



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

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

**DATE:** 19 December 2023

**DEVELOPMENT:** Erection of a dog grooming/reception building, erection of a stable building for mixed equestrian and dog daycare, change of use of land for exercising dogs and boarding, and associated works

**SITE:** Land at The Old Dairy Blackstone Gate Farm Henfield Road Albourne Hassocks West Sussex BN6 9JJ

**WARD:** Bramber, Upper Beeding and Woodmancote

**APPLICATION:** DC/23/1594

**APPLICANT:** **Name:** Mrs Caroline Jones **Address:** Lavender Cottage Henfield Road Albourne Hassocks BN6 9JJ

**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.

The Applicant is an immediate relation to an employee of the Council

**RECOMMENDATION:** To refuse planning permission

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the material change of use of the land for a dog day care business and the overnight boarding of dogs, and the erection of a dog grooming building to be operated as ancillary to the dog day care business, and the erection of a stable building for mixed dog day care and equestrian purposes.
- 1.3 The dog grooming building is located to the north-east of the site within an area of hardstanding which also provides parking associated with the operation. The building comprises a flat roof and is finished in timber cladding, and includes a dog bath and grooming bench, along with 3no. kennels and reception desk.

- 1.4 The material change of use has been carried out, with the business currently operating from the site and the grooming building and stable building in situ. The development is therefore retrospective. It should be noted that the premises does not have any kind of planning permission for the use of the property for dog day care use or for the boarding of kennels. Evidence suggests that this use has been in operation for some years, although it is unclear as to what capacity.

#### DESCRIPTION OF THE SITE

- 1.5 The application site is located to the west of Henfield Road, outside of any designated built-up area boundary. The site is therefore located within a countryside location in policy terms.
- 1.6 The site comprises a residential dwelling known as Old Dairy East Cottage, along with a number of buildings used for a mix of equestrian and commercial buildings, along with a former sand school and paddocks now separated into exercise fields. An unauthorised residential dwelling known as Lavender Cottage (and subject of planning application DC/23/1595) is also located to the north of the site. The site is bound by trees and hedging to the north, with the eastern boundary defined by close-boarded fencing.
- 1.7 Several residential properties are located to the north and east of the application site, with the wider surroundings comprising open fields and woodland.

## 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 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 29 - Equestrian Development
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- 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

## RELEVANT NEIGHBOURHOOD PLAN

### 2.5 Woodmancote Parish Neighbourhood Plan

Policy 1 – A Spatial Plan for the Parish

Policy 3 – Design

Policy 5 – Local Employment

Policy 7 - Broadband

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

WK/22/99	Erection of stables and construction of manege Site: East Cott Old Dairy Blackstone Gate Farm Henfield Road Albourne	Application Permitted on 29.10.1999
WK/9/01	Extension to stables to form feed store & garage Site: East Cottage Old Dairy Blackstone Gate Farm Henfield Road Albourne	Application Permitted on 29.05.2001
DC/20/1019	Conversion of existing stables to holiday let together with construction of replacement stables	Application Permitted on 30.09.2020

### 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)

#### INTERNAL CONSULTATIONS

### 3.2 HDC Environmental Health: Comment

Have no complaints logged against this property, but have dealt with enquiries over noise emanating from the site. The proximity of several domestic properties makes this a noise sensitive site.

The site has been licenced since 2018 as a home boarder. This allows the business to board dogs within their home, and they must live as pets (they must not be kennelled, and must sleep overnight inside the domestic property). The licenced property is The Old Dairy. The current licence allows a maximum of 20 dogs to stay during the day, and 12 of these may stay overnight. The overnight number is based on the amount of space inside the domestic property. Outbuildings cannot be used for boarding.

The Planning Statement mentions that the licence rating of 5 was only achievable because of the amount of outdoor space available. This is not true. There needs to be private outdoor space available, but there is not a size requirement as many people with less space would walk dogs in a public space. Others with more space available often do not take the dogs off site, but this does not set them at a higher standard.

In addition, the licensing team are not aware of a proposal to move the boarding element to the holiday let. This will have a significant impact on the numbers of dogs allowed as it is a much smaller property, and young children live there.

There has been no obvious consideration of noise disturbance from the operation of the business. There have been no official noise complaints logged with this department, but there have been concerns raised. Given that the long term plan is to expand the business, and the extremely close proximity of residential neighbours, we will require a noise management plan for the operation of the site. This must be submitted to this authority, and must be approved in writing before permission can be granted.

Note that a rainwater harvesting system is proposed to supply water to the development. Rainwater harvesting schemes can be highly contaminated, to provide the Local Planning Authority with sufficient confidence that the rainwater harvesting scheme will be maintained

and managed for the lifetime of the development a detailed private water supply management and maintenance plan will therefore need to be submitted support of the application. This plan should be provided by a suitably competent and qualified consultant who specialises in private water supplies.

## OUTSIDE AGENCIES

### 3.3 **WSCC Highways:** Advice

The site is located on Henfield Road, a B-classified road subject to national speed limit in this location.

The site is accessed from an existing vehicular access point on Henfield Road. The Planning Statement states that the site will house up to 20 dogs during the day, and 12 overnight. In addition, the applicant intends to groom up to 12 dogs per week. This would generate an estimated 10-15 customer visits per day, which the LHA considers a reasonable assessment, and is not considered a significant material intensification of the existing access point.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

Vehicular parking for three car parking spaces is proposed on-site, which is considered suitable for the proposed development. The nature of the proposed use means that visitors are not anticipated to be parked long at the site, only for the dropping off and picking up of their dogs. On-site turning appears achievable, allowing vehicles to exit the site in a forward gear.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

### 3.4 **WSCC Fire and Rescue:** Comment

The nearest fire hydrant for the supply of water for fire fighting is 615 metres away, 440 metres further than the 175 metres required for a domestic premises. If an alternative supply of water for firefighting is to be considered, it will need to conform with the details identified in Approved Document – B (AD-B) Volume 1 2019 edition: B5 section 14.

Evidence is also required to show suitable access for a fire appliance to the site. Sections of the access road appear to be too narrow for the appliance to gain access in an emergency.

### 3.5 **Southern Water:** Comment

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

### 3.6 **Natural England:** Comment.

Natural England concur with the conclusion of the Council's HRA appropriate assessment insofar that further information is required to determine the significance of impacts on designated sites and the scope for mitigation.

## PUBLIC CONSULTATIONS

3.7 **Woodmancote Parish Council:** No Objection

3.8 14 letters of support were received from 12 separate households, and these can be summarised as follows:

- Valuable business as there are no other types in the local area
- Number of dogs kept low
- Little traffic
- Sympathetic to surroundings
- Safety of dogs
- Energy efficient and environmentally friendly
- Ample parking and turning space

3.9 3 letters of objection were received from 3 separate households, and these can be summarised as follows:

- Noise impacts
- Disturbance
- Inappropriate location
- No right of access to land
- Non-compliance with conditions
- Significant increase in level of activity within the countryside
- Impact on tranquillity
- Increased traffic

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

## 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 full planning permission for the material change of use of the land for a doggy day care business and the overnight boarding of dogs, and the erection of a dog grooming building to be operated as ancillary to the dog day care business, and the erection of a stable building for mixed dog day care and equestrian purposes. The development has been carried out and is therefore retrospective.

### **Principle of Development:**

- 6.2 Policy 10 of the Horsham District Planning Framework (HDPF) states, in part, that sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.
- 6.3 In addition, Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
- 6.4 Policy 1 of the Woodmancote Parish Neighbourhood Plan states that development proposals within the Parish will be supported and the re-use of previously-developed sites will be encouraged provided they accord with other provisions of the Neighbourhood Plan and development plan; that the proposals are of high quality design and appropriate in scale, massing and character; where appropriate they preserve the significance of the Blackstone Conservation Area; and, they will not undermine the landscape and character of the Parish nor the setting of the South Downs National Park.
- 6.5 Policy 5 of the Woodmancote Parish Neighbourhood Plan states that proposals to expand an existing employment or business use will be supported, provided any adverse impact on flood risk, local amenity, traffic, noise and landscape can demonstrate proven and deliverable mitigation.
- 6.6 The application seeks the change of use of the land to allow for the exercising of dogs as part of the dog day care services and overnight dog boarding, along with the erection of a dog grooming building and stable building (for mixed dog day care and equestrian purposes).
- 6.7 The Planning Statement outlines that the Applicant offers day care and boarding services to dogs, along with dog grooming services. The business benefits from a licence which allows day care services for up to 20 dogs, with a boarding licence specific to the dwelling known as Old Dairy East Cottage (located within the red outline) allowing overnight stays for up to 12 dogs. The dog grooming activities run in conjunction with the day care services, with the majority of dogs present at the site for day care or boarding purposes. The new stable building is proposed to be used for mixed purposes to enable the continued stabling of the Applicant's horses.
- 6.8 The application also seeks to regularise the dog boarding activity which currently benefits from a licence for up to 12 dogs. Overnight dog boarding takes place within the property known as Old Dairy East Cottage, where the licence specifies that the dogs must live as pets (they must not be kennelled and must sleep overnight inside the domestic dwelling).
- 6.9 The development provides a service to the rural locality and would contribute to the wider rural economy. The proposed use would not be unexpected within a rural locality and would contribute to sustainable rural development. While recognised that the proposal has increased the level of activity within the countryside location, this is not considered to be

significant, where the economic and public benefits arising from the development outweigh the harm as identified.

- 6.10 For these reasons, it is considered that the development is acceptable in principle, subject to all other material considerations.

**Design and Appearance:**

- 6.11 Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance. In addition, Policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.
- 6.13 Policy 3 of the Woodmancote Parish Neighbourhood Plan states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings, and is appropriate to the plot size. Development proposals will be expected to use high quality, local vernacular building materials and finishes.
- 6.14 The application proposes to utilise land to the south of the complex of building as exercise fields and paddock. From the site visit, these have been divided into smaller fields through the provision of stock fencing. A timber building has been erected to the south-eastern corner of the site (adjacent to the shared boundary with Old Dairy West, with the new stable building replacing a former building and located to the north of the site. An area of hardstanding to the north-east of the site is used for parking purposes.
- 6.15 The dog grooming building is of a flat roof, timber construction extending to a height of 2.6m. The building is considered to be of a modest scale, which would sit comfortably within the context of the site. While incorporating a flat roof, the building is considered to be of an appearance that reflects other buildings within the complex, which due to its siting, would be well-related to other buildings. It is not therefore considered that the building results in harm to landscape character. In addition, the building would not be visible from public vantage points, and the visual harm is therefore considered to be limited.
- 6.16 The stable building has replaced a former building, extending to a similar footprint and height to that previously present on the site. The building sits within the complex of buildings comprising the site, and is considered to be of a scale, proportion, and form that reflects the rural character of the locality. The development is not therefore considered to result in visual harm or harm to the landscape character of the area.
- 6.17 The development when considered as a whole is considered to relate appropriately to the rural landscape character and is considered to be designed to reflect the character and appearance of existing buildings within the site and the wider area. While the subdivision of the former paddocks has altered the field pattern of the immediate setting, it is not considered that this results in significant adverse harm to the landscape character of the area. For these reasons, the development is considered to accord with the above policies.

**Amenity Impacts:**

- 6.18 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.19 Policy 5 of the Woodmancote Parish Neighbourhood Plan states that development proposals should be laid out to avoid harming the amenities of adjoining residential properties.
- 6.20 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; establish or maintain a strong sense of place to create attractive and welcoming places; and create places that are safe, inclusive and accessible, with a high standard of amenity of existing and future users. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by *"...preventing new and existing development from contributing to, being out at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..."* Paragraph 187 furthers that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the Applicant should be required to provide suitable mitigation. Paragraph 183 of the NPPF continues that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions."*
- 6.21 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 other forms of disturbance. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance. It is therefore important for planning authorities to consider properly, loss of amenity from noise in the planning process in a wider context and not just from the limited perspective of statutory nuisance.
- 6.22 The application relates to the change of use of land for dog day care and boarding purposes, along with the provision of dog grooming facilities. The Planning Statement advises that the dog day care business is licenced for up to 20 dogs, with the property known as Old Dairy East Cottage (located within the red outline) licenced for overnight boarding of up to 12 dogs. The Application Form advises that the opening hours are between 07:30 and 18:00 Monday to Sunday, including bank holidays.
- 6.23 The nearest residential properties are located to the north and east of the site, with Blackstone Gate Farm House located approximately 20m to the north (and separated by an ancillary building serving this dwelling) with Old Dairy West and South Oaks located immediately to the east.
- 6.24 Following consultation with HDC Environmental Health, it is recognised that the site is located in close proximity to a number of residential properties, where the site is considered to be noise sensitive. The site benefits from a licence to board 12 dogs within Old Dairy East Cottage, where they must live as pets (they must not be kennelled and must sleep overnight inside the domestic dwelling). The overnight number is based on the amount of space inside the domestic property. The current licence allows a maximum of 20 dogs to stay during the day.
- 6.25 The HDC Environmental Health Officer notes that there has been no consideration of noise disturbance from the operation of the business, but it is acknowledged that no official noise complaints have been logged by the Department, albeit that concerns have been raised. It is suggested that a Noise/Site Management Plan be submitted for the operation of the site.



It is considered that this could be reasonably secured by condition, where conditions restricting the opening hours of the site and the number of dogs kept at the site during the day/evening could also be imposed.

- 6.26 While such conditions could be reasonably imposed to control noise and activities associated with the operation of the site, there are some concerns regarding the proximity of the site access to nearby residential properties, and the potential harm arising through noise and disturbance in this regard.
- 6.27 The application relates to dog day care services for up to 20 dogs, where these dogs are dropped off and picked up by the owners. There is no evidence to suggest that the business offers a pick-up/drop-off service, where the development could result in up to 20 vehicle movements in the morning and 20 vehicle movements in the evening. No detailed information has been provided to suggest that pick-up and drop-off times are staggered, with the number of movements and associated activity in close proximity to the nearby residential properties, likely to result in harm through noise and disturbance. It is however considered that staggered pick up and drop off of dogs to limit the number of vehicles arriving and leaving the site at one time could be managed, with such operation limiting the intensity of vehicle movements. Further details of a staggered pick up and drop of procedure could be provided as part of the Noise/Site Management Plan, and it is considered that this would overcome the concerns raised above.
- 6.28 Subject to conditions to limit hours of operation, the number of dogs at the site, and management of the site, it is considered that the development would result in no significant adverse harm to the amenities of nearby residential properties.

#### **Highways Impacts:**

- 6.29 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.30 Policy 5 of the Woodmancote Parish Neighbourhood Plan states that development should provide adequate off-road car parking in line with the WSCC residential parking standards and the amount and method of parking provision should not adversely affect road safety, or result in unacceptable levels of on-road parking demand.
- 6.31 The application site benefits from an existing access from Henfield Road. The access track passes the residential properties of Blackstone Gate Farm House, Old Dairy East Cottage, and Old Dairy West, with the latter properties positioned immediately to the south of the access.
- 6.32 WSCC Highways, as the Local Highways Authority, consider that the development would not result in a significant material intensification in use of the existing access point. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.
- 6.33 It is noted that parking for 3no. vehicles is available on-site, which the Local Highways Authority considers is suitable for the development. On-site turning appears to be achievable, allowing vehicles to exit the site in forward gear. The Local Highways Authority do not therefore consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.
- 6.34 It is however noted that this parking area would be shared between the dwelling subject of this application and the dog day care/boarding/grooming business operating from the wider site. When considered cumulatively, the area available for parking is considered to be limited,

particularly given the likelihood that cars associated with the residential dwelling would likely be present at the site during drop off and pick up times. It has not therefore been demonstrated to the satisfaction of the Local Planning Authority that sufficient parking would be available to meet the needs of anticipated users.

**Climate change:**

- 6.35 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.
- 6.36 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Requirement to provide full fibre broadband site connectivity
  - Dedicated refuse and recycling storage capacity
  - Cycle parking facilities
  - Electric vehicle charging points
- 6.37 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

**Water Neutrality:**

- 6.38 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.39 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.40 The Applicant has submitted a Water Neutrality Statement received on 17.11.2023 by Plainview. The Statement refers to the both the subject development and a separate application for the erection of a dwelling under reference DC/23/1595 (also to be considered at the Planning South Committee meeting).
- 6.41 Specific to this current application, the Water Neutrality Statement outlines the proposed baseline arising from the dog day care and boarding facilities, dog grooming facilities, and equestrian activities.
- 6.42 Based upon the calculations provided within the Water Neutrality Statement, the total demand arising from all development across the site would be as follows:
- 20 litres per day for drinking water associated with the dog day care
  - 14 litres per day staff demand
  - 17.14 litres per day dog grooming activities
  - 56.25 litres per day equestrian activities
  - 271.1 litres per day for dwelling
  - Total: 378.49 litres per day

- 6.43 The Statement outlines that rainwater would be harvested from the roof of the dog grooming building. It is stated that the average monthly rainfall is approximately 63mm, where it is indicated that approximately 1,760 litres of water could be collected each month (based upon a collection area of 35sqm). It is stated that a rainwater harvesting tank of 1,500 litres is proposed which would be sufficient for 35-day drought capacity. The Applicant also suggests a condition restricting the number of horses to be kept at the site. It is not however considered that such condition would be enforceable, and it could not therefore be relied upon as a form of mitigation.
- 6.44 There are however a number of issues with regard the certainty of these figures provided. No evidence has been provided to demonstrate with certainty that the assumed 1 litre per day figure accurately reflects the drinking demands of an individual dog. The Council are aware of other applications where drinking demand has been stated to be 1.5 litres per dog, with the figure provided in the subject Water Neutrality Statement unsupported by evidence. As such, there is some ambiguity with regard to the drinking water demand figure provided. It is also noted that no details regarding any requirements to wash dogs, clean equipment, or relevant laundry needs have been provided. This relates to both the day care activities and the boarding activities. It is therefore considered that insufficient information has been received in this regard.
- 6.45 The Statement outlines that there is 1no. full-time member of staff serving the business, alongside 1no. part-time staff, with the intention to hire an additional 1no. part-time staff member in the future. However, for the purposes of the Statement, only 1no. full-time member of staff has been referenced. It is advised that this is due to the Applicant previously living on site, so that no additional water demand has arisen. For the purposes of water neutrality and assessing water demand, this is not however considered appropriate, and it would be anticipated that the Statement take account of all staff working from the site.
- 6.46 No BREAM Calculator has been provided to quantify the demands for staff arising from the development (to include toilet use, wash basin, kitchen requirements, washing etc). As such, it is considered that insufficient information has been provided to demonstrate with certainty, the demand arising from employees at the site.
- 6.47 Furthermore, no flow rate for the shower/tap relating to the hydrobath used for dog grooming has been provided, and it is unclear whether dog grooming practices require the hydrobath to be filled or whether a tap continuously flows over the duration of the grooming session. While the full capacity of the hydrobath is noted, it is unclear whether this is a true reflection of grooming practice, and whether this truly reflects the water demand arising from the activity.
- 6.48 It was noted during the site visit that 2no. ponies were kept on the site (as well as the stallion as referenced in the Statement). The drinking water and washdown/cleaning needs of these ponies have not been taken into account as part of the Statement. As such, it is considered that insufficient information has been provided with regard to the equestrian activities.
- 6.49 The Water Neutrality Statement refers to a former equestrian use of the site to demonstrate an existing baseline, where it is stated that 8 horses (including a stallion) were kept at the site. It outlines that each horse kept at the site drank between 1 and 2no. 40-litre buckets of water per day. The Statement uses a conservative estimate of 50 litres per day per horse to establish the baseline, with the drinking water needs of the horses stated to be "at least 400 litres per day". The Statement continues that in addition to drinking water, horses were washed down and stables regularly cleaned using a hose. A conservative estimated flow rate of a hose is stated to be between 5 and 10 litres per minute. The Statement concludes that the estimated daily water consumption from previous equestrian demand on the site was 450 litres per day or 3,150 litres per week for the 8 horses kept at the site.

- 6.50 As outlined above, the figures presented within the Water Neutrality Statement have not been supported by evidence, with a number of assumptions made, and insufficient information has been provided to address all water consuming activities. For these reasons, it is considered that insufficient information has been provided to demonstrate the overall water demand arising from the development.
- 6.51 An Appropriate Assessment has been carried out, where it has been concluded that insufficient information has been provided to demonstrate with certainty the existing and proposed baseline. In addition, there are some concerns with the mitigation measures proposed. When considered in totality, it cannot therefore be concluded that the mitigation measures would be sufficient to address the water demands arising from the development as a whole. Natural England have been consulted on the Appropriate Assessment,

**Conclusions:**

- 6.52 While the development would contribute to the wider rural economy and would provide some social and economic benefits in this regard, it has not been demonstrated to the satisfaction of the Local planning Authority that sufficient parking space would be available to meet the needs of the development and other users, and 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.
- 6.53 The benefits arising from the development would not outweigh the harm as identified above, and the development is therefore recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.54 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
All Other Development	147.08		147.08
	<b>Total Gain</b>		
	<b>Total Demolition</b>		

- 6.55 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.
- 6.56 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.57 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 reasons:

- 1 It has not been demonstrated to the satisfaction of the Local Planning Authority that sufficient parking to meet the needs of the development would be available on-site. The development is therefore considered to be contrary to Policy 41 of the Horsham District Planning Framework (2015).
- 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), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Background Papers: DC/23/1594