

**Planning Committee (South)**  
**19 FEBRUARY 2019**

Present: Councillors: Brian O'Connell (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Karen Burgess, Jonathan Chowen, Philip Circus, David Coldwell, Brian Donnelly, David Jenkins, Nigel Jupp, Lynn Lambert, Gordon Lindsay, Tim Lloyd, Paul Marshall, Kate Rowbottom, Jim Sanson and Claire Vickers

Apologies: Councillors: Mike Morgan, Ben Staines and Michael Willett

PCS/71 **MINUTES**

The minutes of the meeting of the Committee held on 15 January were approved as a correct record and signed by the Chairman.

PCS/72 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/18/0661 – Councillor Nigel Jupp declared a conflict of interest in this application because he knew the applicant well. He therefore withdrew from the meeting during the determination of this item.

PCS/73 **ANNOUNCEMENTS**

The Chairman announced a change in order of the agenda so that Item 8 (DC/18/1488) could be considered as the last application. This was because the application required the Chairman asking the Committee to resolve to go into private session to consider exempt information.

PCS/74 **APPEALS**

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

PCS/75 **DC/18/0661 - MENZIES WOOD FARM, OKEHURST LANE, BILLINGSHURST**

The Head of Development reported that this hybrid application sought: full planning permission for the full enclosure and refurbishment of a barn and the regularisation of current onsite uses (light industrial, storage and distribution) including the repair and assembly of horse boxes and trailers and customer collections and loading of trailers; and outline permission for the demolition of a workshop, barn and offices and erection of a new barn, workshop, office and open storage area. The outline permission included access and layout with all other matters reserved for future determination.

Members were advised that the last sentence of paragraph 6.21 of the report, regarding a condition to cease all noise generating activities in the two open buildings, should read 'to cease within **six months**', as stated correctly elsewhere in the report.

The application site was located approximately 1.3 kilometres north of Billingshurst on the north side of Okehurst Lane and was an established commercial site. Access was shared with a residential property on the south west boundary and there were two other residential properties to the west and south. Okehurst Lane, a relatively narrow country lane led to the A29 approximately 650 metres east of the site.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Planning history of the site, in particular the permitted uses granted under DC/07/0421 and the current compliance case relating to the site, were noted by the Committee.

The Parish Council raised some objections to the application. A total of 35 objections from 15 households had been received. Three members of the public spoke in objection to the application and the applicant and the applicant's agent both spoke in support of it. 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; the character of the development and visual amenities of the area; the amenities of occupiers of adjoining properties; and parking and traffic.

Members considered the current operations on the site and noted that the proposal would benefit the local business. Members concluded that, in the light of the new site layout and conditions to restrict operations and control noise emanating from the site, there would not be a significant impact on neighbouring amenity.

Members discussed the narrow nature of the lane and agreed that an additional condition to restrict heavy goods vehicles from leaving and entering the site should be included.

#### RESOLVED

That planning application DC/18/0661 be granted subject to the conditions as reported, with an additional condition to restrict the number of heavy goods vehicles permitted to or from the site. The wording of this condition to be agreed in consultation with Local Members.

The Head of Development reported that this application sought permission for the demolition of a commercial building and a dwelling, and the erection of one 4-bedroom dwelling and one 3-bedroom dwelling. They would have pitched roofs and gables and include stone, brick, clay tiles and slate. Each would have a garden to the rear and two parking spaces. A retaining wall on the western boundary adjacent to the old A24 was also proposed.

The application site was located outside the built-up area to the east of the A24 and south of the Buck Barn crossroads. The two buildings to be demolished were single storey, with the commercial building occupying a large area of the site. The surrounding area was largely open countryside with sporadic development. 1 and 2 Tea Caddy Cottage were to the south, and four other dwellings about 130 metres to the north. There were several equestrian and commercial developments nearby.

Since publication of the report and applicant had submitted a number of documents: ecological appraisal survey; bat roost assessment; habitat suitability index; further information on contamination; and a technical note in respect of highway related issues.

The Ecology Consultant had advised that the additional documents did not provide sufficient information and the fourth reason for refusal was still relevant, with a minor amendment to reflect the submission of the ecology appraisal survey and other documents.

WSCC raised no objections to the application. Whilst they acknowledged that loss of the employment use would result in fewer heavy goods vehicle movements over the A24, there was no evidence of safety issues with the present arrangement. In response to the contamination information submitted, the Environmental Health Officer advised that additional works would still be required.

The Parish Council objected to the application. Seventeen representations had been received (not 12 as stated in the report). Fifteen representations supported the application, and two objected to it.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development, which led to the loss of a commercial unit and new residential accommodation; its impact on the character and visual amenities of the street scene and countryside location; the amenities of neighbouring occupiers; and parking and traffic conditions.

Members agreed that the proposal was unacceptable for the reasons as set out in the report.

#### RESOLVED

That planning application DC/18/2244 be refused for the following reasons:

- 01 The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
- 02 The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 79 of the National Planning Policy Framework, and with policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
- 03 The application site is in employment use and no justification has been provided to demonstrate that the premises are no longer needed or unviable for continued employment use. The loss of the employment use would therefore be contrary to policies 9 and 10 of the Horsham District Planning Framework (2015), which seek to encourage sustainable rural economic development within the District.
- 04 There is insufficient information on which to consider the potential impacts of the proposed development proposal on protected species in accordance with Policy 25 of the Horsham District Planning Framework 2015 or as required by the Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016) and Circular 06/2005. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

PCS/77 **DC/18/1488 - LAND EAST OF COOLHAM ROAD, WEST CHILTINGTON**

The Head of Development reported that this application sought permission for the stationing of a mobile home and erection of a 2-box stable block and bin store for use as permanent Gypsy accommodation. An addendum to the report contained an amended description of the application 'Proposed site for settled gypsy accommodation for 1 pitch with associated stable block'.

The proposal included vehicular access to an area of hardstanding. The mobile home would be in the north of the site, 15 metres from the boundary with

ancient woodland. Measures had been proposed by the applicant to avoid damage to trees.

The application site was a field located in the countryside, approximately 770 metres north of Thakeham to the east of Coolham Road, which was reached along a shared track. There were established field boundaries, including trees on the east, west and north boundaries. The nearest residential properties were approximately 140 metres to the north. The nearby landscape character comprised a number of small-holdings.

The addendum notified Members of a recommended additional condition requiring details of a 15 metre buffer to the Ancient Woodland and a paddock area east of the site. This condition would ensure adequate protection of the Ancient Woodland and surrounding countryside.

The Parish Council objected to the application. Six representations supporting the proposal had been received, including one received after publication of the report. One member of the public spoke in objection to the application and the applicant's agent 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; landscape character; trees and landscaping; impact on residential amenity; the highway impacts.

It was noted that the site was not allocated in the Horsham District Planning Framework as a Gypsy and Traveller site and the proposal was contrary to policies in the Thakeham Neighbourhood Plan.

A motion to defer the item in order to obtain the view of the Information Commissioners Office regarding the decision to consider sensitive personal information in exempt session was put to the Committee; the motion was lost.

The Committee resolved that the press and public be excluded from part of the meeting so that they could consider items the publication of which would be likely to disclose exempt information, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Paragraph 2 in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

The press and public were invited to return to the meeting after consideration of the extenuating personal circumstances outlined in the exempt information and before the determination of the item.

Members considered the site location in relation to local services and facilities, and agreed that the unsustainable nature of the site would not help the applicant in relation to the extenuating personal circumstances. Members therefore concluded that the proposal was unacceptable.

RESOLVED

That planning application DC/18/1488 be refused for the following reason:

The proposed development is in an unsustainable location remote from services in Thakeham, and school and health facilities, and is not readily accessible by sustainable means. The extenuating circumstances provided by the applicant are not considered sufficient to outweigh this harm. The proposal therefore fails to comply with policies 23 & 26 of the Horsham District Planning Framework and Policy 9 of the Thakeham Neighbourhood Plan.

PCS/78 **DC/18/2236 - UNITS 53 TO 54, MACKLEY INDUSTRIAL ESTATE, HENFIELD ROAD, SMALL DOLE**

The Head of Development reported that this application sought permission for the change of use of two units from light industrial to leisure use as a ski training centre. The proposal included a revised parking layout for 16 spaces instead of 22. There would be no external alterations to the building.

One unit would include reception, office and storage areas, the other would comprise two ski ramps for giving skiing lessons. The ramps would tilt to varying angles and operate like a treadmill. The ski and snowboard sessions would be by appointment only and there would be no 'free ski' sessions as part of the proposed use. The training centre would operate between 9am and 10pm Tuesday to Sunday.

The application site was located in the built-up area of Small Dole within Mackley Industrial Estate, a Key Employment Area in the district. Access to the site was off Henfield Road. The South Downs National Park boundary was approximately 70 metres to the east and there was Ancient Woodland directly north of the units. A public footpath ran to the west of the buildings; its current route was a long standing illegal diversion and officers recommended that the owner applies for a legal diversion.

The Parish Council raised no objection to the application. Thirteen representations in support of the proposal had been received. A representative of the ski training business and a representative of Mackley Industrial Estate both spoke 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; the applicant's business plan and supporting information; the loss of a light industrial site within a Key Employment Area; impact on residential and visual amenity; highways and parking.

With regards to policy concerns regarding the loss of B1 employment space, Members noted that the proposal would generate employment for up to 14 people, significantly more than the previous occupant. Members also noted that, whilst the units had not been formally advertised, other units on the site had been vacant and advertised since July 2017.

Members discussed the significant community and employment benefits of this particular proposal and noted the existing availability of B1 use units in the vicinity, and concluded that the proposal was acceptable.

Members agreed that in order to protect the integrity of the Industrial Estate a condition should be included to restrict the change of use to the current proposal, and that should this particular business leave the premises it should revert to B1 use.

#### RESOLVED

That planning application DC/18/2236 be granted, subject to the following condition:

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 at Units 53 and 54 hereby permitted shall operate as a ski training centre only and for no other purposes whatsoever, (including those falling within Class D2 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). The ski training centre shall not be open or otherwise accessible to the public other than by way of appointment and upon cessation of use of Units 53 and 54 as a ski training centre, the respective units shall revert back to Class B1 use.

*Reason: As the change of use is only considered acceptable on the basis on the specific business model proposed and to ensure the retention of employment floorspace within this designated Key Employment site in accordance with Policy 9 of the Horsham District Planning Framework (2015).*

#### REASON

The proposed development would result in employment generation within this Key Employment Area. Whilst full marketing of the site has not been provided it is considered that the unique business proposal for the site is sufficient to ensure compliance with Policy 9, subject to the above condition relating to use of the unit.

*The meeting closed at 5.08 pm having commenced at 2.35 pm*

CHAIRMAN