



**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 Inspector's 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).