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# Planning Committee (South)

Tuesday, 19th February, 2019 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 - 12
<p>To approve as correct the minutes of the meeting held on 15 January 2019 (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.)</p>	
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** 13 - 14

Applications for determination by Committee:

6. **DC/18/0661 - Menzies Wood Farm, Okehurst Lane, Billingshurst** 15 - 30

Ward: Billingshurst & Shipley  
Applicant: Mr Mark Betts

7. **DC/18/2244 - Land adjacent to 1 Tea Caddy Cottages, Worthing Road, West Grinstead** 31 - 42

Ward: Cowfold, Shermanbury & West Grinstead  
Applicant: Mr Henry Pannell

8. **DC/18/1488 - Land east of Coolham Road, West Chiltington** 43 - 58

Ward: Chanctonbury  
Applicant: Mr & Mrs Wayne Ward

9. **DC/18/2236 - Units 53 to 54, Mackley Industrial Estate, Henfield Road, Small Dole** 59 - 68

Ward: Bramber, Upper Beeding & Woodmancote  
Applicant: Mr Austin Green

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

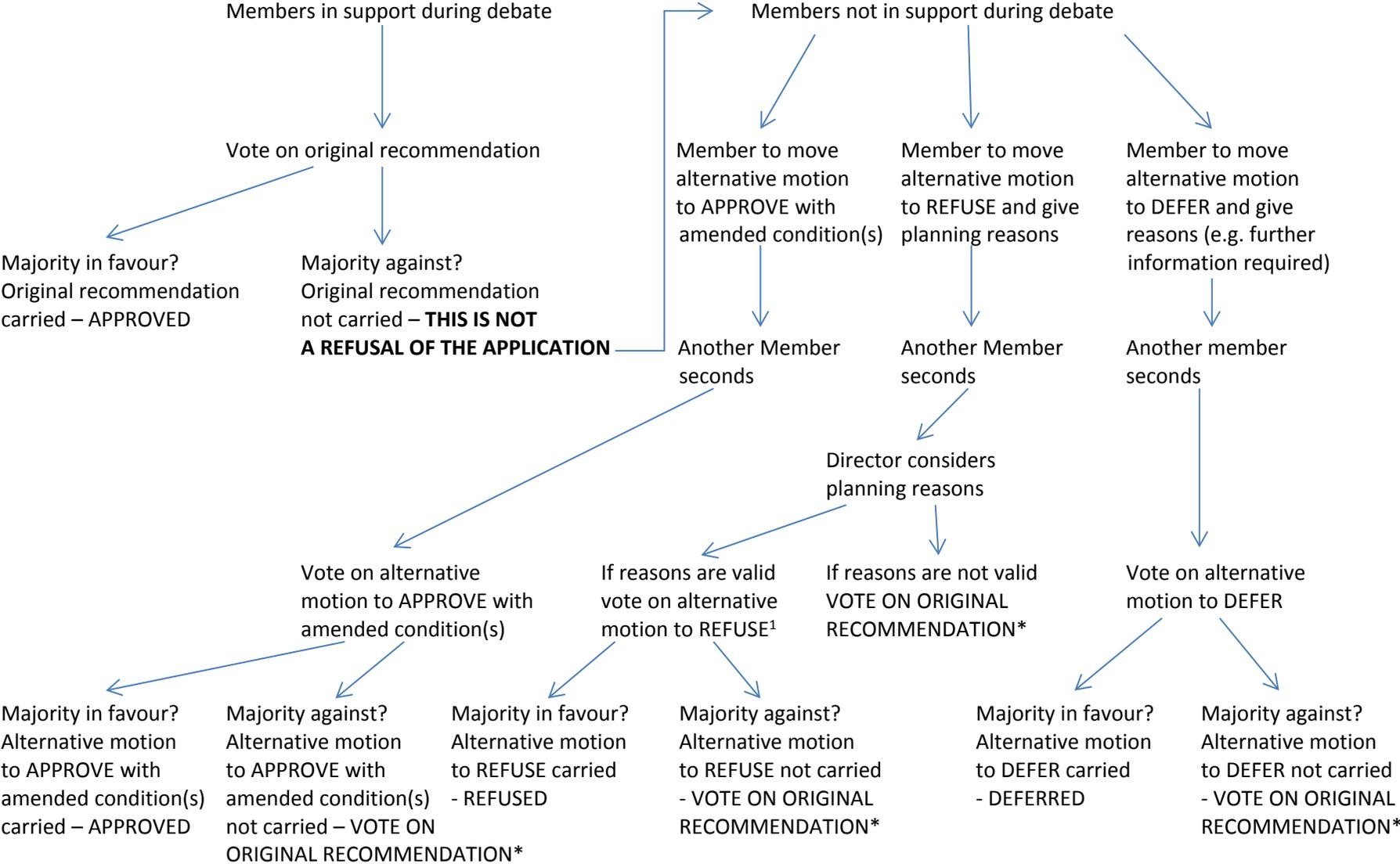
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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)**  
**15 JANUARY 2019**

Present: Councillors: Paul Clarke (Vice-Chairman), John Blackall, Karen Burgess, Philip Circus, Ray Dawe, Brian Donnelly, David Jenkins, Nigel Jupp, Lynn Lambert, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Kate Rowbottom, Jim Sanson, Claire Vickers and Michael Willett

Apologies: Councillors: Brian O'Connell, Jonathan Chowen, David Coldwell and Ben Staines

PCS/63 **MINUTES**

The minutes of the meeting of the Committee held on 18<sup>th</sup> December 2018 were approved as a correct record and signed by the Chairman.

PCS/64 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/18/2371 – Councillor Rowbottom declared a disclosable pecuniary interest as she was the applicant.

PCS/65 **ANNOUNCEMENTS**

There were no announcements.

PCS/66 **APPEALS**

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

PCS/67 **DC/18/2084 - FRYERN PARK FARM, FRYERN PARK, FRYERN ROAD, STORRINGTON**

The Head of Development reported that this application sought permission for the change of use of land to accommodate two traveller pitches, two timber-clad dayrooms and hardstanding for parking, including space for a touring van. Parking would be next to a new vehicular entrance south of the site. Screening and landscaping were also proposed.

An addendum to the report updated Members on a recent visit by the Planning Compliance Team, which confirmed that two mobile homes currently on the site were not positioned where the proposed ones would be and therefore this was not a retrospective application. The addendum also clarified government guidance on the provision of amenity buildings.

An additional condition was also recommended by the presenting officer requiring details of all boundary treatments to be submitted to the local planning authority for approval prior to commencement. The condition was to state the existing hedge around the site was to be retained as part of the boundary treatment proposal.

The application site was located outside the built-up area to the north of Storrington and was a narrow strip of land adjacent to a lane servicing some dwellings and paddocks. There was high hedge along the boundary with the lane. The new entrance had already been created and there were two mobile homes on the plot, currently used in connection with the construction of barn and stables on the adjacent plot (DC/16/1659).

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. There had been 19 representations objecting to the proposal and one additional letter of objection after the publication of the report, and eight representations in support. A representative of Storrington & Sullington 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; whether it was sustainable development; landscape character; impacts on neighbouring amenity; and highways.

Members discussed the access to the site, which they considered to be inadequate, and considered the site location in relation to Storrington and West Chiltington and raised concerns regarding the cumulative impact on the surrounding countryside.

#### RESOLVED

That planning application DC/18/2084 be refused for the following reasons:

- 01 The development, by reason of its siting, design and cumulative impact, would result in a detrimental impact on this countryside setting and results in coalescence between Storrington and West Chiltington. The proposal is therefore contrary to policies 25, 26 & 27 of the Horsham District Planning Framework (2015).
- 02 The development fails to provide a safe and convenient public access to the site contrary to policy 40 of the Horsham District Planning Framework (2015).

PCS/68 **DC/18/2161 - THE CHANTARELLE, 11A NYETIMBER COPSE, WEST CHILTINGTON**

The Head of Development reported that this application sought permission for the erection of a second storey extension and two storey side extensions. The works would create a two storey western wing with a gabled projection to the east. The proposal included several roof dormers and external remodelling with contemporary materials. The current driveway would be closed and replaced with access onto a cul-de-sac west of the property. A detached garage was also proposed.

An addendum to the report advised Members that amended plans had been submitted with revised windows of more traditional proportions.

The application site was located within the built-up area of West Chiltington and was a 1970s detached bungalow. The surrounding residential area included large detached dwellings of various designs in generous plots.

The consultation response from the Highway Authority, as contained within the report, were considered by the Committee.

The Parish Council raised no objection to the application. There had been 52 public representations from 37 households: 46 were objections; four were supportive; and two commented on the proposal. Three members of the public spoke in objection to the application and one member of the public, the applicant and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in support of 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; character, design and appearance of the proposal; neighbouring amenity; and highway considerations.

Members concluded that the form, scale and appearance of the proposal was in keeping with the surrounding area and would not have an unacceptable impact on neighbouring amenity. In response to concerns regarding the protection of trees in the vicinity of the new driveway, it was agreed that an additional condition should be added to secure acceptable porous materials for hardstanding areas.

**RESOLVED**

That planning application DC/18/2161 be granted subject to the conditions as reported, with an additional condition to secure acceptable materials for hardstanding area:

Prior to commencement details of porous materials to be used in the new hardstanding areas shall be submitted to and approved

by the Local Planning Authority in writing. The proposal shall be implemented strictly in accordance with the agreed details and thereafter retained.

Reason: As this matter is fundamental to protect existing trees in the interests of the visual amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

PCS/69 **SDNP/18/04290/HOUS - DOWNSVIEW, THE HOLT, WASHINGTON**

The Head of Development reported that this application sought permission for the demolition of a single storey detached garage and the erection of a two storey side extension.

The application site was located within the built-up area of Washington and within the South Downs National Park. It included a detached two storey dwelling that reflected the style of adjacent properties. There was a recent extension to the rear.

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, but had not responded to amended plans submitted in November 2018 that sought to address concerns regarding scale and massing. Twelve representations objecting to the scheme, and one letter of comment, had been received. These had all been received before the amended plans were submitted.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: principle of development; scale, design and appearance; landscape character; neighbouring amenity; and parking provision.

RESOLVED

That planning application SDNP/18/04290/HOUS be granted subject to the conditions as reported.

PCS/70 **DC/18/2371 - 4 DRAGONS LANE, DRAGONS GREEN, SHIPLEY**

*Councillor Kate Rowbottom left the room for the duration of this item.*

The Head of Development reported that this application sought permission for the demolition of a rear conservatory and erection of a two storey side and single storey rear extension. A porch enclosing the front door was also proposed.

The application site was located outside the built-up area and was a semi-detached home with a garden. The surrounding area included a variety of

properties and gardens surrounded by open fields. An adjacent semi-detached dwelling had a similar side extension and porch.

The Parish Council supported the application. There had been no other consultation responses.

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

RESOLVED

That planning application DC/18/2371 be granted subject to the conditions as reported.

*The meeting closed at 4.31 pm having commenced at 2.30 pm*

CHAIRMAN

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## Planning Committee (South)

Date: 19<sup>th</sup> February 2019

### Report on Appeals: 4/1/19 – 6/2/19

#### 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/18/1866	Land Adjacent Rushmear House Sandy Lane Henfield West Sussex BN5 9UX	08-Jan-19	Refuse	N/A
DC/18/2206	1 Undermill Road Upper Beeding Steyning West Sussex BN44 3JG	16-Jan-19	Refuse	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/18/0398	Grays Farm West End Lane Henfield West Sussex BN5 9RF	Written Representations	05-Feb-19	Refuse	N/A
DC/18/0399	Grays Farm West End Lane Henfield West Sussex BN5 9RF	Written Representations	05-Feb-19	Refuse	N/A
DC/18/2206	1 Undermill Road Upper Beeding Steyning West Sussex BN44 3JG	Written Representations	29-Jan-19	Refuse	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/18/0317	Lock Farm Lock Partridge Green Horsham West Sussex RH13 8EG	Written Representations	Dismissed	Refuse	N/A
DC/18/0345	Sunnydell Coolham Road Brooks Green Horsham West Sussex RH13 0JW	Written Representations	Dismissed	Refuse	N/A



**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 February 2019

**DEVELOPMENT:** Hybrid planning application for:  
Full planning permission for the retention, full enclosure and refurbishment of existing barn and the retention of current uses on site falling within use classes B1(c) and B8, including the repair and maintenance of trailers and ancillary equipment; assembly of new trailers, horse boxes (including those with accommodation on board); trailer, motorhome and horsebox conversions; pre sales work and customer collections; and the preparation and loading of trailers and horse boxes for export; and  
Outline planning application (with approval of access and layout) for demolition of existing workshop, barn and offices and erection of a new barn and workshop building and office building, creation of open storage area.

**SITE:** Menzies Wood Farm Okehurst Lane Billingshurst West Sussex RH14 9HR

**WARD:** Billingshurst and Shipley

**APPLICATION:** DC/18/0661

**APPLICANT:** **Name:** Mr Mark Betts **Address:** Billingshurst Road Coneyhurst  
Billingshurst RH14 9DQ

**REASON FOR INCLUSION ON THE AGENDA:** Billingshurst Parish Council have requested to speak on the application at Planning Committee

More than 8 letters of representation have been received within the consultation period which have raised 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**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 This hybrid planning application seeks full planning permission for the full enclosure and refurbishment of an existing barn style building set centrally on the site, and the regularisation of the current uses on site which fall within use classes B1(c) and B8 (light industrial and storage and distribution). The current uses/activities taking place on the site include the

repair and maintenance of trailers and ancillary equipment; the assembly of new trailers and horse boxes (including those with accommodation on board); the conversion of trailers, motorhomes and horse boxes to other uses; pre-sales work and customer collections; and the preparation and loading of trailers and horse boxes for export.

- 1.3 The other element to the hybrid application seeks outline planning permission, with all matters reserved except for access and layout, for the demolition of the existing workshop, barn building and office building located to the western side of the site and the construction of a new workshop to the eastern side of the site and an office building at the southern side of the main yard area. It is also proposed to create a dedicated area for open storage at the northern end of the site.
- 1.4 The full planning element to the application is sought to regularise the current activities taking place on the site. It has been determined and acknowledged that the current activities on site go beyond those that were initially allowed under a permission from 2007 which allowed for – *“Change of use to servicing maintenance and storage of trailers and horticultural/estate machinery”* for use by the company Universal Trailers only. The current operations primarily relate to the permitted operations, however new and additional uses are also taking place along with the use of the site by another company, Pioneer, who are involved in the assembly of new trailers and the conversion works to vehicles as outlined above.
- 1.5 The existing workshop type buildings on the site to be removed via the outline element to the application are located along the western boundary of the yard area; the part of the site closest to neighbouring residential properties. The proposed enclosure of the existing barn and erection of a matching workshop building would bring the built development on the site away from the western boundary and these neighbouring residential properties. It is the intention of the applicant, should planning permission be granted, that all activities will take place inside the new and refurbished buildings which would be located a minimum distance of approximately 80m away from the nearest residential property.
- 1.6 As part of the outline proposals, soft landscaping will be added to the western side of the site to create a natural buffer between the commercial site and the nearest residential properties. As this element of the proposal is submitted in outline form, the detailed landscaping of the site is reserved for consideration at a later stage. No alterations to the existing access point or access lane are proposed as part of the application.
- 1.7 It should be noted that the application was initially submitted solely as outline permission for the new buildings, enclosure of existing central building, and the creation of the open storage area. However following discussion it was agreed with the applicant that the use of the site needed to be regularised therefore application has been altered to include full planning permission for the additional operations on site, thus becoming a hybrid application.

#### DESCRIPTION OF THE SITE

- 1.8 The application relates to an established commercial site located on the northern side of Okehurst Lane, approximately 1.3km north of Billingshurst. The site is accessed by a wide driveway that serves both the application site and a residential property known as Menzies Wood. Menzies Wood is located close to the south western boundary of the site, with further residential properties known as Lannards and Sherlocks located to the west and south respectively. Okehurst Lane itself is characteristic of a country lane, being of relatively narrow width with few passing places. Okehurst Lane exits onto the A29 north of Billingshurst about 650 metres to the east of the application site.
- 1.9 The application site currently benefits from planning permission granted in 2007 under planning reference number DC/07/0421. The permission granted was the *“Change of use to servicing maintenance and storage of trailers and horticultural/estate machinery.”* The 2007 application was approved with conditions relating to the activities on site, hours of operation

and use Universal Trailers only. Whilst not stipulated within the planning permission, it is considered that this permission granted the use of the site for light industrial (B1(c)) and storage and distribution (B8) uses.

- 1.10 It is noted that there is a current planning compliance case relating to the site. Complaints were received relating to the operations on the site in excess of those allowed under planning reference DC/07/0421. Following site visits by Officers and consideration of the activities on the site, it was found that there are breaches of planning control. These namely relate to the use of the site by an additional company (Pioneer) and operations taking place in excess of those permitted. Whilst these activities have gone beyond those permitted by the 2007 permission, the site is still considered to be used for B1(c) and B8 purposes.

## 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**

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

Policy 1 - Strategic Policy: Sustainable Development

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 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

- 2.3 As part of the Local Plan Review Horsham District Council published an **Issues & Options: Employment, Tourism & Sustainable Rural Development document** in April 2018. At present the information within this document is not Council policy and therefore limited weight can be given in the consideration of this application.

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Billingshurst was designated as a Neighbourhood Development Area in December 2015. To date however there is no 'made' neighbourhood plan for the Parish.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

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

BL/123/98	Erection of a building for b8 use and conversion of existing building to b1 use	Application permitted on 19.04.1999
BL/68/02	Amend condition 6 on bl/123/98 to allow lighting of the yard and security lighting Site: Menzies Wood Okehurst Lane Billingshurst	Application Permitted on 07.10.2002
DC/06/1016	Variation of conditions 12 and 15 of BL/123/98 to allow the change of use of land for the servicing and maintenance of trailers and compact tractors and limited retail sales and the erection of a 1.95m high perimeter fence	Application Refused on 16.06.2006
DC/07/0421	Change of use to servicing maintenance and storage of trailers and horticultural/estate machinery	Application Permitted on 24.09.2007

### 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:** No Objection.  
Application recommended for approval subject to Highways consideration and approval.
- 3.3 **HDC Environmental Health:** No Objection.  
Appropriate conditions recommended to ensure no detrimental impact on neighbouring amenity
- 3.4 **HDC Conservation and Design:** No Objections.  
The proposals would enhance the site.

#### OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No Objection.  
Recommends conditions.
- 3.6 **Southern Water:** Comment.  
The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.

## PARISH COUNCIL

### 3.7 **Billingshurst Parish Council: Comment.**

- Whilst wishing to support a growing local business, it was felt that the scale of expansion on this site was out of proportion for a residential rural lane. Councillors suggested that there are other, more suitable, locations, such as Brinsbury which will soon be in development, and a vacant, recently converted former grain store on the A272 at Newbridge.
- It was a matter of some concern that the current restrictions on the site were being disregarded. This does not give any confidence in any future conditions being respected.
- Road safety issues are already a concern and will be more so given the likely increase in size of vehicles servicing the site and the increased vehicle movements.
- There are no obvious economic benefits – the application form states there are currently 3 employees and this number is not expected to rise.
- Members were supportive of the objections from residents, including noise, airborne pollution and odours, road safety, retail sales from the site, sole use of the site by Universal Trailers not being adhered to and the location being unsustainable and inappropriate for a residential lane.

## PUBLIC CONSULTATIONS

### 3.8 35 letters of objection have been received from 15 households. These can be summarised as follows:

- Overdevelopment of the site.
- Site not suitable for additional operations/uses.
- Okehurst Lane is a narrow road and would not be suitable for the operations/uses.
- Highway safety would be affected.
- Detrimental impact on neighbouring amenity due to noise and pollution.
- Detrimental impact on listed buildings within the vicinity.
- Unsustainable location.

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

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

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

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

## 6. **PLANNING ASSESSMENTS**

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

- The principle of development
- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties
- The parking and traffic implications for the development

## **Principle of Development**

- 6.2 Policy 10 of the Horsham District Planning Framework (HDPF) relates to rural economic development and states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. The policy goes on to say that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.
- 6.3 Policy 26 of the HDPF requires that outside BUAB's, the rural character and undeveloped nature of the countryside be protected against inappropriate development. It further requires development proposals to be 'essential' to their countryside location and meet at least one of four criteria; including providing for quiet informal recreation use, or enabling the sustainable development of rural areas. Policy 26 also requires that any development must be of a scale appropriate to its countryside character and location, and must not lead to a significant increase in the overall level of activity in the countryside.
- 6.4 The application site is a long established commercial site and has operated as such for a number of years. Planning permission was originally granted in 1999 for the erection of a building for B8 use and conversion of existing building to B1 use with further permission granted in 2007 as detailed above to allow for the use of the site for the servicing, maintenance and storage of trailers and horticultural/estate machinery. This permission ran personal to Universal Trailers Ltd only, as secured by condition.
- 6.5 Whilst located in a rural location, given the number of years that the site has operated commercially, the Council must give consideration to Policy 10 of the HDPF which allows for rural economic development providing, in the case of established rural industrial estates, such development is located within the existing boundaries of the estate. In this instance it is considered that the uses as being carried out on the site sustains the varied and productive businesses currently operating from the site. Information has been provided outlining how Universal Trailers are experiencing increased demand for their products and it is considered that whilst the proposals entail an increase in activity at the site, they would not go beyond use those allowed under use classes B1(c) and B8 (which are the current permitted used for the site). It is noted in this regard that B1(c) light industrial uses are those that are considered appropriate within a predominantly residential area.
- 6.6 In addition to this, the outline proposals for the new workshop building and the new office building would also accord with Policy 10 of the HDPF, which require economic development to result in environmental improvement. The proposals involve the removal of dilapidated buildings to the eastern side of the site which are in a poor state of repair and considered to be detrimental to the location in terms of their aesthetic merit. The new buildings would appear to be more in keeping with the countryside location, utilising an agricultural barn style design. Whilst these are currently submitted in outline form and the final design is to be approved at reserved matters stage, the principle of the new buildings as currently submitted would serve to maintain and enhance the character of the area whilst allowing for appropriate use of the site in accordance with Policy 10.
- 6.7 Policy 26 of the HPDF, which relates to countryside protection, is also pertinent in this regard. It is considered that the removal of the existing buildings and erection of new buildings would enhance the established commercial site as well as the surrounding area. Although the current activities taking place on site have deviated from those approved under the permission from 2007, it is considered that the containment of the activities on the site within buildings, which would be secured by condition, would ensure that there would not be a marked increase in the overall level of activity which would have a detrimental impact on the countryside location.

- 6.8 It is noted that the current uses subject to the full planning element include 'pre-sales work and customer collections' as well as 'preparation and loading for export'. Looking over the history of the site, it is evident that a previous application DC/06/1016 to allow some limited retail sales on the site was refused due to the retail sales element sought within the application. The applicant has stated that no retail sales are proposed from the site. Taking this into account it is considered that the pre-sales work and collections stipulated would be ancillary to the main uses and operations from the site and the applicant has stated that any collections would be strictly by appointment only. Any dedicated retail sales will again be restricted by condition, as per the existing permission pertaining to the site.
- 6.9 For these reasons the regularisation of the current uses and the construction of the new buildings is considered to be acceptable in principle and would be accord with the provisions as set out in policies 10 and 26 of the HDPF, subject to all other material considerations as discussed below.

### **Impact on Visual Amenity of Area**

- 6.10 Policies 25, 32 and 33 of the HDPF promote development which is of a high quality design, and is sympathetic to the distinctiveness of the application site and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which it forms a part.
- 6.11 The outline element to this hybrid application proposes the removal of existing buildings on the site and the construction of a new workshop building, an office building and the creation of an open storage yard, and seeks approval for the access and proposed layout of the site only at this stage. The proposed site plan submitted pertaining to the outline permission indicates that the existing buildings on the western side of the site would be removed, with the construction of a new workshop building to the east of the site, the office building to southern end of the year and a storage area to the northern end of the site.
- 6.12 The details submitted indicate that the proposed workshop building would be of a similar scale in terms of footprint to the existing barn structure at the centre of the site. The proposed office building would be smaller in scale when compared to the existing and proposed buildings. Overall, in terms of the layout of the new buildings, these would be appropriately positioned within the site and yard area, positioned away from any neighbouring property and would be well accommodated within the large site.
- 6.13 A minimum gap of approximately 117m would be preserved between the proposed buildings and the public highway to the south west given the long access road serving the site. There is also extensive mature soft landscaping to the boundaries of the yard/site and as such, the proposed buildings would not be visible from a public vantage point from Okehurst Lane. Given the current poor state of repair and positioning of the existing buildings to be removed, it is considered that the proposed buildings, as well as the enclosure of the existing central building would serve to enhance the site and would not cause harm the character and visual amenities of the street scene.
- 6.14 The existing central barn building is of a typical agricultural/rural design with dual pitched metal sheet roof and cladding to parts of the exterior. The full enclosure of the building would not harm its current standing within the site or have an impact on the surrounding area.
- 6.15 The proposed creation of the open storage area for the trailers to the north of the site would not have a detrimental impact on the landscape character given the existing boundary treatments. It is also noted that trailers are currently stored in this area so the creation of a dedicated area for storage would be different to the existing configuration of the site or the use of this section of the site

- 6.16 The final dimensions, design and scale of the proposed buildings and the overall landscaping proposals for the site would be subject to an application for reserved matters, however, the plans currently submitted indicate that the proposals would be of a style that is commensurate with the wider character of the countryside location.

### **Impact on Neighbouring Amenity**

- 6.17 Policy 33 of the HDPF states 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. As stated above, the application site relates to an existing commercial site which has operated for a number of years following the granting of commercial uses in 1999. The existing buildings, where the majority of the permitted and current operations are taking place are located to the western side of the site, in close proximity to neighbouring residential properties and in buildings that are not fully enclosed.
- 6.18 It is noted that due to complaints raised and following investigations, a statutory noise nuisance order for the site was served by the Council's Environmental Health department in September 2018. This specifically related to the operations currently taking place on site from the existing workshop and open barn buildings located on the western side of the site. These buildings do not have provisions in place for sound attenuation and are not considered to be suitable for the operations taking place on site.
- 6.19 Whilst it is acknowledged that the operations being carried out on the site go beyond those currently permitted on the site, the outline proposals would introduce new and enclosed buildings, positioned away from the nearest residential properties to the west of the site. The applicant has purported that all operations will be contained within the buildings and an appropriate condition is recommended requiring this at all times. An appropriate scheme for sound attenuation emanating from the buildings will also be sought to ensure that the operations being undertaken within the buildings do not impact on the neighbouring properties.
- 6.20 To mitigate the impact of noise from the existing buildings it is also considered appropriate in this instance to attach a condition requiring that all noise generating operations (other than storage) cease operating from these buildings six months after the date of this decision. This would allow time for the existing central building to be enclosed as per the full planning element to this application and all noise generating activities moved into this building, while the details for the new buildings are agreed at a later state under a reserved matters application. It is considered that this represents an appropriate strategy to enable an existing employment site to remain operational whilst protecting the amenities of the adjacent residents moving forward.
- 6.21 Overall, it is considered that the operations currently taking place, whilst more intensive than those that formed part of the original permission, nevertheless still fall within the use classes of B1(c) and B8 (light industrial and storage/distribution). As these operations are to be contained within the new and refurbished buildings, which would be positioned a considerable distance away from the nearest residential properties (80m) and with appropriate sound controls in place, to be secured by condition, it is considered that the additional operations and new buildings would not have a detrimental impact on neighbouring amenity, in accordance with Policy 33 of the HDPF. This is though subject to the conditions as recommended, including the condition requiring all noise generating activities in the two open buildings to cease within four months of the date of this permission, should it be granted.
- 6.22 It is noted that objections have also been received with regards to increased vehicular activity taking place on the site and how this is affecting neighbouring amenity. It should be noted that the site does not currently have any restrictions in place with regards to the type, frequency and size of vehicles accessing the site, however there is a condition that restricts

vehicle movements, deliveries/dispatches, and the operation of plant and machinery to between 0730 hours to 1800 hours on Monday's to Friday's and 0800 hours to 1300 hours on Saturdays. Subject to the retention of this condition it is considered that vehicular movements to and from this existing commercial site would not have a detrimental impact on neighbouring amenity.

### **Highways Impacts and Parking Provision**

- 6.23 Policies 40 and 41 of the HDPF states that development should provide a safe and adequate access, suitable for all users. The proposals would be served by the existing access, currently serving the existing commercial operations on site. With regards to the access to serve the new buildings and storage area, given that this is currently in use the existing situation on site is considered to be acceptable to serve the proposed development sought in outline form. As there are existing buildings on site to be removed, the provision of the new buildings would not result in any direct concerns with regards to accessing these buildings. The proposals are therefore considered to be acceptable in this regard.
- 6.24 With regards to the operations emanating from the site and the highways, access and parking implications as a result of this, additional information has been sought following consultation with West Sussex County Council (WSSCC) as the Local Highway Authority. Trip information has been provided by the applicants that estimate that approximately 3 light goods vehicle (6 movements), 3 sport utility vehicle (6 movements) and 6 private cars (12 movements) per day. The applicants have stated that no heavy goods vehicles would be used and no retail sales are proposed.
- 6.25 Objections have been raised with regards to the types of vehicles accessing the site. It is noted however that the site does not have any restrictions in place with regards to the types of vehicles accessing the site. Indeed, under the current permission for the site, granted in 2007, no restrictions were put in place restricting the type of the vehicle that can access the site or limiting the number of vehicles to and from the site. The applicant has provided details of the expected level of vehicular activity, as detailed above, and this is considered to be acceptable. As such, and considering the lack of restrictions currently on the site, it is considered that it would not be reasonable to attach any conditions pertaining to the type of vehicle that can access the site or the number of vehicular movements.
- 6.26 It is acknowledged that the current operations go beyond those currently permitted on the site and that Okehurst Lane is a relatively narrow lane. However, taking into account the established commercial nature of the site, the fact that the use classes of B1(c) and B8 would not be altered and given that the Local Highway Authority have raised no objections to the application, the proposals are considered to be acceptable on highway and transport grounds, subject to appropriate conditions.

### **Impact on Heritage Assets**

- 6.27 Policy 34 of the HDPF states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. It is noted that a number of objections have been raised with regards to the impact of the proposed development on the grade II listed building at Minstrels Wood Okehurst Lane which is located to the south-east of the application site, as well as other listed buildings in the surrounding area, namely Copped Hall located to the west.
- 6.28 The Council's Conservation Officer has been consulted on the application and has raised no objection to the proposals, stating that the proposals would serve to enhance the site given the current state of repair of the existing buildings. It is considered that as there is sufficient distance preserved to the nearest listed building (some 300m) and that the proposed buildings and the nature of the additional operations on site would not have a detrimental

impact on the heritage assets within the vicinity. For these reasons the proposals are considered to be acceptable in this regard.

## **Conclusions and Planning Balance**

- 6.29 Overall, whilst it is acknowledged that the current operations emanating from the site go beyond those currently permitted, given the established commercial make-up of the site and the visual enhancement that the proposed buildings would provide, such operations are considered to comply with Policy 10 of the HDPF, and would not have a detrimental impact on the countryside location or the visual amenities of the street scene.
- 6.30 Subject to the recommended conditions pertaining to noise attenuation and a restriction on the operations within the westernmost buildings, the current uses being regularised through the full planning element and new building arrangement proposed in the outline element would significantly improve the current impact of site operations on neighbouring amenity to an acceptable degree. Accordingly the application is recommended for approval.

## **7. RECOMMENDATIONS**

7.1 It is recommended that planning permission is granted subject to the following conditions:

1 **Plans list**

2 **Standard Time Condition:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the scale of each building, the appearance of each building and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall begin either before the expiration of 3 years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

- 3 **Pre-commencement Condition:** No development pertaining to the outline permission hereby approved shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

- 4 **Pre-commencement Condition:** No development relating to the enclosure of the existing barn building and the erection of the new buildings shall commence until a

specific scheme and details for sound attenuation against noise emanating from the buildings hereby approved have been submitted to and approved by the Local Planning Authority. The details shall include a separate acoustic assessment of the effectiveness of the noise control afforded by the building envelopes together with an assessment of the impact that the uses/activities hereby approved would have on the neighbouring properties. The approved sound attenuation works shall be completed before the buildings are occupied and operational. All aspects of the design of the enclosure and refurbishment of the open barn and the new buildings that affect the performance in respect of attenuation of noise from within shall remain in good repair in order to maintain that performance.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall take place pertaining to the outline permission hereby approved, 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).

- 6 **Pre-Commencement Condition:** No part of the development pertaining to the enclosure and refurbishment of the existing central barn building shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, doors and roofs of the building has been submitted to and approved by the Local Planning Authority in writing. All materials used in for the development hereby permitted shall conform to those approved.

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

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development pertaining to the outline permission hereby approved shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, doors and roofs of the approved new buildings has been submitted to and approved by the Local Planning Authority in writing. 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).

- 8 **Pre-Occupation Condition:** Within six months of the implementation of the outline permission hereby approved, maximum visibility splays shall be provided at the site

access onto Okehurst Lane in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Post-Occupation Condition:** Upon the first occupation of the buildings hereby permitted under the outline element of this planning permission, the existing buildings along the western part of the site as indicated on plan numbers 17267/P100 (labelled 'workshop', 'open barn' and 'offices') and 17267/P101 REV P1 shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter such existing building(s) shall be demolished (including the removal of foundations) all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority prior to demolition works commencing.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Post-Occupation Condition:** Within six months of the date of this permission a plan delineating the areas of outside storage shall have been submitted to and been approved in writing by the Local Planning Authority. All outside storage shall take place in accordance with the approved plan thereafter.

Reason: To ensure that there is no detrimental impact on the amenity of nearby occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The use hereby approved shall be restricted to uses within use classes B1(c) and B8 only.

Reason: The use of the premises for other uses within may not be appropriate given the size and location of the site and taking into consideration the requirements of Policy 33 with regards to neighbouring amenity of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** All works and operations hereby approved, except the open storage of trailers, shall take place inside the new buildings and the refurbished/enclosed existing central barn. Inside is defined as in a workshop totally enclosed by walls (including necessary windows and doors) and with all windows and doors closed. For the avoidance of doubt, works are not permitted inside buildings whilst windows or doors or both are open.

Reason: As this matter is fundamental in order to ensure that there is no detrimental impact on the amenity of nearby occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** No manufacturing activities or processes involving power tools or other powered tools or equipment shall take place within the existing workshop and open barn buildings located to the western side of the site (labelled 'workshop', 'open barn' and 'offices' on plan number 17267/P100) after six months of the date of this decision.

Reason: As this matter is fundamental in order to ensure that there is no detrimental impact on the amenity of nearby occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory condition:** No outside manufacturing activities or processes involving power tools or other powered tools or equipment shall take place at any time.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No vehicles, plant or machinery shall be operated, no process carried out and no deliveries taken or dispatched from the site outside the following times:

0730 hours to 1800 hours on Monday's to Friday's inclusive,  
0800 hours to 1300 hours on Saturday's

For the avoidance of doubt, there shall be no vehicles, plant or machinery operated, no process carried out and no deliveries taken or dispatched from the site on Sundays and Bank and Public Holidays.

Reason: As this matter is fundamental in order to ensure that there is no detrimental impact on the amenity of nearby occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No retail sales (including the rental of any trailer) shall take place at any time nor shall there be any return by customers or their representatives of either sold or rented products to the site. 'Retail sales' includes any action or activity which is normally considered to be a part of a sales or hire process including prospective actions or activity which is designed or it is hoped would or may lead to a sale or hire. Any collections shall strictly be by appointment only.

Reason: Uses/activities beyond those permitted within this application may lead to an increase in vehicular activity which may have a detrimental impact on highway safety, contrary to Policy 40 and 41 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** No windows or doors shall be positioned to the west or south facing elevation of the existing barn building as part of the works for its refurbishment/enclosure.

Reason: As this matter is fundamental in order to ensure that there is no detrimental impact on the amenity of nearby occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** If, during development, contamination, including asbestos, not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

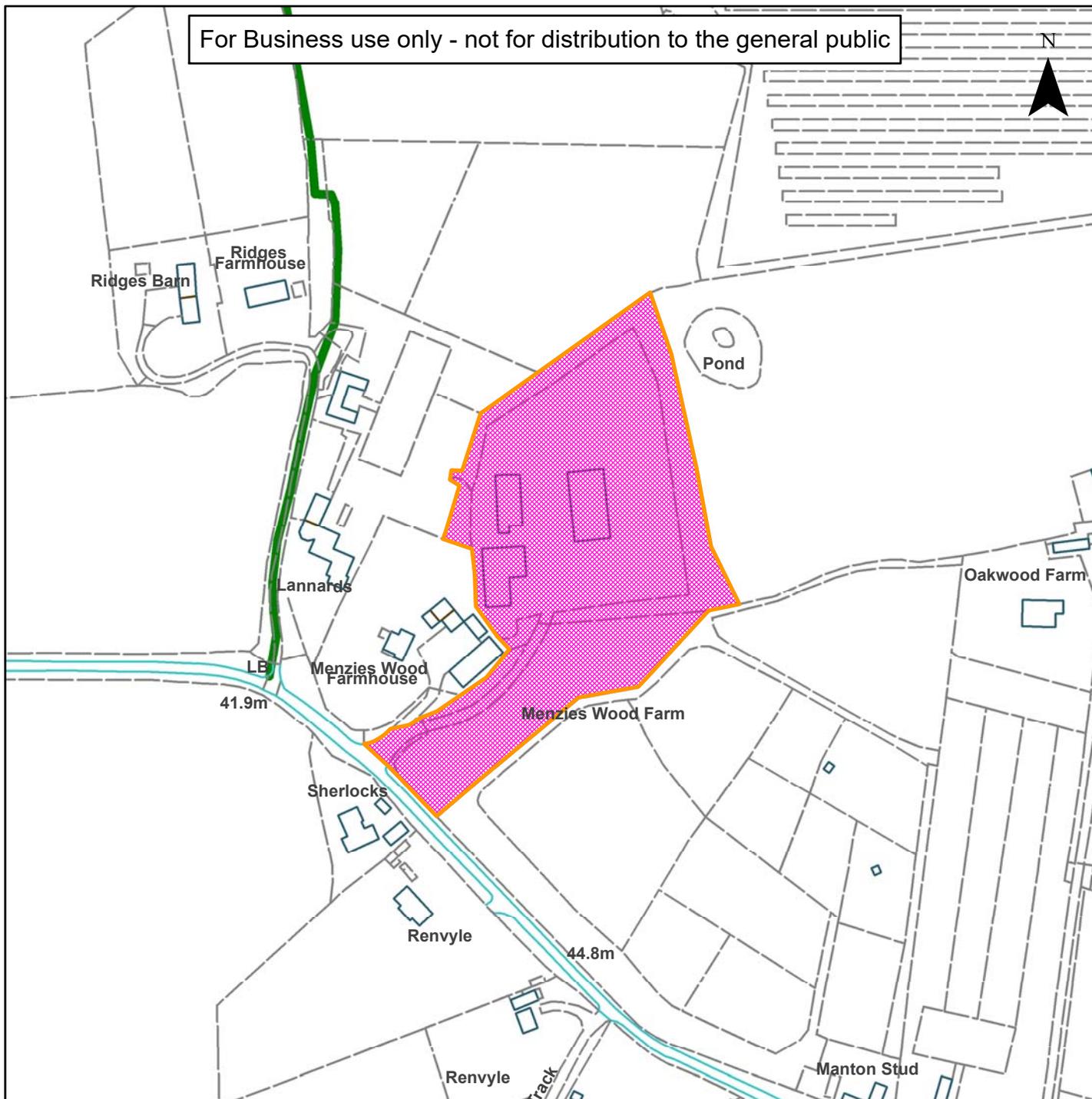
- 19 **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/0661



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Organisation	Horsham District Council
Department	
Comments	
Date	07/02/2019
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 February 2019

**DEVELOPMENT:** Demolition of existing Commercial Building and C3 Dwellinghouse, and erection of 2.no C3 Dwellinghouses

**SITE:** Land Adjacent To 1 Tea Caddy Cottages Worthing Road West Grinstead Horsham West Sussex RH13 8LG

**WARD:** Cowfold, Shermanbury and West Grinstead

**APPLICATION:** DC/18/2244

**APPLICANT:** **Name:** Mr Henry Pannell **Address:** C/O agent

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

**RECOMMENDATION:** To refuse Planning Permission

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the demolition of an existing dwelling (Building 1) and commercial building (Building 2) and the construction of one 4-bed dwelling and one 3-bed self-build dwelling.

1.3 Unit 1 (3-bed property) would comprise a living room, kitchen/diner and cloakroom at ground floor level, with three bedrooms and family bathroom at first floor level. Unit 2 (4-bed property) would comprise a living/dining room, kitchen, study and hall at ground floor level with an en-suite master bedroom and three additional bedrooms and family bathroom at first floor level. The proposed dwellings would have a height of approximately 9.12m and would include ornamental detailing including quoins, arched sills and lintels, and a pitched roof with front and side facing gables. The palette of materials would include stone, brick, clay tiles and slate.

1.4 A retaining wall is proposed to the front west boundary of the plots adjacent to the old A24. Each dwelling would have associated residential amenity space to the rear which would be

shielded by existing trees to the rear of the eastern boundary. Two tandem car parking spaces are proposed to the south side of each dwelling.

## DESCRIPTION OF THE SITE

- 1.5 The application site lies outside of any defined built up area boundaries and is therefore located within the countryside. Building 1 is a single storey, 4m high dwelling of approximately 55.3sqm. Building 2 is a single storey, 3.9m high commercial building approximately 256.8sqm, which occupies a large area of the site subject to this application. The site lies to the east of the A24, south of the Buck Barn crossroads and extends to approximately 840sqm.
- 1.6 Land levels across the site fall from west to east by approximately 2.5 to 3m. Land to the rear of the plots is described as rough ground with marshy ground beyond the eastern boundary of the site. There is a line of mature trees beyond the eastern boundary of the site. The site is accessed via a spur road off of the east side of the A24.
- 1.7 The surrounding area is characterised by a mosaic of fields and open countryside with sporadic built form. 1 and 2 Tea Caddy Cottages are sited approximately 36m to the south of the site, with 1 and 2 Waterloo Cottages and 53 and 54 Sunny Hill Cottages some 130m north of the site. There are also several equestrian and commercial developments nearby. There is a right of way (ROW1842) to the south of 1 and 2 Tea Caddy Cottages which runs to the south east before joining rights of way heading north and south.

## 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**

#### **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 - Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 28 - Replacement Dwellings and House Extensions in the Countryside  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

- 2.3 As part of the Local Plan Review Horsham District Council published an **Issues & Options: Employment, Tourism & Sustainable Rural Development document** in April 2018. At present the information within this document is not Council policy and therefore limited weight can be given in the consideration of this application.

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of West Grinstead has been designated as a Neighbourhood Development Plan Area. There is no made plan for the parish.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/12/0886	Retention of bungalow as a single dwelling house (Certificate of Lawful Development - Existing)	Application Permitted on 06.07.2012
DC/16/2525	Light Industrial (Class B1) Use for machinery repair business (Certificate of Lawful Development Existing)	Application Permitted on 09.01.2017

### 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 Environmental Health:** Comment.

Information regarding areas of concern such as road traffic noise and contamination has not been supplied and it is therefore not possible to adequately assess this application.

Paragraph 122 of the NPPF clearly states that planning decisions should be based on adequate site investigation information, prepared by a competent person, which demonstrates suitability for use.

Relevant conditions should be applied if recommended for approval in order to ensure the site is suitable for the residential use.

#### OUTSIDE AGENCIES

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

- 3.4 **Southern Water:** Comment.

There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

## PARISH COUNCIL

### 3.5 **West Grinstead Parish Council: Objection.**

- The proposals are not covered by Prior Approval permitted development rights.
- This is not a change of use of the existing building
- Proposal out of keeping with the street scene, any new build should be semi detached properties.
- The current bungalow is ancillary and is not occupied for ancillary purpose.

## PUBLIC CONSULTATIONS

3.6 Twelve letters/emails of representation have been received; two objecting to the proposal and 15 supporting the proposal.

3.7 The objections can be summarised as follows:

- Potential for overlooking of neighbouring property.
- Two detached dwellings out of keeping with character of area.

3.8 The supporting comments can be summarised as follows:

- Need for family homes in the area.
- Workshops not suited to the area.
- Less commercial traffic using the lane.
- Reduction in vehicles parked in the lane.
- Improvement to the environment.
- Design of dwellings in keeping with area.
- Appropriate materials.

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

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

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

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

## 6. **PLANNING ASSESSMENTS**

6.1 The main issues in the consideration of this application are:

- The principle of the loss of the existing commercial unit and the addition of new residential accommodation.
- The effect of the development on the character and the visual amenities of the street scene and wider countryside location.
- The impact on the amenities of the occupiers and adjoining properties.
- The impact on existing parking and traffic conditions.

### **Background Information**

6.2 The applicant seeks planning permission for the demolition of the existing single storey commercial building, previously used a machinery repair workshop but now used as a wood repair workshop, and the existing 'residential dwelling' granted by virtue of a Lawful

Development Certificate under DC/12/0886 on the 6 July 2012, and the construction of two detached dwellings.

- 6.3 The two proposed dwellings will have heights of approximately 8.66m (Unit 1) and 9.12m (Unit 2) and would include ornamental detailing, including quoins, arched sills and lintels, and a pitched roof with front and side facing gables. The palette of materials would include stone, brick, clay tiles and slate. A retaining wall is proposed to the front west boundary of the plots adjacent to the old A24. Each dwelling would have associated residential amenity space to the rear which would be shielded by existing trees to the rear of the eastern boundary. Two tandem car parking spaces are proposed to the south side of each dwelling.
- 6.4 The applicant has advised that the existing bungalow (Building 1) is of a poor quality and was originally built as a single storey annexe with rendered elevations under a clay tiled pitched roof. It has been in use as a separate and independent unit of accommodation.
- 6.5 A lawful development certificate granted under DC/12/0886 for the property was modified in accordance with Section 194(4) of the Town and Country Planning Act (1990), with the description of development changed to '*Ancillary primary accommodation to the main dwelling house (1 Tea Caddy cottages, Worthing Road)*.' At the time of consideration of the lawful development certificate, the Council considered that whilst the application indicated some residential use of the unit, the independent nature of the unit in relation to the main dwelling was questionable. The agent disputes the description of development used within the decision letter for the lawful development certificate stating that '*ancillary primary*' is a contradiction and cannot exist in law, and that notwithstanding this, the subsequent establishment of an independent lawful use overrides the decision made by virtue of the lawful development certificate granted under reference DC/12/0886.
- 6.6 Statutory declarations have been submitted with the application stating that the bungalow has been occupied independently from 1 Tea Caddy Cottage since January 2007 and that Council tax has been paid from 2012. The original occupant vacated the premises on the 14 November 2017 when the applicant (Henry Pannell) purchased the site on the 27 October 2017. The applicant and his family have occupied the dwelling (Building 1) since that time. The Council have not received or granted any further lawful development certificates for use of the bungalow as an independent dwelling in its own right.
- 6.7 The applicant (Mr Pannell) also occupies the commercial property (Building 2) for business purposes. The existing commercial building is single storey timber clad building and has a lean-to along its eastern flank. The premises were granted permission by virtue of a lawful development certificate for B1 purposes under DC/16/2525.

### **Principle of Development**

- 6.8 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.9 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 79 of the NPPF and policies 3, 4, 9, 10 and 26 of the Horsham District Planning Framework (HDPF).
- 6.10 Policy 3 of the HDPF seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield

land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.

- 6.11 Policy 4 of the HDPF relates to settlement expansion, it is clear at Section 4.1 of this policy that where development lies outside the settlement boundary it will only be supported where the site is allocated within a Local Plan or Neighbourhood Development Plan. The application site is not allocated in either a Local Plan and there is currently no Neighbourhood Plan for the Parish of West Grinstead and thus the application proposals directly conflicts with this policy.
- 6.12 Paragraph 79 of the NPPF states that isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 of the HDPF states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. Paragraph 79 of the NPPF allows the re-use of redundant or disused buildings conversion of the existing buildings, however the existing commercial building on the site is not disused.
- 6.13 Policy 28 of the HDPF relates to replacement dwellings. Even if the Council were to accept the agent's assertion that the bungalow is an independent dwelling in its own right, Policy 28 of the HDPF states that replacement dwellings will only be supported on a one for one basis. As the proposal is for two residential properties, the proposal would not be supported. It is considered that before the principle of a replacement dwelling on the site could be considered, it would be necessary to establish the lawful use of the existing property on the site through a lawful development certificate and to establish whether or not it has been in use as a separate and independent dwelling for the relevant period of time.
- 6.14 In its current form it is considered that the application would result in new dwellings outside the limits of any town or village and would represent an undesirable form of sporadic residential development which is not essential to its countryside location. The proposal would therefore be contrary to policies 2, 3, 10 and 26 of the Horsham District Planning Framework (2015), and would conflict with the aims of the NPPF, in particular Paragraph 79.
- 6.15 Additionally, Policy 9 of the HDPF relates to employment development in the District and states that applications for the redevelopment of employment sites outside key employment areas, such as the application site, must demonstrate that the site/premises is no longer needed and/or viable for employment use.
- 6.16 It is noted that both the agent and applicant have advised that the commercial use of the site is still in use. Whilst the submitted Design and Access Statement refers to the unsuitability of the site for commercial premises, primarily because of the adverse consequences of associated commercial traffic on neighbours and safety of other highway users, this is not a view which is supported by West Sussex County Council (WSSCC) as the Local Highway Authority. WSSCC have advised that an inspection of data supplied to them by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site.
- 6.17 The Design and Access Statement refers to paragraph 4.2 of a transport report accompanying the application (although no such report has been submitted) and advises that "*The proposed development is anticipated to result in the reduction of 1 trip in the PM peak and a reduction of 13 trips over a 12 hour period when compared to the existing 'Wood Repair Workshop' and ancillary accommodation. The proposals would also result in a reduction in HGV's generated by the site*". Whilst this might be the case, it is considered that no information has been submitted which would bring into question its continued suitability for employment generating uses. The proposal, which would result in the loss of commercial floorspace, would therefore be in direct conflict with Policy 9 of the HDPF. In addition, Policy

10 of the HDPF states that rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. The proposed change of use would run counter to this aim, particularly in the absence of any justification as required by Policy 9 of the HDPF.

- 6.18 The applicant has referred to a permitted change of use from light industrial to dwelling which would be allowed under Class PA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Whilst this permitted change of use could be taken as a signal of intent as to how planning applications which entail the loss of employment uses should be considered, this view is not accepted as the applicant has not established the change of use of the building through a notification as a fall-back position. It is therefore considered that there is no permitted change of use from which the application site currently benefits and this potential unestablished fall-back position does not outweigh the policy conflict identified above.
- 6.19 The fact that the applicant considers that the site would be better suited to residential use, due to the size of the commercial use, its location and the impact of the commercial use on neighbours, is not considered to outweigh the policy objection regarding the loss of employment use and the construction of new residential properties in the countryside without any justification.
- 6.20 As such, it is recommended that the application is refused on the grounds that the site is located in a rural location and would result in development would be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. Further, given that no information has been submitted to indicate that the existing business use is unviable, there are strong economic reasons to support its retention as it contributes to local employment within the District.

#### **Impact on Visual Amenity of Area**

- 6.21 The application seeks permission for two detached dwellings, sited within generous woodland plots. The road adjacent to the application site forms an arc and the application site is set down from the road level within a dip. As such the lower and sloping land levels would go some way to accommodate the increased height of the dwellings, when compared with the height of the existing structures on the site. Unit 1 would have a hipped roof with sills and lintels to the window openings and a rear dormer within the first-floor sloping roof. Unit 2 would have front and side facing gables under a pitched roof. The palette of materials would include stone, brick, clay tiles and slate. A retaining wall is proposed to the front west boundary of the plots adjacent to the old A24.
- 6.22 Within the wider area, along the access road and adjacent to the application site, there are three pairs of semi-detached dwellings, known as Sunnyhill Cottages and Waterloo Cottages to the north of the site and Tea Caddy Cottages to the south. The proposed detached dwellings would have a similar footprint to the existing pairs of semi-detached dwellings within the locality and, although their design and appearance would be out of keeping with the character of neighbouring properties, the scale and bulk of the proposed dwellings would be similar. As such it is not considered that the proposed dwellings would appear out of keeping within the streetscene and the proposal would comply with policies 32 and 33 of the HDPF.

#### **Impact on Neighbouring Amenity**

- 6.23 The proposed dwellings are well separated from the neighbouring dwellings and as such it is not considered that there is any overlooking or loss of residential amenity arising from the proposals. The plans have been amended during the course of the application and, at the request of the occupiers of 1 Tea Caddy Close, a side window on the southern elevation has

been removed and replaced with a 'dummy' window. Concern has been further raised as to the potential for this 'dummy' window to be opened up in the future and it has been requested that this window also removed. It is however considered that the 'dummy' windows break up the elevation and as such no amendments have been requested to remove these.

### **Highways Impacts and Parking Provision**

- 6.24 The proposal includes parking spaces for four vehicles; two spaces for each dwelling. The parking spaces are located in tandem along the southern boundaries of each plot. It is noted that no visibility splays have been demonstrated and should planning permission be granted WSCC would wish to see maximum achievable visibility splays at a distance of 2m back into each access. The splays must intersect land only within the control of the applicant or within the publically maintained highway and must be drawn to the nearside edge of the carriageway in each direction.
- 6.25 WSCC have advised that it does not consider that the proposal for two dwellings 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. Accordingly, the proposed parking arrangement is commensurate to the size of the dwellings and is considered acceptable in accordance with policies 40 and 41 of the HDPF.
- 6.26 The applicants have identified that the proposal would reduce the number of HGVs needing to enter and exit the site from and across the A24, thereby reducing highway safety risks that the current use of the site creates. Whilst it is accepted that large vehicles needing to cross the A24 carriageway when approaching or exiting the northbound carriageway is not ideal, WSCC Highways have not identified that this arrangement is unsafe. On this basis it is considered that the reduction of large vehicle movements across the A24 is a benefit, however it is not a benefit that carries significant weight in this decision.

### **Impact on Ecology**

- 6.27 Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before the planning permission is granted. Policy 31 of the HDPF seeks to ensure that proposals maintain or enhance the existing network of green infrastructure and do not result in the loss of existing green infrastructure unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained. The policy goes on to require development proposals to contribute to the enhancement of existing biodiversity and create and manage new habitats where appropriate.
- 6.28 No ecology survey has been submitted in support of the application. There are a number of structures on the site that will be removed as part of the development of the site along with the removal of vegetation, including potentially a number of trees. Further information is required to confirm whether any of the trees or buildings scheduled for removal, or with potential to be impacted by the proposals, are suitable to support roosting bats or any other protected species. Such an assessment will determine whether notable and/or protected species may be impacted and if so, the measures that will be required to avoid, mitigate or compensate for such impacts. The assessment will also identify whether any further protected species surveys are required to fully inform the application. Therefore, the current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. Accordingly,

the proposals are considered as contrary to Policy 31 of the HDPF and the guidance as set out in Circular 06/2005.

## **Conclusions and Planning Balance**

- 6.29 In conclusion, the proposed development is located outside any built up area where there is a strong presumption against additional residential development in the countryside. The site is not identified as an allocated site for residential development within the HDPF or a Neighbourhood Plan and given that there are no overriding reasons to justify the harm the development would cause or to justify a departure from Development Plan policies the Council considers that the proposed development is unacceptable and would conflict with policies 2, 3, 4, 9, 10 and 26 of the Horsham District Planning Framework 2015. As such, it is recommended that the application is refused on the grounds that the site is located in a rural location and would result in development would be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework.
- 6.30 Further, given that no information has been submitted to indicate that the existing business use is unviable, there are strong economic reasons to support its retention as it contributes to local employment within the District. There are no material considerations that outweigh the conflict with Policy 9 of the HDPF, which requires the retention of business uses outside Key Employment Areas unless they are no longer viable. This includes the small benefit of reduced large vehicle movements across the A24 when accessing and existing the existing site.
- 6.30 In respect of ecology, the application has not been supported by a Preliminary Ecological Survey and 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.

## **7. RECOMMENDATIONS**

### Reasons for Refusal:

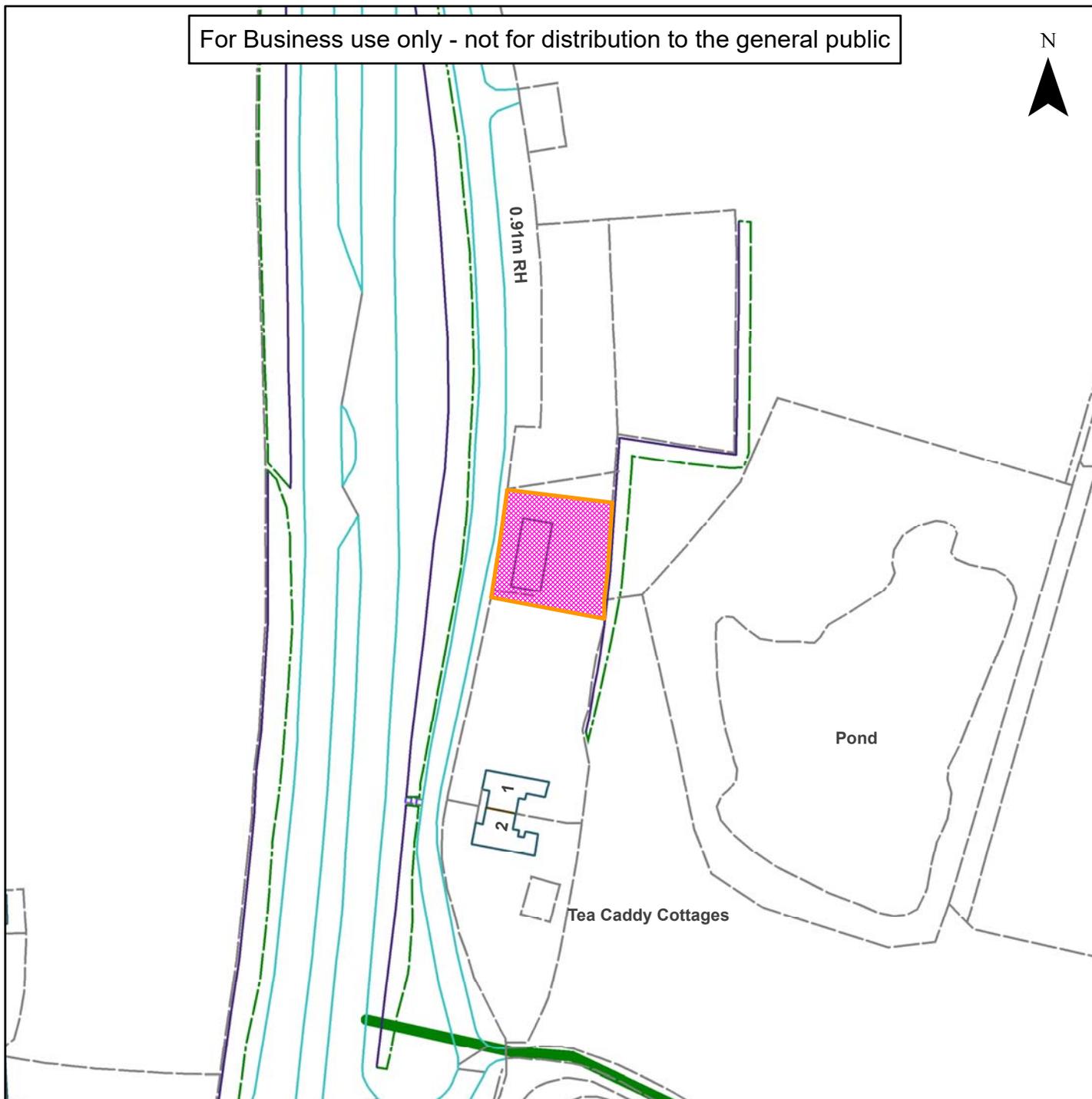
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy 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).
2. 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.
3. 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.
4. The application has not been supported by a Preliminary Ecological Survey and as such 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.

Background Papers: DC/18/2244



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Organisation	Horsham District Council
Department	
Comments	
Date	07/02/2019
ISA Number	100023865

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**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 18<sup>th</sup> December 2018

**DEVELOPMENT:** Erection of a single storey dwelling and stable block with associated bin store and hardstanding - Proposed Gypsy accommodation

**SITE:** Land East of Coolham Road West Chiltington West Sussex RH20

**WARD:** Chanctonbury

**APPLICATION:** DC/18/1488

**APPLICANT:** **Name:** Mr and Mrs Wayne Ward **Address:** C/O 8 Timber Court North Parade Horsham RH12 2BS

**REASON FOR INCLUSION ON THE AGENDA:** At the request of the Parish Council (who wish to speak at the meeting)

**RECOMMENDATION:** To approve 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 application has been submitted by an applicant of gypsy lineage and seeks permission to create a permanent pitch for the stationing of a mobile home on the land, along with vehicular access across the site to an area of hard-standing for parking, and a 2-box stable block sited to the western side. The family have strong ties to the local area. A settled life would assist with the applicant's health issues and would provide a stable location for the family, thus enabling the applicant's son to continue to attend local school.
- 1.3 The proposed pitch would be located in the northern area of the site, some 15 metres off the boundary with the ancient woodland to the north, which is also in the applicant's ownership.
- 1.4 An accompanying arboricultural method statement sets out mitigation measures to avoid damage to the tree roots of the boundary trees, and the vehicular access would sweep around the existing orchard trees located in the south-western corner of the site.
- 1.5 The associated stable block would have a footprint of some 7.2m x 3.6m with a ridge of around 3m, clad in timber with black onduline roofing.
- 1.6 The property would be provided with a dedicated bin store area immediately adjacent to the gated entrance.

## DESCRIPTION OF THE SITE

- 1.7 The application site comprises a field that is just under 9,000sqm in area. The applicant owns the land and has already installed a simple post and rail fence to create a paddock to the eastern side of the land. Also within the applicant's ownership, but not part of the application site, is an adjacent area of Ancient Woodland to the north.
- 1.8 The application site is accessed off Coolham Road via a shared vehicular access track, in use by neighbouring land parcels, and a simple galvanised 5-bar gate, which leads to the application site.
- 1.9 Although the site is currently open and reasonably flat, it is well-defined on all sides by established field boundaries, including substantial tree cover along the east, west and north sides. Views of the site are therefore mere glimpses caught when travelling along the Coolham Road that lies alongside the western boundary, with no adjacent public access rights of way.
- 1.10 The site lies some 770 metres (as the crow flies) north of the settlement boundary of Thakeham, and about 140 metres south of the nearest residential property and a cluster of some 7 properties. To the east of the site lies Dukes Farm, which has recently secured permission by way of Agricultural Notification to erect a new barn for agricultural purposes. The wider landscape character to the site appears to have evolved over the last 10 years, with smaller land parcels being used for small-holding purposes rather than as part of larger agricultural farming operations.

## 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**

#### **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 29 - Equestrian Development
- Policy 31 - Green Infrastructure and Biodiversity
- 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

2.4 Supplementary Planning Guidance:

- Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) - Preferred Strategy
- Thakeham Parish Design Statement (2002)

RELEVANT NEIGHBOURHOOD PLAN

2.5 Thakeham Neighbourhood Plan – Made January 2017

Policy 1: Spatial Plan for the Parish

Policy 6: Design

Policy 8: Sub-division of Agricultural Land

Policy 9: Development in the Countryside

Policy 10: Green Infrastructure and Valued Landscapes

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/12/0194	Retention of stock fencing and gate to boundaries of existing access route	Application Permitted on 21.03.2012
DC/10/1598	Retention of stock fence and gate (plot P)	Application Permitted on 04.10.2010

**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.

- Proposal would meet the terms of HDPF policy 2 by providing housing for a member of the Gypsy community, so according with Policy 2(10).
- The application (for the stationing of a caravan) would accord with Policy 23(1 a, b, c). It is not considered, however, that the site is near enough to settlements with services and facilities to accord with Policy 23 (1d) (e.g. the site is approximately 1,400m by road from Thakeham First School). The Case Officer should seek comments from the Senior Landscape Architect in respect of Policy 23 (1e).
- If the proposal were for a gypsy pitch for the stationing of a conventional caravan then the site location would accord with Policy 42(5).
- After a site visit, the Case Officer would be best placed to assess whether the scheme would accord Policies 32, 33, 40, and 41.

### 3.3 **HDC Arboricultural Officer: Holding Objection.**

- No trees of particular merit at the site are required to be removed to facilitate these plans.
- The retained trees are protected under the plans submitted by MWA Arboriculture, and these are in compliance with BS 5837 'Trees in relation to design, demolition, and construction - Recommendations' (2012) and are accordingly satisfactory.
- A key concern is that there is an area to the north of the site registered within the Revision of the Ancient Woodland Inventory for West Sussex (January 2010). As such, it is imperative – and required under the NPPF (*National Planning Policy Framework*) – that proposed adjacent construction is provided with a buffer zone of at least 15m in width, as per the Natural England publication Ancient woodland and veteran trees: protecting them from development (4<sup>th</sup> January, 2018). I note on the amended site plan (*Revision B, received 3<sup>rd</sup> October 2018*) that the position of the proposed house has been set at 15m from the edge of the ancient woodland (AW) area to the north, and this is a positive move. However, the specific wording of the Standing Advice in regard to buffer zones is that they should leave an appropriate buffer zone “*of semi-natural habitat*” between the development and the AW. From the look of the proposed site layout, this does not appear to have been provided; instead, the 15m width between the proposed house and the AW boundary is simply included as part of the residential garden to the plot. This is non-compliant with the requirements of the Standing Advice, and, thereby, with the NPPF; an objection is registered.
- This problem could be readily obviated by the simple expediency of moving the siting of the footprint of the dwelling slightly further to the south, and including a fenced off area to the north, of 15m in width, retained as a ‘semi-natural habitat’ and not part of the garden area to the residence. As I have no other arboricultural issues with the scheme, this would allow my objection to be withdrawn.
- Provision of this area as a fenced area, and not part of the overall amenity space / garden, could also address this.

### OUTSIDE AGENCIES

### 3.4 **WSSC Highways: Comment.**

- West Sussed County Council, in its role as Local Highway Authority (LHA) was previously consulted on this application where concerns over parking and turning areas were raised, and these comments take into account amendments.
- The applicant is required to obtain the relevant permissions from the proprietor of the private access road before any works to construct the new access are commenced.
- The plans show a gate is to be located at the end of the access road. The LHA would recommend that the applicant locate the gate at least 5m back from the edge of the access road to ensure that there is sufficient space for a vehicle to wait off the road while the gate is operated.
- The Local Highway Authority (LHA) has reviewed data supplied to WSSC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the junction between Coolham Road and the private access road. There is no evidence to suggest that the junction is operating unsafely, or that the increase of one dwelling and stables would exacerbate an existing safety concern.
- The applicant has submitted a new plan showing an increased turning area. The LHA anticipates that the larger turning area would provide sufficient turning space for a horsebox.
- The LHA does not consider that the proposal for a new dwelling and stables 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. If the Local Planning Authority (LPA) are minded to approve the application the LHA would ask that a conditions is secured to ensure adequate parking and turning is provided on site prior to occupation.

- 3.5 **Southern Water: No Objection.**
- Water Trunk Main located alongside development site (under / adjacent to Coolham Road), so its location must be determined by the applicant before layout of the proposed development is finalised.
  - All existing infrastructure to be protected during the course of construction works and no excavations, mounding or tree planting works to be carried out within 6m of the public water main without consent from Southern Water.
  - The applicant should consult directly with the Environment Agency regarding the use of a septic tank drainage to sub-soil irrigation.
- 3.6 **Forestry Commission: Comment.**
- Ancient woodland is an irreplaceable habitat.
  - National Planning Policy Framework paragraph 118 states:  
*'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'*.
  - The Forestry Commission is a non-statutory consultee on developments in or within 500m of ancient woodland.

#### PARISH COUNCIL

- 3.7 **Thakeham Parish Council: Objection.**
- Council welcomes the HDC policy conclusion that the proposal does not meet the criteria of HDPF policy 23 sufficiently to outweigh the conflicts with other HDPF policies.
  - Conflict with TPNP policies 1 (Spatial Plan), 8 (Subdivision of agricultural fields), 9 (Development in the Countryside).
  - No pedestrian access to the site.
  - B2139 has 60m.p.h speed limit at this location and is very narrow – Existing agricultural access is infrequently used and inherently dangerous with poor visibility and inadequate splays.
  - Residential access at this point would greatly increase accident risks.
  - Since 2005 Parish Council records show 8 separate RTA incidents requiring police and / or ambulance attendance at or near this point at Dukes Hill, including an air ambulance following an incident in 2011.
  - The site is not supplied with water, power, sewerage, appropriate drainage or waste disposal facilities.
  - Lack of proximity between the site and schools (nearest being Rock Road- 3.5km, West Chiltington Primary – 2.8km) – no public transport in this location in any direction.
  - Agricultural location in this area already subject to problematic level of sub-division – extra dwelling in this location would exacerbate the problem and have a significantly detrimental impact on the countryside landscape character of the area.

#### PUBLIC CONSULTATIONS

- 3.8 Five representations have been received supporting the proposal for the following reasons:
- Land has been cleared and well maintained to improve overall appearance, drainage ditches cleared – secluded and not visible from the road.
  - Proposed development would blend in with background / woodland setting.
  - Modest proportions of development proposed.
  - Land already provided with water and electricity.
  - Small family dwellings needed in the village.
  - Adjacent houses along Coolham Road including a cattery, some cottages and a farm.
  - Policies should operate flexibly to accommodate special needs of individuals, such as annexes for disabled family or elderly parents – including special circumstances of the applicant wishing to provide a safe environment for his son.

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

##### **Background**

- 6.1 The Council has recently successfully defended appeals against the refusal of planning permission for settled gypsy accommodation on land at Whiteoaks near Small Dole (ref: DC/17/1375) and at Millers Mead in Nuthurst (ref: DC/17/2534). As part of these appeal decisions the Inspector noted that the wording and objectives of Policy 23 of the HDPF are consistent with the new NPPF, and that while the unmet needs within the District for residential sites for Gypsies, Travellers and Travelling Showpeople was a consideration of significant weight, it did not automatically trigger the 'tilted balance'. Accordingly, the decisions were made in accordance with the development plan.

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

- 6.2 The NPPF seeks to foster 'sustainable development' which includes a social objective, in seeking to ensure that sufficient number and range of homes can be provided to meet the needs of present and future generations. In considering the provision of rural housing, the NPPF advises that decisions should reflect local needs. To be read alongside the NPPF, paragraph 27 of the 'Planning Policy for Traveller Sites' (PPTS) states that 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 application site is located within a countryside location which is afforded a significant degree of protection by Policy 26 of the HDPF and by policy 'Thakeham1' of the Thakeham Neighbourhood Plan (TPNP). The TPNP also sets out an objective to 'safeguard the best and most versatile agricultural land for sustained food production', with policy Thakeham8 stating that development on agricultural land subdivided into holdings of less than 0.4 hectares and involving the erection of small structures will be resisted. However, the Planning Policy for Traveller Sites (PPTS) implicitly accepts that gypsy and traveller sites may be located in rural areas, albeit that the PPTS does indicate at paragraph 25 that development in open areas, or outside areas allocated in the development plan, should be strictly limited. It is therefore considered that subject to detailed landscape character considerations the location of the site within the countryside, and the resulting conflict with the above policies, would not, in itself, justify a refusal of planning permission.
- 6.4 Policy 21 of the HDPF, 'Gypsy and Traveller Site Allocations', makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017 in order to fulfil the backlog of unmet need identified through the Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013). The policy confirms that Horsham District Council will make provision for further pitches over

the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD. A number of sites allocated through Policy 21 of the HDPF have though yet to come forward and therefore the Council is currently unable to demonstrate an up-to-date 5-year supply of deliverable sites. This shortfall in pitches is a consideration of significant weight in the determination of this application.

- 6.5 The application site is not specifically allocated as a Gypsy and Traveller site in the HDPF. Policy 23 of the HDPF sets out the criteria that the Council will take into account in considering planning applications for gypsy accommodation on non-allocated sites (for clarity these criteria will be referenced throughout the assessment section of this report).
- 6.6 Criterion (d) of Policy 23 of the HDPF indicates that whether the site is located within a reasonable distance of a range of local services and community facilities, in particular schools and essential health services, should be taken into account in decision making. The nearest settlement is Thakeham which is approximately 980 metres to the south, accessed via a narrow country road with no footways. Thakeham is identified by Policy 3 of the HDPF as a 'smaller village' where residents are reliant on larger settlements to access most of their requirements. This is though noted to be common for all recently constructed development in Thakeham, including that at the current Abingworth development site. The Abingworth development includes provision for new services within the village, including sports facilities, community hall, a retail store and a nursery, all of which are in the process of being provided. These would be available within a short driving distance of the site to meet the needs of occupiers. There are however no immediate health services or schools in Thakeham itself to serve the development.
- 6.7 More locally, the 'Made' Thakeham Parish Neighbourhood Plan sets out an objective to 'safeguard the best and most versatile agricultural land for sustained food production'. At the same time, the TPNP recognises that that there has been a recent increase in the subdivision of agricultural land into small plots, particularly referencing plots along Bramble Lane and Dukes Rough. Policy 8 of the TPNP considers these plots to be artificially small so as to not constitute agricultural units any longer and therefore do not support the needs of agricultural in terms of the HDPF policies 25 and 26. Officers note that the application site has not been subject to the sub-divisions referred to at Bramble Lane or Dukes Rough. The southern boundary to the plot was created in 2012 when an access route was created to an adjacent land holding to the east of the site. Since then it would appear the site has not been actively farmed and therefore, Policy 8 of the TPNP is not considered to be entirely relevant in this instance.
- 6.8 Overall, it is considered that the distance of the site from Thakeham and the absence of health facilities and schools in the village is a concern such that the proposal would not fully comply with Policy 23(d). The scale of development is though not at a level which would 'overdominate' the character and scale of Thakeham, whilst there are no significant barriers to development on the site, with no issues identified in respect of flooding, drainage, ground stability or contamination. As such there is no conflict with criterion (a) of Policy 23 of the HDPF. The highway impacts, and whether safe and convenient pedestrian access is available (criterion b); servicing arrangements (criterion c); and landscape impacts (criterion e) are considered elsewhere in this report.
- 6.9 A significant material consideration in the determination of this application are the individual circumstances of the applicant and his immediate dependant family. The applicant has raised a number of extenuating personal circumstances in the submission which add significant weight to the granting of planning permission. In particular a direct dependant relative has a number of special needs which require specialist attention and which makes relocating from the area extremely undesirable. It is considered that these personal circumstances are of a nature and degree that outweigh the limited conflict with Policy 23(d) of the HDPF with regards the location of the site. It would therefore be recommended that if permission be

granted any planning permission should be made personal to the applicants. A condition to that effect is recommended accordingly.

### **Landscape Character**

- 6.10 Criterion (e) of Policy 23 of the HDPF states that development proposals for gypsy and traveller accommodation should not have an unacceptable impact on the character and appearance of the landscape, and should be sensitively designed to mitigate any impact on its surroundings.
- 6.11 Whilst it is noted that the application site lies in a rural location, it has a very enclosed character that leads to the site being nestled against three well-defined vegetated boundaries with a resulting minimal visual impact on the public realm. Furthermore, there are limited long-range or even short-range views of the site, which are appreciated as part of the wider landscape setting, again owing to its site character and location adjacent to woodland pockets and well-defined field boundaries.
- 6.12 The proposal would result in a very minimal physical impact on the wider character and openness of the rural area, owing to the location, scale and external appearance of the scheme. Furthermore, the quantum of development across the site, comprising one mobile home and a two-block stable, would be modest.
- 6.13 Therefore, there would be no adverse visual harm to the site or the wider countryside setting arising as a result of the limited physical development on the site, which is to be set close to the site's northern and western boundaries. Development on this plot of land would not adversely affect wider landscape qualities that prevail in this location, nor would the proposal affect high quality, versatile agricultural land or a green and open space that contributes to recreational purposes.

### **Trees and Landscaping**

- 6.14 The applicant's ownership of the adjacent Ancient Woodland is noted and providing a residential property adjacent to the site would allow management of the area by way of proximity. The location of the property, a clear 15 metres off this ancient woodland area, provides an acceptable buffer zone, and the provision of an enclosure to maintain development does not encroach into this area would secure an adequate level of protection for the future of the ancient woodland. It is therefore considered that the proposal would accord with the provisions of Policy 31 of the HDPF which seeks to support development which retains, enhances and maintains existing networks of green infrastructure and habitats.

### **Impact on Residential Amenity**

- 6.15 HDPF policies 23 and 33 of the HDPF requires consideration be had to the resulting amenities of neighbouring occupiers of nearby land and property, for example, through overlooking or noise.
- 6.16 The site is some 140 metres distant from the nearest residential property to the north. Therefore, it is not considered that the scheme as proposed would have an adverse impact on the privacy or amenity of the occupiers of the neighbouring residential properties.

### **Highways Impacts**

- 6.17 Criterion (b) of Policy 23 of the HDPF requires that sites for gypsy and traveller accommodation are served by a safe and convenient vehicular and pedestrian access, and that proposals should not result in significant hazard to other road users. This is supported by policies 40 and 41 of the HDPF which require, amongst other matters, safe and suitable

vehicular access and adequate parking facilities. Chapter 9 of the NPPF sets out that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe'.

- 6.18 As set out in the 'principle' section of this report, the site is realistically only accessible by car given the absence of a footway on the narrow Dukes Hill road. Furthermore, there are no public transport services of note to connect the site to surrounding settlements. As such the site does not fully comply with criterion (b) of Policy 23 of the HDPF. The proposal would though be served by an established agricultural vehicular access point onto Coolham Road and the scale of the development would not result in a material increase in traffic on the public highway network of highway safety issues. In terms of proposed parking levels, the development would provide for parking and turning space within the property for at least two vehicles. Whilst the absence of safe pedestrian access to the site is a concern, it is noted that the applicant's personal circumstances would lend them unlikely to require pedestrian accessibility, thereby muting the identified conflict with Policy 23(b) of the HDPF.

### **Conclusions and Planning Balance**

- 6.19 The site's location within the countryside and limited proximity to local services have been taken into account, along with the sites limited accessibility by non-car modes and likely additional increase in vehicular movements to/from the site. The development would not dominate the wider pattern of development in this area, nor lead to harm to the rural character and nature of the locality. Whilst the location of the site and its linkages by non-car modes to Thakeham do not fully comply with Policy 23 (b) and (d) of the HDPF, in this instance the applicant has set out a number of extenuating personal circumstances which are considered sufficient to outweigh this conflict. Accordingly, and subject to a condition making the development personal to the applicant, the proposed development is considered acceptable and is recommended for approval.

## **7. RECOMMENDATIONS**

- 7.1 To approve planning permission subject to conditions

1 **A list of the 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 Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

- 4 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all new boundary treatments and site fencing shall have been submitted to and approved in writing by the Local Planning Authority, including the boundary to provide the buffer zone to the adjacent Ancient Woodland. The site shall not be occupied (or use hereby permitted commenced) until the boundary treatments associated with the permitted use have been implemented

as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 5 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces, turning and Access necessary to serve it have been constructed and made available for use in accordance with approved drawing number [Site Plan rev B - 3rd October]. 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).

- 6 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number [Site Plan - rev B 3rd October]. 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).

- 7 **Pre-Occupation Condition:** Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.

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

- 8 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement dev180814-326 and MWA-TPP-001 dated 17.08.18.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** No more than 1 static caravan 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), to be stationed on the site at any time.

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

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

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

- 11 **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.

- 12 **Regulatory Condition:** The stables hereby permitted shall not be used for commercial purposes or in connection with any form of riding or livery establishment.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **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).

- 14 **Regulatory Condition:** The residential use hereby permitted shall be carried on only by Mr and Mrs Wayne Ward (aka Elaine Church) and their immediate dependent family and by no other person or persons.

Reason: Due to the special circumstances of the case and in accordance with Policy 23 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** When the land ceases to be occupied by the persons named in condition 14, 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: In granting permission the Local Planning Authority have had regard to the particular circumstances relating to the proposal and in order to accord with Policy 23 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/1488

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Horsham  
District  
Council

## **ADDENDUM**

### **AGENDA ITEM 8 – DC/18/1488**

#### **Land East of Coolham Road, West Chiltington**

**Amended Development Description:**

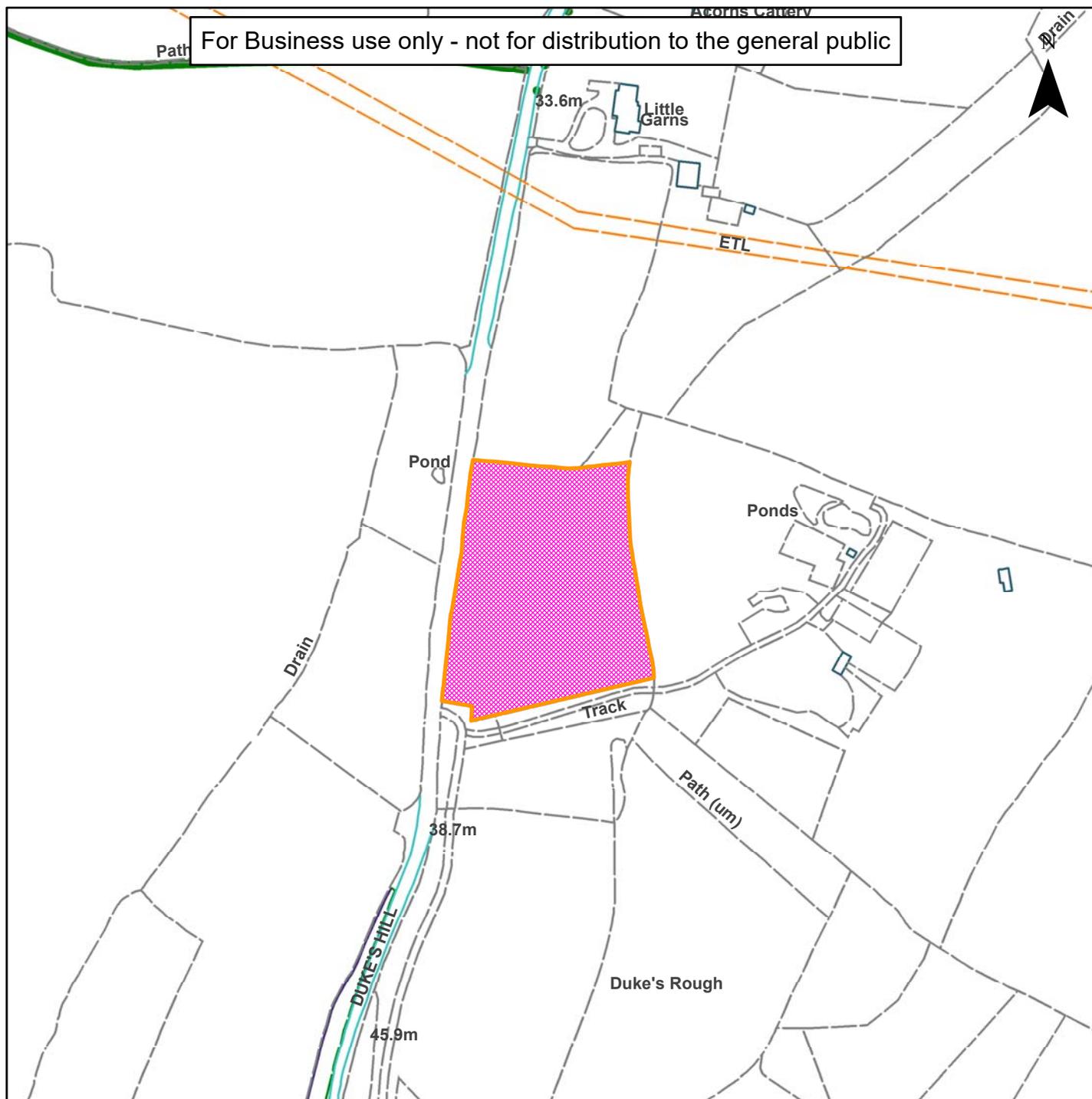
Proposed site for settled gypsy accommodation for 1 pitch with associated stable block

**Additional condition:**

No development shall commence until a plan detailing a 15m buffer to the Ancient Woodland and the area of paddock land to the east of the site has been submitted to and approved in writing by the Local Planning Authority. The areas delineated as buffer land and paddock land shall not be used as residential garden land at any time.

Reason: To ensure adequate protection of the ancient woodland and surrounding countryside in accordance with policies 26 and 31 of the Horsham District Planning Framework (2015).

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	07/02/2019
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 February 2019

**DEVELOPMENT:** Change of use from a light industrial use to a ski training centre

**SITE:** Units 53 To 54 Mackley Industrial Estate Henfield Road Small Dole  
Henfield West Sussex BN5 9XR

**WARD:** Bramber, Upper Beeding and Woodmancote

**APPLICATION:** DC/18/2236

**APPLICANT:** **Name:** Mr Austin Green **Address:** C/O Parker Dann

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

**RECOMMENDATION:** To refuse planning permission

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks permission for a change of use of Units 53 and 54 from its existing B1 (Light Industrial) use to a ski training centre (D2 leisure use). Internally, Unit 53 would comprise the main reception and storage area, with a staff office and W.C facilities. Unit 54 would comprise two ski ramps that would be used for ski instruction lessons. The ski ramps would each measure approximately 6.5m in width by 12m in length. The ski ramps would operate in a similar way when compared to a treadmill used for running. The ski ramps would tilt to varying angles so that the user can ski or snowboard in a stationary position.
- 1.3 It is the intention that the ski training centre would be used for the instruction of beginner and advanced novice skiers and snowboarders. The ski and snowboard sessions would be by appointment only and there would be no 'free ski' sessions as part of the proposed use.
- 1.4 The units would be accessed from the existing vehicular access from Henfield Road through the industrial estate. A revised parking layout plan has been submitted which has reduced the number of car parking spaces from 22 spaces to 16 spaces which would be located on the existing hardstanding to the front of the units. There are no external alterations proposed

to the building, apart from signage on the existing main doors which no specific details have been provided.

- 1.5 The ski training centre would operate between 9am and 10pm Tuesday to Sunday. The ski training centre would employ approximately 14 members of staff which will include management, instructors, receptionists, admin and office staff.
- 1.6 A Business Plan has been submitted which sets out the requirements for this business in specific relation to the size, scale and form of the building required to accommodate the ski training centre and a list of the alternative sites considered by the business.
- 1.7 A letter from the manager of Mackley Industrial Estate provides information about the continuous marketing of the Industrial Estate as a whole, the lack of surplus enquiries received and the vacancy of one other unit on the site which has been marketed since July 2017. There is a permanent hoarding at the entrance of the industrial estate which constantly invites enquiries and the industrial estate operates a waiting list of potential tenants to ensure that enquiries can still be made even when the industrial estate is fully occupied. However, at the present time there is no active waiting list due to lack of surplus enquiries. No formal marketing of Units 53 and 54 has been undertaken within their current B1 use and the former company which occupied units 51-54 recently vacated the buildings in November 2018.

#### DESCRIPTION OF THE SITE

- 1.8 The site comprises two industrial units located within the northern part of Mackley Industrial Estate which is situated within the built-up area boundary and within the settlement of Small Dole. The Mackley Industrial Estate is designated within the Horsham District Planning Framework (HDPF) as a Key Employment Area.
- 1.9 Vehicle access is provided into the industrial estate from Henfield Road to the west and there is a hardstanding directly to the east of the units which provides an area for vehicles parking.
- 1.10 The South Downs National Park boundary lies approximately 70 metres from the east of the site. Public Right of Way 2745 runs through Units 53 and 54 and to the west of the buildings. An area of Ancient Woodland lies directly to the north of the units.

## **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**

#### **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 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

Policy 43 - Community Facilities, Leisure and Recreation

- 2.3 As part of the Local Plan Review Horsham District Council published an **Issues & Options: Employment, Tourism & Sustainable Rural Development document** in April 2018. At present the information within this document is not Council policy and therefore limited weight can be given in the consideration of this application.

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The site lies within the Parish of Upper Beeding. The Parish was designated as a Neighbourhood Plan Area on the October 2013. The Upper Beeding draft pre-submission Neighbourhood Plan Reg 14 consultation period has concluded and responses are currently being considered.
- 2.5 Policy 10 of the Upper Beeding draft pre-submission Neighbourhood Plan relates to Employment Sites & Supporting Businesses and states that proposals that result in the loss of an existing employment site will only be permitted where it is demonstrated that its continued use is no longer viable; unless the site relates to a site specific policy within the Neighbourhood Plan. The Mackley Business Park is included within the Neighbourhood Plan as an existing business parks/industrial area which shall be protected from change of use or redevelopment.
- 2.6 As the Neighbourhood Plan has not been 'made' and has not reached public examination little weight can be given to these draft policies in the consideration of this application.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

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

UB/29/99	Certificate of lawful use for repair of damaged vehicles including paint spraying	Application Permitted on 06.10.1999
DC/07/0253	Widening of road and alteration to car park	Application Permitted on 27.04.2007

### 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: Objection.**  
The dilution of the existing B1 use to a mixed use that principally constitutes a D2 leisure use is considered to be in conflict with Policy 9 of the HDPF. No information relating to the viability of the existing use or details of marketing of the unit have been provided and therefore it is considered that the sequential approach has not been followed in this instance. Whilst there are some positive community benefits from the resulting leisure facility, in accordance with Policy 43, this is not considered to outweigh the conflict with Policy 9.

Further to this, whilst only limited weight can be applied to the draft pre-submission Upper Beeding Neighbourhood Plan, the proposal is found to be in conflict with Policy 10 as it would seek a change of use on an identified industrial estate, which this Policy seeks to resist.

The Council's Strategic Planning Officer has reviewed the additional statements received and considers that the original comments outlined above are still relevant.

**3.3 HDC Economic Development: Comment.**

Whilst it is an interesting proposal which would provide a new and innovative experience, there is concern that this type of use could have an impact on the operation of the rest of the Estate. The units do not appear to have been vacant for very long and the preference would be to retain them for a B1 use.

In response to the additional statements and car parking layout received, the Council's Economic Development Officer has commented that the peak use appears to be on Saturday and Sunday which may reduce the potential conflict with the rest of the estate.

It is queried whether the use could be controlled to ensure that it was a training centre/academy rather than a leisure use which would allow the traffic to be controlled and the impact on the estate reduced. However, if this is not feasible or enforceable then despite the number of employees, this would give consent for a leisure use, losing the B1 use without any evidence that it could not be marketed and occupied by a B1 business.

**3.4 HDC Drainage Engineer: No Objection.**

**3.5 HDC Environmental Health: No Objection.**

Recommends a condition that should any external fixed plant or machinery be installed then an acoustic impact assessment would need to be submitted to and approved by the Council.

OUTSIDE AGENCIES

**3.6 WSCC Highways: No Objection.**

Additional car parking layout plan submitted showing 16 car parking spaces is considered to be acceptable.

**3.7 WSCC Public Right of Way: Comment.**

Although no change to the external footprint of the building is required it should be noted that the current industrial unit is actually sited across the legal line of public footpath 2745 and is therefore illegally obstructing the right of way. It is recommended that the owner applies to get the footpath legally diverted, under the Highways Act 1980, onto the current used route to avoid any legal implications that may arise in the future.

PARISH COUNCIL

**3.8 Upper Beeding Parish Council: No Objection.**

PUBLIC CONSULTATIONS

**3.9** Thirteen letters of support have been received for this application. The comments are summarised below:

- Lack of snow sports facilities in Sussex.
- Bring more business and employment to the area.
- Improve the local economy.
- Good community facility and facility for young people.
- Give Small Dole a focal point and identity.

- Due to uncertainty of Brexit the Industrial Estate needs to expand their remit to other uses.
- Demand for industrial units 3,000-6,000sq-ft has been slower than usual over last 12 months.
- Supports a start-up business.

#### **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 application site is located within the Mackley Industrial Estate which is designated as a Key Employment Area in the HDPF and is contained within the defined Built Up Area Boundary of Small Dole. The application seeks permission for a change of use from its existing B1 (Light Industrial) use to a ski training centre (D2 leisure use).
- 6.2 Policy 7 (Strategic Policy: Economic Growth) of the HDPF seeks to achieve sustainable economic growth for Horsham District to 2031. Policy 7 states that this will be achieved in a number of ways, including the development, regeneration, intensification and smart growth of existing employment sites and the retention of Key Employment Areas for employment uses.
- 6.3 Policy 9 (Employment Development) of the HDPF states that redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace. Proposals for alternative uses within the Key Employment Areas will be allowed where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres for employment.
- 6.4 The sequential approach is a planning principle that seeks to identify, allocate or develop certain types of uses before others. In this instance, the HDPF requires the sequential approach to be applied to development proposals in the Key Employment Areas. The sequential approach favours employment based redevelopment in the first instance, mixed use or other employment creating use redevelopment in the second instance and lastly, alternative non-employment use based redevelopment.
- 6.5 The B-class sectors including B1, B2 and B8 are generally accepted to be the use classes generating employment space. This is supported by the Economic Growth Assessment Supplementary Report prepared for Horsham District Council which focuses only on B-class uses in a review of employment space requirements in the District.

##### **The Applicant's Supporting Information**

- 6.6 A Business Plan and a supporting statement have been submitted which sets out the requirements for this type of business in specific relation to the size, scale and form of the

building required to accommodate the ski training centre. A list of the alternative sites considered by the business has also been provided.

- 6.7 A letter from the manager of Mackley Industrial Estate provides information about the continuous marketing of the industrial estate as a whole, the lack of surplus enquiries received and the vacancy of one other Unit on the site which has been marketed since July 2017. There is a permanent hoarding at the entrance of the industrial estate which constantly invites enquiries and the industrial estate usually operates a waiting list of potential tenants to ensure that enquiries can still be made even when the industrial estate is fully occupied. However, at the present time there is no active waiting list due to lack of surplus enquiries. The supporting information states that demand for industrial units of 3,000-6,000sq.ft has been slower than usual over the last 12 months and that it has taken 12-18 months to let some of the industrial units within the estate. No formal marketing of Units 53 and 54 have been undertaken within their current B1 use and there is no supporting evidence to indicate that the existing units could not be occupied by another B1 use. In the absence of any supporting marketing evidence it is considered there is insufficient grounds to justify the loss of the B1 use within a Key Employment Area to a leisure based use.
- 6.8 The proposed use as a ski training centre would generate employment of approximately 14 members of staff. The company which recently vacated the buildings in November 2018 occupied units 51-54 and employed five people across four units. It is acknowledged that in this case the proposed use would create an increase in the number of staff employed on site in comparison to the former business that occupied the site. However, it is not considered that this small uplift in employment would not justify the loss of the B1 use within a Key Employment Area which would be likely to employ a higher proportion of skilled professionals than an equivalent D2 leisure use.

#### **The Council's Evidence Base**

- 6.9 Horsham District Council published an Issues & Options: Employment, Tourism & Sustainable Rural Development document in April 2018 as part of the Local Plan Review. A review of the existing Key Employment Areas has been undertaken to ensure that they remain fit for purpose.
- 6.10 The report recommends that the Mackley Industrial Estate Key Employment Area is retained with no changes to the current boundaries. The report clarifies that this site is well used and provides a significant employment offer within the southern part of Horsham District. It is also acknowledged that the site has good accessibility to the main road network comprising the A2037, and there is a small local shop within walking distance of the site which has the potential to be used by local employees on the site.
- 6.11 The Issues & Options document confirms that current evidence shows that there is a limited supply of office, industrial and warehouse facilities (B1 and B8 uses) which has arisen due to a modest increase in demand, loss of existing stock to alternative uses and a limited level of new development coming forward. The Council's Economic Development Officer has also confirmed that there is a high occupancy in the Mackley Industrial Estate and that it is likely that these units would be occupied by other B1 businesses following the recent vacation of the previous business occupying the site.
- 6.12 Taking into account the above evidence there is concern that the proposed change of use to a D2 leisure based use would result in the loss of a valued employment site within the Key Employment Area. In the absence of supporting marketing information to demonstrate that the existing use is no longer viable, it is considered that the sequential approach has not been applied in this instance and therefore is in conflict with Policy 9 of the HDPF.
- 6.13 Policy 43 of the HDPF seeks to retain and enhance existing facilities and services, and ensure that new facilities are provided at an appropriate level of provision where a need is

identified. Policy 43(1) states that *the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies.*

- 6.14 Whilst it is considered that this proposal would provide an innovative and new leisure facility within the District, it is not a use that constitutes an identified need within the District. The proposal accords with Policy 43 of the HDPF but only limited weight can be given to benefits of the leisure facility provided and this would not be outweighed by the loss of an employment use within the Key Employment Area and the conflict with Policy 9 of the HDPF.

#### **Impact on Residential Amenity**

- 6.15 The proposal does not include the provision of any externally fixed plant or machinery outside of the units. The nearest residential properties are located 117 metres to the west and 175 metres to the north of the industrial units. Given the degree of separation between the units and the closest neighbouring residential properties and their location within the established industrial estate it is not considered that the proposed ski training centre use would cause any harmful noise disturbance to the occupiers of neighbouring residential properties located on Sands Lane or Henfield Road to the west.

#### **Impact on Visual Amenity of Area**

- 6.16 There would be no external alterations to the existing units apart from the provision of signage on the existing doors in which no specific details have been provided. The proposed signage would also be likely to require the benefit of separate advertisement consent.
- 6.17 As there are no other external alterations to the units the proposal would have no impact on the visual amenities of the area.

#### **Highways Impacts and Parking Provision**

- 6.18 At present the car parking to the eastern frontage of the building is informal with no arranged car parking spaces. An amended car parking layout plan has been provided which has reduced the number of car parking spaces serving the proposed ski training centre from 22 spaces to 16 spaces to meet the car parking space size requirements given by West Sussex County Council.
- 6.19 The proposed ski training centre use would generate employment for approximately 14 members of staff. The Applicant has advised that a maximum of 3 people would be booked onto ski-training sessions at any one time. During off peak hours, 10am and 6pm Tuesday to Friday, it is anticipated that there will be 6 bookings, and in the evening peak hours between 6pm and 10pm Monday to Friday, it is anticipated that there will be up to 12 bookings. On Saturday and Sunday all hours will be peak and the maximum number of clients would be 24. On the basis of this information it is anticipated that up to 14 car parking spaces would be required for members of staff and up to six spaces required for visitors based on back to back training sessions. This would create a need for approximately 20 car parking spaces to serve the proposed ski training centre use. The West Sussex County Council Parking Standards and Transport Contributions Methodology Supplementary Planning Guidance 2003 requires 1 car parking space per 22sqm for a D2 leisure use and 1 car parking space per 30sqm for the existing B1 Light Industrial use. Against the West Sussex Parking Standards, the proposed D2 use of the units with a combined floor area of 578sqm would create a requirement for 26 car parking spaces. There would be a shortfall of 10 car parking spaces to serve the proposed D2 use. In comparison the existing B1 use of the units requires lower amount of 19 parking spaces.

- 6.20 Given the shortfall in the number of car parking spaces to serve the proposed D2 leisure use there is concern that this could result in car parking being displaced to adjoining areas and have an impact on those adjacent business units. The additional information provided by the Applicant suggests that the peak use of the ski training centre would be on weekday evenings and at weekends and this would be likely to reduce the potential conflict with the rest of the estate which is mainly in use on weekdays. It is not therefore considered that the shortfall of parking provision associated with the proposed D2 use would, in this instance, cause any harmful impact on adjacent industrial units or the overall level of parking provision within this part of the industrial estate.
- 6.21 West Sussex County Council (WSSCC), as the Local Highway Authority, has commented that the proposed use would not give rise to any increase or material change in the character of traffic in the vicinity of the site. The revised parking layout is also considered acceptable by WSSCC and is unlikely to cause an increase in on-street parking as a result of the proposed use. On the basis of the advice received from the Local Highway Authority it is considered that there would be no highway safety concerns in relation to the proposed change of use.

### **Conclusions and Planning Balance**

- 6.22 The proposal which would involve the change of use of two B1 (Light Industrial) units to a ski training centre (D2 leisure use) within a key employment area. It is considered that the proposed change of use would conflict with Policy 9 of the HDPF as no supporting marketing information has been provided to demonstrate that the existing B1 use is no longer viable and the sequential approach has not been applied. There is a lack of commercial sites within the District as identified within the Council's Issues & Options document (April 2018).
- 6.23 Given that the units have only recently been vacated by a B1 use business, and that the occupancy rates within this industrial estate are high, it is likely that these units would be occupied by other B1 employment uses. Whilst there would be some positive community benefits from the resulting leisure facility, in accordance with Policy 43 of the HDPF, this is not considered to outweigh the fundamental conflict with Policy 9 of the HDPF. It is therefore considered that there is a policy objection to this proposed change of use to a D2 (Leisure) use within the key employment area and the application is therefore recommended for refusal.

## **7. RECOMMENDATIONS**

- 7.1 To refuse planning permission for the following reason:

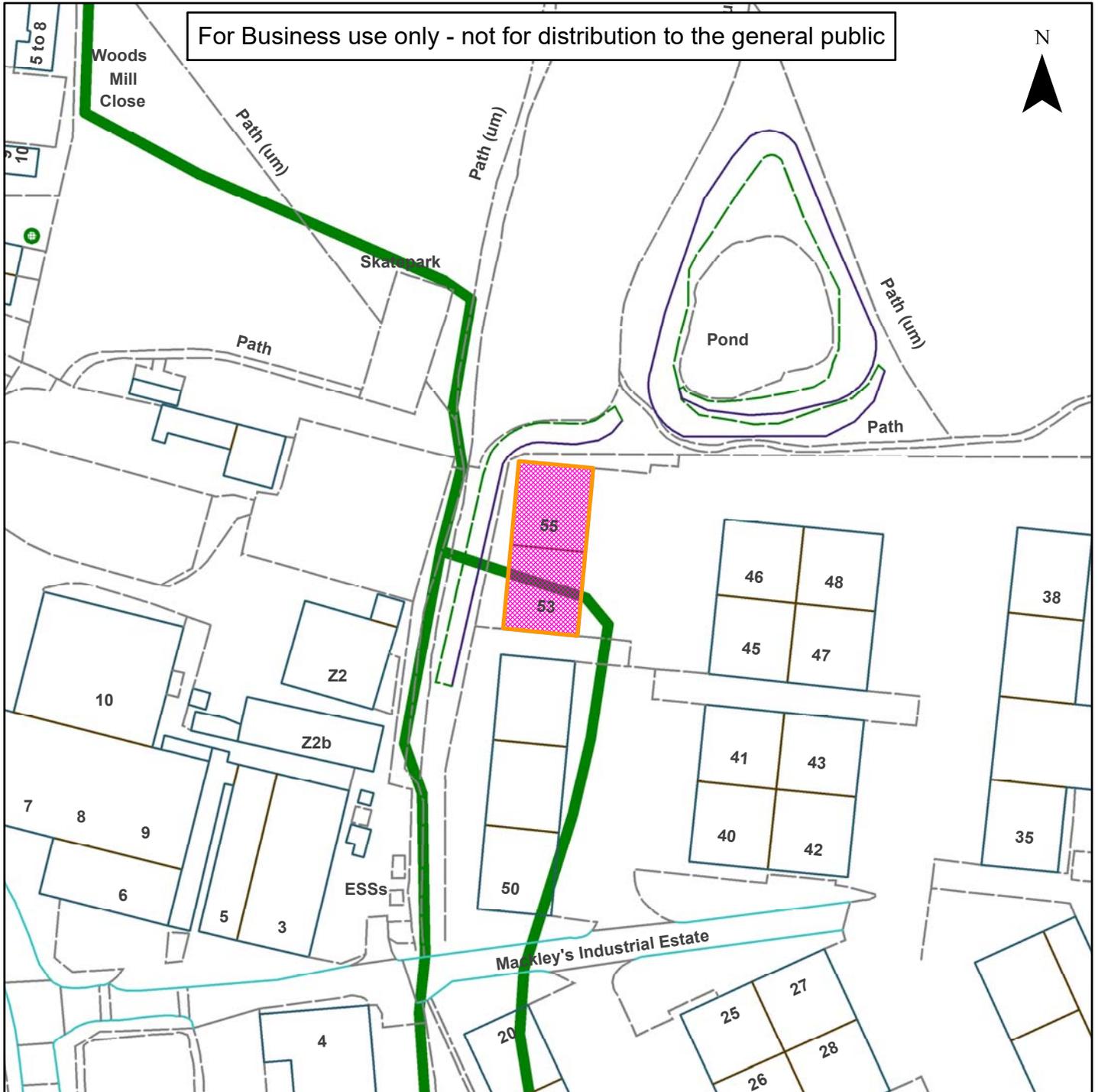
### Reason for Refusal:

1. The proposed change of use of the units from B1 (light industrial) use to a D2 (leisure) use would result in the loss of employment floor space within a Key Employment Area in the Horsham District which would conflict with Policy 9 of the Horsham District Planning Framework (2015). No supporting information relating to the viability of the existing use or details of marketing of the unit have been submitted and therefore it is considered that the sequential approach, as set out in the Horsham District Planning Framework, has not been followed in this instance.



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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	07/02/2019
MSA Number	100023865

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