the location of the site, outside any built-up area boundary in a countryside setting and not allocated for development for housing in the local, the principle of development is considered unacceptable and contrary to policies 1, 2, 3, 4 and 26 of the HDPF (2015) and Policy 1 of the Nuthurst Neighbourhood Plan 2015-2031.
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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.33 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
Barn Conversion	221	221	0
		<b>Total Gain</b>	<b>0</b>
		<b>Total Demolition</b>	<b>0</b>

- 6.34 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change. Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 The application is recommended for refusal on the following grounds:

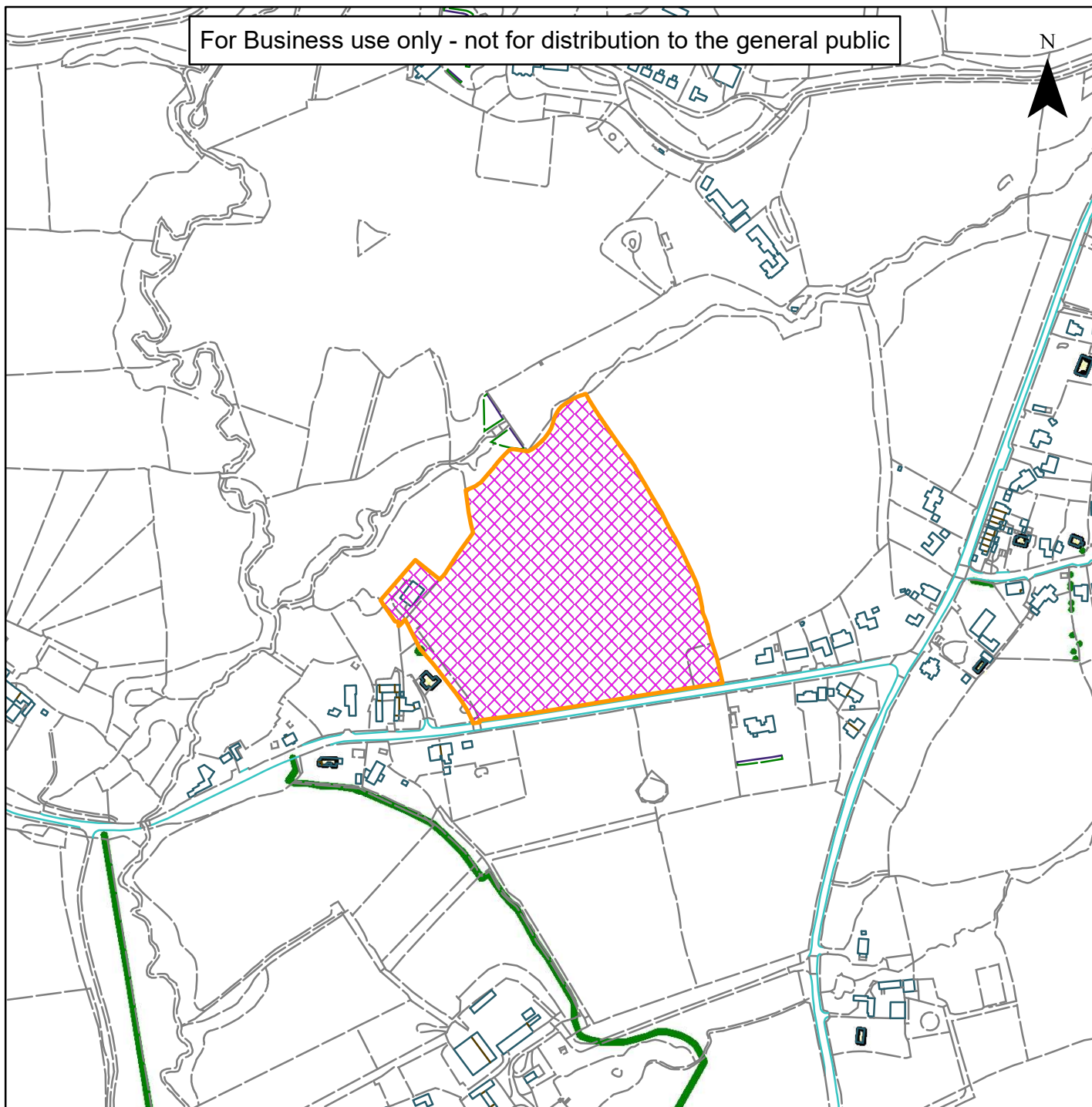
1. The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 & 26 of the Horsham District Planning Framework (2015) and Policy 1 of Nuthurst Neighbourhood Plan 2015-2031.
3. 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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Pemberley, Copsale Road, Maplehurst, Horsham, West Sussex,  
RH13 6QY

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Department	
Comments	
Date	27/04/2022
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 10<sup>th</sup> May 2022

**DEVELOPMENT:** Retrospective application for the erection of a We Buy Any Car Ltd sales kiosk including Change of Use with associated operation to existing car park.

**SITE:** Horsham Railway Station Car Park Station Road Horsham West Sussex

**WARD:** Forest

**APPLICATION:** DC/21/2766

**APPLICANT:** **Name:** We Buy Any Car Limited **Address:** Penine House Zebra Court White Moss View Manchester M24 1UN United Kingdom

**REASON FOR INCLUSION ON THE AGENDA:** By request of Forest Neighbourhood Council

**RECOMMENDATION:** To approve temporary planning permission for 12 months subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

- 1.1 This Application is for the placement of a pre-fabricated modular kiosk on a single parking space within the existing railway station car park to create a 'purchases office' for We Buy Any Car Ltd.
- 1.2 The application was resubmitted on 17th March 2022 following officer advice to amend the application type to include change of use of land of the proposed parking space, and clarification of proposed siting of the kiosk.
- 1.3 The 'sales office' kiosk is a self-contained unit measuring approximately 3.4m(l) x 2.4m(b) x 2.7m(h) (approximately 8.64m<sup>2</sup>). The modular unit is positioned within one car park bay with pedestrian movement and access to the unit. The pod is engineered not to require any foundation works when installed on a typical tarmacadamed car park surface. The applicant has stated that the Kiosk will be removed from site at the termination of the Lease undertaken between We Buy Any Car and the Landlord. Upon removal of the Kiosk the car park surface will be left undisturbed and revert to an area of car parking.

- 1.4 The pod walls are constructed from interlocking tongued and grooved panels finished in gloss white steel sheet. The 'kiosk' is secured out of business hours using a manual operated steel slatted roller shutter to protect the kiosk from forced entry which is integrally housed within the fabric of the unit. The shutter retracts during the day to display a double glazed uPVC shop front and door to the front elevation.
- 1.5 The We Buy Any Car kiosk includes the display of fascia signs together with vinyl printed 'car' logos and text applied to the exterior of the pod. These are to be considered in advertisement application DC/21/2767.
- 1.6 We Buy Any Car is a car buying service offering its customers an online quotation for the sale of their vehicle which, if accepted, can be collected at one such purchasing point. This application is for planning permission for the Horsham location. The online service allows the agreement of a mutually convenient collection time at the site where inspection of the vehicle and agreement of the sale will occur. Whilst the majority of customer appointments are made through the online booking system there is facility to deal with customers who bring their vehicles to site 'ad hoc', and should a customer approach the kiosk 'ad hoc' they will be offered an appointment at the soonest opportunity. This underlying appointment system is to prevent accumulation of traffic, and to maintain availability of car parking spaces and to reduce conflicting vehicular and pedestrian movement.
- 1.7 Operationally, the We Buy Any Car kiosk is placed on a single car park bay with the additional use of 10 parking spaces where the subject cars will be appraised by We Buy Any Car Staff. Cars are collected by plate drivers so as to avoid the use of transporters on the site.
- 1.8 The planning statement sets out that on account of the appointment system, shifts and local collection points operated by the Applicant, the kiosk may not be permanently staffed (thus warranting full welfare facilities). Accessible WCs are available for the staff within Horsham Station during operating hours.

## DESCRIPTION OF THE SITE

- 1.9 The application site is within the southern part of Horsham train station car park located east of the railway line and accessed from Station Road to the north. The carpark has spaces for 200+ vehicles. The site is within the built up Horsham area and is not within a conservation area. The Railway Station and platform are listed buildings and are located a distance of approximately 165 metres to the north of the application site. To the east of the railway station car park are the Dove Court residential flats. To the west is the railway line. Victoria Street car park is to the south, beyond the Railway station carpark and the Railway station carpark extends to the north up to Station Close. A public pedestrian footpath crosses from the carpark over a bridge over the railway line at a distance of 60 metres to the north.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 7 - Strategic Policy: Economic Growth  
 Policy 9 - Employment Development  
 Policy 13 - Town Centre Uses  
 Policy 14 - Shop Fronts and Advertisements  
 Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
 Policy 32 - Strategic Policy: The Quality of New Development  
 Policy 33 - Development Principles  
 Policy 34 - Cultural and Heritage Assets  
 Policy 41 - Parking

- 2.2 RELEVANT NEIGHBOURHOOD PLAN: The site is within the Horsham Blueprint Business Neighbourhood Forum of Horsham Town. The Forum comprises of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Horsham Blueprint Business Neighbourhood Forum's Neighbourhood Plan (HBBNP) area is currently under examination from an Inspector and an Examination Note has been published. Relevant policies are as follows:
- Policy HB1: Location of Development
  - Policy HB3: Character of Development
  - Policy HB\$: Design of Development

- 2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS
- |            |  |         |
|------------|--|---------|
| DC/21/2767 | Installation of 4x non-illuminated fascia signs, 6x non-illuminated hoarding signs and 1x non-illuminated flag sign (Retrospective). | Pending |
|------------|--|---------|

### 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No Objection
- 3.3 **HDC Environmental Health:** Comment. Conditions are recommended.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection
- 3.5 **Network Rail:** No Objection
- 3.6 **Natural England:** Objection
- 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.

N.B. this is not a consultation response to this specific application but the wider position of Natural England as set out within their Position Statement

**3.7 Forest Neighbourhood Council:**

On 19th January 2022 Forest Neighbourhood Council asked that this application is considered by the planning committee. The FNC objections on 19th January 2022 were firstly due to the originally submitted application didn't include a change of use of land proposal. The application DC/21/2767 was later resubmitted on 17 March 2022 with a change of use of land application included.

The FNC objected that parking of the transporters to remove sold cars will potentially create a highway obstruction. However, the Applicant has later clarified that cars are collected by drivers using trade plates and that transporters (HGV/larger lorries) will not be used.

The FNC recommended that a condition be applied to any approval that car transporters (whatever their size) is prohibited on site and in surrounding roads. Also, the FNC suggested a time limit condition on any approval, of say 12 months.

No comments were received following the resubmission of the application in March 2022 with a description change to include Change of use of land and clarification of the proposed parking space to be occupied by the kiosk.

**PUBLIC CONSULTATIONS**

- 3.8 Four separate representations were received from neighbouring dwellings to the car park with concerns of disturbance, sometimes early morning and into the evening. Impact upon privacy. Concerns of a boundary fence with the railway being used as a toilet. Concerns of types of vehicles that may be used would cause disturbance.

**4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

**5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

**6. PLANNING ASSESSMENTS**

Principle of Development:

- 6.1 The proposal seeks the erection of a 'We Buy Any Car Ltd' kiosk on a parking space of the Horsham Station carpark and use of land in association with this business operation. The existing use of the site is vehicle parking set within a carpark that caters for 200+ parking spaces, with access to the carpark from Station Close, a distance of 150 metres to the northeast. The purpose of the kiosk is the location for a staff member to meet with a customer who has either made a pre-arranged online appointment or visits site within the hours of operation. Cars bought by We Buy Any Car will be parked in one of up to 10 car parking spaces in agreement with the car park owner. Collections of purchased vehicles is arranged

during the We Buy Any Car Opening hours. Cars are collected by plate drivers and so this avoids the use of transporters on the site.

- 6.2 The proposed would support the growth of the business in Horsham and also help maintain the vitality of the Horsham Town and provision of local employment. Given the other existing commercial uses within the wider site, and the existing use of the application site, it is not anticipated that the proposed will result in a material intensification in use and would not impact on the use of the car park. The proposal is acceptable in principle, subject to conditions, given the variety of uses in the immediate town centre vicinity and there would be no conflict with the employment and town centre uses policies of the HDPF.

#### Design, Appearance and Heritage impacts:

- 6.3 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building, and adjoining neighbouring properties. Policy 33 also seeks to ensure that development proposals make efficient use of land, cause no harm to amenity, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.4 Policy 34 of the HDPF recognises the importance of heritage assets and requires that proposals make reference to the significance of heritage assets by making a positive contribution to the character and distinctiveness of the area, ensuring that development is consistent with the special character of those areas.
- 6.5 The proposed location of the kiosk is in a centrally positioned bay set back from the carpark boundaries. The kiosk would however be within the carpark and would fall under the security provisions of the carpark. The kiosk is designed as a 'no-climb' structure suitable for an urban environment with no external climbing hand holds to gain roof access.
- 6.6 The railway station building, 165 metres to the north, is grade 2 listed and was built by Southern Railway in 1938 in an International Modern Style. It is considered due to the location of the kiosk in the furthest extension of the car park to the south that there would be limited intervisibility between the station building and the kiosk. Its location would result in the structure being seen within the context of the paraphernalia of the car park, railway line to the west and the surrounding mixed uses and modern development. As such, no objection is raised to the kiosk with regards to its impact on the setting of the listed building.
- 6.7 Notwithstanding the limited impact on the setting of the listed building, the kiosk is not considered satisfactory as a permanent form of development in this location. The kiosk is a small addition but does stand out in the context of the car park. As such, a temporary permission is recommended for a period of 12 months. Following which the kiosk hereby permitted shall be removed and the land shall be restored to its former condition or otherwise the submission of a full planning application to seek a new permission.
- 6.8 It is therefore considered that the visual impact of the proposal is acceptable for a limited period of time and would accord with the above policies.

#### Highways Impacts:

- 6.9 The WSCC Highways have been consulted in regards to the application and commented that the access onto the application site, which is located on Station Close, is set within an urban setting and is low trafficked. The road is subject to a 30-mph speed limit. Further information was requested from the Applicant as the Highway Authority initially had concerns over the

impact of the proposal on the parking capacity of the site, and the applicant was asked to provide data on the parking capacity of the site for both the proposed and existing. The applicant clarified that the website for the car park details a total of 220 spaces, and the We Buy Any Car kiosk occupies 1 no. space and the Applicant confirmed that it has permission to park up to 10 vehicles on site. These bays are understood not to be specifically allocated but on a flexible basis so as not to restrict the availability of spaces to the public. The Applicant also advised that this is a 'plate site', which means cars are collected by drivers using trade plates and that transporters (HGV/larger lorries) will not be used.

- 6.10 Following reconsultation, the Local Highways Authority (LHA) consider that the proposal is not anticipated to generate a material intensification of the access point over existing practices. The applicant has stated that all deliveries are done with Trade Plates and no HGV/Loader lorries will be used. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.
- 6.11 The applicant has stated that they have access to 10 unallocated spaces on the site, plus one for the kiosk. Given the large size, (200+ spaces) the LHA would not raise a highways safety capacity concern and believes these spaces can be accommodated within the agreement. To summarise the LHA raises no concerns over the vehicle parking impact.
- 6.12 Overall, 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 111), and that there are no transport grounds to resist the proposal.

Forest Neighbourhood Council (FNC) comments:

- 6.13 The FNC commented on 19<sup>th</sup> January 2022 with objection due to the delay in the validation of the full planning application DC/21/2766, as the advertising application DC/21/2767 had already been validated. The delay in the validation of the full planning application was because the originally submitted plans showed the location of the kiosk in a different parking space to the actual location of the kiosk and also the plans needed to be resubmitted and description changed to include change of use of land.
- 6.14 The FNC objections in comments on 19<sup>th</sup> January 2022 were firstly due to the originally submitted application didn't include a change of use of land proposal. The application DC/21/2767 was later resubmitted on 17 March 2022 with a change of use of land application included.
- 6.15 The FNC also commented with objection that parking of the transporters to remove sold cars will potentially create a highway obstruction. However, the Applicant has later clarified that cars are collected by drivers using trade plates and that transporters (HGV/larger lorries) will not be used.
- 6.16 The FNC recommended that a condition be applied to any approval that car transporters (whatever their size) is prohibited on site and in surrounding roads. Also, the FNC suggested a time limit condition on any approval, of say 12 months. As outlined above, this structure is not considered appropriate as a permanent addition and a condition is recommended for the removal of the kiosk after 12 months.

#### Amenity Impacts:

- 6.17 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.18 The kiosk is proposed to be located within a central bay away from any of the carpark boundaries. The boundary treatment is not proposed to be altered and the introduction of the kiosk, given the established existing use of the site, is not considered to cause demonstrable harm by way of overlooking, overbearing or loss of privacy. However, conditions are recommended to limit hours of operation to working hours to protect neighbouring amenity.
- 6.19 With recommended conditions the proposal is considered in accordance with Policies 32 and 33 of the Horsham District Planning Framework in regards to the impact on visual and neighbouring amenity.

#### Water Neutrality:

- 6.20 There is no clear or compelling evidence to suggest the nature and scale of the proposed development, given the siting above ground and existing use of the site, 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 kiosk would be staffed on occasions but is not connected to the water mains. Staff would have to use facilities nearby, such as at the railway station. As such, there is no evidence to suggest that the facilities would be used any more frequently than if a car was parked in this space. 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.

#### Conclusion:

- 6.21 The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval subject to conditions. It is not felt that this is a suitable site for permanent siting of the kiosk. As such, permission is subject to the removal of the kiosk after 12 months.

### **7. RECOMMENDATIONS:**

- 7.1 That consent be granted subject to the following conditions:-

1. **Plans condition.**

2. **Regulatory (Time) Condition:** The kiosk hereby permitted shall be removed and the land shall be restored to its former condition on or before the 10 May 2023.

Reason: The kiosk is not considered satisfactory as a permanent form of development in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

3. **Regulatory Condition:** The operation hereby permitted shall not be in use except between the hours of 08.00 and 19.00 Monday to Saturday, and 09:00 and 17:00 on Sundays and Bank Holidays.

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

4. **Regulatory Condition:** No 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 interest of visual and neighbouring amenity and to accord with Policy 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition:** The application site shall only be used for the purposes of the 'We Buy any Car' operation and for no other purpose.

Reason: The Local Planning Authority would wish to retain control over future changes of use to accord with policy 13 of the Horsham District Planning Framework (2015).

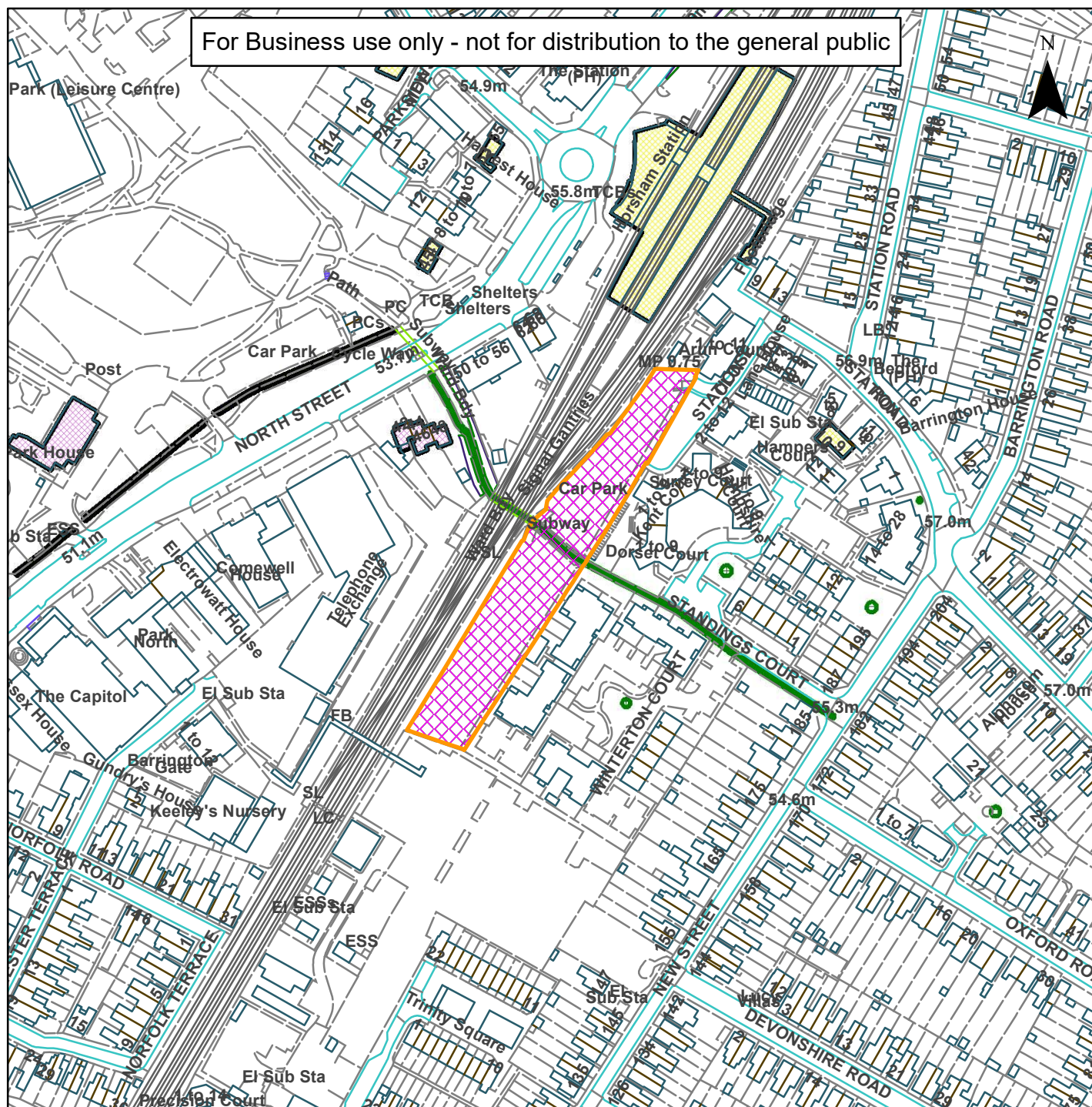
6. **Regulatory Condition:** All deliveries shall be done with Trade Plates and no HGV/Loader lorries will be used at any time.

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

Background Papers: DC/21/2766 & DC/21/2767



Horsham Railway Station Car Park, Station Road, Horsham,  
West Sussex



**Scale:** 1:2,500

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 10<sup>th</sup> May 2022

**DEVELOPMENT:** Installation of 4x non-illuminated fascia signs, 6x non-illuminated hoarding signs and 1x non-illuminated flag sign (Retrospective).

**SITE:** Horsham Railway Station Car Park Station Road Horsham West Sussex

**WARD:** Forest

**APPLICATION:** DC/21/2767

**APPLICANT:** **Name:** We Buy Any Car Limited **Address:** Penine House Zebra Court  
White Moss View Manchester M24 1UN United Kingdom

**REASON FOR INCLUSION ON THE AGENDA:** By request of Forest Neighbourhood Council

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION:**

1.2 Advertisement consent is sought for display of 4x non-illuminated fascia signs, 6x non-illuminated hoarding signs and 1x non-illuminated flag sign. The application is retrospective as the signs are in place on the kiosk.

#### **DESCRIPTION OF THE SITE**

1.9 The application site is within the southern part of Horsham train station car park located east of the railway line and accessed from Station Road to the north. The carpark has spaces for 200+ vehicles. The site is within the built up Horsham area and is not within a conservation area. The Railway Station and platform are listed buildings and are located a distance of approximately 165 metres to the north of the application site. To the east of the railway station car park are the Dove Court residential flats. To the west is the railway line. Victoria Street car park is to the south, beyond the Railway station carpark and the Railway station carpark extends to the north upto Station Close. A public pedestrian footpath crosses from the carpark over a bridge over the railway line at a distance of 60 metres to the north.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

- 2.1 **National Planning Policy Framework**

- 2.2 **Horsham District Planning Framework (HDPF 2015)**

Policy 14 - Shop Fronts and Advertisements

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

- 2.3 **RELEVANT NEIGHBOURHOOD PLAN:** The site is within the Horsham Blueprint Business Neighbourhood Forum of Horsham Town. The Forum comprises of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Horsham Blueprint Business Neighbourhood Forum's Neighbourhood Plan (HBBNP) area is currently under examination from an Inspector and an Examination Note has been published. Relevant policies are as follows:

- Policy HB1: Location of Development
- Policy HB3: Character of Development
- Policy HB\$: Design of Development

- 2.4 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/21/2766	Retrospective application for the erection of a We	Pending
	Buy Any Car Ltd. sales kiosk including Change of	
	Use with associated operation to existing car park.	

## 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)

- 3.2 **HDC Conservation:** No Objection

- 3.3 **HDC Environmental Health:** No Objection

- 3.4 **WSCC Highways:** No Objection

- 3.5 **Network Rail:** No Objection

- 3.6 **Forest Neighbourhood Council:**

On 19th January 2022 Forest Neighbourhood Council commented and asked that this application is considered by the planning committee. A representative of FNC would like to speak at the planning committee meeting.

### PUBLIC CONSULTATIONS

- 3.7 None received.

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

- 6.1 Regulation 3 of Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) requires that local planning authorities assess applications for express consent in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and other relevant factors.

##### Amenity:

- 6.2 Regulation 3(2) of the Control of Advertisement Regulations 2007 provides, without prejudice to any other relevant factors, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 6.3 Local policy reinforces the legislation and national policy aims. Policy 14 of the Horsham District Planning Framework (HDPF) states that advertisements should be sensitively designed, of an appropriate size and appropriately located. Advertisements should not be detrimental to the visual amenity of the buildings or area by reason of its scale, detail, character, design or illumination; impact on pedestrian or highway safety; or result in, or compound, the perception of clutter on the street scene. In addition, as stated within paragraph 132 of the NPPF, "the quality and character of places can suffer when advertisements are poorly sites and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".
- 6.4 Retrospective advertising application for the installation to We Buy Any Car kiosk of 4x non-illuminated fascia signs, 6x non-illuminated hoarding signs and 1x non-illuminated flag sign. The We Buy Any Car kiosk is proposed to display fascia signs together with vinyl printed 'car' logos and text applied to the exterior of the pod to all sides. None of signs are illuminated. The signage is mostly in green on a white background. Two large car symbols are displayed in yellow and pink.
- 6.5 It is considered also that the proposed adverts on the kiosk are of a design, form and scale which would not detract from the character and appearance of the large car park site and surrounding area. It should be noted that the kiosk, under application DC/21/2766, is recommended for temporary permission for one year. In the middle of the car park, these non-illuminated signs do not affect the amenity of any nearby proposed.

##### Public Safety:

- 6.6 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 6.7 The proposed advertisements are not illuminated and would not create a visual or physical obstacle for vehicle users; no sightlines or clearances would be affected.

#### Conclusion

- 6.8 The proposed signage is considered of a size, siting, design and composition which would be appropriate to this site. The proposed signage would not be considered harmful to amenity and there are no public safety concerns that would warrant a refusal of consent in this respect.

### **7. RECOMMENDATIONS:** Approval subject to conditions

- 7.1 That advertisement consent be granted subject to the following conditions:-

- 1 A list of the approved plans.
- 2 **Advert Condition:** No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b) obscure, or hinder, the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- c) hinder the operation of any device used for purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

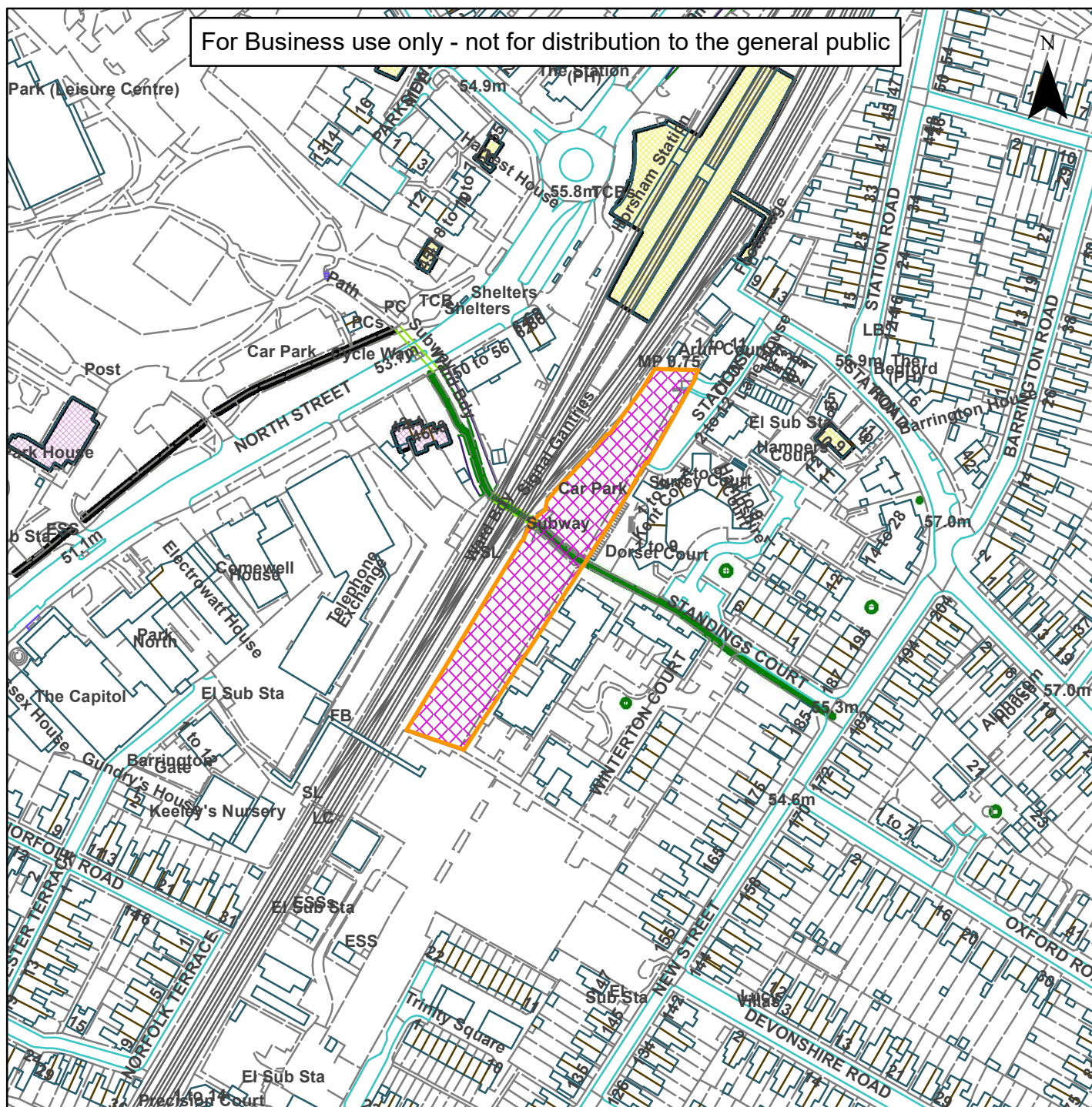
Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In the interests of the visual amenities of the locality.

Background Papers: DC/21/2766 & DC/21/2767



Horsham Railway Station Car Park, Station Road, Horsham,  
West Sussex



**Scale:** 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	27/04/2022
ISA Number	100023865

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