



TO: Planning Committee North

BY: Head of Development

DATE: 06 November 2018

DEVELOPMENT: Change of use from residential dwelling to mixed-use residential unit, religious meeting hall and place of worship. Demolition of various existing structures and erection of part single storey, part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking

SITE: Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX

WARD: Rusper and Colgate

APPLICATION: DC/18/1584

APPLICANT: **Name:** Hasnain Mohsin **Address:** C/O agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This application has been submitted following the previous planning application reference DC/17/1827 and its refusal at Committee on 09 January 2018. The proposal sought full planning permission for the same material change of use and development as proposed under this application, and it was resolved to refuse the application for the following reason:

“The change of use of the property as proposed would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).”

1.4 The current application again seeks the change of use and alteration of Stafford House to provide a mixed use residential unit and meeting/prayer facilities for the local Shia Muslim community. The proposal remains the same as the previous application under planning reference DC/17/1827, albeit that a ground floor window to the northern elevation of the proposed extension has been removed. This application has sought to address the reasons

for refusal with the submission of a Noise Assessment and an updated Supporting Statement.

- 1.5 The first floor of the property will be used as an Imam's flat which will have a bedroom, kitchen/diner, lounge and bathroom. An extension to the property will provide ladies bathrooms and a storage room. At ground floor level, the extension will provide a communal kitchen, disabled WC and a preparation room where bodies will be ceremonially washed and prepared prior to burial away from the site. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings.
- 1.6 Along with a two storey extension to the main building, a new detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with male toilets and a meeting room within the roofspace. This area will also be used to teach children. The floorspace of the building will increase by some 277%; from 176m² to 488m².
- 1.7 It is also proposed to widen the existing access to the property to the north, with the laying of Terram Geotextile sheeting (infilled with shingle and grass seed) to the south-east of the site to provide a parking area for up to 80 vehicles.

DESCRIPTION OF THE SITE

- 1.8 The application relates to Stafford House; a two storey, detached property located within the open countryside at the junction of Bonnetts Lane with Charlwood Road. The property lies on the southern side of Bonnetts Lane and is accessed off Charlwood Road. There is a single storey dwelling (Daisy Cottage) to the rear and a number of dwellings on the opposite side of Charlwood Road. The site, whilst within Horsham District, is some 170m from the boundary with Crawley Borough and residential properties within the neighbourhoods of Langley Green and Ifield. The site has been the subject of a number of enforcement notices in the past for use as a bed and breakfast and for airport car parking. The site lies within an aircraft noise contour zone relating to Gatwick Airport.
- 1.9 Since the deemed withdrawal of a previous application for community use of the building (reference DC/11/1350- see Planning History below), the property has been used for residential purposes with occasional community uses. More recently, a marquee was erected in the grounds of the property to accommodate prayer meetings. The ground floor of the building is being used to provide two prayer and meeting rooms for the local Shia Muslim community. There is a small kitchen area to the rear, with a lean-to type structure to the rear of the property being used as an over-flow kitchen/storage area and providing access to WC facilities. The four rooms at first floor level are being used as bedrooms for friends and family of members of the Shia Muslim community.

PLANNING HISTORY

- 1.10 The proposed use of the application site has been subject of a number of applications in the recent past, with the first dating to 2011 under planning reference DC/11/1350. As outlined within the Committee Report dated 06 December 2011, the application sought permission for the use of the ground floor of the existing residential dwelling for occasional, low-key use, up to three days per week, for approximately 30 people. The supporting statement outlined that in addition to the normal residential use of the premises (which would consist of the Imam's residence) the weekly events would comprise Sunday School classes for children between 9am and 12pm one day per week, and two weekday events for families on Tuesdays and Thursdays between 6pm and 9pm. It was stated that an additional occasional meeting may take place between 6pm and 9pm for special events. It was also suggested that two one-day events would take place over the Islamic calendar, during the months of

Muharram and Ramadam. It was concluded that while the application site is not located within a sustainable location in relation to facilities within the Horsham District, its geographical location is in close proximity to the built-up area of Crawley to the east. It was therefore considered that the site is appropriately placed close to services and public transport within the adjoining borough of Crawley, and that the site would be in appropriate proximity to the Shi'a community. It was therefore recommended that the application be approved subject to a legal agreement restricting the number of events, timings of the events, and the number of delegates in attendance. However, this Legal Agreement was not signed, and the application was withdrawn.

- 1.11 A later planning application under reference DC/17/1827 sought permission for a change of use to mixed residential and religious meeting hall, with the erection of an extension and internal alterations, along with alterations to the access and landscaping. During consideration of this application, a site meeting was held to discuss the use of the building and the frequency of the events held there. During this meeting it was outlined that regular events are held on either Tuesday or Wednesday evenings and on Thursday evenings, with other meetings taking place on Friday around midday and Sunday morning. However, during the festivals of Ramadam, Muharram and Safar, events are held more often. It was set out that the building will be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am and 12.30pm and 1pm and 2pm depending on the time of year, and on Sundays between 10am and 2pm. It was suggested that typical attendance at these gatherings is between 40 and 100 people. Additionally, the intention was to celebrate three festivals a year on the site, one of which lasts for 12 days and another for 30 days. The timings of use during these festivals would be between 6.30pm and 9.30pm, and could be attended by some 250 people, with some 76 vehicles being parked at the site.
- 1.12 In considering this application, it was concluded that while members had resolved to grant planning permission for the 2011 application, the supporting statement clearly set out that the ground floor of the premises was adequate to serve the needs of the community, and that it was likely that no more than 30 people would use the property at any one time. The scheme as proposed, subject of DC/17/1827, would significantly increase the floorspace of the building, the number of people attending events at the property, and the number of events being held. As such, the change of use of the property would result in an intensification of the use of the site, to the detriment of the amenity of occupiers of the neighbouring properties, and the rural character and nature of the locality, contrary to relevant policies in the Horsham District Planning Framework (2015). The application was therefore refused on this basis.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

2.4 **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 11 - Tourism and Cultural Facilities
Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs
 Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
 Policy 26 - Strategic Policy: Countryside Protection
 Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 42 - Strategic Policy: Inclusive Communities
 Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

RELEVANT NEIGHBOURHOOD PLAN

PLANNING HISTORY AND RELEVANT APPLICATIONS

RS/37/58	Residential development at 2 houses per acre (From old Planning History)	Application 12.11.1958	Refused	on
RS/35/93	Erection of annexe Site: Stafford House Bonnetts La lfield	Application 20.09.1993	Refused	on
RS/8/94	Erection of 2 polytunnels and a farm store Site: Stafford House Bonnetts La lfield	Application 18.05.1994	Permitted	on
RS/72/00	Variation of condition 4 of rs/8/94 to allow a garden/farm shop Site: Stafford House Bonnetts Lane lfield	Application 06.12.2000	Refused	on
RS/11/01	Conversion of buildings to dwelling & garage retention of access removal of hardstanding to form paddock Site: Stafford House Bonnetts Lane lfield	Application 11.04.2001	Permitted	on
RS/33/03	Double garage and workshop Site: Stafford House Bonnetts Lane lfield	Application 27.06.2003	Permitted	on
DC/04/0227	Conversion and extension of building to form dwelling	Application 22.04.2004	Refused	on
DC/05/0689	Change of use to HMO (used for rent to low income persons who rent a single room with ensuite facilities together with communal kitchen and eating facilities) and 2-storey extension.	Application 18.05.2005	Refused	on
DC/05/1429	Change of use of land to airport parking for 55 cars	Application 01.09.2005	Refused	on
DC/05/2353	Change of use from residential dwelling to bed and breakfast	Application 02.12.2005	Refused	on
DC/05/2354	Retention of entrance gates	Application 30.11.2005	Refused	on

DC/11/1350	Change of use to a mixed use comprising residential unit and meeting rooms	Withdrawn Application on 27.08.2014
DC/17/1827	Change of use from residential dwelling to mixed used residential unit, religious meeting hall and place of worship. Erection of part single storey part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed landscaping.	Application Refused on 11.01.2018

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

INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning:** Comment

Local Plan policies are generally supportive of the development; however, given the location outside of the defined built-up area, it will be necessary for the applicant to demonstrate that the proposed location is the only practicable option, and that the site can meet the parking and travel requirements of anticipated users.

3.3 **HDC Arboricultural Officer:** No Comment

3.4 **HDC Environmental Health:** No Objection

The former Annex 1 to PPG23 Pollution prevention guidance (withdrawn in December 2015) advised that in respect of pollution (including noise) causing statutory noise disturbance, the test is not fixed, but relies upon consideration of a range of factors including the character of the locality. The granting of planning permission of any type may change the character of the locality, and therefore raise or lower the standard for statutory nuisance in the area. Statutory nuisance is not intended to secure a high level of amenity but is a basic safeguarding standard intended to deal with excessive emissions. Nuisance does not equate to loss of amenity; significant loss of amenity will often occur at lower levels that would constitute a statutory nuisance. It is therefore important for planning authorities to consider properly loss of amenity from emissions in the planning process in its wider context, and not just from the narrow perspective of statutory nuisance.

The Acoustic Assessment submitted, whilst adequate in theory, makes several assumptions and relies heavily on the proposed works being completed and mitigation measures being implemented at all relevant times.

If the change of use is to be approved, the following matters will need to be subject to condition:

- Hours of construction limited to 08.00 – 17.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.
- No live, amplified or recorded sound shall be performed or played in the open air.
- Prior to the commencement of the use, full details of measures to ensure the sung/spoken prayers shall not exceed 90dBA within the premises including details of any volume control unit and the design of the speaker array. The information should be

prepared by a competent person, and shall be submitted to and approved in writing by the planning authority.

- A management plan must be submitted to this authority and approved in writing for the day-to-day activities on site. This must include, but is not restricted to:
 - Traffic management
 - Limiting to a maximum number of 80 delegates
 - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.
- A management plan must be submitted to this authority and approved in writing for the night time vigils on site. This must include, but is not restricted to:
 - Traffic management
 - Limiting to a maximum number of 30 delegates
 - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.
- A management plan must be submitted to this authority and approved in writing for the special activities on site. This must include, but is not restricted to:
 - Traffic management
 - Limiting to a maximum number of 80 attendees
 - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.
- The storage of bodies on the premises prior to a funeral will require refrigeration plant which is not detailed in the application or the noise report. Details of any plant to be installed at the property must be submitted to and approved in writing before installation.
- A management plan for the storage of bodies must be submitted to, and approved in writing by the Authority.

OUTSIDE AGENCIES

3.5 **WSCC Highways:** No Objection

The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Bonnets Lane from the existing point are considered acceptable and have been demonstrated at 2.4 by 140 metres to the west and 2.4 by 131 to the east.

Ideally, it would have been beneficial if the applicant had provided more information in relation to trip generation. However, confirmation has been received that the latest proposals are comparable to the 2017 application in terms of their respective use. Given that no objection was raised in respect of trip generation as part of the previous application from 2017, it is considered that there will be no material increase in traffic movements over what was previously submitted.

Further information is required for the Travel Plan, and as such a condition is suggested requiring an updated Travel Plan to be submitted.

3.6 **Southern Water:** No Comment

3.7 **Crawley Borough Council:** No Objection

The proposed use would offer a range of facilities for the local Shia Muslim Community, many of whom live within Crawley. The proposal would therefore provide significant religious and social benefits to Crawley residents.

PUBLIC CONSULTATIONS

3.8 **Rusper Parish Council:** Objection on the following grounds:

- Volume of traffic increased in the rural locality
- Detrimental impact on the neighbouring property
- Location of access between two busy road junctions
- Inappropriate in the countryside location

3.10 130 letters of objection were received from 120 separate households, and these can be summarised as follows:

- Dangerously close to busy junction
- Noise nuisance
- Inappropriate location
- Parking issues
- Impact on infrastructure
- Site too small for need
- Hours of use inappropriate
- Out of keeping with locality
- No identified need
- Bordering a Conservation Area
- Increase noise disturbance

3.11 166 letters of support were received from 106 separate households, and these can be summarised as follows:

- Providing needed community facilities
- High quality facilities
- No other facilities within the area
- Ideally located close to community
- No impact on landscape
- No impact on residential amenity
- Design in keeping

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 The application seeks the change of use and alteration of Stafford House to provide a mixed use residential unit and meeting/prayer facilities for the local Shia Muslim community. The current application has sought to address the previous reasons for refusal with the submission of a Noise Assessment and an updated Supporting Statement. No alterations to

the original size, scale and form of the extension are proposed, albeit that a ground floor window to the northern elevation of the proposed addition has been removed.

Principle of Development

- 6.2 The site is located outside of any defined built up area boundary and as such is located within the countryside. The site is located close to the administrative boundaries of Crawley but is still within the jurisdiction of Horsham. The immediate area surrounding the application site is characterised by a mix of residential, commercial and hotel guest houses. However, the surrounding area is predominantly rural, with some sporadic development, and as such the relevant countryside policies apply.
- 6.3 While the application site is not considered to be located within a sustainable area in relation to the facilities within the Horsham District, which are remote from the site, its geographical location is however in close proximity to the built up area of Crawley which lies to the south and east. As such the site is considered to be appropriately placed and in close proximity to services and public transport within the adjoining Borough of Crawley. The applicants also advise that the site is within sustainable walking and cycling distance of the main built up area boundary of Crawley, and that it is closer to the Shia community than other mosques in the built up area of Crawley.
- 6.4 Policy 26 of the Horsham District Planning Framework (HDPF) sets out that outside of built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location, and either: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. Proposals must be of a scale appropriate to the countryside location and should not lead to a significant increase in the overall level of activity in the countryside.
- 6.5 Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users, including the specific needs of faith and other community groups, to meet their long term needs will be encouraged and supported. In addition, Policy 43 of the HDPF states that the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities. Specific to sites located outside of built-up areas, the policy continues that proposals will be supported where this is the only practicable option, and where a suitable site, well-related to an existing settlement, exists.
- 6.6 The Design and Access Statement submitted with the application sets out that this small community of Shia Muslims is a registered charity and was set up in September 1987. Over the past five years the group has rented local community and leisure centres in Crawley to host events (for example Crawley Town Hall and Langley Green Sports Club). While there are other mosques within Crawley, these are used by Sunni Muslims who, although celebrating the same events within the Islamic calendar, do not undertake prayers and meetings together.
- 6.7 Following the refusal of the previous application under reference DC/17/1827, no further information has been submitted setting out what alternative facilities and/or buildings within the Crawley Borough or within the defined settlement boundaries of Horsham District have been explored to lead to this application site becoming the only practicable option for this community group. The Agent has however advised that neither Horsham District Council nor Crawley Borough Council have been able to offer alternative sites for use.
- 6.8 Following consultation with HDC's Property Team, it has been confirmed that there is no Council owned property that would be suitable for the proposed use and the requirements of the faith group. However, no evidence has been put forward to suggest that there is no

available property within the wider marker that is suitable for the proposed use. As such, it is considered that it has not been sufficiently demonstrated that the application site is the only practicable option.

- 6.9 The supporting information for the previous application (reference DC/17/1827) outlined that in addition to the normal residential use of the premises (which would consist of the Imam's residence) the weekly events would comprise Sunday School classes for children between 9am and 12pm one day per week, and two weekday events for families on Tuesdays and Thursdays between 6pm and 9pm. It was stated that an additional occasional meeting may take place between 6pm and 9pm for special events. It was also suggested that two one-day events would take place over the Islamic calendar, during the months of Muharram and Ramadam. A later site meeting outlined that regular events are held on either Tuesday or Wednesday evenings and on Thursday evenings, with other meetings taking place on Friday around midday and Sunday morning. However, during the festivals of Ramadam, Muharram and Safar, events are held more often. It was set out that the building will be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am and 12.30pm and 1pm and 2pm depending on the time of year, and on Sundays between 10am and 2pm. It was suggested that typical attendance at these gatherings is between 40 and 100 people. Additionally, the intention was to celebrate three festivals a year on the site, one of which lasts for 12 days and another for 30 days. The timings of use during these festivals would be between 6.30pm and 9.30pm, and could be attended by some 250 people, with some 76 vehicles being parked at the site.
- 6.10 The supporting documentation for the current application outlines that the premises would be used between the hours of 7.30am to 11pm Monday to Friday and 10am to 11pm on Saturdays, Sundays, and Bank Holidays. This would not only include use of the premises itself, but also movements to and from the parking area (which would likely begin prior to, and finish after, the times suggested).
- 6.11 During the course of the application, further information and clarification was sought from the Applicant in respect of the actual number of delegates to use the site (including during general activities, special festivals, and night-time vigils); with a general guide to the hours of worship and activities throughout a day and during the week, clarification on the number of attendees at various activities, and further details on the assessment and appraisal of other available sites within the area also requested. Having requested clarification from the Agent on these issues, no additional information has been provided.
- 6.12 The application as submitted proposes to replace the marquee, which is intermittently erected on the site, with a similar sized permanent brick building along with a two storey extension to the property and a single storey extension to link the extension to the new building. The first floor of the existing property will be used as an Imam's flat with the two storey extension providing a communal kitchen, disabled WC and preparation room at ground floor level and ladies bathrooms and a storage room at first floor level. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings. A new link-detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with male toilets and a meeting room within the roofspace. This area will also be used to teach children.
- 6.13 The previous application under reference DC/17/1827 is of significant weight to the consideration of the current application, particularly as the current proposal seeks permission for the same use and development as previously proposed. No reduction in the proposed floor area has been submitted, with the proposed extension to the building remaining the same as previously proposed, albeit with the omission of a ground floor window to the northern elevation. Though sought, no further clarification has been provided on anticipated numbers of delegates or frequency of events held, with the numbers and frequency as summarised in paragraphs 6.9 and 6.10 considered the most up to date.

- 6.14 The reason for refusal on the previous application reference DC/17/1827 stated:
“The change of use of the property as proposed would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).”
- 6.15 This outlined that the change of use of the property as proposed, when considering both the existing building and the extension, would result in a level and intensity of activity on the site, that would be inappropriate in this location, and would result in harm to the amenities of neighbouring properties as well as the rural character and nature of the locality.
- 6.16 As outlined within the supporting information of the previous application, the number of delegates using the premises could range between 40 to 100 at regular meetings, with the potential for this to increase up to 250 during special events. The proposed extension to the building sought to accommodate this number of delegates within a permanent brick-built structure, rather than the temporary marquee. As such, the scheme sought to significantly increase the floorspace of the building, the number of people attending events at the property, and the number of events being held. As a result of these factors, it was concluded that the change of use would result in an intensification of the use on the site, to the detriment of the amenities of the neighbouring property and the rural character and nature of the locality.
- 6.17 The current application has not sought to address the issues above beyond the submission of the noise survey and supplemental planning statement. No reduction in the proposed floor area has been submitted, with the proposed extension to the building remaining the same as previously proposed, albeit with the omission of a ground floor window to the northern elevation.
- 6.18 It is considered that the size and scale of the proposed addition is an intrinsic part of any potential use. As can be clearly seen from the previous refusal, it was the resulting intensification of the use of the site, which is comprises the nature of the use, the level and frequency of activity, and the number of users, which is of particular concern; all of which are determined and accommodated for by the size of the resulting building in its totality.
- 6.19 Policy 26 of the Horsham District Planning Framework (HDPF) states that *“outside built-up areas, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location...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”*.
- 6.20 The ground floor area of the building in its totality, which comprises the existing building and the proposed extension, is considered to provide a useable area of space that would facilitate a high level of activity. The cumulative impacts of the size of the resulting building, the potential number of delegates using the resulting space, and the number of events being held, would result in an intensity of activity that would be harmful to the rural character, nature, and ambience of the locality.
- 6.21 While the principle of the use on the site may be considered acceptable given its proximity to the administrative boundary of Crawley Borough, it is the level and intensity of activity on the site, driven by the resulting floor area, potential number of delegates and frequency and length of events, which is of material significance. The Agent has been unwilling to provide clarification on the number of delegates likely to use the premises at any one time, with evidence from the previous application suggesting that the building could be used for

between 100 to 250 delegates during special events, with the submitted Noise Assessment suggesting that 80 delegates may be in regular attendance.

- 6.22 Such an intensive use of the premises, facilitated in part by the size of the resulting building, is considered to cumulatively lead to a significant increase in the overall level of activity in the countryside. As such, it is considered that the proposed change of use and associated development would be contrary to the relevant policies within the HDPF. This level of harm is considered to outweigh any community benefit which would be derived from the scheme.

Character and Appearance

- 6.23 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.
- 6.24 The application proposes the change of use of the existing property and a number of extensions. The floorspace of the building will increase by some 277% from 176sqm to 488sqm. The site is relatively well hidden from public view by mature planting around the boundaries of the site and the extensions have been designed to appear as a two storey domestic extension with a detached garage-type structure.
- 6.25 While it is acknowledged that the extensions to the property have been designed to fulfil the needs of the community, the extensions are extensive and would increase the floorspace of the property significantly. The increase in the floorspace, coupled with the increase in the level of activity in this countryside location, will result in an adverse impact on the character of the area, contrary to policies 26, 32 and 33 of the HDPF.

Amenities of the occupiers of neighbouring properties

- 6.26 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.
- 6.27 The previous application under planning reference DC/17/1827 raised concerns in respect of the level of activity and intensity of use, and the impact this would have on the amenities of the neighbouring properties, particularly that of Daisy Cottage to the north. It was concluded that given the level of activity likely to take place at the site, the change of use for meeting/prayer facilities was inappropriate in this location, and was likely to result in unacceptable harm to the amenity of the occupiers of the neighbouring residential properties, contrary to Policy 33 of the HDPF.
- 6.28 The supporting documentation outlines that the premises would be used between the hours of 7.30am to 11pm Monday to Friday and 10am to 11pm on Saturdays, Sundays, and Bank Holidays. The use of the premises would not only include use of the premises itself for the hours as summarised, but also movements to and from the parking area, which would likely begin prior to, and finish after, the times suggested.
- 6.29 These hours of use far exceed those provided as part of the previous application(s), which outlined that the use of the premises would encompass regular events on either Tuesday or Wednesday evenings and on Thursday evenings, with other meetings taking place on Friday around midday and Sunday morning. During the festivals of Ramadam, Muharram and Safar, it was outlined that events are held more often, with the potential for the building to be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am and 12.30pm and 1pm and 2pm depending on the time of year, and on Sundays between

10am and 2pm. The use of the building as previously suggested therefore ranged between the hours of 10am and 9.30pm across the week.

- 6.30 The proposed use of the building as now suggested in the current supporting documents would be far more intensive than previously suggested, with little information provided to outline what such an expansive day/week would encompass in terms of activities and general use. Furthermore, it is noted from the supporting information that it is also proposed to hold at least two “night-time vigils” which would run until 2/3am. The Agent has been unwilling to provide further clarification on what these events would entail, with no further information on anticipated numbers or nature of relevant activities provided.
- 6.31 Given the proposed hours of use, for the suggested number of 80 delegates (or more), it is considered that the cumulative impact of such an intensive use would be of a nature and level of activity that would detract from the countryside setting and ambience, and would likely lead to undue harm to the neighbouring property to the north, particularly at more sensitive times of the day/night.
- 6.32 The Applicant has submitted a Noise Assessment to illustrate that the proposed use of the building would not result in harm to the amenities of neighbouring properties. The Noise Assessment outlines that the survey was undertaken on Friday 08 June 2018, where the building was being used for an Evening Prayers event, followed by a Shared Meal. Some 70-80 people were in attendance, which it is stated is typical of this type of event, and represents the maximum use of the premises. It continues that other events attract far fewer numbers, with the June 8th event monitored as it involved the likely maximum use of the premises. It was concluded that the sound levels due to an event of approximately 80 delegates, when reaching the facades containing windows of the northern neighbouring property at Daisy Cottage, would not contribute to the soundscape of the neighbouring property. Mitigation measures are subsequently proposed in the Noise Assessment, including the enclosure of the rear yard, the closure of windows and doors unless in emergencies, and the restricted use of the conservatory so that no amplified sound is played within this area.
- 6.33 The Agent has outlined that the Applicant is unwilling to accept restrictive conditions in relation to number of delegates and hours of use. The Agent outlines that in his view, the use of the site for any number of delegates or events, would not result in harm to the neighbouring residential properties; and in any case, conditions should not be imposed if it is covered by separate Environmental Health legislation. The Agent therefore concludes that conditions should not be imposed on any determination as a statutory noise nuisance arising from the use would be covered by separate environmental legislation.
- 6.34 With respect to statutory noise disturbance, there is no fixed test, but consideration of a range of factors including the character of the locality is required. It is not intended to secure a high level of amenity, but is a basic safeguarding standard intended to deal with excessive emissions. Therefore, statutory noise nuisance does not equate to loss of amenity in planning terms; rather, significant loss of amenity can occur at lower levels that would constitute a statutory noise nuisance. As such, it is important to consider loss of amenity from noise in its wider context, and not just from the narrow perspective of statutory nuisance.
- 6.35 Residential amenity for the purposes of planning does not focus solely on whether a statutory noise nuisance would occur as a result of the proposed development, but rather gives consideration to all forms of disturbance. It is acknowledged that the site is within a noise sensitive location in close proximity to Gatwick Airport, where aircraft noise is a daily background source of noise alongside road traffic outside the site. Notwithstanding this, it is considered that general disturbance generated by, and associated with, the level of activity from the proposed use would result in a loss of residential amenity. This is in part owing to the potential number of occupants of the site and the impact sudden, continuous or unexpected noise can have on the quiet enjoyment of a property, particularly when such

noise occurs in close proximity across a boundary fence. This impact is different to that generated by traffic and aircraft which is both more regular and background given its distance from property.

- 6.36 The Noise Assessment refers to a maximum delegation of 80, with the proposed mitigation seeking to ensure that the noise from the proposed use remain under acceptable residential levels. While the Noise Assessment outlines that noise impacts would be minimal for a delegation of 80, there are still concerns in respect of the appropriateness of this number given the relationship of the application site with the neighbouring property of Daisy Cottage, as well as the countryside location of the site.
- 6.37 The neighbouring property at Daisy Cottage sits directly adjacent to the application site, and is of a modest residential dwelling set in an open plot. A 2m high wall and fence separates Daisy Cottage from Stafford House, with the rear elevation and open lean-to to Stafford House sitting in close proximity to the boundary fence. Consequently Daisy Cottage is vulnerable to noise from both activity within the open sided lean-to, from activity within the rooms facing the boundary, and from movements in the proposed car park which also abuts the boundary with Daisy Cottage. These activities would take place in close proximity to Daisy Cottage and as such would have a more intrusive and harmful impact than would be the case if the separation between the properties was more generous.
- 6.38 The Noise Assessment submitted in support of the application outlines that mitigation could be undertaken to reduce potential noise impact on Daisy Cottage. This mitigation could include the following:
- Management of parking area through reduced speed limits, signage directing noise levels, and the use of appropriate noise-limiting surface finish
 - Enclosure of the existing sheltered area to the rear (where food preparation currently occurs)
 - Closure of windows and doors on northern façade during use
 - Installation of glazed door between the main room and conservatory, with no loud speaker provided within the conservatory
 - Careful positioning of loud speaks so that broadcast is directed away from Daisy Cottage
 - Use of automatic volume control units so that the sound level from the PA system does not exceed allowable limits.
- 6.39 While the Noise Assessment outlines potential internal mitigation to reduce noise disturbance, it is nonetheless considered that the general level of activity, incorporating trips to and from the site as well as movement associated with activities and events, would be of a nature, number, proximity and intensity that would result in unacceptable harm to the amenities and sensitivities of the neighbouring property of Daisy Cottage, as well as the general ambience of the countryside location.
- 6.40 The mitigation as proposed within the Noise Assessment is heavily reliant on the actions of the delegates on a regular basis, with the mitigations needing to be carried out consistently on a daily basis in perpetuity to minimise the potential for disturbance. While a condition requiring such mitigation as proposed could theoretically overcome the concerns raised in respect of noise disturbance, it is considered unlikely that the imposition of such a condition could be sufficiently enforced given the number of mitigations required. Therefore, doubt is raised as to whether such mitigation would be a practical solution to overcoming the potential noise issues.
- 6.41 Notwithstanding the findings of the Noise Assessment, concerns remain that the proposed use of the site would likely contribute to movements, activities, and general noise that would go beyond what would usually be considered in close proximity to a dwelling and within a

countryside context. Although acknowledged that the application site does not sit within a residential enclave, the nearest neighbours comprise residential properties, with the wider area falling within the countryside where Policy 26 requires that development provides for its quiet and informal use.

- 6.42 Beyond this, the size of the site as a whole is of relevance when considering the context of the site and surroundings. The application site measures to approximately 0.2 hectares, with the existing building positioned to the north-eastern edge of the site on the closest part of the site to Daisy Cottage. At the proposed quantum of use, the existing building would be extended by approximately 277%, with the outer area of the site used solely for the parking of vehicles (equitable to 80 vehicles). Notwithstanding the anticipated numbers of delegates using the site (estimated to be between 40 and 250 people), the corresponding activity related with movements to and from the site, and actions associated with the festivals and ceremonies, would demonstrably affect the character and ambience of the countryside location to which the application site forms a part, and be significantly intrusive on the occupiers of Daisy Cottage immediately adjacent.
- 6.43 Furthermore, of particular concern is potential noise disturbance through vehicle movements and the shutting/slamming of doors etc when delegates leave the premises. A total of 60 vehicle parking spaces are shown on the submitted plan, with the annotation suggesting that another 20 unmarked vehicle spaces would be doubled banked on the site. A Green Travel Plan has also been submitted which outlines how sustainable forms of transportation will be promoted, with additional delegates arriving to the site through these means.
- 6.44 While noted that the level of parking in the site could be achieved, there is nonetheless concern that such parking, and the associated level of activity and noise from related movements, particularly during later hours, would result in harm to the ambience and rural character of the locality, and the amenities of Daisy Cottage given their close proximity. It is considered unreasonable for such a potentially significant level of use to occur later in the evening, with the regular hours of 11pm and intermittent hours of 2/3am considered to be outside of reasonable hours where such noise and activity, including high numbers of vehicle movements, would be considered acceptable. This is particularly the case given the countryside location of the site. Therefore, while the recommendations within the Noise Assessment have been given full consideration, it is nonetheless considered that vehicle movements and general activity to the level proposed, outside of the premises and into these later hours within the countryside, would result in unacceptable harm to the amenities and sensitivities of the neighbouring properties.
- 6.45 While it is acknowledged that Environmental Health raise no objection to the proposed use, subject to it being restricted by condition to no more than 80 delegates at a time, there are still concerns that the general level of activity associated with such number would be inappropriate given the close relationship of the application site with the neighbouring property of Daisy Cottage, and the character and ambience of the countryside location. In addition, while the Noise Assessment suggests that a number of 80 delegates would likely amount to the maximum use of the premises, the Agent has failed to confirm this, with the information provided for the previous application suggesting that maximum numbers during certain events could range up to 250 individuals.
- 6.46 As outlined within Planning Practice Guidance, the decision to grant or refuse a planning application ultimately rests with the Local Planning Authority, taking into account all relevant planning considerations, not just advice from consultees. Therefore, while the background noise environment of the site is noted, it is the cumulative impact resulting from level of activity, movements, and associated noise, in such close proximity to the neighbouring property of Daisy Cottage, and over such an extended length of time, that would result in harm to both the character and ambience of the countryside location, and the amenity of this neighbouring property. The general level and erratic nature of noise emanating from the use and associated activity is therefore considered to disturb the sense of peace within this

countryside location, and that experienced by the residential property of Daisy Cottage to the north.

- 6.47 The change of use of the property as proposed would therefore result in an intensification of the use of the site, to the detriment of the amenity of occupiers of the neighbouring properties, contrary to Policy 33 of the Horsham District Planning Framework (2015).

Existing Traffic and Parking Conditions

- 6.48 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Paragraph 109 of the NPPF sets out that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.49 A number of local residents have raised concerns with the suitability of the access into the site given the location of the property at the junction of Bonnetts Lane with Charlwood Road. Concerns have also been raised in respect of the level of parking provision being proposed.
- 6.50 A Green Travel Plan has been provided which provides a framework for the Shia Community to work to. A travel plan co-ordinator will be appointed and they will be named in the document. A car parking strategy has been provided which details how the cars will be managed on site. There is the potential for a maximum of 80 spaces, although this is proposed as the maximum and the plan details how the cars would be parked in a normal scenario. A Car Park Marshall would be used to ensure the cars are parked safely at very busy periods when tandem parking would be required.
- 6.51 Following consultation with the Highways Authority, no objection has been raised to the proposed use and development. The existing access is considered adequate to accommodate the anticipated level of activity, with the proposal not considered to materially increase the traffic movements beyond what was previously considered acceptable. As such, no objection is raised to the proposal, subject to the submission of a suitable Travel Plan.

Conclusion

- 6.52 Following the earlier refusal under reference DC/171827, the Applicant has submitted a Noise Assessment and supplementary Planning Statement which seeks to illustrate that the proposed use would result in limited harm to the residential amenity of the neighbouring property of Daisy Cottage. No reduction in the proposed floor area has been submitted, with the proposed extension to the building remaining the same as previously sought, albeit with the omission of a ground floor window to the northern elevation.
- 6.53 Despite requests to the Applicant, no further precise details in the events times, number of attendees, and nature of day-to-day activities and festivals, have been submitted to assess the likely impact.
- 6.54 The cumulative impacts of the size of the resulting building, the potential number of delegates, and the number of events being held, would result in an intensity of activity that would be harmful to the rural character and ambience of the locality. In addition, while the evidence and recommendations within the Noise Assessment has been given full consideration, it is nonetheless considered that the cumulative impact of vehicle movements and general activities at the site level, likely into later hours of the day/night, would result in unacceptable harm to the amenities and sensitivities of the neighbouring properties, in particular Daisy Cottage to the east given its close proximity.
- 6.55 The change of use of the property as proposed would therefore result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties

and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	378.9	154.3	224.6
	Total Gain		
	Total Demolition		

Please note that 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 To refuse the application for the following reason:

- 1 The change of use of the property as proposed, when considered in totality alongside the proposed extension, would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1827
DC/18/1584