



Email: [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk)  
Direct line: 01403 215465

# Planning Committee (South)

Tuesday, 20th November, 2018 at 2.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Brian O'Connell (Chairman)	
	Paul Clarke (Vice-Chairman)	
	John Blackall	Gordon Lindsay
	Karen Burgess	Tim Lloyd
	Jonathan Chowen	Paul Marshall
	Philip Circus	Mike Morgan
	David Coldwell	Kate Rowbottom
	Ray Dawe	Jim Sanson
	Brian Donnelly	Ben Staines
	David Jenkins	Claire Vickers
	Nigel Jupp	Michael Willett
	Lynn Lambert	

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 14
To approve as correct the minutes of the meeting held on 16 October 2018 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

To consider the following reports of the Head of Development and to take such action thereon as may be necessary:

5. **Appeals** 15 - 16

Applications for determination by Committee:

6. **DC/18/1087 - Baileys Farm, Brooks Green Road, Coolham** 17 - 28

Ward: Billingshurst & Shipley  
Applicant: Mr Nigel Parsons

7. **DC/18/1695 - Land South of Kithurst Lane, Storrington** 29 - 40

Ward: Chantry  
Applicant: Mr Philip Orpwood

8. **SDNP/18/03927/FUL - Castle Lane, Castle Farm, New Barn Road, Amberley** 41 - 52

Ward: Chantry  
Applicant: Mr G Davis

9. **DC/17/2564 - Oak Tree View and Lane Top, Nutbourne Road, Pulborough** 53 - 66

Ward: Pulborough & Coldwaltham  
Applicant: Mr Simon Staples

10. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Agenda Annex

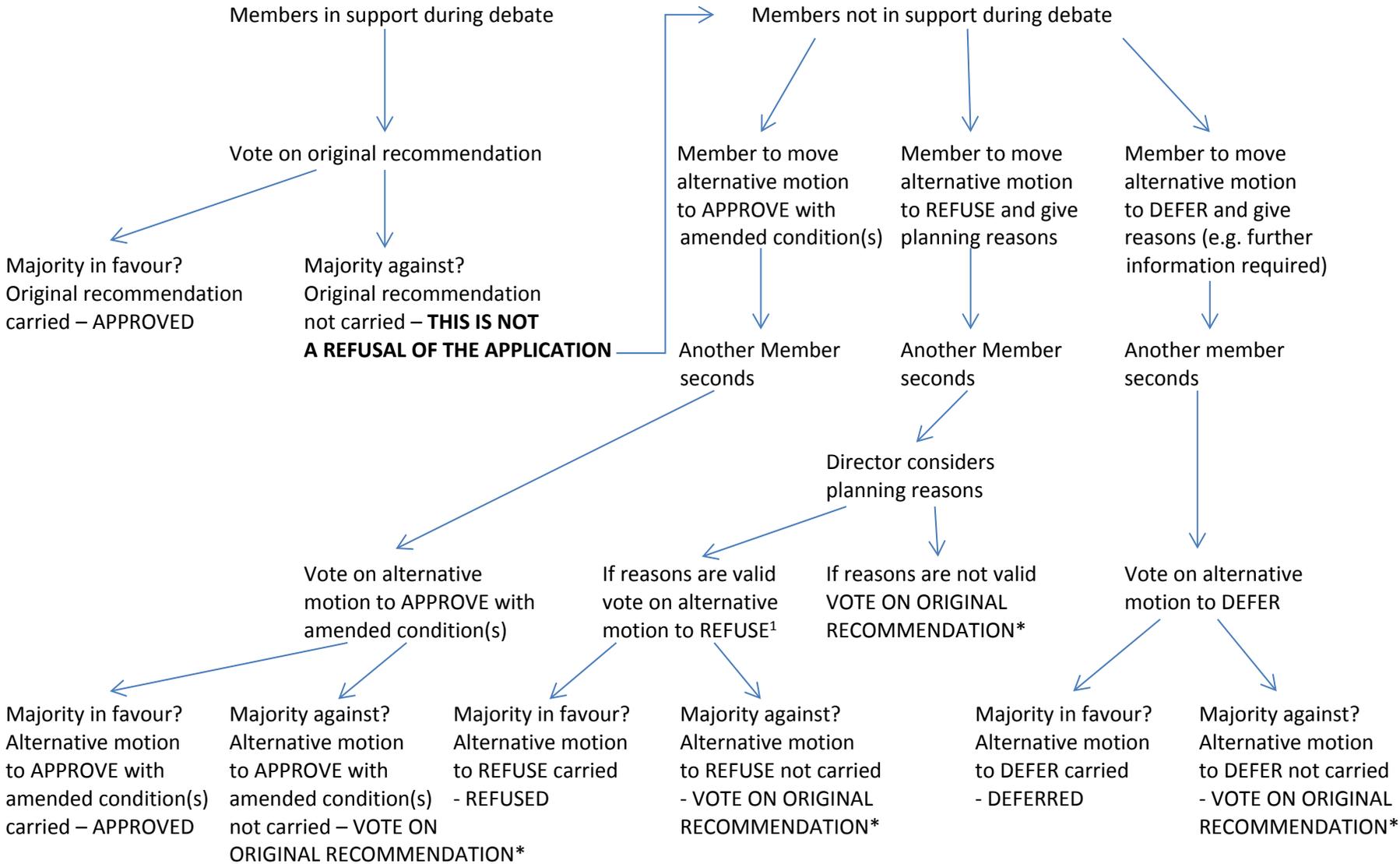
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

<b>Addressing the Committee</b>	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
<b>Declarations of Interest</b>	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
<b>Public Speaking on Agenda Items</b> (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed <b>2</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> <li>○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final.</li> <li>○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
<b>Alternative Motion to Refuse</b>	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
<b>Voting</b>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
<b>Vice-Chairman</b>	<p>In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> Subject to Director’s power to refer application to Full Council if cost implications are likely.

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (South)**  
**16 OCTOBER 2018**

Present: Councillors: Brian O'Connell (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Philip Circus, David Coldwell, Ray Dawe, Brian Donnelly, David Jenkins, Nigel Jupp, Lynn Lambert, Gordon Lindsay, Tim Lloyd, Kate Rowbottom, Jim Sanson, Ben Staines, Claire Vickers and Michael Willett

Apologies: Councillors: Karen Burgess, Paul Marshall and Mike Morgan

Absent: Councillor Jonathan Chowen

PCS/33 **MINUTES**

The minutes of the meeting of the Committee held on 18 September 2018 were approved as a correct record and signed by the Chairman.

PCS/34 **DECLARATIONS OF MEMBERS' INTERESTS**

**DC/18/0584** – Councillors Philip Circus, John Blackall and Brian Donnelly each declared a personal interest in this item because they were acquainted with one of the objectors.

Councillors Kate Rowbottom, Lynn Lambert and Brian Donnelly each declared a personal interest in this item because they were acquainted with the applicant.

Councillors Nigel Jupp and Gordon Lindsay both declared a person interest in this item because they knew the applicant well. They both chose to leave the room and took no part in the determination of this item.

**TPO/1508** – Councillor Gordon Lindsay declared a personal interest in this item because he was acquainted with the owner of the land adjacent to the tree.

PCS/35 **ANNOUNCEMENTS**

There were no announcements.

PCS/36 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted.

PCS/37 **DC/18/0584 - STORRINGTON SQUASH CLUB, GREYFRIARS LANE, STORRINGTON**

The Head of Development reported that this application sought permission for the demolition of a squash club and erection of a three storey building comprising six 2-bedroom and two 1-bedroom flats with 14 car parking spaces and landscaping. Matters for consideration under this outline application were the principle of the development, access and layout. The current proposal had been amended by reducing the number of flats from 10 to eight to address concerns regarding the proximity of the proposed building to the north and east boundaries.

The application site was located within the built-up area of Storrington and included a private members squash club with changing facilities, gym and club room. Storrington Community Centre and Museum were to the north, Storrington Tennis Club to the west, three Grade II Listed Buildings to the east, and a car park used by the squash club and tennis club to the south.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. Members noted details of DC/15/1992 for nine flats with 10 parking spaces, which had been refused by the Committee in May 2017 (Minute No. PCS/126 (16.5.17) refers). It was noted that the reason for refusal (lack of sufficient on-site parking spaces) had been overcome in the current application.

Members were advised that Condition 3 should be amended to ensure a very robust Construction Method Statement by adding additional requirements: details of the access to the site for construction vehicles and the type of vehicles to be used. It was also noted that any arrangement made between the applicant and the tennis club that might be agreed to allow the access and egress to encroach beyond the site's boundaries was a private matter.

The Parish Council had objected to the original application and to the amended scheme. Seven objections had been received, with a further two objections received in response to the amended plans. Storrington Tennis Club had raised a number of concerns to the original and amended plans.

Since publication of the report a further objection from the tennis club had been received regarding: inadequate access without encroachment on their land; the boundary of the site; the safety of tennis club members during demolition and construction; and inadequate residential and visitor parking.

Two members of the public associated with the tennis club spoke in objection to the application. The applicant and the manager of the squash club addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; affordable housing; character and appearance; impact on neighbouring amenity; highways; and the required Community Infrastructure Levy (CIL).

Members noted that since the previous refusal, the Storrington, Sullington & Washington Neighbourhood Plan had progressed. A draft plan had been submitted in July 2017. The Inspector required the plan to be heard at a public hearing which had been held in September 2018. The results of the hearing had not been heard yet and, given the uncertainty regarding the plan, it did not carry full weight but was a material consideration.

Members noted that the current facility was not viable and, whilst some concerns regarding access remained, noted the requirements under Condition 3 and the Highway Authority consultation response, and concluded that the proposal was acceptable.

In response to concerns regarding use of the tennis club's parking area, it was agreed that an Informative would be submitted to the applicant advising that future occupiers and their visitors cannot park in the tennis club car park.

#### RESOLVED

That planning application DC/18/0584 be granted subject to the conditions as reported, to include an amendment to Condition 3 (Construction Method Statement) to also require the submission of details of the access to the site for construction vehicles and the type of vehicles.

#### PCS/38 **DC/18/1431 - THE ANCHORAGE, COOMBELANDS LANE, PULBOROUGH**

The Head of Development reported that this application sought permission for a variation of Condition 1 to approved application DC/16/1860 for the erection of a 32-bedroom dementia care home on land to the rear of The Anchorage Residential Home. The variation would allow five new dormer windows and 12 new roof lights, in order to facilitate eight additional bedrooms with facilities within the approved roof space. Members were advised that there was an error in the report, which referred to eight roof lights rather than 12.

The application site was located outside but adjacent to the built-up of Pulborough, south west of The Anchorage. Pulborough railway station was approximately 300 metres to the south, beyond an industrial development and station carpark. Approved access to the site ran along the western edge of a field north east of the site. There was a field to the west with a footpath running through it. Church Place, the main access route to the site from Pulborough, included a number of listed buildings.

Details of relevant government and council policies and planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council objected to the application. Six objections from three households had been received. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; drainage; and impact on highways.

Members discussed the proposed increase in capacity and the extent to which this would alter the nature of the approved development. Members concluded the impact would not be significant in terms of traffic generation and that parking provision would be adequate. Members considered that any adverse impacts of the amendments to the scheme as previously approved would be outweighed by the fact that the facility will provide much needed accommodation for dementia patients.

#### RESOLVED

That planning application DC/18/0584 be granted subject to the conditions and reasons as reported.

#### PCS/39 **DC/18/0902 - GODMANS COURT, HENFIELD ROAD, COWFOLD**

The Head of Development reported that this application sought permission for the change of use of an ancillary Warden's 2-bedroom bungalow to an independent open market dwelling. The permission granted in 1987 had been for 21 sheltered units, warden's accommodation, ancillary rooms and car parking. It was proposed that the parking area would be shared with residents and visitors to Godmans Court, with one unallocated space for the bungalow. The bungalow had been vacant for a number of years.

The application site was located within the built-up area of Cowfold and was adjacent to Godman's Court, a three-storey block of sheltered flats. The wider site faced Bolney Road as well as Henfield Road. The cottage was on the southern boundary of the site. There were residential and business premises in the vicinity.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. Planning permission CF/34/87, including details of the restrictive conditions, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council raised no objection, but considered that allocated parking should be included. Twenty representations had been received, 17 of which were from residents of Godmans Court and one from the Management Company. These raised no objection subject to the terms of the sale including the same age restriction of over 55 that applies to Godmans Court. Two members of the public spoke broadly in support of the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; impact on heritage assets; neighbouring amenity; and highways impacts.

Members noted the proposed condition that set out to address parking concerns and the regulatory condition to restrict occupation by persons over the age of 55 and concluded that the proposal was acceptable.

#### RESOLVED

That planning application DC/18/0902 be granted subject to the conditions and reasons as reported.

#### PCS/40 **DC/18/1138 - STOCKMANS, BLACKSTONE STREET, BLACKSTONE, HENFIELD**

The Head of Development reported that this application sought permission for the demolition of outbuildings and the erection of a two storey dwelling with parking and a new access onto the lane west of Stockmans.

The application site was located in the countryside adjacent to the secondary settlement of Blackstone, to the rear of Stockmans, a Grade II Listed Building. It was just outside the conservation area. The dwellings of Blackstone were east, west and south of the site with open countryside to the north.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

Eight representations in support of the proposal had been received. One member of the public spoke in support of the application and the applicant and the applicant's agent both addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: principle of development; its design and appearance; heritage impacts; amenity impacts; and highway impacts.

Members concluded that the proposal for a new dwelling in the countryside outside the settlement boundary was unacceptable.

RESOLVED

That planning application DC/18/0902 be refused for the following reasons:

- 01 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location, and represents an isolated and unsustainable form of development. Consequently, it represents unsustainable development contrary to policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).
- 02 The proposed dwelling would be of a scale, mass and design that would appear as an intrusive addition within the backland setting, and would detract from and diminish the rural character and ambience of the countryside setting. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).
- 03 The proposed dwelling, due to its siting, scale, massing and design, is considered to detract from the special character and significance of the Listed Building and designated Conservation Area, resulting in the loss of important views through the wider surroundings, and the incremental erosion of the setting and connectedness that defines the historic character and ambience of the Grade II Listed Building, its setting, and the designated Conservation Area. The proposed development would be therefore be contrary to Policy 34 of the Horsham District Planning Framework (2015) and paragraph 132 of the NPPF.

PCS/41 **TPO/1506 - CEDARS BYRE, PARBROOK, BILLINGSHURST**

The Head of Development reported that agreement was sought from the Committee to confirm Tree Preservation Order (TPO) 1506, which had been served on a yew tree by the Council in May 2018.

The tree was situated in the north-western corner of Cedars Byre, close to the boundary with Cedars Farmhouse to the west, and dwellings in Ostlers View to the north.

Two objections to the TPO had been received. One member of the public spoke in support of confirming the TPO.

Members considered the arboricultural officer's assessment which indicated that the yew tree was approximately 375 year old and in good condition. It was considered to have a sufficient level of amenity value to justify its long-term protection.

RESOLVED

That TPO 1506 be confirmed as served.

PCS/42 **TPO/1508 - PEAT MOOR, WEST CHILTINGTON ROAD, PULBOROUGH**

The Head of Development reported that agreement was sought from the Committee to confirm Tree Preservation Order (TPO) 1508, which had been served on a Corsican pine tree by the Council in May 2018.

The tree was situated on the western boundary of Peat Moor, close to the boundary with the adjoining residence, Acorn House, to the west.

Members noted the planning history of the site, in particular application DC/17/2376 for a detached garage close to the tree.

One objection to the TPO had been received. One member of the public spoke in support of confirming the TPO. One member of the public spoke in objection to its confirmation and the officer confirmed that their written objection had been considered and summarised in the report.

Members considered the arboricultural officer's assessment which indicated that the proposed garage could cause extensive and terminal harm to the tree. The Corsican pine was a large specimen in need of some surgery to remove a dead stem. It was larger than the nearby Douglas fir and Cypress tree, and considered to have a localised amenity value.

RESOLVED

That TPO 1508 be confirmed as served.

PCS/43 **TPO/1510 - Highbanks, Church Street, West Chiltonton**

The Head of Development reported that agreement was sought from the Committee to confirm Tree Preservation Order (TPO) 1510, which had been served on an oak tree by the Council in June 2018.

The tree was situated on the south-western corner of Highbanks, close to the boundary with the adjoining residence, Kensington Cottage to the south and Church Street to the west. It was on land significantly higher than the roadway

and there was a cutting about five metres from the tree to provide vehicular access to Kensington Cottage.

Members noted details of planning application DC/18/1006 for a new highway access to Highbanks, which had been refused.

One objection to the TPO had been received.

Members considered the arboricultural officer's assessment which indicated that the proposed access would cause extensive root severance from which the tree could not recover. The oak tree was a healthy fully-crowned tree with a high level of amenity value.

RESOLVED

That TPO 1510 be confirmed as served.

*The meeting closed at 4.46 pm having commenced at 2.30 pm*

CHAIRMAN



## Planning Committee (South)

Date: 20<sup>th</sup> November 2018

### Report on Appeals: 04/10/2018 – 07/11/2018

#### 1. Appeals Lodged

HDC have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/17/2820	Longmead Farm Marringdean Road Billingshurst West Sussex RH14 9HF	11/10/2018	Refused	N/A
DC/18/1424	Elm House Dragons Lane Dragons Green Horsham West Sussex RH13 8GD	29/10/2018	Refused	N/A

#### 2. Live Appeals

HDC have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/1188	Little Orchard 13 Kings Barn Lane Steyning West Sussex BN44 3YR	Fast Track	01/11/2018	Refused	N/A
DC/18/1309	Bidlington High Street Steyning West Sussex BN44 3GG	Fast Track	01/11/2018	Refused	N/A
EN/15/0410	Sandhill Lodge Sandhill Lane Washington Pulborough West Sussex RH20 4TD	Informal Hearing	17/10/2018	-	N/A
DC/18/0317	Lock Farm Lock Partridge Green Horsham West Sussex RH13 8EG	Written Representation	25/10/2018	Refused	N/A

### 3. Appeal Decisions

HDC have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/0339	49 Little Dippers Pulborough West Sussex RH20 2DB	Fast Track	Dismissed	Refused	N/A
DC/17/0387	Honeybridge Lane Dial Post West Sussex	Informal Hearing	Allowed	Not to contest the appeal	Decline to Determine
DC/17/1398	Woodmancote Place Brighton Road Woodmancote Henfield West Sussex BN5 9SR	Written Representation	Dismissed	Refused	N/A
DC/17/0865	The Spoons Harbolets Road West Chiltington West Sussex	Informal Hearing	Dismissed	Refused	N/A
DC/17/1884	Delspride Kent Street Cowfold Horsham West Sussex RH13 8BB	Informal Hearing	Dismissed	Refused	N/A
DC/18/0717	1 Hungerhill Cottages Coolham Road Coolham Horsham West Sussex RH13 8QE	Fast Track	Allowed	Refused	N/A



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development

**DATE:** 20th November 2018

**DEVELOPMENT:** Erection of an office building with associated parking and access track from Brooks Green Road.

**SITE:** Baileys Farm Brooks Green Road Coolham West Sussex

**WARD:** Billingshurst and Shipley

**APPLICATION:** DC/18/1087

**APPLICANT:** **Name:** Mr Nigel Parsons **Address:** Court Farm West Chiltington Lane RH14 9DL

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received within the consultation period, raising material considerations, contrary to the recommendation of the Head of Development

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the erection of a 1 ½ storey office building with associated parking and access track from Brooks Green Road. The building and associated parking would be located to the south of a group of B1 office and B8 light industrial buildings and would be situated on grassed farm land. The proposal would comprise an extension to the footprint of the existing industrial estate, extending approximately 22 metres further to the south of the existing site at its widest westerly end.
- 1.2 The proposed office building would measure 21.5 metres in length, 10 metres in depth and 6.8 metres in height. The building would be clad in black stained timber cladding to the external walls with steel sheeting to the roof and dark grey uPVC windows and doors.
- 1.3 The building would be accessed from an existing vehicular crossover from Brooks Green Road located 151 metres to the east of the proposed building. This vehicular crossover and access track leading to the application site was considered by the Council under a Prior Notification Application DC/08/0533 in 2008. Whilst the vehicular crossover previously considered under this Prior Notification has been installed the 4 metre wide access track has not been constructed.

- 1.4 This proposal seeks planning permission for an access road measuring 184 metres in length and 4.5 metres in width from Brooks Green Road to the office building and associated car parking areas. 24 car parking spaces would be provided within the existing hardstanding area and the grassed area to the north of the existing group of buildings. The proposed hardstanding and access road would be constructed from 20 millimetre down crushed limestone with concrete road kerb edgings.
- 1.5 The bin store and digester unit would be relocated within the car parking area between the existing and proposed building and would be enclosed by a 1.8 metre high close boarded timber fence.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located within the Parish of Coolham, approximately 380 metres from the North Coolham crossroads. The site is located outside the built up area boundary and situated immediately to the south of a small industrial estate comprising a mixture of B1 offices and B8 light industrial uses. There is a Grade II Listed Building called Baileys Farmhouse located to the north of the buildings adjacent to Brooks Green.
- 1.7 To the south the application site overlooks agricultural land enclosed by hedgerows. To the south-east a row of residential properties line Brooks Green Road. William Penn Primary School is located approximately 210 metres to the south-east of the application site.

## 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:

##### **National Planning Policy Framework**

NPPF2 Achieving Sustainable Development  
 NPPF6 Building a Strong, Competitive Economy  
 NPPF12 Achieving Well Designed Places  
 NPPF15 Conserving & Enhancing the Natural Environment

##### **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 31 - Green Infrastructure and Biodiversity  
 Policy 32 - Strategic Policy: The Quality of New Development  
 Policy 33 - Development Principles  
 Policy 34 – Cultural and Heritage Assets  
 Policy 37 - Sustainable Construction  
 Policy 40 - Sustainable Transport  
 Policy 41 - Parking

2.3 Supplementary Planning Guidance:  
Shingley Parish Design Statement 2013

The following paragraphs of the Parish Design Statement are considered relevant to this application:

*Most properties in the Parish have been constructed with steep roofs between 40° and 45°. The typical half hip on many barn buildings within Sussex is found on many houses within the Parish.*

*There has been very little construction of new commercial buildings within the Parish. Cladding on buildings in the countryside should be in muted countryside colours, and hedging and tree planting should be used to help soften and hide them.*

2.4 RELEVANT NEIGHBOURHOOD PLAN

Shingley was designated as a Neighbourhood Plan Area in May 2016. Ongoing discussions are being undertaken with the Parish Council to progress to Reg 14 stage. As such, there is currently no Neighbourhood Plan in place in this area and no relevant draft Neighbourhood Plan Policies to consider in the determination of this application.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/04/1309	Change of use of redundant agricultural building to B8 storage	Application Refused on 13.08.2004
DC/05/0914	Change of use of former grain store and dryer to B8 storage use	Application Refused on 30.08.2005
DC/08/0533	Prior notification for the construction of an access track to serve Baileys Farm using existing access onto Coolham Road	Application Permitted on 14.03.2008
DC/10/0064	Alterations to existing farm access	Application Permitted on 04.03.2010
DC/10/2191	Change of use of redundant farm buildings to B8 use (units 1-4 Lower Barn, Brooks Green Road, Coolham)	Application Permitted on 25.01.2011
DC/11/1501	Variation of condition 3 of planning permission DC/10/2191 (Change of use of redundant farm buildings (units 1-4 Lower Barn) to B8 use) to occupation of the site by Mr C Thornton	Application Permitted on 14.09.2011
DC/13/2077	Proposed small extension to existing B8 storage unit	Application Permitted on 10.01.2014
DC/16/1901	Construct new agricultural access onto Brooks Green Road Coolham	Application Permitted on 07.10.2016
DC/17/2811	Removal of condition 3 to previously approved DC/11/1501 (Variation of condition 3 of planning permission DC/10/2191 (Change of use of redundant farm buildings (units 1-4 Lower Barn) to B8 use) to	Application Permitted on 02.03.2018

occupation of the site by Mr C Thornton). This would enable the wider and continued use of the approved Class B1/Class B8 employment premises.

### **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 CONSULTEES

- 3.2 **Landscape Officer** No Objection (Verbal)

#### OUTSIDE AGENCIES

#### **WSCC Highways** No Objection

- 3.3 Whilst it is appreciated that there may be existing congestion issues along Brooks Green Road, the proposed development will not see a significant increase in trips to the site or cause a 'severe' impact on the existing highway network. It is advised that the surface is made better with a hard surface material and with a width of at least 4.1m to future proof if two cars needed to pass each other.

#### **Southern Water:** No Objection

#### PUBLIC CONSULTATIONS

- 3.4 Shipley Parish Council support this application.
- 3.5 36 letters of representation (34 letters of objection and 2 letters providing comments) have been received in response to this application. The concerns raised have been summarised below:
- Additional traffic from the development will cause further vehicular congestion in the road
  - Safety concerns for children and parents going to William Penn Primary School
  - Overdevelopment of the site
  - Unsuitable location for office with no nearby facilities for workers (eg. to buy lunch)

### **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

### Principle of Development:

- 6.1 The proposal which seeks planning permission for the construction of a building for B1 office use and formation of associated hardstanding and access track would comprise an extension to the footprint of the existing industrial estate and the formation of an access track from the existing vehicular crossover from Brooks Green Road. The land to the south of the existing industrial site comprising the application site is predominantly grassed farm land yet part is an area of hardstanding used for the skip storage and informal parking of cars in conjunction with the existing units on site.
- 6.2 Policy 10 of the Horsham District Planning Framework is relevant to this proposal as it relates to rural economic development in the countryside. Many of the Small Medium Enterprise's in the Horsham district are within rural areas providing the only employment in villages and hamlets. Maintaining the rural economy through appropriate development can be considered positively where it is shown to support the needs of the rural economy, and enable the rural towns and villages in the district to remain self-sufficient and economically vibrant. The existing office and industrial units within this established small business park are currently well occupied, providing local job opportunities and supporting the needs of the surrounding rural communities.
- 6.4 Where possible the Council would seek to provide development within the boundaries of the existing industrial site or utilise buildings capable of conversion. It is acknowledged that the proposed extension to the footprint of the existing industrial estate and the erection of a new office building would create some conflict with section 1a of policy 10 of the HDPF. In this instance, it is considered that there are no other buildings within this part of the industrial site capable of conversion.
- 6.5 The proposed office building would provide an additional source of employment which given its proximity to the existing commercial units, would become part of the established existing business park and contribute to the local and wider rural economy of the district. The proposed development would therefore meet the requirements of section 1b of policy 10 as it would support sustainable economic growth for the surrounding local working communities. The formal arrangement of 24 car parking spaces would be accommodated around the existing units, within part of the existing hardstanding. The proposed would therefore meet the requirements of part 2 of policy 10.
- 6.6 Policy 26 (Countryside Protection) of the Horsham District Planning Framework is also relevant because the site is located outside of the District's Built-Up Area Boundaries where development is more strictly controlled. This policy seeks to protect the countryside against inappropriate development, and only allows development where it is essential to its countryside location and meets one of 4 criteria listed in the policy. Policy 26 also seeks to ensure development is of an appropriate scale to its countryside character, and does not lead to an unacceptable increase in activity in the countryside.
- 6.7 The proposed office building would create an increase in activity within the countryside. However, when taking into account the position of the site next to the existing business park, the level of activity associated with one additional office building is not considered to be harmful to the rural location of the area. Additionally, as outlined below, the impact of the appearance and design of the building is considered appropriate for this countryside location. It is therefore considered in this instance that the principle of an additional office building on this site would be appropriate in scale to its countryside character, and would not lead to an unacceptable increase in activity in the countryside.

### Landscape & Visual Effects

- 6.8 The proposed building would be viewed from the farm land to the south which is well-contained by existing hedgerows and some longer distance glimpses of the building would be possible from Brooks Green Road. No Public Right of Ways are located within proximity of the site and therefore no important public views would be affected by the proposed development. From the street scene perspective the proposed building would be viewed in context of other commercial units within the business park which comprise a mixture of single storey and two storey steel sheeted and timber clad buildings. Additionally, the proposed building would form an appropriate infill in the context of the estate to the south west corner of the site.
- 6.9 The proposed access track would extend from the existing vehicular access from Brooks Green Road which was considered by the Council under Agricultural Prior Notification Application DC/16/1901. The crossover and access track was previously proposed for agricultural vehicles only to serve the adjacent farmland and is now proposed to serve the new office building. The proposed access road would measure 4.5m in width and 184 metres in length alongside the southern boundary of the existing business park. Given the presence of the existing crossover which has been installed, it is considered that the proposed access road which would be constructed from 20 millimetre down crushed limestone with concrete road kerb edgings would cause no significant visual harm to the appearance of the countryside.
- 6.10 During the consideration of this application amended plans have been submitted which have altered the building from 2 storeys to 1 ½ storeys, reducing the eaves height from 5.1 metres to 2.8 metres. The roof has been altered to a barn hipped roof with an increased pitch of 30°. The overall ridge height of the building has remained the same at 6.3 metres in height. The window openings have also been reduced to avoid a cluttered appearance. The change to the roof design and fenestration changes have make the building appear barn-like in appearance and more sympathetic within its rural surroundings.
- 6.11 The Shipley Parish Design Statement specifies that cladding on buildings in the countryside should be in muted countryside colours, and hedging and tree planting should be used to help soften and hide them. The intention of the Parish Statement is to ensure new development fits in with its surroundings and is in keeping with local character. This Guidance forms part of the District Council's HDPF Supplementary Planning Documents and therefore holds weight in the consideration of this proposal.
- 6.12 The Applicant has agreed to new planting to the south of the access track, these details would be secured by a landscaping condition. Planting along the length of the track would soften the appearance of the proposed access road and building, particularly to the south and views from Brooks Green Road. In this instance, the black colour timber cladding on the building is similar to the other timber clad buildings within the business park and would not therefore appear out of keeping within this countryside setting.

### Highway Impacts & Parking

- 6.13 The primary concern raised by residents in their representations relate to the increased traffic associated with the proposed office building and the safety for pedestrians crossing the road to access William Penn Primary School.
- 6.14 Further comments have been sought from WSCC Highways in respect of the anticipated additional vehicular movements associated with the proposed development. The Highways Authority have undertaken a TRICS Trip Rate Analysis based on the proposed B1 office use, using sites with a ground floor area of under 2,000sqm and estimating the trip rate for an office of 416sqm. This analysis has shown that the site could see 10 additional trips to and from the site in the AM peak and 21 additional trips in the PM peak. For the school the

increase in traffic could be noticeable on the AM peak, but is unlikely to affect the 3pm school pick up as offices tend to fit in with the afternoon network peak of 5pm-6pm. Taking into account the results of the TRICS Analysis, it is considered that the proposed office building at Baileys Farm would not see a significant increase in trips to the site or additional traffic within the road.

- 6.15 The Highways Authority appreciate there is existing congestion issues along Brooks Green Road, however as the proposal is not considered to create a severe impact on the existing highway network, no concerns have been raised from a highways operation or safety perspective. In accordance with the comments from the Highways Authority, the access road is proposed with a width of over 4.1 metres to allow two cars to pass each other. The proposed hardstanding and access road would be constructed from 20 millimetre down crushed limestone with concrete road kerb edgings. The proposed materials are considered appropriate for this location.
- 6.16 The general highway safety concerns relating to volume of traffic along Brooks Green Road and safety of pedestrians crossing the road to access the William Penn Primary School has been raised with West Sussex County Council Highways. The County Council have provided further advice in respect of the School contacting the County Council's School Travel Advisor to develop a Modeshift Travel Plan to raise any related travel/safety issues, which could include a school crossing patrol. This information has been forwarded to the School.

#### Impacts upon neighbouring residents

- 6.17 The nearest residential properties to the proposed development are located to the south-east of the application site which front Brooks Green Road. The access track would be located approximately 64m from the closest neighbouring dwelling Byfields to the south and the office building located approximately 150m from the neighbouring dwelling, Byfields.
- 6.18 Given the proximity of these residential dwellings to Brooks Green Road and the existing industrial estate they will currently be subject to some road noise and activity associated with the industrial estate. The use of the B1 office building and the use of the access road by associated vehicular traffic is unlikely to cause any harmful disturbance to the occupiers of the neighbouring residential properties to the south-east of the site. The existing units to the north of the proposed office building do not have any restrictions in terms of their hours of use. It is therefore considered that a condition restricting the hours of use of the proposed office building and access road cannot be justified in this instance.
- 6.19 It is considered necessary to restrict the use of the building to Class B1 uses only as permitted development changes to A1 (shops), A3 (restaurants & cafes) or B8 (storage and distribution) under the Town & Country Planning Use Classes Order 1987 (as amended) would not be considered acceptable. These uses could cause an intensified use of the access road and harmful noise disturbance to the amenity of neighbouring residential occupiers to the south. Permitted development rights would also allow a change of use from Class B1 uses to Class C3 (dwelling house) which would result in an isolated dwelling in the countryside. Permitted Development Rights will therefore be removed from the property by planning condition.

#### Impact on Heritage Asset

- 6.20 The proposed building is located to the south west corner of the site. The nearest heritage asset is a listed building located at Baileys Farmhouse to the north east of the estate. Given the distance between the new build and the listed building, separated by existing buildings, the proposal would not affect the setting of the listed building. The proposal is therefore in accordance with Policy 34 of the HDPF.

## Conclusion

- 6.21 In conclusion, it is considered that the proposed office building would provide an additional source of local employment within the countryside which given its proximity to the existing commercial units, would become part of the established existing business park and contribute to the local and wider rural economy of the district in accordance with Policy 10 of the HDPF. The proposed office building would create some increase in activity within the countryside, yet when taking into account the position of the site next to the existing business park, the level of activity associated with one additional office building is not considered to be harmful to the rural location of the area.
- 6.22 The design of the proposed building has been amended to appear more in keeping with its rural location and a planting scheme to south of the access track would soften the visual impact of the development on the landscape. The proposed development would not cause any significant increase in traffic which would impact on the highway network or cause any detrimental harm to the amenities of neighbouring residential occupiers. The application is therefore recommended for approval subject to the conditions set out in section 7 of this Report.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.23 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.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
All Other Development	416	0	0
		<b>Total Gain</b>	<b>416</b>
		<b>Total Demolition</b>	<b>0</b>

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 To grant planning permission subject to appropriate conditions

### Conditions:

1. List of approved plans and documents.

### **2. Standard 3 Year Time Limit 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: (Construction Site Details)**

No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
  - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities
- The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**4. Pre-Commencement Condition: Drainage Strategy (Foul and Surface Water)**

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).

**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 a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building 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).

**6. Pre-Occupation Condition: Hard and Soft Landscaping (details required)**

Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

The approved landscaping 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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes 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: Recycling & Refuse (To be implemented)**

The building hereby permitted shall not be occupied unless and until provision for the storage of refuse and recycling has been made for that building in accordance with drawing number 18/20/4A submitted on the 22<sup>nd</sup> May 2018. 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).

**8. Pre-Occupation Condition: (Car Parking)**

The building hereby permitted shall not be occupied until the car parking spaces have been constructed and made available for use in accordance with approved drawing number 18/20/4A submitted on the 22<sup>nd</sup> May 2018. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

**9. Pre-Occupation Condition: (Cycle Parking)**

Prior to the first occupation 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. The building hereby permitted shall not be occupied or until the approved cycle parking facilities 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).

**10. Regulatory Condition: (Use Limitation)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for B1 use and for no other purposes whatsoever, (including those ] as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the impact alternative uses could have on amenities of neighbouring residential properties under Policy 33 of the Horsham District Planning Framework (2015).

Note to Applicant:

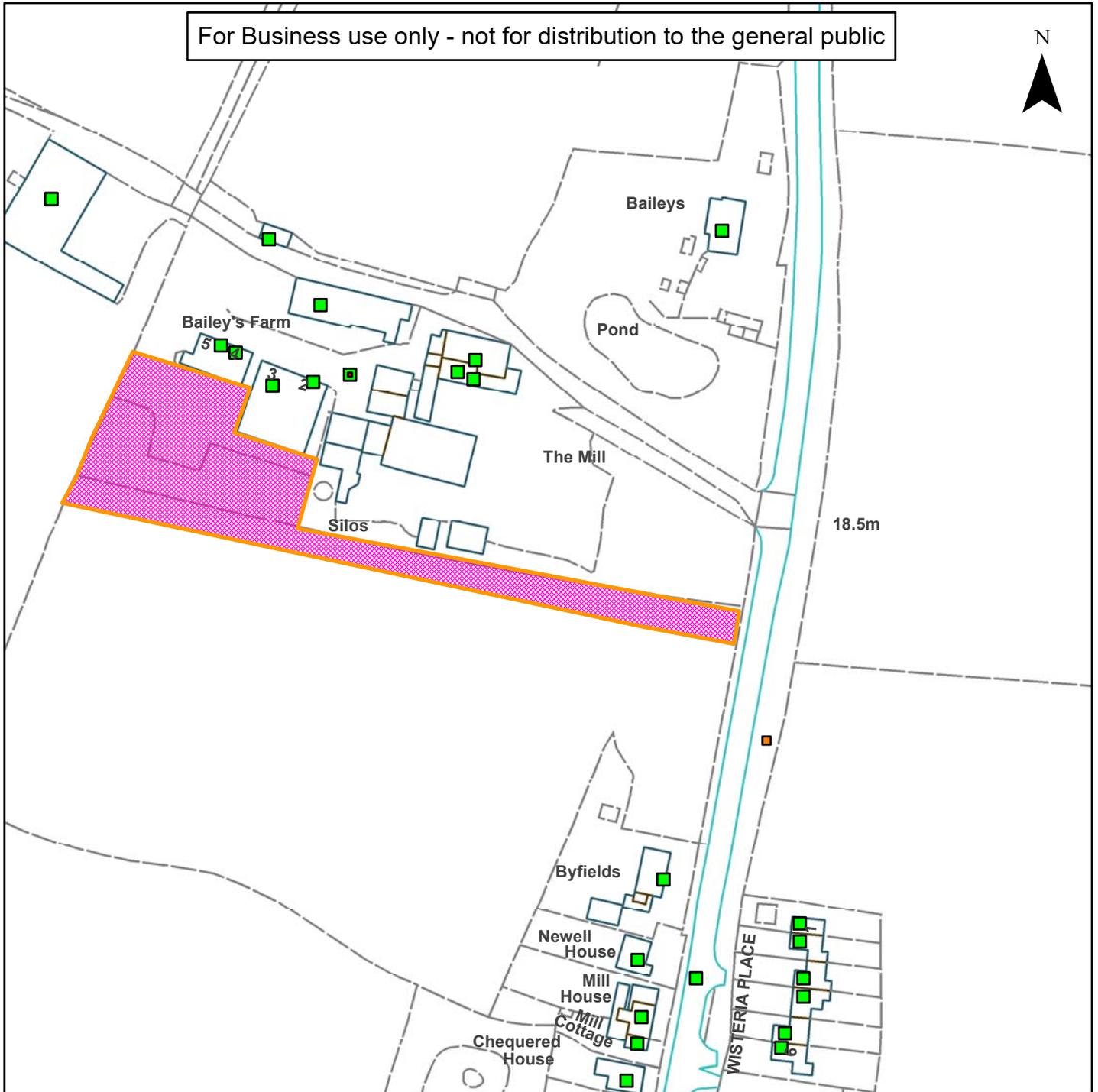
Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Background Papers: DC/16/1901



Not Set

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Scale: 1:1,575

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	08/11/2018
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 20th November 2018

**DEVELOPMENT:** Construction of storage barn and retention of access.

**SITE:** Land South of Kithurst Lane Storrington West Sussex

**WARD:** Chantry

**APPLICATION:** DC/18/1695

**APPLICANT:** **Name:** Mr Philip Orpwood **Address:** 8 Priory Close Storrington West Sussex RH20 4FQ

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received within the consultation period, raised material considerations, contrary to the recommendation of the Head of Development

**RECOMMENDATION:** To grant approval subject to appropriate conditions

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the construction of a storage barn and the retention of an existing access. The proposed storage barn would have a footprint of 9m x 6m with an open bay to the south side and two further open bays to the western side. The overall height would be 5.8m taken from the lowest ground level and 4.8m taken from the higher western end, with the internal floor arrangement staggered to suit the topography of the site. The proposed barn would be between 10-13m off the northern boundary of the site where it adjoins Kithurst Lane, and clear of the tree / vegetation line by some 2m.

1.3 The land subject to the application is stated as being within the ownership of the Norbertine Order, who still actively manage the remaining parcels of land with the help of volunteers, friends of the Order, and the applicant. Some of the larger work involves more organised volunteering events, where volunteers can travel to the site from further afield to help, for instance, with the tree planting at the adjacent Matt's Wood, the digging of the pond in the south-western field and the planting of the vines to the south. More day-to-day tasks are managed by the applicant, who remains the Estates Manager for the Order in Storrington, and three volunteers.

- 1.4 It is stated that the Norbertine Order currently have a licence to use the garage within the Monastery site, currently occupied by the Chemin Neuf Community as well as within the applicant's residential property, and out on the open land. The lease to store any materials and equipment within the Monastery will shortly expire, and the Order has been advised that DVLA changes will mean that existing land management vehicles should not be driven on the public highway, which would likely mean new equipment being required and additional insurance and associated expense. The proposal is to serve as storage for this machinery, associated for land maintenance purposes.
- 1.5 The applicant has stated that, in seeking the proposed storage building, the existing equipment can all be stored in one place, sheltered from weather, and on the land which is managed and maintained on behalf of the Order, and therefore not requiring being driven on the public highway. Alternative locations for the barn have been considered such as further to the south-west (in the Ecology Field), or in the adjacent Matt's Wood, which is more open and visually exposed.
- 1.6 The application form states that the land was last used for grazing in 1985, and that over the years, the land has proven to be unsuitable for farming, hence the planting of the vines to the south and the development of Matt's Wood to the east, with the drainage pond and ecology site to the south-west.
- 1.7 The barn would be built using a low brick base with dark stained timber cladding with timber garage doors. Trellis is proposed on the south and east elevations to allow climbers to screen the building and additional tree planting proposed to the eastern side. PV solar panels would provide for basic lighting within the barn and the roof would be slate.
- 1.8 There is no specific mention of the site access forming part of the proposal, but the red line extends to include this part of the site and the submitted drawings indicate a formalised access off the track.

#### DESCRIPTION OF THE SITE

- 1.9 The application site comprises an area of land set outside the built-up area of Storrington which adjoins the southern edge of the village. The site lies between a cemetery to the south, Kithurst Lane to the north, a residential plot to the west 'Furzedown', and open area called Matt's Wood to the east (sometimes called Matt's Meadow). The application site has vehicular access from an access track to the east, off Kithurst Lane, which also serves the cemetery, a couple of residential properties and St Joseph's Hall further to the south. A hedgerow forms the northern site boundary to Kithurst Lane. There is a very pronounced change in ground levels from the access track to the application site, with a steep entrance by the field gate. The original field gate and single-width access to the field has recently been added to with an adjacent pair of timber field gates and a wider access to the field from the track. These works to form the new vehicular access appear unfinished at this stage, with just a layer of gravel on the newly created access.
- 1.10 To the north of Kithurst Lane is the Our Lady of England Roman Catholic Church Monastery, a site previously occupied by the Norbertine Order and currently occupied by Chemin Neuf Community, although it is understood that the Catholic Diocese retains the church and shared occupation of parts of the Monastery. It is also understood that the Order previously owned a number of land parcels in the locality, having been based at the Monastery for some 150 years. It is understood that much of this land has been sold off in recent years as the number of members in the Order diminished. The Order is stated to maintain development rights over the wider application site and the adjacent Matt's Wood, as the submitted Certificate of Ownership declares the Norbertine Order as the relevant landowners, and volunteers still take care of the remaining land parcels.
- 1.11 The application site has been subject to a number of planning applications, one of which was made at the end of 2017 for the development of 1 large detached house with vehicular access off the lane that serves St Joseph's Hall and the cemetery. The refused scheme also included

a maintained access to the wider parcel of land that stretches to the south-west and includes a drainage pond. Application reference DC/17/1990 was refused in February 2018. This application is currently at Appeal and pending decision.

1.12 A concurrent application for a detached house with vehicular access off Kithurst Lane was also submitted under application reference DC/17/1989 with the application site comprising the far south-western land parcel of the wider site. This was also refused by the Council in February 2018 for the same reasons as the above case, and this decision has also been referred to the Planning Inspectorate, and is also currently pending a decision.

1.13 It is also noted that in 2014, two separate applications were also made to the Council, for the erection of 4 detached dwellings on the site (DC/14/0675 and DC/14/2139) with both proposals having been refused by the Council. At Appeal on the latter scheme, the Inspector commented on the character of the site:

*"Kithurst Lane generally consists of low-density, mostly detached houses informally-arranged upon fairly large plots among trees. At the appeal site, and to the east of it (where Kithurst Lane becomes School Lane) the character and appearance of the area becomes more rural with undeveloped land to the south of the lane and, to the north, the monastery and its grounds behind a long wall until the lane regains a more developed character nearer to the parish church."*

1.14 The Inspector dismissed the proposal in December 2015, noting the potential for the site to support Great Crested Newts but was not in itself, reason to prevent development. The main objection lay in the resulting effect on the character and appearance of the area, given its location outside the BUAB boundary and not allocated for housing.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

## **2.2 National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

## 2.4 RELEVANT NEIGHBOURHOOD PLAN

A Draft Plan has been submitted for the Storrington, Sullington & Washington Neighbourhood Plan 2017-2031. A public hearing was held in September to address matters raised by the Inspectorate regarding the Draft Plan. At the time of writing this report, the Inspector's comments from the hearing had not been received.

## 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1990	Erection of a four bedroom detached chalet bungalow featuring 3x dormers to southern elevation, 1x dormer to northern elevation, conservatory to southern elevation, open-sided integral double garage and log stores with associated hardstanding and parking.	Application Refused on 21.02.2018
DC/16/0914	Variation of Condition 4, to approved application DC/14/1245	Application Permitted on 02.09.2016
DC/14/1245	Dig a drainage pond in agricultural field	Application Permitted on 02.09.2014
DC/14/2139	The erection of 4 dwelling houses	Application Refused on 04.12.2014
DC/14/0675	Erection of 4 dwelling houses	Application Refused on 19.08.2014

## 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 Landscape Architect:** No Objection

3.3 **HDC Conservation:** No Objection

3.4 **HDC Environmental Health:** No Objection

3.5 **HDC Arboriculturist:** No Objection

### OUTSIDE AGENCIES

3.6 **WSCC Highways:** Comment

- The proposed barn will be accessed via the privately maintained cemetery access road . The nearest junction with the public highway is at the School Lane/ Monastery Lane junction to the north. Both of these roads are unclassified and subject to a 30mph speed restriction, though the geometry and context of the road network in this location is likely to result in speeds below the posted limit.
- From inspection of the plans, local and WSCC mapping there appears to be no apparent visibility issue at the point of access onto the public highway. An inspection of data supplied to WSCC by Sussex Police over the past five years reveals that there have been no recorded injury accidents within the vicinity of the existing point of access.

- This application also seeks permission to retain the recently constructed access onto the cemetery access road. As a privately maintained road, the access does not cause a highway safety concern on the publically maintained highway network
- In conclusion, the LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

## PUBLIC CONSULTATIONS

### 3.7 **Parish Council:** Strong Objection

- WSCC have not approved access - they have simply not objected previously
- Proposed storage barn could potentially be a large triple bay garage for a future dwelling
- No legitimate activity to prove the need for the storage barn
- The site is not in the NP due to it being assessed as 'undevelopable'
- Proposal only submitted following Enforcement case against the access
- Proposal contrary to HDPF policy 26 as not being essential to its countryside location - no part of the Kithurst Lane field is used for agricultural or forestry
- Root damage noted to the trees to the entrance off Kithurst lane following wall being built

### 3.8 To date, letters of representation have been received from **14** separate nearby properties. The following objections are noted:

- Overdevelopment of the site - Norbertine Order already have storage sheds available.
- Recent attempts to secure dwellings on this site - so why is proposed storage barn suddenly necessary.
- Land Registry records show Mr Philip Orpwood and Christine Orpwood as registered owners of the tile of the application land and not the Norbertine Order
- Norbertine Order left Storrington in 2013 and Our Lady of England Priory is leased by the Chemin-Neuf, who are responsible for maintaining the fields immediately south of the Priory. It is stated that most of the work is privately funded by an individual.
- Not witnessed members of the Order working the land in last 6 years
- In 2006, 1ha of vineyard was planted by the Norbertine Order, and producing just 4000kg of fruit was not successful and the vineyard was sold to the family in St Josephs Hall
- It is claimed that the machinery to be stored is not owned by the Order, but rather purchased by the applicant.
- Land considered to be of 'High Sensitivity' - abutting the Conservation Area
- Proposed open-fronted barn would not be suitable for storing machinery and would not prevent criminal activity
- Involved in maintaining 'Matt's Meadow' (nature conservation site) with regular strimming and grass cutting
- Detrimental impact on neighbouring amenity - noise, light, activity
- If building is to be used for storage of machinery used for maintenance of Matt's Meadow, this should be a better location for the proposed barn
- low brick walls recently constructed around the lane entrance off Kithurst Lane has already impacted character of the area, and further development, including concrete kerbing to the access, would lead to urbanisation
- Concern that no site notice was displayed on site (Officers can confirm that a formal, and dated, site notice was posted by the case officer on 28th August 2018)

#### **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**

##### **Principle of Development:**

- 6.1 Outside the Built Up Area, developments, such as the proposal, are required to be considered 'essential' to their countryside location, as well as meeting on of the following four criteria:
- 1) Support the needs of agriculture or forestry
  - 2) Provide the extraction of minerals or the disposal of waste
  - 3) Provide for quiet informal recreational use; or
  - 4) Enable the sustainable development of rural areas.

Furthermore, any proposed development found to be acceptable must be of a scale that is suitable to its rural location and character, nor lead to a significant increase in overall activity.

- 6.2 In this instance, it is noted that the wider lands, owned and maintained on behalf of the Norbertine Order, are no longer suitable for farming practices, and so alternative land uses have been implemented, which still maintain the overall connection to the rural location and keep the landscape open. The planting of the adjacent Matt's Wood / Matt's Meadow, the creation of the ecology area in the south-western corner of the site and the planting of the vineyard are all noted. Officers acknowledge that the adjacent site is referred to as 'Matt's Meadow' in the Storrington, Sullington & Washington Neighbourhood Plan (2016-2032) 'Local Green Spaces Report (2016)', where it states that:

*"Matt's Meadow is open to all to stroll or sit quietly and enjoy the beautiful tranquil setting in full view of the South Downs, the village church and the Priory".*

The 4acre site has been put forward in the Draft Neighbourhood Plan, which is now at Submission stage, as a Local Green Space.

- 6.3 It is acknowledged that the Norbertine Order still holds an interest in lands within this area, including the application site, although the Order no longer maintains any buildings within Storrington, and therefore has no 'designated' storage facilities for equipment and materials used to maintain the remaining lands.
- 6.4 The proposal would therefore be considered to fall under the criteria 4 of HDPF policy 26, in that the proposal would continue to enable the sustainable development of the designated rural area, by ensuring a base is maintained to accommodate storage of equipment and materials as appropriately needed.
- 6.5 The proposal is therefore considered to be acceptable to the criteria of rural restraint policies, based on the demonstrated need for the Order, their volunteers and the local Estates Manager, to provide some form of appropriate shelter for equipment and machinery. It is recommended that any approval would be subject to a condition limiting its use to that designated purpose and connected to the wider land use practiced.

- 6.6 In relation to Neighbourhood Plan considerations, the Draft Storrington, Sullington and Washington Neighbourhood Plan has been submitted for consideration to the Council. The plan has been considered by an Inspector who requested matters and questions to be dealt with by way of written submissions and for questions to be dealt with at a hearing. The hearing was held in September. The Inspectors comments following on from the hearing had not been received at the time of writing this report. Given the uncertainty regarding the Plan, it does not carry full weight but is a consideration.
- 6.7 Storrington Parish have objected on the grounds that the scheme is contrary to their draft Neighbourhood Plan on the grounds that the site was considered 'undevelopable' and not taken up as a site under the Plan. It is noted that the site is outside the built-up area boundary and is considered a countryside location. As such, various applications for housing have been refused on this site. The current proposal is for a single barn which would be less intrusive in this setting and more appropriate in a countryside setting when compared to extensive housing. Additionally, as outlined above, there are also significant material considerations regarding the need and justification for the barn by the Norbertine Order. Consequently, whilst the objections of the Parish have been carefully considered, the proposal is considered appropriate.

#### **Design and Appearance:**

- 6.8 HDPF policies 10, 25, 26, 32, 33 all call for development to protect, conserve and enhance landscape character, maintain landscape quality and complement locally distinctive characters and heritage of the district.
- 6.9 The modestly proportioned open-sided barn structure being proposed would suit the overall Sussex vernacular and there is potential within the site for additional landscaping. The siting of the barn would be up close to the northern boundary, which would maintain screening of the resulting barn from the public highway and public rights of way. Although some views of the barn would be opened up during the winter months when leaf cover is reduced, the overall site context and scale of the proposal, would not lead to an unduly dominant feature within the edge of village location and publically available views from the northers side.
- 6.10 It is noted that there is a level of public access allowed over the adjacent Matt's Wood (Matt's Meadow) to the east. Given the location, scale and design of the proposed barn and potential for additional landscaping to be secured, the resulting development is not considered to be unduly harmful on the openness and landscape character of the area, taking account of the sustainable development of rural area justification that accompanies the proposal.

#### **Trees and Landscaping:**

- 6.10 It is noted that the proposal does not seek to remove any vegetation around the proposed site of the barn itself. The large conifers planted alongside the entrance to the site are not protected by way of a Tree Preservation Order, but would be covered under the Conservation Area, so any works to prune or remove these trees would be subject to separate consent. It is noted that these works, and the construction of the low wall, do not form part of the current application. As there are no tree works being proposed as part of this application, no further considerations are required. The Council's Arboriculturist has visited the site and has no objections to the works undertaken.
- 6.11 Taking into account the proposal to provide additional landscaping, details of which would be secured by way of a planning condition, Officers are satisfied that the proposed works would accord with the provisions of HDPF policy 31 (Green Infrastructure and Biodiversity).

### **Heritage Impacts:**

- 6.12 HDPF policy 34 requires proposals affecting listed buildings to retain and improve the setting of the heritage asset. In addition, the setting of heritage assets, including views, should be preserved and retained.
- 6.13 In this instance, the resulting development would result in a traditional open-sided timber-clad barn replicating the Rural Sussex vernacular and replicating traditional barn-design and techniques.
- 6.14 The Council's Heritage Officer does not consider the proposal to result in harm to the setting or character of the Storrington Conservation Area, and so the proposal would accord with national and local planning policies with regard to the appropriate protection of designated heritage assets.

### **Amenity Impacts:**

- 6.15 HDPF policy 33 requires development to avoid unacceptable harm to the amenity of neighbouring users / occupiers of land.
- 6.16 In this instance, given the site context and nature of the proposal, there would be no undue harm caused to neighbouring residential amenities. The site would be separated from any northern residential properties by distance, intervening screening and road (Kithurst Lane), and by a change in ground levels. To the west, there would be a distance of separation of around 80m to the neighbouring residential property.

### **Highways Impacts:**

- 6.17 The proposal is acknowledged to retain a recently constructed access onto the cemetery access road. As a privately maintained road, the access does not cause a highway safety concern on the publically maintained highway network, as determined by the Local Highways Authority.
- 6.18 The creation of this new and widened access off the lane does not require express planning consent in itself and is therefore outside the remit of the current planning application.
- 6.19 In conclusion, the LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

### **Conclusions and Planning Balance:**

- 6.20 Officers note that there is policy support directed to the provision of wider community-based facilities and services which contribute to the provision of green infrastructure and open spaces.
- 6.21 The proposal has been considered within the context of the NPPF and the presumption in favour of sustainable development, along with rural restraint policies as set out within the Horsham District Planning Framework (2015).
- 6.22 In terms of the scale, siting and justification provided for the proposed barn, it is considered that the resulting development would not lead to any materially adverse harm to the wider rural setting.

6.23 The proposal would therefore be in accordance with HDPF policies 1, 2, 25, 26, 31, 32, 33, 34, 40, 42 and 43.

## 7. RECOMMENDATIONS

7.1 That planning permission be granted subject to the following conditions:-

1 **Approved Plans**

2 **Standard Time Condition:** The development hereby permitted shall begin 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 (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), including the details of any PV panels if used, 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).

4 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- o Details of all existing trees and planting to be retained
- o Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- o Details of all hard surfacing materials and finishes
- o Details of all boundary treatments
- o Details of all external lighting
- o Ecological enhancement measures identified

The approved landscaping 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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes 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).

- 5 **Regulatory Condition:** The barn hereby permitted shall only be used to store equipment on behalf of the Norbertine Order to maintain land within their ownership and management control.

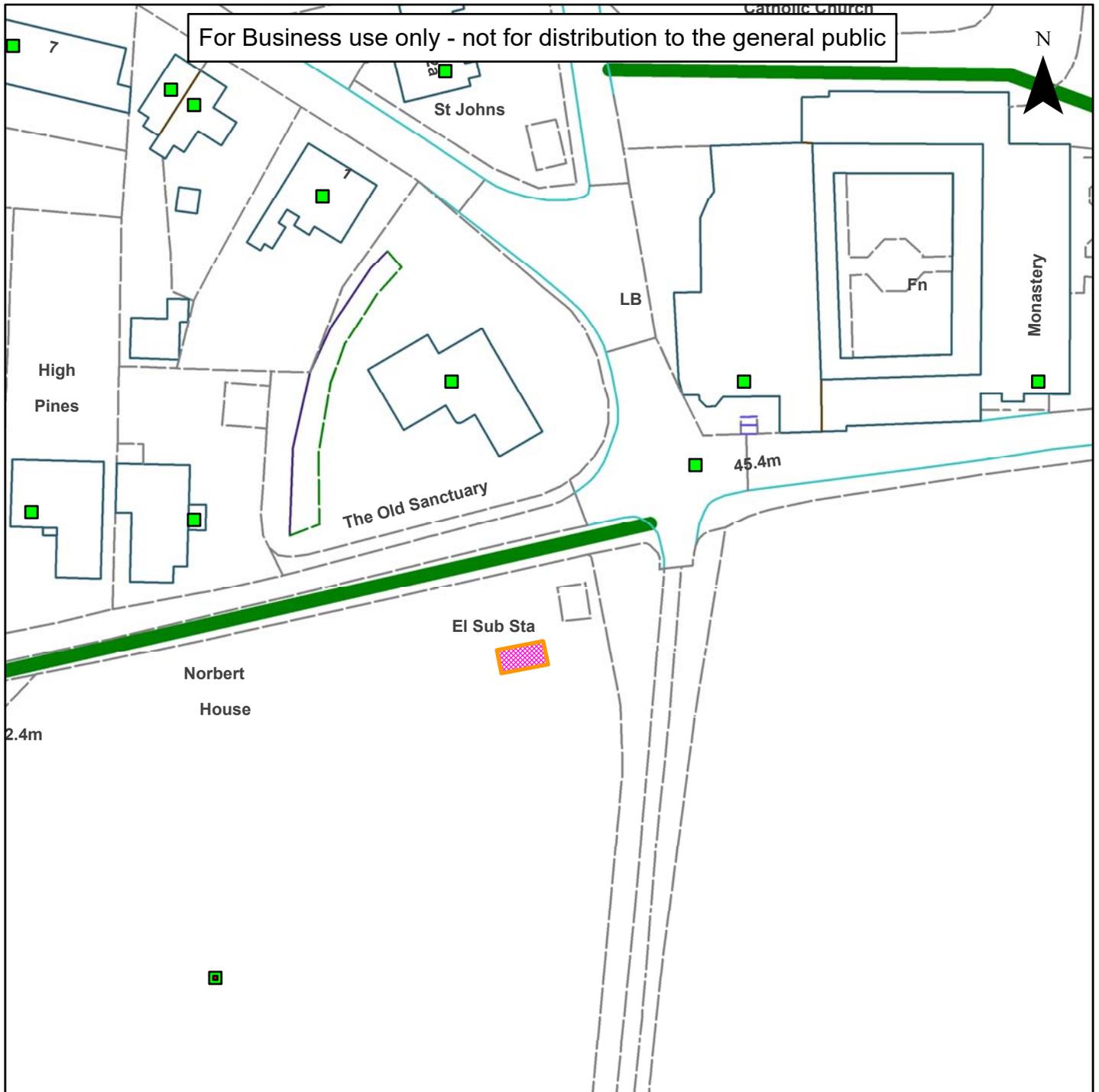
Reason: Permission would not normally be granted for such development in this location under Policy 33 of the Horsham District Planning Framework (2015) but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

Background Papers: DC/18/1695



Not Set

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Scale: 1:750

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	08/11/2018
MSA Number	100023865

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Report to **Planning Committee**  
Date **20 November 2018**  
By **Director of Planning**  
Local Authority **Horsham District Council**  
Application Number **SDNP/18/03927/FUL**  
Applicant **Mr G Davis**  
Application **Change of use of The Granary from self-contained ancillary accommodation to Castle Farm to provide an independent single dwelling.**  
Address **Castle Lane, Castle Farm  
New Barn Road  
Amberley  
BN18 9FL**

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**Recommendation:** That the application be **Approved** for the reasons and subject to the conditions set out in paragraph 10 of this report.

**IMPORTANT NOTE:** This application is liable for **Community Infrastructure Levy**.

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## **1 Site Description**

The application relates to a detached single-storey annexe and double garages serving Castle Farm, Castle Lane, Amberley. The annexe/garage comprises a squared plan form, composed of a mix of stained timber boarding, stone facing, and red brick, and hosts pitched roofs finished with slate tiles. Two roller shutter doors are sited to the eastern and western elevations. The annexe/garage is accessed from Castle Lane via a privately maintained drive shared with the main dwelling, and includes its own walled garden area and pool. The annexe within the building hosts a kitchen/living room, two bedrooms, and a wet room.

## **2 Proposal**

Planning permission is sought for the change of use of the existing annexe serving Castle Farm to an independent dwellinghouse. The existing walled garden and pool area would serve the new dwelling as amenity space, and would retain one of the attached garages to the rear of the building – the remaining garage would continue to serve Castle Farm. No external alterations to the building or the access and parking area to the dwelling are proposed.

The application has been brought to committee as the Local Planning Authority considers the proposal as a departure from the Local Development Framework (Horsham District Local Development Framework, 2007).

## **3 Relevant Planning History**

DC/11/1481	Retention of swimming pool and pump house within walled garden (South Downs National Park)	Approved 28-SEP-2011
DC/10/1462	Minor material amendment following grant of planning permission DC/09/1347 (Erection of residential outbuilding)	Approved 12-OCT-2010

	following demolition of existing outbuilding) for changes to doors and windows and changes to internal layout	
DC/10/1499	Variation of Condition 2 of planning permission DC/09/1347 (Erection of residential outbuilding following demolition of existing outbuildings) for the developments to be carried out in accordance with amended plans	Withdrawn 17-AUG-2010
DC/09/1944	Conversion of existing outbuilding to granny annexe and workshop/garage/mower store	Approved 26-JAN-2010
DC/09/1347	Erection of residential outbuilding following demolition of existing outbuilding	Refused 08-OCT-2009
DC/06/0938	Retention of works for conversion and extension of former granary to provide 1 dwelling and garage	Refused 12-MAY-2006
DC/05/2989	Revision of permission AM/12/01, comprising alterations to the piggery and link to form kitchen and utility room	Refused 17-FEB-2006
DC/05/1154	Revision of permission AM/12/01 (conversion of granary and piggery to single dwelling) comprising alterations to front porch, amended fenestration and revised details of kitchen/utility room.	Refused 27-JUL-2005
DC/04/2285	Conversion of granary and piggery unit to a single dwelling (amendment to previously approved AM/12/01)	Withdrawn 14-JAN-2005
AM/1/02	Double garage Site: The Granary Castle Farm Amberley	Approved 19-MAR-2002
AM/38/01	Triple garage and log store Site: Castle Farm Mill Lane Amberley	Withdrawn 13-NOV-2001
AM/12/01	Conversion of granary and piggery unit to a single dwelling Site: formerly known as The Granary Station Road Amberley	Approved 18-JUN-2001
AM/4/01	Variation of condition 6 of planning permission am/28/99 for temporary period of 2 years for storage use of building materials Site: Barn And Granary At Castle Farm Amberley	Approved 28-FEB-2001
AM/29/99	Conversion of main barn and granary to 2 residential units and demolition of pigsty and shed Site: Castle Farm Barns Amberley	Approved 27-APR-2000
AM/28/99	Conversion of main barn and granary to 2 residential units Site: Castle Farm Barns Amberley	Approved 27-APR-2000

#### 4 Consultations

##### Parish Council Consultee

Objection – the Parish considers the proposal contrary to Policy HDI of the Amberley Neighbourhood Plan

##### HO - Design and Conservation Officer

No objection

##### HO - Archaeology Consultant

No objection

##### WSCC – Highways

No objection

#### 5 Representations

None received.

#### 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Horsham District Local Development Framework, **and the following additional plan(s):**

- Horsham District Local Development Framework: The Core Strategy (2007)
- Horsham District Local Development Framework: General Development Control Policies (2007)

The relevant policies to this application are set out in section 7, below.

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

## **7 Planning Policy**

#### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

#### National Planning Policy Framework (NPPF)

The National Planning Policy Framework (2018) has been considered in the assessment of this application.

The following policies of the Horsham District Local Development Framework: The Core Strategy and General Development Control Policies (2007) **are relevant to this application:**

- HOCPI (HO) Landscape And Townscape Character
- HOC3 (HO) Improving The Quality Of New Develop
- HODC4 (HO) AONBs
- HODC9 (HO) Development Principles
- HODC13 (HO) Listed Buildings

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- Outcome 1 – The landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced
- Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting
- Policy 50 – Housing and other development in the National Park should be closely matched to the social and economic needs of local people, and should be of high design and energy efficiency standards

#### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The

Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the **saved policies within the Horsham District Local Development Framework (2007)**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Core Policy SD1: Sustainable Development
- SD4: Landscape Character
- SD5: Design
- SD7: Relative Tranquillity
- SD12: Historic Environment
- SD13: Listed Buildings
- SD19: Transport Accessibility
- SD27: Mix of Homes

#### Neighbourhood Planning Document

The following policies of the **Amberley Neighbourhood Development Plan 2016-2032** are relevant considerations to this planning application:

- Policy EN 2 - Landscape Character And Open Views
- Policy EN 4 - Renewable And Low Carbon Energy
- Policy EN 5 - Conserve And Enhance The Heritage Environment
- Policy EN 6 - Dark Night Skies
- Policy HD 1 - Settlement Boundary
- Policy HD 2 - Quality Of Design
- Policy HD 3 - Housing Types, Sizes And Tenures
- Policy GA 3 - Car Parking

## **8 Planning Assessment**

### Principle of the Development

Policy CPI of the Horsham District Local Development Framework: Core Strategy (2007) states that the landscape character of the District will be maintained and enhanced. Activities which may influence this character should only take place where: the landscape is protected conserved or enhanced; protected landscapes, habitats and species are properly protected, and; the biodiversity of the District is conserved and enhanced.

Policy HDI of the Amberley NDP states that development within the settlement boundary for Amberley will be supported where it accords with other policies of the development plan and other material considerations. Proposals outside the settlement boundary will only be supported in the exceptional circumstances set out in the national guidance and the development plan.

The site is located approximately 74m west of the built-up area boundary to the settlement of Amberley, and has been used as an annexe to the main dwelling, Castle Farm, since permission was granted for its use on appeal in 2009 (DC/09/1347). Subsequent to this, planning permission granted for the retention of a walled garden area enclosing the site in 2011 (DC/11/1481). Condition 3 attached by the appeal inspector on the 2009 planning application stipulated that the annexe shall only be occupied for the purposes ancillary to the main dwelling.

In practice, the creation of a new dwelling outside of the built up area is resisted, as development of this kind undermines the district's strategic pattern of development, and often represents

inappropriate development within this countryside. However, the Local Planning Authority is of the view that the annexe has become increasingly independent from the main dwelling over time, largely due to the creation of its own amenity area away from wider curtilage of Castle Farm. Therefore, the use of the annexe as a dwelling is not considered to amount to adverse harm on the setting or pattern of development in this location.

In addition to the above, whilst the site is located outside of the built-up area, the site is not considered to be located within a wholly isolated location, in which residents within the village would rely on the services of larger surrounding settlements regardless of their location within or outside of the built-up area. Further to this, the proposal would make sustainable use of an underused building, with the potential of contributing towards a balance mix of dwelling types sought under policy HD 3 of the Amberley NDP.

The Parish's concerns regarding the location of the unit outside of the built up area are noted. However, as outlined above, the settlement of Amberley relies on the services and resources provided by neighbouring settlements, thus occupant reliance on vehicular use is expected in and outside of the built up area of the village. Given the site's location close to the built up area boundary, coupled with the fact that the proposal would not require the creation of a new dwelling, the proposal is considered as an exception circumstance to the requirements of Policy HD 1 of the Amberley NPD, in addition to resulting in an overall benefit to the village's housing mix in accordance with Policy HD 3. With this in mind, the principle of the proposal is considered acceptable, subject to material planning considerations.

#### Design and Appearance

Policy CP3 relates to improving the quality of new development. It confirms that high quality and inclusive design will be required for all development across the district.

Policy DC9 relates to general development principles. It seeks to ensure that development proposals make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

The proposal does not require any external alterations or extension to the building to accommodate the use of the annexe as a dwelling. The annexe / garage building currently comprises a domestic appearance, in which the use of the annexe as a dwelling would suit its environment. As such, no objection is raised with respect of these policies requirements.

It is noted that the annexe would include a modest curtilage, in which any extension or outbuildings within would be of the detriment to the amenities of any future occupants. Further to this, alterations to the roof would detrimentally increase the prominence of the annexe within this setting in the national park. As such, a condition is attached to restrict the site's permitted development rights in order to sustainably control development on the site.

#### Amenity Impacts

Policy DC9 continues to state that that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The annexe neighbours the host dwelling, set approximately 6m from the north-east of Castle Farm. Whilst the physical relationship of the two buildings is close, the annexe does not host any windows directly facing Castle Farm, in which all windows and amenity area face away from the host dwelling. Whilst there would be a perceived increase in activity on the site compared to the current arrangement, this is not considered detrimental given the scale of the development.

The existing walled garden and pool area would form the amenity curtilage of the dwelling. Whilst modest in size, the area is considered to adequately serve the size of the unit. With this and the above in mind, the proposal is not considered to result in any harmful impact on the amenities of neighbouring occupants, and would provide suitable amenity space of future occupants.

The proposed converted annexe would host 2x double bedrooms, a bathroom, and a kitchen/living area in addition to a modest private walled garden area and pool. The dwelling would also benefit from its own attached double garage to the rear. The remaining double garage to the rear of the building would continue to be used by the occupant of Castle Farm. As such, the proposal is considered to provide adequate amenity space and a suitable standard of accommodation for the occupants.

### Highways

Policy 40 of the HLDF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 relates to parking, and states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

The unit would be accessed via the main entrance to Castle Farm, and would share the driveway from the gated entrance from Castle Lane. This access arrangement would utilise the existing access and drive without unnecessarily creating new openings onto the street

The proposed unit would benefit from its own attached double garage to the rear, in addition space in front of the unit for cars. The host dwelling would maintain use of the remaining double garage, in addition to ample area to the front of the principle elevation (facing south) for parking. With this arrangement in mind, proposed unit could comfortably accommodate 3-4 cars (2 within the garage) without drastically reducing the level of parking to the host dwelling.

Following consultation with the Local Highways Authority, no objection was raised in regards to the proposed access, level of parking, or impact on the increased use on the highway. Conditions are attached to ensure that the parking arrangements, access, and cycle storage is installed prior to occupation. As such, not objections are raised on highways grounds.

## **9 Conclusion**

Whilst the site is located outside of the built-up area, the site is not considered to be isolated in relation to the main settlement, and is considered as an exception to the policy requirements of Policy HD 1 of the Amberley NPD. The conversion of the unit to a dwelling does not result in harm to the amenity of the neighbouring occupants, and would not result in harm to the operation and use of the highway. As such, the proposal is considered in accordance with national and local planning requirements.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

2. 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. The dwelling hereby permitted shall not be occupied 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.

4. The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling, details of which shall be agreed to 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy 40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

6. Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

Reason: To ensure a sustainable development that meets the needs of future occupiers

7. 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 E F and G of Part I of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

## **11. Crime and Disorder Implications**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

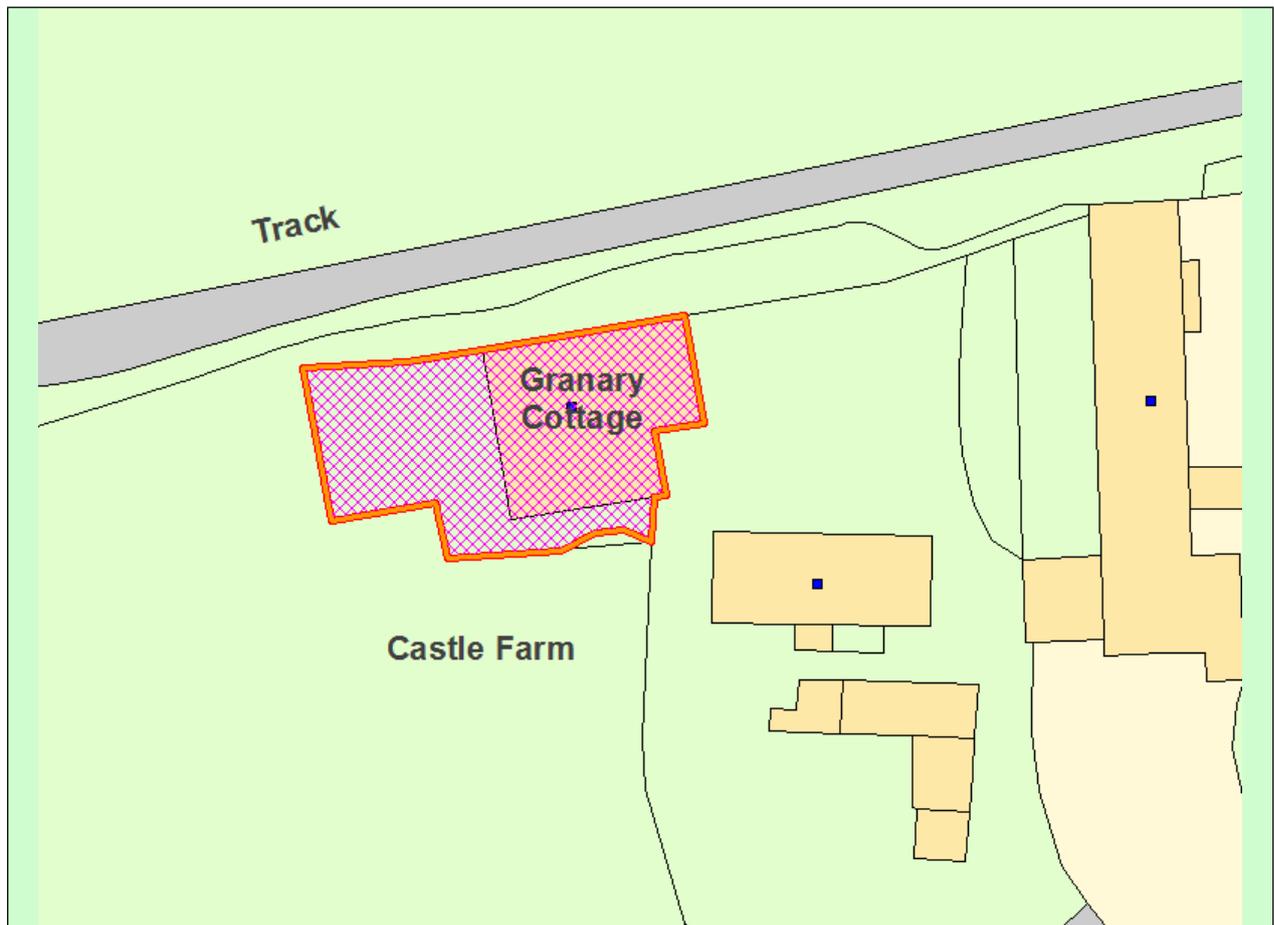
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer:	Robert Hermitage
Tel:	01403 215382
email:	Robert.Hermitage@horsham.gov.uk
Appendices	Appendix 1 - Site Location Map Appendix 2 – Plans Referred to in Consideration of this Application
SDNPA Consultees	N/A
Background Documents	SDNP/18/03927/FUL

## Appendix I

### Site Location Map



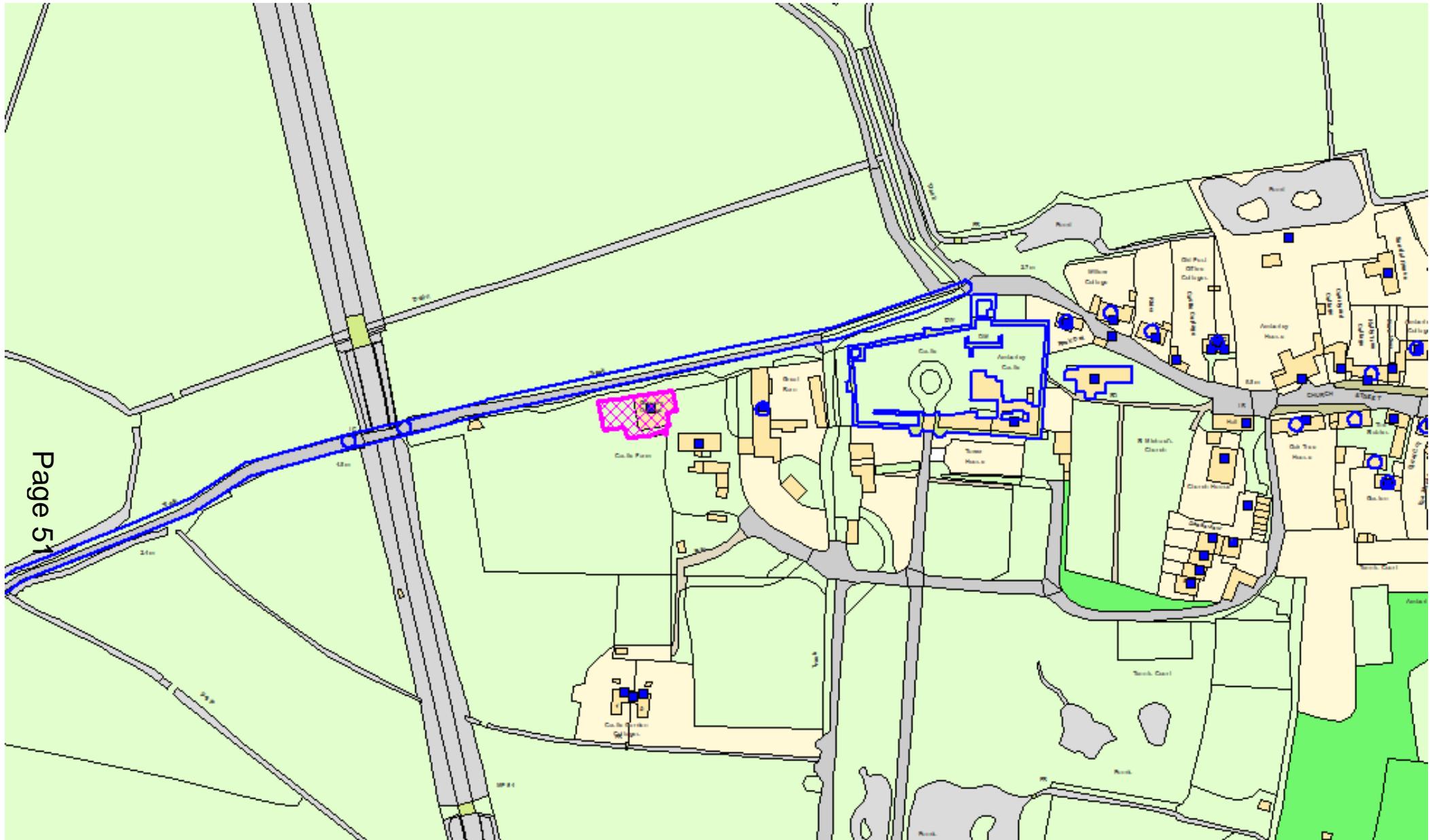
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location	NONE		24.07.2018	Approved
Plans - Block	NONE		24.07.2018	Approved
Plans - Elevations	NONE		24.07.2018	Approved
Plans - Floor	NONE		24.07.2018	Approved
Plans - Location	NONE		24.07.2018	Approved
Reports - Design and Access Planning and Heritage Statement	NONE		24.07.2018	Submitted

**Reasons:** For the avoidance of doubt and in the interests of proper planning.



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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 20th November 2018

**DEVELOPMENT:** Removal of Conditions 2 and 3 to previously permitted application DC/10/0586 (Use of land for stationing of 2 caravans for settled gypsy accommodation retrospective application to retain 2 existing caravans, one with a temporary permission). Relating to personal occupancy restrictions

**SITE:** Oak Tree View and Lane Top Nutbourne Road Pulborough West Sussex RH20 2HA

**WARD:** Pulborough and Coldwaltham

**APPLICATION:** DC/17/2564

**APPLICANT:** **Name:** Mr Simon Staples **Address:** Oak Tree View and Lane Top Nutbourne Road Pulborough West Sussex RH20 2HA

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 public representations received which are contrary to the officer's recommendation.

**RECOMMENDATION:** To grant planning permission subject to appropriate conditions.

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The proposal seeks to remove the personal occupancy conditions which currently restrict occupation of the two mobile homes on the two separated sites to the applicant and his wife, Mr and Mrs Staples-Lee and their immediate family, and to Mr Joseph Smith and his wife. Immediate family is stated to include: parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew and niece.

1.3 The proposal also seeks to remove the personal occupancy condition so that the site can be counted towards the Council's overall allocation of gypsy, travellers and travelling showpeople provision.

#### BACKGROUND INFORMATION

1.4 Application DC/17/2564 was originally considered by Planning Committee (South) at its meeting on 20 February 2018. Members at the meeting resolved to grant consent for the removal of conditions 2 and 3 attached to DC/10/0586. The decision was subsequently released on 23 February 2018 subject to a number of conditions.

- 1.5 The decision of the Council was challenged by a third party and a Judicial Review of the Council's decision was applied for. The basis of the challenge was that the Case Officer misinterpreted the comments of WSCC highways and that a material consideration was raised by them after the Planning Committee meeting but before the decision was released. The claimant considered that the application should have been reported back to Committee for a decision after the comments of WSCC highways had been received.
- 1.6 The 2010 application was granted subject to a number of conditions; one relating to the requirement for visibility splays to be provided at the site entrance. Neighbouring residents in their comments in respect of DC/17/2564 raised concerns that the visibility splays as required had not been implemented. Concerns were raised by the Case Officer to WSCC highways in respect of the comments raised in letters of representation, and the fact that it appeared the required visibility splays could not be provided given this relied on land not within the applicant's control. WSCC as the Local Highway Authority then informally advised the Case Officer that it appeared that the imposed condition on DC/10/0586 was incorrectly worded and that in any event the applicant does not appear to have ownership or control over the land either side of the access point. They also advised they would not have been any overriding issues with this as that is what was originally acceptable.
- 1.7 The committee report presented a summary of WSCC highways as 'no objection'. Having reviewed the comments from WSCC highways, as summarised above, the presenting officer of committee queried this position with WSCC highways in preparing for the committee presentation. No comment from WSCC highways was received before committee and the item continued to committee with a representation from highways stating no objection. The item was debated at committee and members voted to approve the application.
- 1.8 Post the committee meeting further comments were received from WSCC highways which stated that insufficient information had been provided to demonstrate the maximum available visibility splays and that actual speed survey data should be provided in support of these splays, and therefore advised they could not say if they had concerns. In conclusion however WSCC advised that given the principle of this application, historic use of the site (which has been active for a significant number of years) and lack of any reported personal injury accidents associated with the access point, it would be difficult to substantiate an objection on highway safety grounds. The main basis for the Judicial Review was that on receipt of these comments the application should have been referred back to committee.
- 1.6 The Council, having considered the case put forward and after seeking legal advice, decided not to challenge the case and agreed to the determination of the claim for a Judicial Review without a hearing. The implications of that decision is that the planning permission granted has been quashed in respect of DC/17/2564 and the Council need to re-determine the application, which is the purpose of this item on the agenda. In the re-determination of this proposal, amended comments have sought from WSCC Highways.

#### DESCRIPTION OF THE SITE

- 1.8 The application site comprises an area of land, set on an elevated position approximately 500m south of the undefined settlement of Nutbourne, and about 1.7km west of the BUAB of Pulborough. The site therefore lies in a rural area in terms of planning policies, although the site map reveals a number of residential properties adjoining and nearby the site.
- 1.9 There are no other designations on the land in terms of heritage interest or protected trees, although the site is reasonably well-screened along its boundaries by trees, hedging and timber fencing.
- 1.10 The site, as currently laid out, is accessed from the north western side by a driveway off Nutbourne Road, shared along most of its length with a neighbouring property Inglenook

Cottage (formerly Little Paddock), sited to the north-west. There is a timber stable-block aligned along the site's eastern boundary and an open area of paddock land to the north and centre of the site. There is a fenced curtilage of a static mobile home which is sited alongside the site's south-eastern boundary, shared with the adjoining property Nutbourne Studio. This curtilage includes an area of hard-standing for parking, a timber garden / outbuilding and an area of lawn forming a garden around the static mobile home, occupied by Mr & Mrs Simon Staples and family.

1.11 This mobile home was first subject to a temporary and personal permission for Mr and Mrs Staples-Lee, expiring on 20th November 2010 (DC/06/1722).

1.12 A pole barn is sited alongside the central / southern part of the site and has been adapted to form a dwelling, occupied by Mr James Smith. This dwelling was subject to an LDC application DC/16/2873, confirming its residential occupation for at least 4 years preceding the application date.

1.13 Permission DC/10/0586 was granted in late July 2010 for 'Use of land for stationing of 2 caravans for settled gypsy accommodation (retrospective application to retain 2 existing caravans, one with a temporary permission)', subject to the following conditions:

2 *The residential use hereby permitted shall be carried on only by Mr Staples-Lee and Mr Joseph Smith and their immediate family, defined as the wife of Mr Staples-Lee and the wife of Mr Smith, or any person whom the said persons are living as man and wife; the parent, grandparent, child, grandchild; brother, sister aunt, uncle, nephew, niece of Mr Staples-Lee and Mr Smith, or the spouse thereof, and by no other person or persons.*

*Reason: Due to the special circumstances of the case and in accordance with DC32 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).*

3 *When the land ceases to be occupied by the persons named in condition 2, the use hereby permitted shall cease and any caravans, vehicles, trailers, structures, materials and equipment (including all areas of hardstanding and sanitary equipment) brought onto the land in connection with the use, save as otherwise permitted, shall be permanently removed. Within two months of that time, the land shall be restored to pasture land.*

*Reason: Permission would not normally be granted for such development in this location under policy DC1 of the Horsham District Council Local Development Framework: General Development Control Policies (2007) but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal and policy DC32 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).*

1.14 At the time of consideration in 2010, it was noted that the permission had already been a temporary permission, and therefore it was not recommended to grant a further temporary permission on the site. Furthermore, it was noted that since the last permission had been granted in 2006, there was one child attending local school and a sibling due to start, so the potential displacement of the family was a material consideration, as was the lack of suitable alternative sites in proximity to the application site and schools being attended. The family was considered to be integrated into the local community, and the visual setting of the wider rural area was not deemed to be compromised by way of the resulting two additional pitches on this site in addition to the existing pitch, resulting in only three pitches on the Lane Top site.

1.15 Whilst the location of the site did not fully comply with the local and regional policies on gypsy and traveller sites at the time, it was considered that a more pragmatic approach be taken in

assessing the more long-term occupation of the site, and why, in this instance, the use of a personal occupancy condition was applied, rather than a further temporary permission.

## 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:

#### **National Planning Policy Framework**

(including Planning Policy for Traveller Sites (PPTS) – August 2015).

#### **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 21 - Strategic Policy: Gypsy and Traveller Sites Allocations

Policy 22 - Gypsy and Traveller Sites

Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

- 2.3 Supplementary Planning Guidance

The Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) (Preferred Strategy) – published for a six week consultation period between 1 December 2017 and 26 January 2018.

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Pulborough was designated as a Neighbourhood Development Plan Area in February 2014. There is however no 'made' neighbourhood plan for the Parish at present.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 The most recent and relevant planning history relating to the site is as follows:

DC/06/1722	Stationing of 1 mobile home for gypsy settled accommodation and retention of outbuilding	Application Permitted on 22.11.2007
DC/16/2873	Use of building as a residential dwelling (Certificate of Lawful Development - Existing)	Application Permitted on 17.03.2017
DC/10/0586	Use of land for stationing of 2 caravans for settled gypsy accommodation (retrospective)	Application Permitted on 27.07.2010

application to retain 2 existing caravans, one with a temporary permission)

### **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 Strategic Planning: Comment.**

- It is acknowledged, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites, however the removal of the personal occupancy condition on this site would help to remove the backlog. This is a significant consideration in terms of the determination of this planning application and would normally weigh in favour of the proposal, provided that the proposed development does not significantly depart from the criteria laid out in the Planning Policy for Traveller Sites (PPTS) (particularly paragraphs 13, 24 and 25).
- In terms of compliance with paragraphs 13, 24 and 25 of the PPTS, it is noted that the application site is located approximately 0.43 km (as the crow flies) from the Built-up Area Boundary (BUAB) of West Chiltington, a 'medium village' as defined by Policy 3 of the HDPF (Strategic Policy: Development Hierarchy). These are 'settlements with a moderate level of services and facilities and community networks together with some access to public transport'. Whilst West Chiltington does have a good level of services and facilities, given its location of the site, it is still likely that the main mode of transport would be the private motor vehicle, although other public transport options are available.
- This site is allocated through policy 21 of the HDPF as Gypsy and Traveller Site. Its delivery would go some way to enabling the Council to meet its 5 year supply of deliverable sites by removing some of the backlog. This is a significant consideration in terms of the determination of the planning application. The site is identified in the current regulation 18 Gypsy 'Site Allocations' DPD for 3 gypsy and traveller pitches, although limited weight can be given to the document at this stage
- Such considerations would need to be weighed, together with compliance with paragraphs 13, 24 and 25 of the PPTS, against the significant requirement for new pitches within the District.

#### OUTSIDE AGENCIES

### **3.3 WSCC Highways: No Objection.**

- The use of the site for two caravans and the vehicular movements associated with them has been established under DC/10/0586 and it would not be anticipated the removal of conditions 2 or 3 would result in any material change in the frequency or type of vehicular movements being associated with the site.
- Access is achieved via an existing shared point of access from Nutbourne Road, which is 'C' classified and subject to a 20 mph speed limit at this point. It is noted that the speed limit increased to National Speed Limit (60 mph) immediately west of the access point.
- While not strictly relevant to the application in hand, it has been identified that the visibility splays secured by condition 9 of DC/10/0586 had become transposed. Splays

of 2.4 x 36 metres east and 2.4 x 70 metres west have been secured, as such these were incorrect, furthermore the access falls outside of the red edge.

- An assessment has been made by the LHA as to what splays are achievable with the use of land under the control of the applicant or that considered public highway. The applicant does not appear to have any land ownership east and west of the access point, and the extent of the highway boundary in this location is limited to the 'toe of the bank'. This detail has been confirmed with the WSCC Highway boundary officer.
- With this evidence in mind the LHA has visited the site and does not consider that splays in accordance with what has been conditioned, or what was intended to be conditioned, could be achieved.
- On site 'available' visibility to the east extended to circa 70 metres. To the west 'available' visibility extended to circa 20 metres. In both directions it is anticipated that this available visibility required the use of 3<sup>rd</sup> party land as discussed above.
- On site approach speeds were estimated to be 25 mph westbound and 30 mph eastbound. As such the adequacies of the access point would be assessed against the principles and guidance within Manual for Streets.
- It has also been taken into consideration that the access has been operating on its current basis for 7 years and the most recently available verified accident records reveals there have been no personal injury accidents in the vicinity of the existing point of access.
- Paragraph 32 of the NPPF states "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Taking into consideration all the evidence outlined above, irrespective of visibility splays achievable or otherwise, the LHA does not consider that a severe residual impact could be substantiated; this raises No Objection to this application.

## PUBLIC CONSULTATIONS

### 3.4 Pulborough Parish Council:

- No Objection.

### 3.5 18 letters/emails have been received from 17 neighbouring and nearby properties, objecting to the proposal on the following grounds:

- Total reliance on private cars as no public transport available in the village.
- Condition 9 on DC/10/0586 (relating to visibility splays) has yet to be implemented at the site – concern regarding the lack of enforcement action being taken with regard to planning breaches at the site.
- Existing situation works well so no need to lift personal occupancy restriction – permanent use of the site would not be suitable given its location.
- Site located adjacent to 9 residential properties.
- Poor highway safety / access – visibility at best still only 30m (visibility splays required to be at least 70m as per WSCC) – no footpath along Nutbourne Road and bend in road leading to a hazard for other road users and pedestrians.

- Width of access track to the site a problem in that there is no passing place – requiring vehicles to reverse up or out of the track in some instances – installation of electric gates exacerbates the problem.
- Removing the conditions would be out of keeping with rural amenity.
- Concern that removing the personal occupancy condition, in order to address a District-Wider shortfall of gypsy and traveller sites would adversely impose on the local community and affect character – development is contrary to local policies already quoted within application DC/10/0586.
- Object to the identification of the site as a permanent settled site.
- Change of use of the site would represent a very different use of land.

#### **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 considerations in the determination of this application are whether the removal of the conditions is appropriate in terms of land use, impact on amenity, highway safety and design.

##### **Background:**

- 6.2 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.
- 6.3 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, including the application site, which has been 'earmarked' for three pitches, which are the existing properties on the site.
- 6.4 The Council has prepared a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) - Preferred Strategy, which was subject to recent consultation. In terms of progress with regards to Horsham District Council's "Gypsy, Traveller, & Travelling Showpeople Draft Site Allocations Document", a second draft

document (a second Regulation 18 stage consultation) was published for public consultation between 1 December 2017 and 26 January 2018. This document has not been progressed to Proposed Submission stage (Regulation 19). Horsham District Council is continuing to assess alternative sites to meet the identified Gypsy & Traveller pitch need in the District and is actively working towards meeting these needs.

- 6.5 Since the application went to committee in February 2018, two applications for gypsy pitches in the District have been granted planning permission (4 pitches at Hawthorns, Bar Lane, Southwater DC/17/2216 and 1 pitch at Oaklands, Honeybridge Lane, Dial Post DC/18/1425). In terms of need for Gypsy and Traveller pitches in the District, the Council is still currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This remains a significant consideration in terms of the determination of this planning application.
- 6.6 The application site would count towards the Council's need for Gypsy and Traveller sites as it would now longer be a personal permission and could be occupied by anyone falling within the definition of a Gypsy or Traveller. A condition to limit the occupation of the caravans to Gypsies and Travellers is recommended. Further, in accordance with application DC/10/0586, a condition would be imposed to limit the site to two caravans.
- 6.7 Subject to the assessment of this site in terms of other criteria such as impact on residential amenity and design, the principle of the removal of the conditions is considered appropriate.

#### **Sustainable Development:**

- 6.8 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.
- 6.9 It is noted that the site lies in a rural area, which is reliant on the use of private vehicular transport to access services, shops and schools. The application site is not however considered to be particularly isolated owing to the level of residential properties sited adjacent to the application site. It is also noted that the site has been occupied by the family for many years and is therefore essentially an established residential site.
- 6.10 The site has vehicular access onto Nutbourne Road, which one of the local connector routes for residents to access larger settlements. The location of the site and nature of the proposed development is therefore considered to comply with the relevant criteria of the HDPF.

#### **Design and Appearance:**

- 6.11 The removal of the personal occupancy condition is not considered to affect the setting or visual character of the rural location, in which this established site lies. The development across the site is of a single-storey and low-rise nature and is currently well-screened by site boundaries and intervening landscaping features. The site layout would appear commensurate with the setting of the adjacent residential plots. Furthermore, the site is not visible from public views.
- 6.12 The proposal therefore continues to accord with the wider criteria of the PPTS, and with HDPF policy 23.

#### **Amenity Impacts:**

- 6.13 Policy 33 of the HDPF requires that development is designed to avoid unacceptable harm to occupiers of nearby land and property, for example, through overlooking or noise.

- 6.14 The established nature of the site is noted and it is not considered that removing the personal occupancy condition would result in any adverse impacts to neighbouring residential amenities. The removal of the conditions may result in different occupiers of the caravans. However, this would not be reason enough to warrant refusal of the proposal.

**Highways Impacts:**

- 6.15 The removal of the occupancy condition would not affect the access to and from the established site as it currently functions and WSCC as the Local Highway Authority have raised no objection to the application.
- 6.16 Concern has been raised by local residents about the lack of visibility splays which were a requirement of application DC/10/1586. WSCC have informally advised that the Highways Officer agreed that the access was suitable providing splays were secured by condition. It is understood that at that time it was believed that the splay was achievable with the cutting back of vegetation on the bank, which the agent believed was highway verge. Having re-considered the visibility splays, it has now been advised by WSCC that the extent of highway does not include the banking itself and therefore the splays as required previously could not be secured in perpetuity or be available. On this basis, WSCC requested that that a plan demonstrating the maximum available visibility splays be provided for assessment along with actual speed data in support of the splays.
- 6.17 In a formal consultation response received on 1 July 2018, WSCC advised that they had no objection to the application. The principle of the two caravans and the vehicle movements associated with them has been established under DC/10/0586. WSCC consider that the removal of the occupancy conditions would not result in any material change in the frequency or type of vehicular movements being associated with the site.
- 6.18 In respect of the visibility splays, WSCC have advised that the visibility splays secured by condition in the 2010 application have been transposed and are incorrect, and the land required falls outside of the red edge. WSCC have assessed what splays can be achieved within land under the control of the applicant or that considered to be public highway. The applicant does not appear to have any land ownership east or west of the access point and the extent of the highway in this location is limited to the 'toe of the bank.' As such, and having visited the site, WSCC does not consider that the splays that were conditioned in the 2010 application can be achieved.
- 6.19 On site 'available' visibility has been advised by WSCC to be circa 70m to the east and circa 20m to the west however this is anticipated to require the use of third party land. On site approach speeds were estimated by WSCC to be 25 mph westbound and 30 mph eastbound and as such WSCC have advised that the adequacies of the access point would be assessed against the principles and guidance within Manual for Streets. The LHA has to also take into consideration that the access has been operating on its current basis for 7 years and the most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access.
- 6.20 Paragraph 32 of the NPPF states "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". Taking into consideration all the evidence outlined above, WSCC as the Local Highway Authority does not consider that a severe residual impact could be substantiated with regard to the existing access arrangements and therefore they have raised no objection to the application to remove the personal occupancy conditions.

**Conditions Amendments:**

- 6.21 It is recommended that the remaining planning conditions that were previously applied to DC/10/0586 be reconsidered and updated accordingly to reflect current policies. Condition 8

of DC/10/0586 relating to the drainage is no longer considered to be necessary as the Council is aware that the site is connected to the mains. Similarly, as the visibility splays to the site are considered acceptable to the Highways Authority, there is no longer a need to retain condition 9 of DC/10/0586. It is also no longer considered necessary to restrict external lighting, as the majority of lighting is not considered to be development and that this would need planning permission in its own right. Additionally, extensions to the mobile homes would also require separate planning permission as mobile homes do not have permitted development rights.

- 6.22 In addition to the remaining conditions that still remain relevant to the current application, it is recommended that additional conditions are imposed restricting the use of the land as a caravan site for Gypsies and Travellers only, limiting the number of caravans sited on each pitch and restricting the occupancy of any touring caravan whilst on the application site. These are also considered necessary to ensure that the site is properly managed.

### **Conclusions and Planning Balance:**

- 6.23 The 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, including the application site, which has been 'earmarked' for three pitches, which are the existing properties on the site.
- 6.24 Whilst the site results in meeting the direct needs of the respective Smith and Staples-Lee families as it currently stands, the restrictive personal occupancy condition means that the site cannot be counted towards meeting the Council's District-wide needs. If the personal occupancy condition is removed, the application site would count towards the Council's need for Gypsy and Traveller sites as it would now longer be a personal permission and could be occupied by anyone falling within the definition of a Gypsy or Traveller. There are no reasons to continue to restrict the occupation of the site to the respective Smith and Staple-Lee families.
- 6.25 The proposal is considered to be in line with local and national planning policies and is therefore recommended for approval, thus lifting the personal occupancy condition. The proposal is also considered appropriate in terms of highway safety, impact on amenity and design.

## **7. RECOMMENDATIONS**

- 7.1 The application is recommended for approval subject to the following conditions:

**1 Plans Compliance Condition**

- 2 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 Policies 21, 22 and 23 of the Horsham District Planning Framework (2015).

- 3 Regulatory Condition:** No more than 1 static caravans or mobile home, and no more than 1 touring caravan, 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), shall be stationed on each of the respective land parcels, identified as Oak Tree View and Lane Top, at any one 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.

- 4 **Regulatory Condition:** Any touring caravans shall not be occupied by any person at any time whilst on the application site.

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.

- 5 **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

- 6 **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.

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

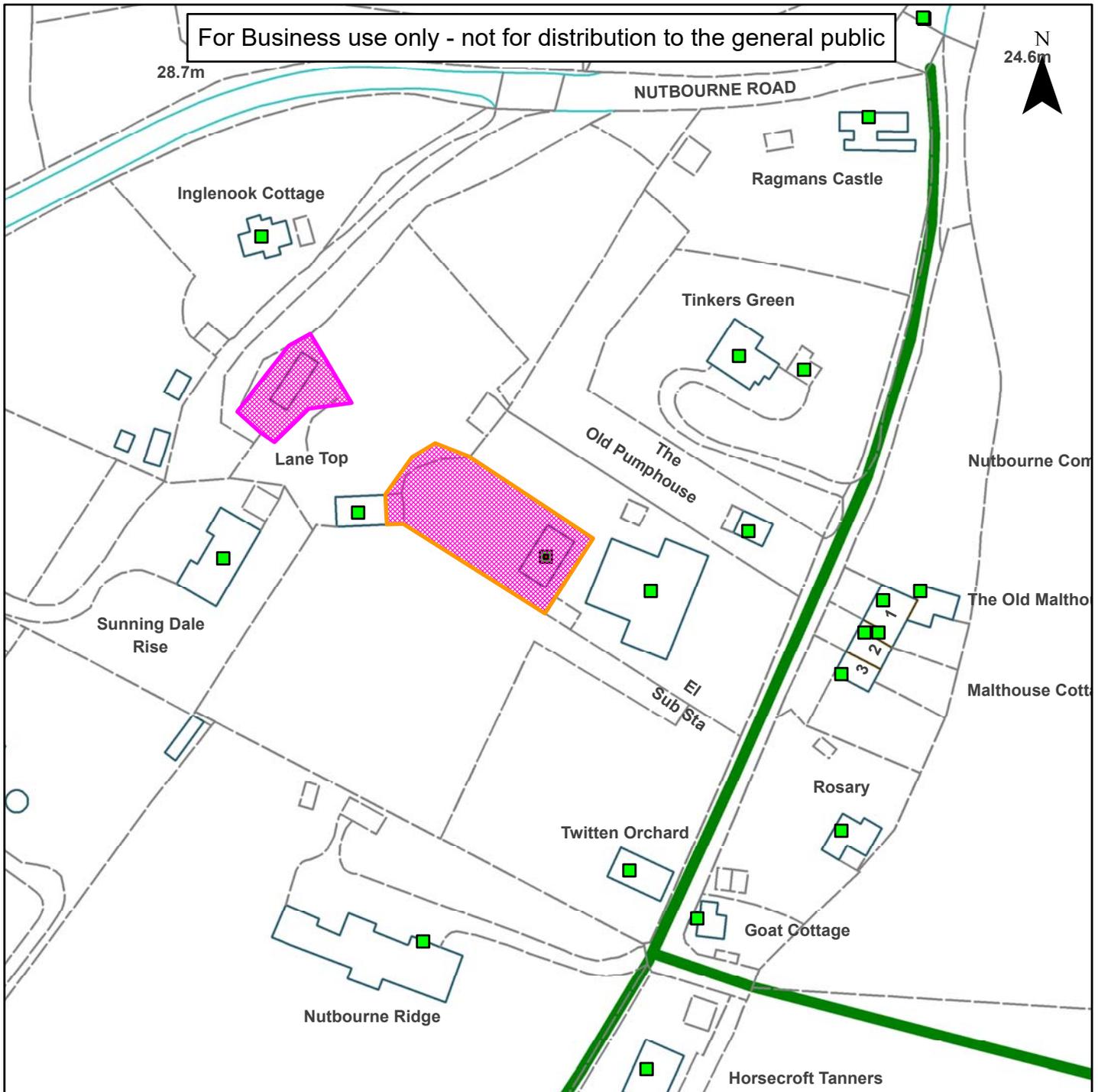
Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework 2015.

Background Papers: DC/17/2564 and DC/10/0586

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	08/11/2018
MSA Number	100023865

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