



PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Development Manager
DATE: 19 September 2017
DEVELOPMENT: Full application for a proposed settled gypsy accommodation site
SITE: Whiteoaks Shoreham Road Small Dole Henfield West Sussex BN5 9SD
WARD: Henfield
APPLICATION: DC/17/1375
APPLICANT: **Name:** George Corfield **Address:** c/o Agent (PROwe Planning Solutions, Melton Lodge, Rusper Road, Newdigate, Dorking, RH5 5BX)

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation.

RECOMMENDATION: To approve planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The proposal seeks to change the use of the land to provide 2no. settled gypsy pitches, along with an adjoined pair of utility buildings, which would be have a combined footprint of 10m x 5m with a ridge height of 3.5m. These utility buildings would provide a 'dayroom' with bathroom, and would be provided with windows and door openings on southern and northern (rear) elevations.

1.3 The pitches would each provide sufficient space to accommodate a static / mobile home, a touring caravan and parking area, on plots which would be some 20m x 30m with a parking strip some 9m in depth.

DESCRIPTION OF THE SITE

1.4 The application comprises an area of land approximately 130m back from the highway (Shoreham Road) and set behind a natural tree belt. The proposal concerns an area of land some 40m x 45m, aligned alongside the northern site boundary. The application site lies in open countryside but is located behind a ribbon development of residential properties with warehouse and light industrial uses in close proximity and Horton Golf Course located to the north-east of the site. To the northern boundary, the application site adjoins the former brick works site, currently occupied by 'Sweepstech'.

- 1.5 There was previously a detached dwelling at the front of the site 'Whiteoaks' which suffered severe fire damage a number of years ago, and where there is extant permission to rebuild a replacement dwelling (DC/16/0741). To the rear of the residential plot, and accessed by way of the same vehicular driveway, is a sizable barn that was formerly a chicken farm and has since been used sporadically for some storage purposes, and which is largely obscured by an earthen bund and a significant amount of vegetation. Additionally, the rear area of land adjacent to the application site also belongs to the applicant and includes two modestly-proportioned barns apparently used in association with business at another site, and an area of outside storage area. A gravel area of surfacing also appears to have been formed leading from the shared access up to the barns and further into the application site.
- 1.6 The open lands to the east of 'Whiteoaks' are open apart from a central line of trees which run east-west on the site, and it is bounded by a reasonable degree of screening on east, south and northern sides. There are no protected trees on the site or on adjacent land. There is also a culvert running north-south through the wider site and what would appear to be a pond close to the south-eastern corner of the application site.
- 1.7 The site lies in a rural area as it is not within any defined built-up area boundary. Small Dole lies some 620m to the south and Henfield lies about 1.7km to the north of the application site. The vehicular access to the site runs past Whiteoaks to the south and alongside another vehicular access to the north, serving a group of storage buildings that are part of the northern residential property 'Sunnydene'.

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:**

- NPPF1 - Building a strong, competitive economy
- NPPF4 - Promoting sustainable transport
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF11 - Conserving and enhancing the natural environment

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

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF2 - Strategic Policy: Strategic Development
- HDPF3 - Strategic Policy: Development Hierarchy
- HDPF21 - Strategic Policy: Gypsy and Traveller Sites Allocations
- HDPF22 - Gypsy and Traveller Sites
- HDPF23 - Strategic Policy: Gypsy and Traveller Accommodation
- HDPF24 - Strategic Policy: Environmental Protection
- HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
- HDPF26 - Strategic Policy: Countryside Protection
- HDPF31 - Green Infrastructure and Biodiversity
- HDPF32 - Strategic Policy: The Quality of New Development
- HDPF33 - Development Principles
- HDPF35 - Strategic Policy: Climate Change
- HDPF36 - Strategic Policy: Appropriate Energy Use
- HDPF37 - Sustainable Construction
- HDPF38 - Strategic Policy: Flooding

HDPF39 - Strategic Policy: Infrastructure Provision
HDPF40 - Sustainable Transport
HDPF41 - Parking
HDPF42 - Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

2.4 The Henfield Neighbourhood Plan has been quashed following a High Court ruling, and so far, there has been no further action on the Neighbourhood Plan.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1396	Prior approval for a Change of Use from B8 (storage or distribution centre) to dwellings (C3 Use Class)	Prior Approval Required and REFUSED on 07.08.2017
DC/16/0741	Proposed new dwelling, to replace the existing fire damaged/ derelict property.	Application Permitted on 20.05.2016
DC/15/1560	Proposed new dwelling, to replace the existing fire damaged/ derelict property	Application Permitted on 17.09.2015
DC/06/1945	Demolition of existing dwelling and outhouse and the erection of 2 dwellings (Outline)	Application Refused on 09.10.2006
HF/39/93	Use of building for repair of lawnmowers Site: Cedaridge Farm Woods Mill Henfield	Application Permitted on 06.08.1993
HF/7/81	C/u of chicken farm building to warehouse. (From old Planning History)	Withdrawn Application on 10.02.1981

3. OUTCOME OF CONSULTATIONS

3.1 The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 Strategic / Policy: Comment:-

- The site was not put forward under the call for sites in May 2016;
- Work continues on the Council's Site Allocation Development Plan Document and therefore, the Council is currently unable to demonstrate an up-to-date 5-year supply of deliverable sites – Policy HDPF21;
- The site's location would be heavily reliant on car-based modes of transport for most journeys to local services and community facilities – Policy HDPF23;
- The proposal would need to be weighed accordingly in terms of the favourable provision of the additional gypsy pitches against the potential impact on a rural location and distance from nearest educational and community facilities – Policy HDPF23.

OUTSIDE AGENCIES

3.3 Southern Water: No objection.

3.4 West Sussex Highways: No objection, conditions / informatives are suggested concerning car parking spaces being secured in line with the submitted plan and details required to demonstrate the on-site provision of a waste collection / fire service turning space.

PUBLIC CONSULTATIONS

3.5 Parish Council Consultation: Objection, contrary to a number of Local Plan policies, including policies 1, 3, 4, 21, 22, 23, 25, 26, 32 and 33

3.6 19 letters of objection has been received raising the following concerns:

- No sewage to mains - diverts to culvert which feeds river Adur;
- Site was previously a waste tip - adjacent Sweeptech site;
- Loss of habitat;

- No footpaths;
- On a blind bend - a number of accidents in last 3 years including several fatalities;
- Cars travelling at 60mph - large turning vehicles pose additional risks;

- Inappropriate for quiet residential area of Small Dole;
- Set a precedent for development behind existing line of ribbon development;
- Out of character with prevailing line of houses fronting road;
- Increasing urbanisation between settlements;

- Site not identified for gypsy pitches - premature to permit pitches prior to Gypsy and Traveller site DPD being finalised;
- Already an existing gypsy site about 1 mile further north - question of need for additional sites in area;
- Contrary to policy;
- Query over whether applicant meets 'gypsy / traveller' criteria.

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 In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites, stating that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. The PPTS states, at Paragraph 27, if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

6.2 The Horsham District Planning Framework (HDPF) through Policy 21, Gypsy and Traveller Site Allocations, makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017. Policy 21 also states that the Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD. A call for Gypsy, Traveller and Travelling Showpeople sites was

undertaken early in 2016. The Council is in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District.

- 6.3 It is noted that the site has not been submitted in support of a particular identified familial need and the site does not lie adjacent to, or close to, another such housing site. The accommodation needs of the applicants or end users are therefore not known. However, a number of sites allocated through Policy 21 of the HDPF have yet to come forward and the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration which weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant policies of the HDPF.

Sustainable Development

- 6.4 Policy 23 of the HDPF requires that sites are served by safe and convenient pedestrian and vehicular access, and should not result in significant hazard to other road users. Furthermore, there is an expectation that sites are located in or near existing settlements, within reasonable distance of a range of local services and community facilities, such as schools and essential health services.
- 6.5 The site lies approximately 620m north of the settlement of Small Dole where there are some limited services, and approximately 1.7km from the outer edge of Henfield to the north, where more services would be available. As a result of this location it is acknowledged that most journeys would most likely be by car and there is no pedestrian access to either north or south from the site. The application site is not however considered to be particularly isolated owing to the level of activities taking place in the locality, either of a residential or commercial nature. In addition there is an existing and direct vehicular access onto Shoreham Road which would provide direct vehicular access to neighbouring settlements. The location of the site and nature of the proposed development is therefore considered to comply with the relevant criteria of the HDPF.

Character of the Area

- 6.6 The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states that Local Planning Authorities should 'very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'. Furthermore, it advises that any sites in rural areas respect the scale of and do not overdominate, the nearest settled community.
- 6.7 In this instance whilst the application site lies in open countryside it forms a small section of a larger site within the same applicant ownership, but which is surrounded on three sides by dense and vegetated boundaries. There are no public rights of way on or near the site and the parcel of land subject of the current application is located behind the ribbon development that lines the western side of Shoreham Road in this location, and a number of light industrial of various natures are also noted within the area, including an adjacent cluster of storage buildings immediately to the east of the site, a former chicken shed to the south within the wider site, and a number of barns also within the site, to the east.
- 6.8 The location of the site, by virtue of natural screening and existing development, including the extant permission to re-build the former property to the front of the site, would be well-screened from the public realm. The proposed change of use and development associated with the proposed settled gypsy site would therefore be reasonably well sited in terms of limiting the resulting impact on the wider rural character of the immediate area, including any long distance views of the site.

- 6.9 The nearest 'settled community' would be the ribbon-like residential development along Shoreham Road, leading into the small settlement of Small Dole, some 620m to the south and accessed along the main Shoreham Road highway. The proposed level of the development would be of a small scale compared to the wider development along Shoreham Road. Whilst comments are noted regarding potential future development, it must be noted that the current proposal only seeks permission for a small 40m x 45m section of the land. Any subsequent development on the site would require further planning permission, with any such submission needing to be considered on its own merits.
- 6.10 Policy 23 of the HDPF: 'Strategic Policy: Gypsy and Traveller Allocations' confirms in relation to any planning applications for non-allocated sites that there must be no significant barriers to development that exist in terms of flooding, drainage and ground stability; that the site is served by a safe and convenient vehicular and pedestrian access; that the site has essential services; that the site is located in or near to existing settlements and that the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.
- 6.11 Paragraph 26 of the PPTS advises LPAs to attach weight to the following matters when considering new gypsy site proposals:
- a) effective use of previously developed (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.12 The application site is considered to represent an opportunity for appropriate additional screening and landscaping with these improvements potentially 'positively enhancing the environment and increasing its openness'; with a landscaping scheme secured through condition.
- 6.13 The proposal, given its setting and wider context along with the well-screened nature of the site and low-density scale being proposed, would be appropriate to the wider pattern of residential and other forms of development along Shoreham Road. Furthermore, the proposal is not considered to undermine the overall rural character of the countryside. The proposal would therefore accord with the wider criteria of the PPTS, and with HDPF policy 23.

Impact on Neighbouring Properties

- 6.14 Policy 33 of the HDPF echoes this and requires that development is designed to avoid unacceptable harm to occupiers of nearby land and property, for example, through overlooking or noise.
- 6.15 With regard to the impact of the proposed development on neighbouring occupiers, there are two residential properties close to the site. The residential house at 'Sunnydene' lies some 130m to the east of the site whilst the host property, although yet to be re-built, would lie some 80m to the east. Further afield, Oakwood lies some 85m to the south-east of the site and is separated by the vegetated field boundaries. It is considered that these distances along with the screening and other intervening landscaping features would assist in mitigating any direct loss of neighbour amenity arising as a result of the two proposed settled gypsy pitches on the site. As such no harm to neighbouring amenity is envisaged.

Highways

- 6.16 The section of public highway from which this site accessed is subject to a national 40mph speed restriction, with the existing and established vehicular access previously having served a small-holding and the existing barns which are still in some form of use. The level of proposed development would not be expected to result in a significant increase in the degree of use of this access and no harm to highway safety is envisaged. The Highway Authority has not raised any objections to the proposal, recommending conditions relating to the layout and turning space. The conditions are included within the recommendation and there are no highway concerns relating to the proposal.

Conclusion

- 6.17 The Council cannot currently meet the identified gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF. It is also recognised that the Council is still in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District, by way of the forthcoming DPD.
- 6.18 The site is located in a wider rural area but adjacent to other residential and commercial development, accessed by way of a main distributor public highway where the anticipated additional impact of the vehicular movements of the proposed 2no. settled gypsy pitches would not be 'severe'. The resulting scale of development would not overdominate the wider pattern of development along Shoreham Road and the wider site could be appropriately enhanced with the existing level of screening maintained to ensure the wider harm to the overall rural setting is minimised.
- 6.20 Overall, there is some concern regarding the location of the site in relation to the wider rural setting and the distances to settlement boundaries and the provision of community facilities. However it is considered that there is a significant benefit of providing gypsy / traveller accommodation within the District, which help meet the identified shortage of sites. Given the proposed scale of the development currently being proposed, this would not lead to any adverse harm to the landscape character and environmental quality of the countryside.
- 6.21 The proposal is therefore considered to be in line with local and national planning policies and is therefore recommended for approval subject to the conditions shown.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted 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 a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until a Arboricultural Method Statement detailing measures to protect and retain trees to be retained on site and adjacent the site has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. The development shall be implemented strictly in accordance with agreed details.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until the two mobile homes currently stored on site have been removed from the land.

Reason: As this matter is fundamental in the interest of visual amenity and impact on the rural area in accordance with Policies 23, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

- 6 **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).

- 7 **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, including fences, gates and areas of hardstanding, 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 Policies 23, 25, 31 and 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to first occupation (or use) of any part of the development hereby permitted, a plan shall be submitted to and approved in writing by

the Local Planning Authority, showing the location of a vehicle turning space sufficiently sized to accommodate waste/recycling vehicle, or that of the emergency / fire services. The details shall be implemented / constructed as approved and this space shall thereafter be retained at all times for its designated use.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation on site for the stated vehicles clear of the public highway and in the interests of road safety, in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2015).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** No more than 2 caravans (of static or mobile home type), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), be stationed on the site at any time.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** No industrial, commercial or business activity shall be carried on from the site, including the storage of materials.

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no additional gates, fences, walls, or other means of enclosure shall be erected or constructed on the site unless prior written permission has been granted by the Local Planning Authority.

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

- 14 **Pre-Occupation Condition:** No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).