



TO: Planning Committee North

BY: Development Manager

DATE: 7 March 2017

DEVELOPMENT: Subsidiary gates to support previously approved cattle grid in order to finalising Grazing by sheep of the Historic Parkland in an Area of Article 4 Designation, in order to satisfy Conservation Management Plan

SITE: Sedgwick Manor Sedgwick Park Horsham West Sussex

WARD: Nuthurst

APPLICATION: DC/16/2727

APPLICANT: Mr and Mrs John Davison

REASON FOR INCLUSION ON THE AGENDA: Over 8 representation letters received contrary to the officer recommendation.

RECOMMENDATION: Grant planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks planning permission for subsidiary gates, to support the previously approved cattle grid, at the western end of the West Drive nearest Broadwater Lane. The application also includes details of fencing and gates within the parkland. The proposal has been submitted in order to facilitate sheep grazing within the Historic Parkland.
- 1.3 At the western end of the West Drive the finished height of the timber gates and the chestnut rail fencing (with stock wire) is approximately 1.2 metres. The timber kissing gate is approximately 1.2 metres high with a 1.2 metre opening, with the timber access gate approximately 3 metres wide, with the cattle grid measuring 3.6m x 2.4m.
- 1.4 Original Estate Fencing is proposed to the boundary in front of Sedgwick Manor either side of the pond and joins post and rail fencing either side. The fencing extends around the perimeter of the area where grazing sheep will be kept and includes a short length of temporary 12V electric fence near to an old air strip.
- 1.5 A further electronic timber gate across West Drive nearest Sedgwick Manor and surrounding properties is 3.6m wide and the timber pedestrian gate is 600mm wide. There is a remote access automatic opening button on a post 6.6m before the gate.

DESCRIPTION OF THE SITE

- 1.6 The application site lies within a rural area approximately 3.5 km south of the town of Horsham, on the western edge of the Weald. The land subject to this application is accessed off of Broadwater Lane along the West Drive, which serves residential properties known as Castle Lodge and Badgers to the western end of the drive, leading to Sedgwick Manor, Fox Cottage, The Laurels, The Coach House and West Sedgwick Park.
- 1.7 The land is within the registered Grade II Sedgwick Park which covers 162 hectares, within which lie the Grade II Listed Sedgwick Manor and the Scheduled Ancient Monument known as the Moated Medieval Site of Sedgwick Castle. The land is subject to an Article 4 Direction which removes permitted development rights across the Park.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework: Sections 11 & 12

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework (2015)
 Policy 25 – Strategic Policy: The Natural Environment and Landscape Character
 Policy 33 – Development Principles
 Policy 34 - Cultural and Heritage Assets

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Nuthurst Neighbourhood Development Plan 'Made' - (Regulation 19) 22nd October 2015, and was modified on the 20th January 2017.

PLANNING HISTORY

DC/14/2365	Fencing for grazing by sheep of the Historic Parkland in an Area of Article 4 Designation, in order to satisfy Conservation Management Plan	PER
DC/16/0665	Subsidiary gates to support previously approved cattle grid in order to finalising Grazing by sheep of the Historic Parkland in an Area of Article 4 Designation, in order to satisfy Conservation Management Plan	WDN

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 Conservation Officer: No objection.

OUTSIDE AGENCIES

3.3 Nuthurst Parish Council: Object, for the following reasons:-

- The application is retrospective;
- Do not believe the cattle grid has been previously approved (ref: DC/16/2635);
- The proposal removes residents rights of way.

3.4 The Garden Trust: Neither Objects or Supports

3.5 Natural England: No objection.

3.6 Historic England: No comments to make.

PUBLIC CONSULTATIONS

3.8 9 representations have been received objecting to the proposal for the following reasons:-

- Ownership of Rights of Way;
- Permanent fencing not required;
- Cattle grid on the West Drive;
- Safety issues;
- Requirements of the Conservation Management Plan;
- Restricted Access.

3.9 9 representations have been received supporting the proposal for the following reasons:-

- The grazing would benefit the parkland;
- The fencing and gates are in keeping with the setting;
- The cattle grid and adjacent kissing gate allows adequate access;

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

Background

6.1 A previous application for fencing, to enable grazing by sheep, was approved on 16 February 2015 under planning ref: DC/14/2365. The approved plans included a cattle grid (in its current position) and this therefore forms part of the existing planning permission. The cattle grid was originally installed in the wrong location; however, following an investigation by the Compliance Team the grid was relocated to the approved location near to the western end of the West Drive. While this aspect of the original planning permission has been implemented in accordance with the approved drawings a condition required further details of respect of the gates. This current application provides details of the

subsidiary gates and provides clarification on matters relating to the position and height of the fencing, as well as details relating to the cattle grid.

Principle

- 6.2 The Sedgwick Park Historic Parkland encompasses the 'Sedgwick Park and Castle Conservation Management Plan' (dated June 2014) which was prepared as part of a Higher Level Stewardship scheme (HLS) and funded by Natural England. The plan provides management prescriptions for approximately 20 hectares which are within the HLS agreement.
- 6.3 The aim of the Conservation Management Plan is to increase understanding of the site, including the archaeological features and vegetation, in order to inform the sites future management and help safeguard its historic assets. The plan establishes a conservation vision and conservation policies against which management decisions can be measured, and applies those principles to conserve and enhance the significance of the site both in terms of its heritage value and its nature conservation interest.
- 6.4 A number of policies within the Plan are relevant to this application, including:-
- Policy 18: Reintroduce active management of both the woodland and parkland by re-instigating coppicing and grazing;
 - Policy 33: Re-instigate management of the grassland by taking a hay crop and grazing; and
 - Policy 36: Seek sustainable solutions, and partners, to ensure maintenance of the landscape in line with its traditional and historic management.
- 6.5 The current application, and existing planning permission, would contribute to the fulfilment of these policies through the introduction of appropriate gates, fencing and a cattle grid which would facilitate and allow grazing of the land by sheep. The proposal is therefore considered to be essential to the countryside location and would support the needs of agricultural. The proposal is therefore considered to be acceptable in principle, and would accord with policy 26 of the HDPF, subject to compliance with other relevant policies.

Character and Appearance

- 6.6 Policy 25 of the HDPF seeks to protect the natural environment and landscape character of the District, and states that development will be supported where it conserves and enhances the landscape and townscape character and individual settlement characteristics. This is supported by Policy 34 of the HDPF which states that the historic environment will be enhanced through positive management of development affecting heritage assets.
- 6.7 The character and appearance of the Sedgwick Park Area has evolved historically over many years, and is now multi-faceted comprising many different character areas, including gardens with views of the South Downs, parkland and woodland, a Listed Building (Sedgwick Manor) and a Scheduled Ancient monument (the Moated Medieval Site of Sedgwick Castle).
- 6.8 The fencing, gates and cattle grid introduce a more permanent form of enclosure than has previously been present. The resulting appearance is typical of those found in similar parkland settings where grazing supports conservation management, and is considered to be appropriate to the location and setting. Historic England has raised no concerns with the proposal, which are considered to preserve the parkland and neighbouring ancient monument.
- 6.9 The relationship between the gates, fencing and cattle grid and Sedgwick Manor, a Listed Building, would not be significantly altered with considerable visual separation retained.

The nearest fencing and gates to the listed building would be traditional estate fencing, which in this case is being reused, having formerly and historically been used at some point within the curtilage of the listed building, and is therefore considered acceptable. No objection has been raised by the Conservation Officer, and the proposal would preserve the setting of the listed building.

- 6.10 It is noted that the proposals were previously considered to be acceptable as part of the existing planning permission on the site, ref: DC/14/2365. There are no reasons, as set out above, to take a different view as part of the current application. It is therefore considered that the proposal would have no significant or harmful impact on the visual amenities of the area, and therefore complies with policies 25 and 33 of the HDPF.

Other considerations

Private Rights of Way

- 6.11 A number of representations have been received regarding private rights of way across Sedgwick Park, with four households using West Drive to access their properties. The representations consider that the cattle grid, which requires diverting access over an area of adjacent parkland, though the kissing and access gates, restricts access.
- 6.12 Issues relating to private rights of way are not a material planning consideration and are instead a civil matter. There are various cases on the extent to which interference with an existing easement can be neutralised by providing alternative means of exercising the right. Generally, it may be possible, bearing in mind the configuration of the servient land, to redefine the right of way along a new route. This has to be negotiated with the owner of the dominant land before a Deed of Variation can be drawn up by a solicitor. This would though take place outside of the planning process.
- 6.13 The planning system does not exist to protect the private interests of one person against the activities of another. In this instance the works which have taken place to the private right of way would not be contrary to national or local planning policy.

Public Rights of Way

- 6.15 The proposed fencing and gates crosses public rights of way in places. The WSCC Public Rights of Way Team has previously advised that as the gates are needed for stock control, which is allowed under the Highways Act, there would be no objection to the proposal provided provision is made for walkers, with separate consent needed from the WSCC PROW Team. This process, which is separate to planning, would ensure the public right of way would be maintained. The PROW Team has been consulted on this current application and any comments will be reported at Planning Committee.

Impact on neighbouring amenity

- 6.14 The nature of the proposal does not raise any concerns relating to loss of light, outlook or privacy.

7. RECOMMENDATIONS

- 7.1 That Planning Permission is granted subject to the following condition:-

1. A list of the approved plans