



TO: Planning Committee South

BY: Head of Development

DATE: 15 August 2017

DEVELOPMENT: Proposed part demolition of existing agricultural building and proposed conversion of remaining building to single 2 storey dwelling to include first floor balconies and associated residential curtilage and parking area.

SITE: Ridgелands, Kent Street, Cowfold, Horsham, RH13 8BB

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/17/0902

APPLICANT: **Name:** Mr T R Dickson **Address:** Ridgелands, Kent Street, Cowfold, RH13 8BB

REASON FOR INCLUSION ON THE AGENDA: The application represents a departure from local plan policy

RECOMMENDATION: To approve permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the part conversion and part demolition of an existing agricultural building to a single dwelling house with associated curtilage land and parking.

DESCRIPTION OF THE SITE

- 1.2 The site is located on an agricultural unit approximately 1.5km east of Cowfold and 800m south of the A272. The site is located outside of any built up area boundary and is therefore considered to be situated within a countryside location. The location is not close to local amenities or local transport infrastructure. The site consists of a large agricultural building formerly used for the storage of hay and machinery situated on a large hand-standing to the east of Kent Street and accessed via the existing farm track and gate.
- 1.3 The site is well screened from the road due to the dense vegetation on the boundaries of the property. Agricultural open fields lie to the north, east and west of the site with a small number of other agricultural buildings and dwellings to the south. The land rises to the rear (south) of the site and the dense boundary vegetation provides significant privacy where no other buildings are visible from within the site. The large hard-standing on which the site is located is surrounded internally by wire fencing and from the public highway by post and rail fencing.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town & 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:**

- NPPF1 - Building a strong, competitive economy
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF14 - Presumption in favour of sustainable development

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

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF3 - Strategic Policy: Development Hierarchy
- HDPF4 - Strategic Policy: Settlement Expansion
- HDPF26 - Strategic Policy: Countryside Protection
- HDPF32 - Strategic Policy: The Quality of New Development
- HDPF33 - Development Principles

2.4 **Neighbourhood Plan**

No neighbourhood plan is in effect for Cowfold at the time of this report.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/1487	Prior notification to convert barn to dwelling	Prior Approval Refused 29.08.2014
DC/14/2101	Change of use of agricultural building to residential under the General Permitted Development Order 2014 (Certificate of Lawfulness)	Application Refused 31.10.2014 – Appeal Allowed 07.01.2016

3. OUTCOME OF CONSULTATIONS

3.1 When 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

OUTSIDE AGENCIES

3.2 Parish Council Consultation, consulted on the 4 May 2017. Their comments dated 1 June 2017 can be summarised as follows: No response received at the time of this report.

3.3 WSCC Highways – Highways, consulted on the 12 June 2017. Their comments dated 12 June 2017 can be summarised as follows: No objection, secure cycle storage condition recommended.

3.4 Southern Water, consulted on the 15 June 2017. Their comments dated 15 June 2017 can be summarised as follows: No objection, conditions recommended.

PUBLIC CONSULTATIONS

3.5 No letters of representation have been received.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties
- The existing parking and traffic conditions in the area
- The existing trees
- The quality of the resulting residential environment for future occupiers

Principle

- 6.2 The conversion of an agricultural barn to a dwelling is permitted development subject to prior approval first being sought. A Prior Approval application for the change of use was submitted in 2014. This application was refused as the change of use was considered to represent “unsustainable development”, contrary to Paragraph 55 of the NPPF. A subsequent appeal was though allowed with the Inspector finding that the change of use to a dwelling met the relevant permitted development requirements. As such there is potential, through permitted development, to form a residential dwelling on the site.
- 6.3 The application site is within a countryside location where new housing would be restricted by Policies 3 and 26 of the HDPF, with these policies seeking to locate development within settlement boundaries unless a countryside location can be justified. There is no such justification with the application which would therefore be contrary to the above policies. However, there is an existing permission in place for the formation of a residential dwelling on the site.
- 6.4 It is therefore considered that refusal of this application due to conflict with the above policies would not prevent a dwelling being created on the site, and the principle of development and conversion in this location has been established. In this instance the fallback position provided by the existing permission is considered to outweigh any conflict with the HDPF, and the current proposal provides a greater degree of control over the detail and impact of the proposal and this is desirable given the countryside location of the site.

Character and appearance

- 6.5 Policies 26 (countryside protection) and 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.

- 6.6 The proposed dwelling would be of an identical footprint to that approved by the existing permission. The dwelling would comprise an L-shaped two storey dwelling within the existing agricultural building's frame and would be timber clad with a zinc roof. Part of the existing building frame would be utilised retaining part of the existing roof shape and overall form. The remainder of the existing structure would be demolished. A large open balcony would be created on the southern elevation at first floor with a smaller covered balcony to the northern elevation. The building would also feature some large areas of glazing at first and second floor level including a number of smaller windows and patio doors.
- 6.7 The overall form of the building would be reflective of the previous agricultural use with the mostly timber clad external appearance assisting in softening its appearance within the countryside context. Whilst the large areas of glazing and balconies are not reflected within the countryside location the site is well screened from the road. The topography of the site the development would not be significantly visible from any public vantage points, neighbouring properties or rights of way.
- 6.8 The application seeks to utilise the existing highway access currently solely serving the existing agricultural building and access to the adjacent fields. Due to the position of the proposed dwelling, topography of the site shielding views from the south and the presence of mature vegetation on the boundaries, the development would well concealed from the public realm and it is considered that the proposal would have a neutral impact on the character of the countryside location.
- 6.9 The proposed dwelling would consist of a conversion of approximately 40% of the existing building with the remaining section to be demolished and converted to residential curtilage for the parking and turning of vehicles and residential garden. The overall mass and scale of the new dwelling would be proportionate to the size of the plot in which it is proposed and the provision of parking for a number of vehicles and the facility of sufficient turning space, utilisation of the existing highway access together with the dense boundary screening is not considered to have a detrimental impact on the character of the area.
- 6.10 The curtilage is proposed to be extended to cover an area which is currently used as hard-standing around the barn. The extension to the curtilage does not include any part of an existing agricultural field and is bordered by existing wire and post and rail fencing to the sides adjacent to the field and by natural boundary screening adjacent to the road. The extension of the residential curtilage is considered to be acceptable as it utilises an existing bordered area of hardstand and would not preclude further use of the adjacent fields.
- 6.11 The visual impact of the proposal is therefore considered to accord with policies 25, 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.12 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of the occupiers of neighbouring properties.
- 6.13 The dwelling would be positioned in a well screened and isolated location where land levels rise fairly to the south, meaning that the neighbouring buildings to the south are at roof level of the application site. Whilst first floor balconies are proposed due to a combination of level changes, boundary screening and separation distances no intrusive views would be created by proposal. It is not therefore considered that any harm to residential amenity is likely to result from the proposal.

Highways impacts

- 6.14 The proposal is for a new dwelling accessed via the existing access on to Kent Street that serves the existing agricultural building. A driveway, hard-standing and turning area are

indicated in the proposal. The Highway Authority (HA) has been consulted and has confirmed that there do not appear to be any existing highway safety issues in regards to the existing access and it is not considered that the additional dwelling would exacerbate any existing concerns. Due to the fact that future occupants are likely to be reliant on vehicle use due to the isolated location the HA have recommended a condition for the provision of secure cycle storage. The HA do not object to the proposal and, in light of the above, the proposed development is therefore deemed to be in accordance with Policies 40 and 41 of the HDPF.

Conclusion

- 6.15 The development is considered a departure from local plan policy as it would not be in accordance Policy 3 (Development Hierarchy), Policy 4 (settlement expansion) and Policy 26 (Countryside Protection) of the HDPF. There is though an existing permission on the site for a dwelling which could be created through permitted development and as such the principle of development has been established and is acceptable in this instance.
- 6.16 Therefore, whilst technically being a departure from local and national planning policy the current application is considered to enhance the immediate setting and ensure that the development is suitable for long term retention as a domestic dwelling with adequate parking and residential curtilage provided without a significant impact on the adjoining agricultural land or countryside location.
- 6.17 Conditions are recommended to ensure adequate boundary screening is enhanced or retained, detailed use of materials to be provided and a landscaping scheme to confirm all hard and soft landscaping details are appropriate for the surrounding area. A removal of permitted development rights is also recommended which also relates to boundary treatments as well as extensions, alterations and outbuildings and a further land contamination condition is recommended to ensure that the land is fit and safe for habitation.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions.

1. A list of the approved plans
2. **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 4. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 6. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

8. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, B, C, D, E, F, G, or H of Part 1 and Class A of Part of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)

Background Papers: DC/17/0902
DC/14/2101