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# Planning Committee (North)

Tuesday, 1st October, 2019 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman) Liz Kitchen (Vice-Chairman) Matthew Allen Andrew Baldwin Tony Bevis Toni Bradnum Alan Britten Peter Burgess Roy Cornell Christine Costin Leonard Crosbie Brian Donnelly Ruth Fletcher Billy Greening Frances Haigh Tony Hogben	Richard Landeryou Gordon Lindsay John Milne Colin Minto Christian Mitchell Godfrey Newman Louise Potter Stuart Ritchie David Skipp Ian Stannard Claire Vickers Belinda Walters Tricia Youtan
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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 3 September 2019  <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i></p>	
3. <b>Declarations of Members' Interests</b>	
<p>To receive any declarations of interest from Members of the Committee</p>	

4. **Announcements**

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/19/1362 - Sussex Topiary, Naldretts Lane, Rudgwick** 15 - 48

Ward: Rudgwick  
Applicant: Tim Bloxham

7. **DC/19/0897 - Sussex Topiary, Naldretts Lane, Rudgwick** 49 - 62

Ward: Rudgwick  
Applicant: Tim Bloxham

8. **DC/19/0394 - Land North of 73 Primrose Copse, Horsham** 63 - 76

Ward: Holbrook West  
Applicant: Mr M Betts

9. **Urgent Business**

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

# Agenda Annex

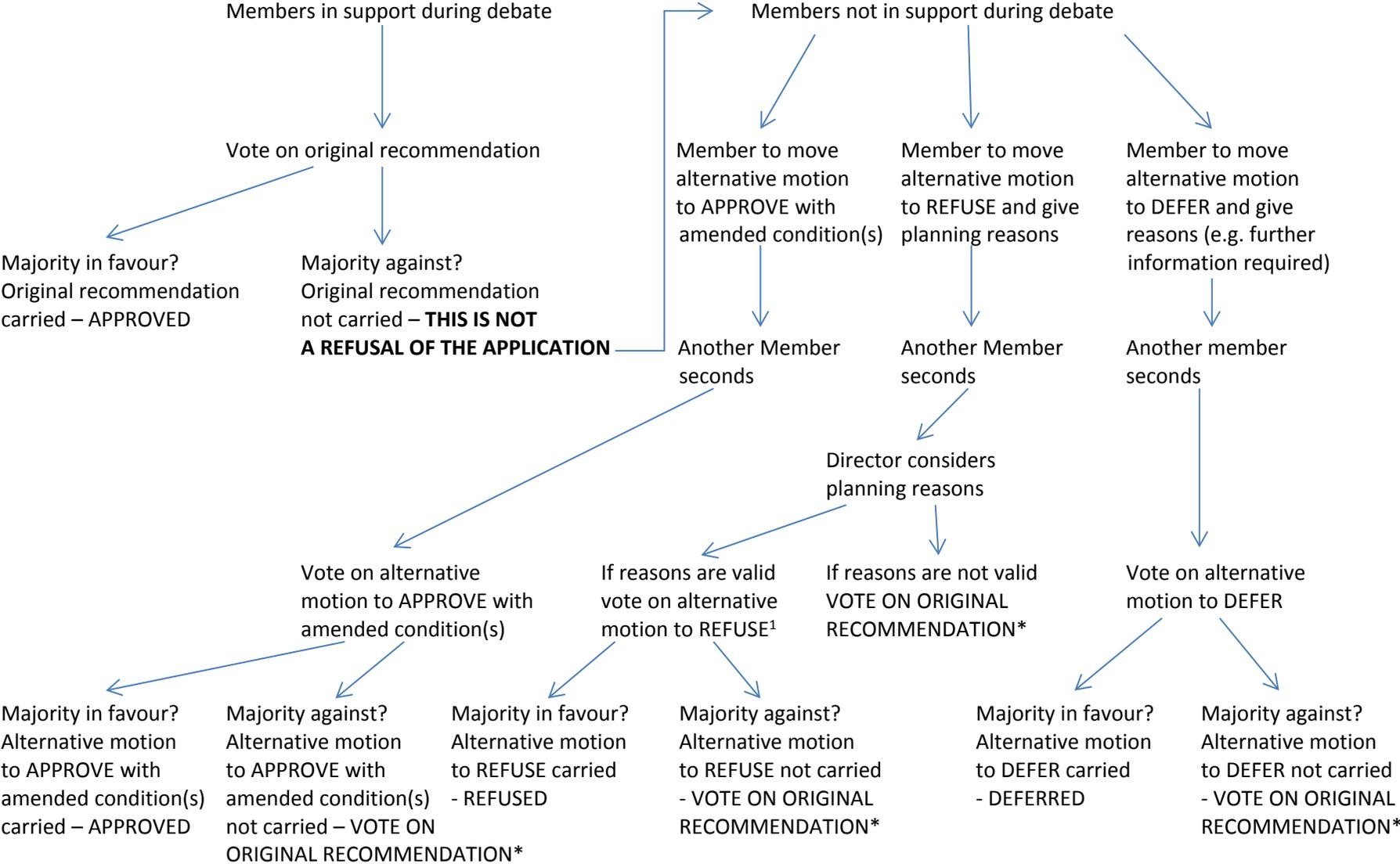
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

<b>Addressing the Committee</b>	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
<b>Declarations of Interest</b>	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
<b>Public Speaking on Agenda Items</b> (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed <b>5</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 (North)**  
**3 SEPTEMBER 2019**

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), Matthew Allen, Tony Bevis, Toni Bradnum, Alan Britten, Peter Burgess, Roy Cornell, Christine Costin, Leonard Crosbie, Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Richard Landeryou, Gordon Lindsay, John Milne, Colin Minto, Christian Mitchell, Godfrey Newman, Louise Potter, David Skipp, Claire Vickers and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Tony Hogben, Stuart Ritchie, Ian Stannard and Belinda Walters

PCN/30 **MINUTES**

The minutes of the meeting of the Committee held on 6 August 2019 were approved as a correct record and signed by the Chairman.

PCN/31 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/1149: Councillor Claire Vickers declared a personal interest in this item because her home was in close proximity to the site, although the proposal would not have a direct impact on it.

PCN/32 **ANNOUNCEMENTS**

There were no announcements.

PCN/33 **APPEALS**

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

PCN/34 **DC/19/1149 - CHRISTS HOSPITAL SCHOOL, THE AVENUE, CHRISTS HOSPITAL**

The Head of Development reported that this application sought permission for a number of additional sports and recreation facilities, car parking and landscaping in the vicinity of the Bluecoats Sports Centre, in conjunction with Christ's Hospital school.

This application was a re-submission of DC/18/1268, which had been refused by the Committee in January 2018 on the grounds that the benefits would not outweigh the significant landscape harm in a countryside location, and it would result in an adverse effect on the amenity of neighbouring residents by virtue of

noise and light (Minute No. PCN/74 (08.01.19) refers). The current application sought to overcome these reasons for refusal.

The application included the following:

- Two storey extension to the west of sports centre to provide a new swimming pool, spa facilities, two class studios, fitness suite and enlarged café;
- All-weather six-lane running track with floodlighting;
- Outdoor exercise area;
- Downgrading and closure of part of Infirmary Drive to sprint track;
- 3G Artificial grass rugby/football pitch with floodlighting;
- Parking for 272 cars;
- New access road from Christ's Hospital Road;
- Use of land to east to relocate spoil.
- Landscaping, SuDS drainage system, fencing and lighting.

There were a number of differences compared to the previous application including:

- Relocation and reduction in scale of Adventure Trail;
- Athletics track lowered into the ground by half a metre, with scaled down spectator seating;
- 3G pitch moved further south;
- Floodlighting revised to be controllable and minimise light spill;
- 2.5 kilometre running trail removed;
- Eight fewer trees to be removed and enhanced tree planting;
- SUDS pond removed;
- More detailed Noise Assessment Plan and full Travel Plan, with restriction on large events to be limited to four a year and capped at 1,000 people.

The applicant would also fund a Traffic Regulation Order to reduce the speed limit on Tower Hill and Christ's Hospital Road to 30mph and traffic calming measures to the west of the site.

The application site was located approximately three kilometres south-west of Horsham and was outside and adjacent to the built-up area boundary of Christ's Hospital. It was grassland used for sports pitches in the summer months in the northern part of the school campus. The sports centre was used by the school and members of the public. The school itself included two groups of Grade II\* Listed Buildings. There were a number of Grade II Listed Building residences nearby, and properties in Barnes Wallis Avenue and Bluecoat Ponds were close to the northwest boundary.

The Parish Council objected to the application. There had been 82 representations objecting to the application, including an objection from the Horsham District Cycle Forum and two objections received after publication of the report, and 37 responses supporting the application.

Three members of the public spoke in objection to the application. The applicant, the applicant's transport consultant and the applicant's agent all addressed the Committee in support of the proposal. The Cabinet Member for

Leisure and Culture address the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; an assessment of the benefits of the proposal; impact on landscape and trees; design, layout and specification of the facilities; impact on the Listed Buildings; highways; and neighbouring amenity.

Members discussed aspects of the proposal including: its impact on the highway network and neighbouring amenity, particularly during largescale events; the extent to which the facilities would be used by the wider community; the removal of trees; and the lighting of the athletics track.

Members concluded that the proposal had not overcome the first reason for refusing application DC/18/1268 and the cumulative impact of the development on the surrounding area would cause harm to the landscape character in this countryside location, and the benefits of the proposal did not outweigh this harm.

#### RESOLVED

That planning application DC/19/1149 be refused for the following reasons:

The proposal results in significant landscape harm in a countryside location which is not outweighed by the benefits of the development. The scheme is therefore contrary to Policies 25 and 26 of the Horsham District Planning Framework (2015).

#### PCN/35 **DC/19/0905 - UPPER BOTTLE HOUSE, STANE STREET, SLINFOLD**

The Head of Development reported that this application sought permission for the demolition of an agricultural building and erection of a detached L shaped two-storey dwelling and a stables building to the south. A paddock adjacent to the house was proposed. The dwelling would use an existing access from Stane Street.

The application site was located in the countryside to the west of Stane Street approximately one and a half kilometres from Slinfold. There were a number of outbuildings as well as Upper Bottle House on the wider site.

The Parish Council objected to the application. There had been 12 representations supporting the application and one of comment. The applicant addressed the Committee in support of the proposal.

Members noted that there were no planning objections to the proposed stables. Members considered the officer's planning assessment which indicated the key issues for consideration in determining the proposal, in particular the character

of the proposal and its impact on the visual amenities of the street scene and the amenity of neighbouring occupiers.

The applicant had put forward an argument that the dwelling should be allowed as the conversion of the agricultural building into residential could be undertaken under permitted development rights. There was therefore an argument that there was a 'fall back' position. Members were advised by officers that, in their opinion, the agricultural building failed to meet the criteria for permitted development rights and that there was no 'fall back' argument for the construction of a new dwelling.

#### RESOLVED

That planning application DC/19/0905 be refused for the following reasons:

- 01 The proposed dwelling is located in a countryside location, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted neighbourhood plan. The Council is able to demonstrate a 5-year housing land supply and consequently the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development is not essential to its countryside location. Consequently, the proposal for a new dwelling on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015), Policy 5 of the Slinfold Neighbourhood Plan (2018) and guidance within the National Planning Policy Framework (2018).
- 02 The proposed dwelling, by virtue of its design and appearance, would result in an unacceptable addition within the site which would result in an urbanising effect on the countryside. The proposed dwelling would represent an incongruous, unsympathetic and unacceptable design which would not be in keeping with the rural character of the countryside location and would be insensitive and harmful to the open setting of the site. The proposal is therefore contrary to policies 26, 32 and 33 of the Horsham District Planning Framework (2015), Policy 5 of the Slinfold Neighbourhood Plan (2018) and policies within the National Planning Policy Framework (2018).

*The meeting closed at 7.15 pm having commenced at 5.30 pm*

CHAIRMAN

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## Planning Committee (NORTH)

Date: 1<sup>st</sup> October 2019

Report on Appeals: 22/8/19 – 18/9/19



**Horsham  
District  
Council**

### 1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/19/0677	Sunnycroft Two Mile Ash Road Barns Green Horsham West Sussex RH13 0PX	06-Sep-19	Application Refused	N/A

### 2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/19/0421	Melbury 34 Richmond Road Horsham West Sussex RH12 2EG	Fast Track	27-Aug-19	Application Refused	N/A
DC/18/2614	Land Adjacent To Elm Cottages Worthing Road Southwater RH13 9DT	Written Representation	29-Aug-19	Non-determination	N/A
DC/18/2588	Southover Springfield Lane Colgate RH12 4TA	Written Representation	06-Sep-19	Application Refused	N/A

### 3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/1584	Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX	Written Representation	Appeal Dismissed	Application Refused	Application Refused
DC/18/1233	Mill Hill House Guildford Road Rudgwick Horsham West Sussex RH12 3HZ	Written Representation	Appeal Allowed	Application Refused	N/A
DC/18/1234	Mill Hill House Guildford Road Rudgwick Horsham West Sussex RH12 3HZ	Written Representation	Appeal Allowed	Application Refused	N/A
DC/18/2671	Holmbush Manor Farm Hayes Lane Slinfold West Sussex RH13 0SL	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1924	Kissingate Brewery The Pole Barn Church Lane Estate Church Lane Plummers Plain Horsham West Sussex RH13 6LU	N/A	No Further Action is taken on Appeal	Application Permitted	N/A
DC/19/0041	Gardeners Cottage Hammerpond Road Horsham West Sussex RH13 6PJ	Fast Track	Appeal Dismissed	Application Refused	N/A



**Horsham  
District  
Council**

## **PLANNING REPORT COMMITTEE**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 01 October 2019

**DEVELOPMENT:** Retrospective change of use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use

**SITE:** Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

**WARD:** Rudgwick

**APPLICATION:** DC/19/1362

**APPLICANT:** **Name:** Tim Bloxham **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

**RECOMMENDATION:** To approve application subject to conditions

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective full planning permission for the change of use of the land to provide 4no. gypsy pitches, along with the formation of hardstanding, and the erection of 4no. ancillary day rooms/utility buildings.

1.3 Each pitch would include a mobile home, day room/utility building, and space for 2no. vehicles. The pitches would be positioned around a central amenity space, with hardstanding laid around the amenity space to provide access and turning.

1.4 The proposed day room/utility buildings would provide a bathroom and living area, and would measure 4m x 4m, with a pitched roof measuring to an overall height of 3.5m. The exception to this is the day room located to the southern boundary, which is proposed to be a 'family' day-room. This would provide a w.c, shower room, and kitchen/living area, and would measure 6m x 6m. It is proposed to remove the roof of the existing building so that it would be lowered by 1m, with the ridgeline proposed to extend to an overall height of 3.5m. The day rooms/utility buildings would be finished in render with tile roof.

- 1.5 Additional soft landscaping in the form of native hedging and planting would be added to the immediate north and east of the pitches, with the southern and eastern boundaries bound by post and rail fencing.
- 1.6 A total of 12no. vehicle parking spaces would be provided within the site.

#### DESCRIPTION OF THE SITE

- 1.7 The application site is located outside of any defined built-up area boundary, and is located in the countryside in policy terms. The site is located approximately 850m from the built-up area of Bucks Green and approximately 1.2km from the built-up area of Rudgwick.
- 1.8 The site comprises a former horticultural nursery set within wider countryside, with sporadic residential development within the surroundings.
- 1.9 The application site is accessed from Naldretts Lane, and is enclosed by boundary hedging to the north, and mature trees and hedging to the western boundary. The wider site is separated to paddocks, with a mobile home and day room located to the east.
- 1.10 Partial construction works have taken place on the site, with the laying of hardstanding and concrete pads for the mobile homes. A day room/utility building has also been erected along the southern boundary, with the installation of a sewage treatment plant and gas tank to the far north of the site. The site has been the subject of recent enforcement action, and an enforcement notice requiring removal of the day room was served on 13 September 2019.

## 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:

- 2.3 **National Planning Policy Framework**

- 2.4 **Planning Policy for Traveller Sites (PPTS)**

- 2.5 **Horsham District Planning Framework (HDPF 2015)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- 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 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

#### 2.6 **Rudgwick Parish Neighbourhood Development Plan**

- Designated (Regulation 7)

#### 2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/13/2170	REF (Approved at Appeal)	Change of use of land for the stationing of caravans for residential purposes for 4 No. gypsy pitches along with the formation of hardstanding and 4 No. utility/dayrooms ancillary to that use
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#### ENFORCEMENT HISTORY

- 2.8 The application site has been subject of an approval at appeal under reference DC/13/2170. This sought permission for the change of use of the land for 4no. gypsy pitches and associated operational development.
- 2.9 A recent compliance investigation has been undertaken following the receipt of complaints in respect of works being carried out on the site.
- 2.10 A site visit by the Compliance Officer found that the works carried out were not in accordance with the approved plans subject of the planning appeal, with the pads for the mobile homes incorrectly laid out, the septic tank positioned in a different place and of a different size, landscaping removed from within the site boundary, with the erected day room of a larger size than that approved.
- 2.11 Given these changes, which were considered to be fundamental to the permission as approved, it was determined that the planning permission approved at appeal had not been implemented. Given the date of the appeal decision, it was determined that the permission as approved was no longer extant, and the appropriate course of action was to submit a retrospective application for consideration.
- 2.12 Notwithstanding the above, complaints were received in respect of the day room erected on the site, with concerns raised that the building was being occupied as a residential dwelling. Given the size of the building and the potential length of time that the building may have been on the site, an Enforcement Notice was served on 13 September 2019 requiring the building to be removed from the site and the land returned to its original condition .

### 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:** A Gypsy & Traveller Housing Needs Assessment was undertaken in 2012 which identified the need for 39 pitches in the period up to 2017. Sites were allocated in the HDPF to meet this need for this five-year period. The HDPF was clear that further work was needed to address needs beyond the first five years, but to help address this a criteria based policy (Policy 23) is included in the document to help guide the selection of additional sites for allocation, or considering applications for non-allocated sites. This approach was agreed by the Inspector who examined the HDPF.

Unfortunately some sites allocated in the HDPF have not come forward, and this contributes to the fact that the Council does not have a 5-year land supply for Gypsy and Traveller Sites.

Until a new Gypsy and Traveller policy is adopted by HDC, the need figure included in Policy 21 of the HDPF remains at 39 net new permanent pitches and HDC is unable to demonstrate a 5 year supply of gypsy and traveller pitches.

- 3.3 **HDC Landscape Architect:** No Objection. The 4-pitch development would sit well within the landscape – reflecting the adjoining sporadic scale of other small settlements/farm buildings. The siting of the development, surrounded by open ground to the east, reinforces this pattern. Providing soft landscaping is reinstated and implemented as proposed in the previous planning approval, no objections are raised on landscape grounds.
- 3.4 **HDC Environmental Health:** The capacity and treatment described for the Matrix Sewage Treatment Plant is satisfactory for the 4no. pitches.

The proposals for surface water drainage run-off should be examined by the Drainage Engineer. Building Regulations do not apply to caravan sites, so these cannot be relied upon to achieve sustainable drainage on the site.

- 3.5 **HDC Drainage Engineer:** No objection although it is noted that given the geology of the area that using soakaways to deal with surface water, i.e. infiltration, could prove difficult to achieve.

## OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** The Local Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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 are minded to approve the application, conditions should be applied relating to car parking and cycle parking:

## PUBLIC CONSULTATIONS

- 3.7 **Rudgwick Parish Council:** Objection on the following grounds:-

- Inappropriate development that would cause substantial harm that outweighs the benefits
- Inconsistent with paragraph 170 of the NPPF
- Conflicts with Policies 3, 4 and 26 of the HDPF
- The application does not address the housing needs of the area

3.8 **Rudgwick Preservation Society:** Objection:-

- Inappropriate development that would cause substantial harm that outweighs the benefits
- Inconsistent with paragraph 170 of the NPPF
- Conflicts with Policies 3, 4 and 26 of the HDPF
- The application does not address the housing needs of the area

3.9 10 letters of objection were received from 8 separate households, and these can be summarised as follow:-

- Impact on character of the area
- Traffic increase and safety implications
- Overdevelopment
- Under enforcement of previous application
- No need for gypsy pitches
- Impact on property values
- Occupation of day room
- Overlooking
- Loss of landscaping
- Not essential to countryside location
- Impact on rural setting
- Surface water drainage issues
- Impact on ambience of countryside

**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 application relates to the change of use of the land to provide 4no. gypsy pitches, along with the laying of hardstanding and the erection of day rooms. The development as proposed is part retrospective.

**Principle of Development**

6.2 Policy 21 of the Horsham District Planning Framework (HDPF) states that provision shall be made for 39 net additional permanent residential pitches for Gypsies and Travellers within the period of 2011-2017. This is partly 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 through a Site Allocation DPD. It is however acknowledged that a number of sites allocated through Policy 21 of the HDPF have yet to come forward and therefore the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.

- 6.3 The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) – Preferred Strategy in 2017. This sets out a pitch requirement for 60 gypsy pitches over a ten year period (up to 2027), and a 15 year requirement for 78 pitches. The 10 year requirement, which is essential, includes a backlog of 40 gypsy pitches, a need for 1 pitch in years 1-5 (2017-2022) and a requirement for a further 19 pitches between 2022-2027. This document identified a supply of 68 gypsy pitches, which meets the 10 year requirement need for 60 pitches. However, following the drafting of this DPD, the site at Bromeliad Nursery, Billingshurst was withdrawn, which meant the removal of 15 pitches from the 68 pitches identified. On this basis, a supply of 60 pitches over the 10 year plan period (up to 2027) could not be demonstrated, and HDC is unable to demonstrate a 5-year supply of Gypsy and Traveller pitches.
- 6.4 For the purposes of planning policy, Annex 1 of the Planning Policy for Traveller Sites (PPTS) defines “gypsies and travellers” as *“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*
- 6.5 Policy H of Planning Policy for Traveller Sites (PPTS) provides national guidance on determining planning applications for Traveller sites. Paragraph 22 of this document outlines that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 23 continues that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the Planning Policy for Traveller Sites document.
- 6.6 Paragraph 24 of the PPTS states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
  - e) that they should determine applications for sites from any travellers and not just those with local connections
- 6.7 It is acknowledged that the sites allocated through Policy 21 of the HDPF have yet to come forward and therefore, the Council is currently still unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application and would weigh in favour of the proposal, subject to compliance with the criteria within Policy 23 of the HDPF and the relevant provisions of the PPTS.
- 6.8 Notwithstanding the identified undersupply of Gypsy and Traveller Sites, the application site has been subject to an earlier approval for 4no. gypsy pitches under planning reference DC/13/2170. This application was approved at appeal, where it was considered that the proposal was broadly consistent with the sustainability criteria of the PPTS, and would cause limited harm to the character and appearance of the area which was outweighed by the public benefit. The previous application was determined against the policies within the Core Strategy (2007) and Horsham District General Development Control Policies (2007), with the appeal determined after the Horsham District Planning Framework had been adopted. While the appeal was determined after adoption of the HDPF, the Inspector considered the application against the outdated policies within the Local Development Framework, albeit

that reference was made to “emerging” policies 21, 22, and 23 of the HDPF. In addition, the Inspector considered the conclusions of the Gypsy/Traveller, Travelling Showpeople Accommodation Needs Assessment (GTTSANA) which was published in 2012. On the basis of the GTTSANA, the Inspector outlined within the Appeal Decision that there was a clear existing need for gypsy and traveller sites in Horsham, and that there was not a sufficient supply to meet the requirement of the five year period up to 2020.

- 6.9 Policy 21 of the HDPF made provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period of 2011 – 2017 to address the needs over the 5-year period. It was recognised that additional work was needed to understand the needs of Gypsy and Travellers beyond 2017, with an additional requirement to address the 5-year land supply issue. The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) – Preferred Strategy in 2017 however the document did not proceed to formal submission. The need figure as referenced within Policy 21 of the HDPF remains, with a number of the sites allocated within this policy yet to come forward. As such, it remains that the Council are unable to demonstrate a 5-year supply of gypsy and traveller pitches. The Council remain in a similar position in regard to 5-year supply as that considered at the time the appeal was determined. The Inspector, in considering the 5-year supply issue, concluded that the Council could not demonstrate a 5-year supply of pitches, and it was recognised that the development would represent an adequate way to respond to this need. The need for additional Gypsy and Traveller accommodation was recognised as a matter that carried significant weight.
- 6.10 While the site has not been submitted in support of a particular identified familial need, the Applicant is known to the Council, and currently occupies a gypsy site within the District. From discussion with the Applicant, the intention is to move with his family (including his wife, daughters and grandchildren) to the site. In considering the appeal under reference DC/13/2170, the Planning Inspector acknowledged that the personal needs of the Applicants carried significant weight, with important weight attached to health matters, and some further weight attached to education access. However, the Inspector outlined that personal consideration did not need to be taken into account in the overall balance, and consequently a personal occupancy condition did not need to be imposed. Rather, a more general occupation condition, specific to persons who meet the definition of gypsy or traveller as defined in Annex 1 of the PPTS was imposed. Therefore, while the personal needs of the Applicant at the time was discussed and taken into account in the overall balance, the personal needs of the Applicant were not a defining reason to approve the original permission. The general occupation condition imposed on the approval would mean that any person meeting the definition could occupy the site.
- 6.11 Given the conclusions of the Planning Inspector when considering the appeal under reference DC/13/2170, it is considered that the general overriding need within the District for gypsy pitches, rather than personal need specifically, is of significant weight in the overall balance given the current identified need. A number of sites allocated through Policy 21 of the HDPF have yet to come forward and the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration which weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant policies of the HDPF.

#### *Sustainable Development*

- 6.12 Policy 23 of the HDPF outlines the criteria that must be considered when determining planning applications for non-allocated sites. These provisions include that the site is located in or near to existing settlements, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

- 6.13 Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are economically, socially and environmentally sustainable. Paragraph 25 continues that Local Planning Authorities should limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.14 The sustainability of the application site was considered by the Inspector in respect of earlier application DC/13/2170. In considering this earlier application the Inspector outlined that the application site is approximately 1.7km from Rudgwick, where the facilities and services available include a primary school, a surgery, a Post Office, and a convenience store. It was recognised that Rudgwick was close enough to the site to be reached on foot or by cycle, and car journeys would be short. The Inspector therefore concluded that the site is in a sustainable location for a gypsy site.
- 6.15 The spatial and policy context of the site and its relationship with Rudgwick has not changed considerably since the appeal decision. The Council are unable to demonstrate a 5-year supply of gypsy and traveller pitches, with the proposal representing an appropriate and sustainable way to respond to need. It is therefore considered that the conclusions of the Inspector in regard to the sustainability of the site remain of relevance and significant weight. On this basis, the application site is considered to be in a sustainable location for a gypsy site, and is considered to accord with the relevant criteria of the HDPF in this regard.

#### **Landscape Character**

- 6.16 The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states that Local Planning Authorities should “*very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*”. Furthermore, it advises that any sites in rural areas respect the scale of, and do not over dominate, the nearest settled community.
- 6.17 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-
- a) effective use of previously developed land (brownfield), untidy or derelict land;
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.18 The application site is located within the Central Low Weald Landscape Character Area, as defined in the West Sussex Landscape Character Assessment. The area is described as a mainly pastoral landscape with a well-wooded character. Many small farms and cottages are concentrated along lanes and key characteristics include predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and hedgerows. The area around the application site reflects these features, with several strong lines of tree cover, and a cluster of buildings along Naldretts Lane near its junction with Haven Road.
- 6.19 The Inspector when considering the previous appeal on the site, assessed the impact that the development would have on the landscape character of the area. It was noted that the main part of the site, where the pitches would be formed, was well contained by tree cover. There were lines of conifers along the northern, southern, and part of the eastern sides, and

mixed tree cover on the western side where the site abutted a restricted byway. Within this area were remnants of hardstanding and dilapidated polytunnel frames and other structures, which meant that the site was unattractive; however, the effect on the surrounding area was considered limited due to the presence of tree cover and hedgerows, and its position back from Naldretts Lane.

- 6.20 It was considered that the overall structure of Sussex Topiary, with the paddocks and site itself enclosed by tree cover, meant that the site reflected the characteristic features of the Landscape Character Area. It was acknowledged that the siting of the day rooms and caravans, alongside the renewed hardstanding, would represent a more pronounced form of development, however it was considered that the additional urbanising effect on the landscape would be limited by the position and containment of the pitches. It was acknowledged that partial views of structures on the western part of the site would be possible from the byway through the tree cover, but it was noted that additional planting could be undertaken to strengthen this cover. It was not therefore considered that the development would appear intrusive from these viewpoints. Weight was given to the conifer hedge that ran between the pitches and the field fronting Naldretts Lane, which allowed only extreme limited glimpses of the development from the road. It was therefore considered that the proposed development would have a limited urbanising effect on the character of the area, and there would be some limited harm in appearance from the byway. However, the need for the gypsy site was considered to outweigh the harm identified.
- 6.21 Since determination at appeal, it is noted that certain landscape features have been removed on the site, including the conifer hedging which separated the southern section of the site from the northern field fronting Naldretts Lane. It is however recognised that the treeline and hedging to the boundaries remain, with additional planting proposed to replace the removed conifer hedge. In addition, as part retrospective, development has taken place on the site, with slight alterations to the layout of the development including the orientation and position of the concrete pads, and the increase in size of one of the day rooms.
- 6.22 While acknowledged that certain natural features have been removed, the proposal seeks to plant native hedging between the southern section of the site where the caravans are proposed to be located, and the northern field that fronts Naldretts Lane. Such planting is considered to strengthen the cover and limit glimpses of the development from the road, and it is considered that such planting could be secured by an appropriately worded condition.
- 6.23 It is recognised that the proposed layout has altered since the appeal decision, however the number of pitches remain the same, with these positioned within the same section of the site. On this basis, it is considered that the actual visual impact of the development has not materially changed from that previously approved.
- 6.24 The conclusions of the Inspector in respect of landscape character remain of significant weight in consideration of the current proposal. While noted that some natural features have been removed, and the layout of the site has altered slightly, it is noted that the development would remain in the same section of the site and additional planting is proposed. Given the conclusions of the Inspector, and the intent to provide additional planting within the site, it is not considered that a reason for refusal on landscape character grounds could be substantiated for the provision of 4 pitches and associated day rooms.
- 6.25 It is recognised that the day room as built has been subject of an Enforcement Notice. This Notice outlines that the building is not essential to its countryside location, and would result in an independent dwelling in the countryside that does not accord with the spatial strategy and countryside protection policies within the Development Plan. In addition, it outlines that the scale and mass of the building is considered to result in a dominant addition that would urbanise and formalise the rural landscape setting.

- 6.26 While this Enforcement Notice is of significant weight when considering the current application, it is noted that a day room of a more limited height would be used in association with the proposed gypsy pitches, with the proposal seeking to reduce the overall height of the building. The building would therefore be used as ancillary to the use of the site, which could be conditioned as such. This larger day room is proposed to be used as a “family day room” for occupiers of the site as a whole, with the Agent providing details of sites within the District where similar scaled day rooms have been permitted. While noted that the “family day room” would be of a greater footprint and scale to the other day rooms proposed, it is considered on balance that the resulting building would not be so large as to result in landscape harm. The reductions proposed would ensure that the building would incorporate no more facilities than required, with the proposed condition ensuring that the building is occupied as ancillary to the main use of the site. As such, it is not considered that a reason for refusal on the grounds of the footprint and scale of the “family day room” could be justified.
- 6.27 On this basis, it is considered that the use and scale of the building would be materially different to that subject of the Enforcement Notice, with the building proposed to be used as ancillary to the main use of the site and the building of a lesser scale and height. It is therefore considered that the proposed building in respect of its use and overall scale would be acceptable, and would be in keeping with the wider use and form of the proposed use for the site.
- 6.28 It is therefore considered that the day room at the amended scale would be acceptable, and it is suggested that a condition ensuring that the use be ancillary to the wider use of the site be imposed to ensure that it is occupied as ancillary to the main use.

### **Amenity Impacts**

- 6.29 Policy 23 of the HDPF states that development will not have an unacceptable impact on the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. Policy 33 of the HDPF continues that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.30 The application site is located to the south of Naldretts Lane, with the surrounding residential properties positioned between approximately 120m and 200m to the east and north of the site respectively.
- 6.31 While acknowledged that a number of objections have been received on the grounds of potential impact on neighbouring properties, given the level of activity which would be associated with 4 pitches together with the separation distance between the site and the nearest neighbouring properties, it is not considered that the proposal would result in such harm to the privacy or amenity of occupiers to justify a reason for refusal. This view is consistent with preceding decisions on the site.

### **Highways Impacts**

- 6.32 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.33 When considering the appeal under reference DC/13/2170 the Inspector outlined that Naldretts Lane is a narrow road, with no footways, and provides vehicular access for the properties along the road. The access was considered to be satisfactory, and it was also

considered that the existing highway network is adequate to serve the site. Furthermore, it was considered that there would be adequate space for parking and turning within and adjacent to each pitch.

- 6.34 It is acknowledged that the layout of the site has slightly altered from that considered at the appeal; however, the site access remains as originally proposed and a total of 12no. parking spaces would be provided.
- 6.35 WSCC Highways have been consulted on the application, and no objections have been raised on highways grounds. The Local Highways Authority do not consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.
- 6.36 It is considered that the proposal would provide sufficient parking for the number of pitches proposed, with the existing access considered to be functioning appropriately. It is not considered that the proposal would result in harm to the function or safety of the highways network, and it is therefore considered that the proposal would comply with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Ecology**

- 6.37 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.38 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, 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 planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.39 When considering the appeal under reference DC/13/2170 the Inspector outlined that there were no proven protected species on the site, although it was acknowledged that the vegetated margins of the site were likely to be used by bats. It was therefore considered that there were no reasons to object to the proposal on ecology grounds, subject to a condition that restricted external lighting. Officers are of the view this position remains the same for this current application. Such a condition is therefore recommended on the current application.

### **Other Issues**

- 6.40 In addition to the matters raised above, Policy 23 of the HDPF outlines that there must be no significant barriers to development in terms of flooding, drainage, and ground stability.
- 6.41 Concerns have been raised by residents in respect of potential flooding and drainage issues.
- 6.42 The application site is located outside of any designated Flood Zone, but it is acknowledged that the site slopes down to the north. Drainage channels for each pitch have been laid and a septic tank has been installed on the site.
- 6.43 Following consultation with the Drainage Engineer, the drainage details as shown are considered acceptable in principle, albeit that some concerns have been raised with the practicality of a soakaway. In addition, following consultation with the Environmental Health

Officer, the proposed drainage strategy is considered acceptable. While caravan sites are not subject of Building Regulations it is considered that a soakaway could be provided on the site, but would need to be of a sufficient and appropriate size to accommodate likely drainage. Upon review of the drainage details submitted, and considering the context of the site which would allow additional drainage capacity within the wider paddocks, the proposed strategy is considered appropriate, and it is recommended that a condition ensuring compliance with these details is attached.

- 6.44 Following a site visit, there do not seem to be any ground stability issues on the site. Therefore, no objections are raised on these grounds.

### **Conclusion**

- 6.45 The application site was subject of an appeal under reference DC/13/2170, where it was concluded that the proposed development for 4no. gypsy pitches was broadly consistent with the sustainability criteria within the PPTS, with the general need for gypsy sites carrying significant weight. It was considered that these matters clearly outweighed the limited landscape harm caused by the proposal.
- 6.46 While the personal need of the Applicants at the time were discussed in the Inspector's report, a personal occupancy condition was not imposed. Furthermore, it was considered that a permanent permission was acceptable, and a temporary permission was not necessary. It was concluded that the general need for gypsy pitches, rather than personal need specifically, was of significant weight in the overall balance given the identified need. Consequently, permission was granted for 4no. pitches subject to a condition ensuring that occupants of the site met the definition of gypsy and traveller status as outlined within Annex 1 of the PPTS.
- 6.47 The Council do not have a 5-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. It is therefore recognised that the proposal would go some way to addressing the identified need. Given the conclusions of the appeal decision, which are considered to be of significant weight in consideration of the current application, it remains that the proposal would address the identified need, and it would not be reasonable to impose a personal or temporary condition. However, given the reasons for the recommendation, which seeks to address identified need for gypsy and traveller pitches in the District, it is considered necessary to impose a condition restricting occupation of the site to those who accord with the definition within Annex 1 of the PPTS.
- 6.48 The findings of the Inspector remain of particular relevance and carry significant weight. While the development would result in some landscape impact, it is considered that there is a significant benefit in providing gypsy accommodation within the District, which would help meet the identified shortage of sites. It is considered that the imposition of a landscaping condition requiring details of additional landscaping and planting would help to mitigate potential landscape impact, and would ensure that the proposed development would maintain the visual amenities of the locality. The proposed scale of development would not lead to any significant adverse harm to the landscape character and environment quality of the countryside, and would not dominate the wider pattern of development within the locality.
- 6.49 The development is therefore considered to be compliant with Policy 23 of the Horsham District Planning Framework, and all other relevant local and national planning policies.

## **7. RECOMMENDATIONS**

- 7.1 To approve the application, subject to the following conditions.

1 Approved Plans Condition

- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

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

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

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

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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 5 **Pre-Occupation Condition:** Prior to the first use of the site hereby permitted, the parking, turning and access facilities necessary to serve the development shall be implemented in accordance with the approved details as shown on plan 001 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** The use hereby permitted shall not commence unless and until provision for the storage of refuse/recycling has been made for each pitch in accordance with details that have been submitted to and approved in writing by the

Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 7 **Regulatory Condition:** Within 3 months of the permission hereby approved, the works to the day room shall be completed in strict accordance with the details as shown on plan reference PRR1. The building shall be retained in strict accordance with these details, and shall not be altered or extended without the benefit of planning permission.

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

- 8 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the Drainage Strategy as shown on plan reference 001. No pitch shall be occupied until the details as shown have been installed.

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

- 9 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

- 10 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

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

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

- 12 **Regulatory Condition:** No more than 4 caravans (of static or mobile home type), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), shall be stationed on the site at any time. There shall be no more than four (4) touring caravans stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.

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).

- 13 **Regulatory Condition:** The day rooms hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the gypsy pitches hereby approved and shall not be used as separate units of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 14 **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 Policies 26 and 33 of the Horsham District Planning Framework (2015).

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

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

- 16 **Regulatory Condition:** No burning on site at any time.

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

Background Papers: DC/13/2170  
DC/19/0897  
DC/19/1362

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## Appeal Decision

Inquiry opened on 21 January 2015

Site visits made on 29 September 2015

**by Richard Clegg BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 08 February 2016**

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**Appeal Ref: APP/Z3825/A/14/2220591**

**Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, RH12 3BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Wenman against the decision of Horsham District Council.
  - The application Ref DC/13/2170, dated 13 November 2013, was refused by notice dated 14 March 2014.
  - The development proposed is the use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use.
  - The inquiry sat for four days: 21-22 January and 29-30 September 2015.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use, at Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, RH12 3BU, in accordance with the terms of the application, Ref DC/13/2170, dated 13 November 2013, subject to the conditions in the attached schedule.

### Applications for costs

2. At the Inquiry applications for costs were made by Mr T Wenman against Horsham DC and Naldretts Lane Residents Association (NLRA). These applications are the subject of separate Decisions.

### Procedural matter

3. On 31 August 2015, the Secretary of State for Communities & Local Government issued a revised version of *Planning policy for traveller sites* (PPTS). In addition the Government has cancelled *Designing Gypsy and Traveller Sites – Good Practice Guide (2008)*, and on 22 July 2015 a Written Statement was issued concerning a technical adjustment to the National Planning Policy Framework (NPPF) in respect of the supply of and need for housing. The main parties and NLRA were given the opportunity to submit comments on the implications of these changes for their respective cases before the inquiry resumed on 29 September. Comments were received from each of these parties (Documents L2, A10 & O13) and they have been taken into account in my consideration of the appeal.

## **Main Issues**

4. I consider that the main issues in this appeal are:
  - i) The effect of the development on the character and appearance of the area.
  - ii) The effect of other considerations, including the need for gypsy and traveller accommodation and highway safety, on the overall planning balance.

## **Background**

5. The appeal site forms part of the Appellant's land on Naldretts Lane known as Sussex Topiary<sup>1</sup>. NLRA gave evidence that this land had previously been used as a tree nursery, and that this business ceased to operate about ten years ago. On the western side of the Appellant's land, and set back from the road, is an area of dilapidated polytunnels. This is the main part of the appeal site where the four pitches would be formed. The site also includes the access track and a smaller area on its eastern side which would be used for the proposed soakaway. The Appellant, his wife, and one of his daughters moved onto Sussex Topiary in 2014: their caravans are not on the appeal site, but nearby on the eastern side of the access drive.

## **Planning policies**

6. The Development Plan includes the Horsham District Local Development Framework Core Strategy, General Development Control Policies Document (GDCCPD), and Proposals Map. In the Core Strategy, Policy CP 1 is concerned with the maintenance and enhancement of the landscape character of the District. High quality design is required for all development proposals (Policy CP 3), which should complement the varying character and heritage of the District. Sussex Topiary lies outside the built-up area boundary where Policy DC 1 of the GDCCPD specifies that development should not be permitted unless it is essential to its countryside location and meets one of a series of criteria: of these the only which could apply is concerned with ensuring the sustainable development of rural areas. In addition, development must be of a scale appropriate to the countryside, and not lead to a significant increase in activity there. Policy DC 2 supports proposals which at least protect the key characteristics of the landscape character area. Proposals for gypsy and traveller sites are to be assessed against Policy DC 32. This policy provides for sites where a need exists which cannot be met at existing sites, subject to compliance with a series of additional requirements.
7. The Council is preparing the Horsham District Planning Framework (DPF), which involves a review of the Core Strategy and the GDCCPD. It was submitted for examination in 2014, and further possible modifications were put forward in July 2015 following the hearing sessions. The Inspector's report was anticipated by the end of 2015, and the Council envisaged adoption in early 2016.
8. Policy 21 of the emerging DPF explains that provision is to be made for 39 net additional permanent gypsy and traveller pitches during 2011-2017, and the policy identifies four sites for allocation in addition to referring to pitches which

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<sup>1</sup> Several of the Appellant's documents refer to the property as Utopia Nurseries, but it is identified as Sussex Topiary on the application form, and this name is confirmed in the statement of common ground (Core Document 1/10 – CD1/10).

have come forward since the Gypsy/ Traveller, Travelling Showpeople Accommodation Needs Assessment (GTTSANA) was undertaken. Policy 22 refers to the identification of sites to meet the need beyond 2017 in a Site Allocations Development Plan Document, and Policy 23 sets out criteria against which windfall proposals should be assessed. Amongst other matters, a proposal should not result in significant hazards for other road users, and there should not be an unacceptable impact on the character and appearance of the landscape.

## **Reasons**

### ***Character and appearance***

9. The appeal site is in the countryside, outside built-up area boundaries as defined on the LDF Proposals Map (Document G3a). Policy DC 1 of the GDCPD restricts development in such locations, and stipulates that it must be essential for its countryside location. Although many gypsy sites are located in the countryside, they may also be accommodated within built-up areas, and there is apparent conflict with the first test of this policy. In this respect, however, Policy DC 1 is not consistent with national policy in the PPTS, which post-dates the GDCPD, and addresses the location of gypsy and traveller sites in the countryside. Policy H of PPTS sets out a series of factors which should be taken into account in assessing planning applications. Amongst other requirements, new traveller sites should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. Subject to that locational assessment, the policy contemplates the prospect of gypsy and traveller sites coming forward in open countryside. There are as yet no allocations for gypsy sites in Horsham. It is common ground between the main parties that the site is about 1.7km south of Rudgwick, but the southern edge of the settlement near the A281 is closer, and it is readily reached along Naldretts Lane and Haven Road. Given the proximity of the site to Rudgwick, I do not consider that it should be categorised as being away from existing settlements. The establishment of a gypsy site in this location would not, therefore, conflict with Policy H of the PPTS, which, as it is more recent and specifically addresses the location of gypsy sites, carries more weight than Policy DC 1 in this case.
10. The appeal site lies within the Central Low Weald landscape character area (LCA), defined in the West Sussex Landscape Character Assessment. In the West Sussex Landscape Land Management Guidelines, the LCA is described as a mainly pastoral landscape with a well-wooded character<sup>2</sup>. Many small farms and cottages are concentrated along lanes and key characteristics include predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and hedgerows. The area around Sussex Topiary reflects these features with several strong lines of tree cover, and a cluster of buildings along Naldretts Lane near its junction with Haven Road.
11. The main part of the appeal site, where the pitches would be formed, is well contained by tree cover. There are lines of conifers along the northern, southern and part of the eastern sides, and mixed tree cover on the western side where the Appellant's land abuts a restricted byway. Within this area are the remnants of hardstanding and dilapidated polytunnel frames and other structures from the former nursery operation. In its present condition this part

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<sup>2</sup> The Central Low Weald extract from the Land Management Guidelines is at Appendix 3 to CD1/5.

of the appeal site is unattractive, although the effect on the surrounding area is limited due to the presence of tree cover and hedgerows and its position set back from Naldretts Lane. The existing structures would be replaced by four pitches, each of which would contain a mobile home, a touring caravan and a day room. In addition vehicles would be parked on the site, and it is likely that there would be certain domestic paraphernalia outside the caravans. The pitches would be formed within the established framework of tree cover, which would separate them from adjacent open areas. The overall structure of Sussex Topiary, with paddocks and the appeal site enclosed by tree cover, reflects a characteristic feature of the LCA, and this structure would be little changed by the appeal proposal. In comparison with the relatively lightweight structures of polytunnels and small sheds, the day rooms and caravans, with renewed hardstanding, would represent a more pronounced form of development, but the additional urbanising effect on the landscape would be limited by the position and containment of the pitches. I have also considered the effect of the activity arising from residential use of the site on the character of the area. Existing development on Naldretts Lane already generates a certain level of activity. The proposal is for a small-scale development of four pitches, and the limited level of domestic activity on the pitches and of vehicle movement to and from the site (para 27, below) would not appreciably alter the nature of this part of the countryside. In particular I do not consider that vehicle movements associated with the appeal proposal would detract from the role of Naldretts Lane as a leisure route. Although the development would have an additional urbanising effect, it would not harm the key characteristics of the LCA, and it would not, therefore, conflict with Policy DC 2 of the GDCPD.

12. There are partial views of structures on the western part of the site from the byway through the tree cover along the boundary. It is proposed to strengthen this cover, and additional planting could be the subject of a condition. I anticipate that there would be filtered views of the caravans and day rooms on the two western pitches from the byway, but the extent of tree cover would assimilate the development into its surroundings, and I do not consider that the gypsy site would appear intrusive from this closest viewpoint. There are trees and hedgerows along Naldretts Lane. Although the cover is less dense in places, given the position of the pitches beyond the roadside field, and the line of conifers between the pitches and the field, only extremely limited glimpses of the caravans and day rooms would be available from the road, even after leaf fall. There would be no adverse effect to the appearance of the area from public viewpoints along Naldretts Lane, and a strong belt of trees screens the site in views from the public footpath by Quince Farm to the east.
13. The appeal proposal would have a limited urbanising effect on the character of the area, and there would be some limited harm in appearance from the byway. In consequence there would be conflict with Policies CP 1 and CP 3 of the Core Strategy.

### ***Other considerations***

#### *The general need for gypsy accommodation*

14. The main parties agree that there is a need for additional gypsy and traveller accommodation in Horsham. The Council's GTTSANA was published in 2012

and identified a current need for 29 additional gypsy and traveller pitches<sup>3</sup>. Taking account of household formation a need for a further 10 pitches is identified in the five year period up to 2017. Table 7A forecasts that 39 additional pitches will be required in the period between 2018 and 2027, which the Council has calculated as equivalent to four per year. On this basis the overall need from 2012 to 2020 (to include five years requirement from 2015) is 51 pitches. The Council's approach to calculating need was not disputed by the Appellant.

15. Since 2012 planning permission has been granted for 16 pitches, and a deficit of 13 pitches remains against the need at the base date of the GTSANA. Four sites with a combined capacity of 29 pitches are put forward in Policy 21 of the emerging DPF. This intended supply would leave a shortfall of six pitches by 2020. There is a clear existing need for gypsy and traveller sites in Horsham and there is not a sufficient supply to meet the requirement for the five year period up to 2020. The need for additional gypsy and traveller accommodation is a matter which carries significant weight, and the proposal represents an adequate way of responding to this need in accordance with criterion a in Policy DC 32 of the GDCPD.

#### *Possible alternative sites*

16. It is common ground between the main parties that there are no available alternative gypsy and traveller sites in the District, and there is nothing before me pointing to a contrary position. Criterion b in Policy DC 32 of the GDCPD is satisfied, and the current lack of alternative sites is a matter which carries important weight in support of the appeal proposal.

#### *The policy approach to gypsy and traveller accommodation*

17. There is no policy in the Development Plan which identifies sites for gypsy and traveller pitches. Policy 21 in the emerging DPF fulfils this role, but the sites identified would not be sufficient to meet the five year requirement. A Site Specific Allocations of Land Document is intended to make future provision for gypsy sites, but the draft Local Development Scheme indicates that work on this document is not expected to commence until mid-2016<sup>4</sup>.
18. Policy DC 32 in the GDCPD, Policy 23 in the emerging DPF, and the PPTS all set out matters to assist with the assessment of proposals for gypsy sites, and the absence of a development plan policy has not prevented sites coming forward. However there is currently no mechanism to ensure provision at the level required. Given the general need for accommodation, this circumstance adds some further weight in support of the appeal proposal.

#### *Personal need*

19. It is intended that the four pitches at the appeal site would be occupied by the following households:
  - Tom Wenman (the Appellant) and his wife Ruth.

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<sup>3</sup> Extracts from the GTTSANA are at Appendix A9 in CD1/3. Table 6 gives a total current need for 44 pitches, including 15 pitches for New Age travellers. Due to different pitch requirements, the New Age traveller figure has been deducted to give an adjusted need for gypsies and travellers of 29 pitches.

<sup>4</sup> Chart 1, Document G2.

- Carly Wenman (daughter of the Appellant and his wife) and her fiancée Gary Lee.
  - Samantha (daughter of the Appellant and his wife) and David Jones and their son.
  - Lena Cunningham (cousin of the Appellant).
20. The Appellant previously traded in cars and animals, and repaired and painted caravans. He currently keeps animals (goats, pigs, poultry) on his land and trades in these. Whilst he still travels in connection with his work, accompanied by his wife on occasions, the extent of travelling has been curtailed by Mrs Wenman's ill-health (below, para 24). Gary Lee travels seeking groundwork and roofing jobs: his fiancée, Carly Wenman, works at fairs and travels to about six each year. David and Samantha Jones have no base, and travel in connection with his roofing work. Lena Cunningham works as a hairdresser and beautician. She indicated that most of her work is carried out around the area where she lives, and she spends time caring for her elderly mother. Her travelling for economic purposes appears limited, and she does not refer to this as simply a temporary circumstance.
21. The definition of gypsies and travellers in Annex 1 of the PPTS includes persons of nomadic habit of life who have ceased to travel temporarily on the grounds of their own or their family's or dependants' educational or health needs or old age. On the information before me I am satisfied that the occupants of the appeal site, with the exception of Lena Cunningham, are gypsies for the purposes of planning policy. The information about Lena Cunningham is insufficient to reach a view that she has gypsy status.
22. Prior to moving to Sussex Topiary, the Appellant and his family lived in a house in Cranleigh for five years. The move into bricks and mortar accommodation was made to assist in coping with Mrs Wenman's health problems, although Mr Wenman also explained that the equipment required could be accommodated and operated in a mobile home. As a Romany Gypsy, Mr Wenman found the house unsuitable, and he moved from there to the land at Rudgwick. At the time of the inquiry, he and his wife, and their younger daughter were living there. Carly Wenman explained that her fiancée has nowhere permanent to stay. David and Samantha Jones are in a similar position: I heard that they have stayed on other persons' sites for temporary periods and have had to move from place to place. There is no evidence that a systematic search for an alternative site was undertaken when the Appellant decided to leave the house at Cranleigh, but there is a clear need for a settled base for himself and his wife, and for his daughters' households, and it is agreed by the main parties that there is no alternative accommodation available (above para 16). I give significant weight to their personal need for accommodation.
23. Lena Cunningham lives on her mother's pitch in Cranleigh. She has her own caravan and refers to her present situation as doubling-up. She also suggested at the inquiry that her mother's pitch was on a transit site, and argued that facilities were inadequate, making specific mention of the outdoor toilet. In response to my questions she was unaware of any restrictions on the number of caravans or occupancy at the Cranleigh site, and she was unable to advise whether there was space to provide a day room. She has been occupying this pitch for about two years, and there is no clear evidence that it does not provide a suitable base: indeed living on this pitch should facilitate her caring

duties for her mother. Having regard also to my finding on gypsy status, I give little weight to her expressed need to live on the appeal site.

#### *Personal circumstances*

24. Two of the prospective occupants of the site have significant health problems. Mrs Wenman suffers from Crohns disease, and her condition has worsened over the past ten years. The treatment involves connection to medical equipment for a prolonged period each day. She also has osteoporosis and is receiving treatment for a fistula abscess. The young son of David and Samantha Jones (born in April 2013) has hernia, stomach and tonsil problems. He is being monitored for the latter as he is too young to have his tonsils removed. Carly Wenman referred to vertigo migraines which she understands are stress-related. The availability of a settled base is of particular importance for Mrs Wenman and Mr & Mrs Jones's son, and it would facilitate access to healthcare facilities for all of the intended site occupants. Health matters carry important weight in this case.
25. Although there are no children of school age among the intended site occupants, Mr & Mrs Jones's son will be due to start attendance at primary school within two years. There is a primary school in Rudgwick which can be easily reached from the site, and the ability to attend school from a permanent base carries some additional weight in support of the proposal.

#### *Highway safety*

26. Naldretts Lane is a narrow road, with no footways, which ends to the east of the Appellant's land: as such it simply provides vehicular access for the properties along the road. The Appellant's traffic survey records an average daily flow of 93 vehicles, with the highest hourly flow being 21 vehicles between 1200 and 1300 on Saturday. NLRA's highways consultant suggested that maintenance work at a property on the road would have led to higher traffic movements than usual during the week of the survey, but there was no information about the level of movement which may have been associated with this activity. In any event NLRA and the Appellant agreed that Naldretts Lane is a lightly trafficked road.
27. There was disagreement about the level of traffic movement likely to be generated by the appeal proposal. Taking account of the circumstances of the intended occupants, the Appellant's highway consultant suggested that there would be between 8 and 24 movements per day. Referring to the TRICS database, NLRA argued that there could be an average of 35 daily movements, and also referred to a range of 24-37 vehicle trips. The proposal is put forward in the first instance as a gypsy and traveller site, without reliance on personal circumstances, and consequently I prefer NLRA's approach. The Appellant and his wife and Carly Wenman (1.5 of the 4 prospective households) are already living at Sussex Topiary, and the traffic survey would have included their traffic movements. Bearing this circumstance in mind, it is more likely that the development would generate additional movement towards the lower end of NLRA's range rather than the 35 trips put forward. This would be a modest level of movement in absolute terms. Traffic levels on Naldretts Lane would remain low, and I do not consider that the additional traffic on the stretch of the road to the west of the site access would materially increase the prospect of conflict between vehicles and more vulnerable road users such as pedestrians, horse-riders and cyclists. Nor do I consider that there would be

an appreciably greater likelihood of reversing manoeuvres to allow vehicles travelling in opposite directions to pass.

28. Visibility at the site access was measured at the site visit. The parties agreed that from a position 2.4m back from the carriageway edge, visibility extended for 37.5m to the west and 34m to the east. With a set back of 2m these distances increase to 41.3m and 54.75m. Vehicle speeds were measured as part of the traffic survey: 85<sup>th</sup> percentile eastbound and westbound speeds of 21.2mph and 20.4mph respectively were recorded at the bend to the west of the access. The pronounced bend is only about 80m from the access to Sussex Topiary, and given the narrow width of the road I would expect vehicles to be travelling at similarly low speeds past the site access. In its consultation response to the planning application, the Highway Authority commented that although the visibility at the access was not ideal, given low traffic speeds and levels this was not a cause for concern. There would be the opportunity to provide longer splays, since the frontage in each direction is within the Appellant's ownership. However I share the Highway Authority's view that in the circumstances of this proposal, visibility is not unacceptable, and I do not regard such work as necessary. The access would be satisfactory and the existing highway network is adequate to serve the site. As such, criterion 2 in Policy DC 32 of the GDCPD is satisfied. In accordance with criterion 3 there would be adequate space for parking and turning within and adjacent to the pitches, and there is nothing before me to indicate that service and emergency vehicles could not easily gain access to the site.

#### *Listed buildings*

29. There are two grade II listed buildings, Warhams and Warhams Cottage, to the north of Naldretts Lane and to the north-east of the appeal site. A third grade II listed building, Naldrett Farmhouse, is situated beyond the end of the road<sup>5</sup>. Chimneys at Warhams can be seen from Naldretts Lane, but none of the listed buildings is readily apparent from the main part of the appeal site, which does not lie within the setting of any of these heritage assets. There would be no adverse effect on the significance of the heritage assets as a result of the proposed development.

#### *Ecology*

30. NLRA submitted a desktop biodiversity report from Sussex Biodiversity Record Centre, which summarises records of plants and animals (excluding birds) found within 1km of the appeal site (Document O10). The list includes certain protected species (for example the great crested newt), but no locations are given, and the report does not associate any species with the appeal site. The Council's Ecologist has advised that reptiles may be present given the common weed species on the site, and suggested a condition to control clearance. At the inquiry the Council acknowledged that the presence of reptiles was not proven, and I do not regard the suggested condition as necessary. The vegetated margins of the site are likely to be used by bats. Details of external lighting would be necessary to safeguard the character and appearance of the area, and such a scheme, required by condition, could also be designed to minimise any effect on bat movement.

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<sup>5</sup> The location of the listed buildings is shown on the plan at Document G4.

### *Flooding*

31. There are reports from the local community of flooding on Haven Road and Naldretts Lane, and concern has been expressed that the development would increase run-off from the site. NLRA submitted photographs showing flooding on Haven Road and water across the access to the appeal site (Document O4). However the appeal site is in flood zone 1, where there is least risk of flooding, and a condition could be imposed to require approval of a surface water drainage scheme. I would expect consideration of such a scheme to include an assessment of its compatibility with the surrounding area.

### *Precedent*

32. NLRA and Rudgwick Preservation Society suggest that establishment of the proposed gypsy site could establish a precedent for further such development at Sussex Topiary, where the appeal site comprises only a part of the Appellant's land. Reference is made by NLRA to a proposal to extend an existing gypsy site at Barns Green in Horsham (Document O6), and to the judgement in *Holland & Smith* (Document O7) which supported conclusions in an appeal decision that there would be a precedent effect in respect of any one of four pitches. The full details of these cases are not before me, but *Holland & Smith* relates to four separate appeals for pitches within a larger site which had been subdivided into a series of smaller parcels. These circumstances differ from the situation at Sussex Topiary, which involves a single proposal on land which is not subdivided between different families. The Appellant keeps animals on his land (above, para 20), and there is nothing before me to indicate that a further proposal for pitches may come forward. However should that happen, I would expect the local planning authority to consider such a proposal on its own merits, having regard to relevant planning policies and the cumulative effect of development. I find that concern about a precedent effect is not a matter which carries weight against the appeal proposal.

### ***Sustainability***

33. Reflecting the approach of the National Planning Policy Framework (NPPF) to new development proposals generally, the PPTS specifies that traveller sites should be sustainable economically, socially and environmentally. Whilst this part of Policy B (paragraph 13) is included in the section on plan-making, Policy H (paragraph 23) explains that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of policies in the NPPF and PPTS. In the Development Plan, Policy DC 1 of the GDCPD supports proposals which ensure the sustainable development of rural areas.
34. The site is about 1.7km from Rudgwick, where the facilities and services available include a primary school, a surgery, a post office and a convenience store<sup>6</sup>. Rudgwick is close enough to the appeal to be reached on foot or by cycle and car journeys would be short. The appeal site is a sustainable location for a gypsy site, and the proposal complies with criterion 1 in Policy DC 32 of the GDCPD. The location of the site and the provision of a settled base are consistent with the social dimension of sustainability, and there would be no material worsening of highway safety. There would be some economic benefit from the economic activities of the four households (above, para 20). Although

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<sup>6</sup> These facilities and services are listed in paragraph 6.14 of the Council's report on the application.

I have found that there would be some limited harm to the character and appearance of the area, the removal of the existing dilapidated structures is also relevant to the environmental dimension of sustainability, as is the lack of harm, on the information before me, in respect of flood risk, the setting of nearby listed buildings and nature conservation interests. Overall the proposal is broadly consistent with the sustainability objectives in the PPTS, and with criterion (d) in Policy DC 1 of the GDCPD.

### **Conditions**

35. I have already referred to conditions concerning external lighting, surface water drainage, landscaping, and reptile mitigation. Apart from the latter, all would be necessary for the development to proceed. As the site is in the countryside where development is restricted, it would be necessary to limit occupancy to gypsies and travellers. To safeguard the character and appearance of the area, details of the materials to be used in the day rooms, means of enclosure and refuse storage should be submitted for approval. For the same reason, the number and type of caravans should be specified, no commercial activities should take place on the site, there should be a limit on the size of vehicles, and a scheme of tree and hedgerow protection measures should be put in place. In the interest of highway safety, the areas to be used for parking and turning should be provided, and construction times should be specified to safeguard the living conditions of local residents. To ensure that the site would be satisfactorily drained, a scheme for foul drainage should be submitted for approval. For the avoidance of doubt and in the interests of proper planning, it is important that the development is carried out in accordance with the approved plans.
36. Conditions preventing the use of the day rooms for sleeping and preventing burning on the site would be unnecessary. The day rooms would only provide ancillary accommodation, and any separate residential use would be subject to the control of the local planning authority. The layout of the site is such that there is no space where burning would be likely to occur. I address time-limited and personal conditions in my overall conclusions.

### **Conclusions**

37. The proposal for four gypsy pitches in this countryside location would cause some limited harm to the character and appearance of the area, and in consequence there would be conflict with Policies CP 1 and CP 3 of the Core Strategy. I have found no other harm, and the proposal would satisfy the criteria in Policy DC 32 of the GDCPD which is concerned with the assessment of gypsy and traveller sites.
38. The proposal is broadly consistent with the sustainability criteria of the PPTS. The general need for gypsy sites carries significant weight, with important weight arising from the lack of alternative accommodation and some additional weight from the policy approach in Horsham to gypsy and traveller sites. These matters alone clearly outweigh the limited harm which would be caused by the appeal proposal. I have also found that the personal need of three of the households for a site carries significant weight, with important weight attached to health matters and some further weight to education access. However personal considerations do not need to be taken into account in the overall balance, and consequently a personal occupancy condition does not need to be imposed. Similarly, as I have found that the planning balance is in

favour of the proposal for a permanent permission, I do not need to give consideration to a temporary permission.

39. Representations were made to the effect that there would be an interference with the human rights of the prospective site occupants if the appeal were dismissed. As I have decided to allow the appeal, this situation would not arise.
40. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

*Richard Clegg*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan ref 13\_565\_001A, proposed site plan ref 13\_565\_003, and utility/ day rooms floor plan and elevations on plan ref 13\_565\_004.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (August 2015).
- 4) There shall be no more than four pitches on the site, and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each residential pitch at any time.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) Construction of the utility/ day rooms shall not commence until samples of the materials to be used in the construction of their external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of the means of enclosure within the site, including the height and materials, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No external lighting shall be installed or retained on the site, other than in accordance with a scheme, including details of the position, height and type of lights, which has been submitted to and approved in writing by the local planning authority.
- 10) No development shall take place until a scheme for the disposal of foul drainage, prepared in accordance with the proposed site plan ref 13\_565\_003 has been submitted to and approved in writing by the local planning authority. None of the pitches shall be occupied until the foul drainage system has been installed in accordance with the approved scheme.
- 11) No development shall take place until a scheme for the sustainable drainage of surface water, including the use of permeable surfacing materials, has been submitted to and approved in writing by the local planning authority. None of the pitches shall be occupied until the surface water drainage system has been installed in accordance with the approved scheme.
- 12) None of the pitches shall be occupied until areas of hardstanding to provide parking and turning space have been constructed in accordance with the proposed site plan ref 13\_565\_003.

- 13) No development shall take place until a scheme of landscaping, including a programme for implementation, has been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in accordance with the programme; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 14) No development shall take place until a scheme for the protection of trees and hedgerows around the site has been submitted to and approved in writing by the local planning authority. The protection measures shall be implemented in accordance with the approved scheme prior to the commencement of development, and maintained until all equipment, plant, machinery and surplus materials have been removed from the site.
- 15) None of the pitches shall be occupied until facilities for the storage of refuse and recycling material have been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No construction work or installation of mobile homes shall be undertaken outside the following times: 0800 to 1800 hours from Monday to Friday, 0800 to 1300 hours on Saturday, nor at any time on Sundays, bank or public holidays.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr R Green of Counsel	Instructed by the Solicitor to the Council.
He called	
Mr S Copping BA(Hons) DipTP MRTPI	Director, WS Planning & Architecture.

### FOR THE APPELLANT:

Mr M Rudd of Counsel	Instructed by Ms R Reed, Green Planning Studio Ltd.
He called	
Mr T Wenman	Appellant.
Miss C Wenman	Prospective occupant.
Mrs S Jones	Prospective occupant.
Miss L Cunningham	Prospective occupant.
Mr M Green BA	Director, Green Planning Studio Ltd.
Mr J P Hurlstone BSc(Hons) CMILT MCIHT	Managing Director, The Hurlstone Partnership.

### INTERESTED PERSONS:

Mrs H Rogers	Naldretts Lane Residents Association.
Mr M Ashworth	Naldretts Lane Residents Association.
Mr K Haider BEng MSc CIHT	Associate Director, Vectos (Transport Consultants) (for NLRA.

## **THE LPA'S DOCUMENTS**

L1	Mr R Green's closing submissions.
L2	Letter dated 18 September 2015 from Mr Copping concerning the revised PPTS, the status of the Horsham DPF, and recent decisions on gypsy sites.
L3	Appendices to Document L2.
L4	Extract from the emerging DPF.
L5	Response to Document A8.
L6	Bundle of judgements referred to in Document L1.

## **THE APPELLANT'S DOCUMENTS**

A1	Mr Rudd's closing submissions.
A2	Mr Wenman's statement.
A3	Miss Wenman's statement.
A4	Mrs Jones's statement.
A5	Miss Cunningham's statement.
A6	Mr Hurlstone's proof of evidence.
A7	Appendices to Document A6
A8	Costs application against the Council.
A9	Costs application against Naldretts Lane Residents Association.
A10	Letter dated 17 September 2015 from Green Planning Studio on the revised PPTS and changes to national guidance.

- A11 Comments from Green Planning Studio on the General Development Control Policies document and the emerging DPF.
- A12 Response from Green Planning Studio to Documents L2 and O13.
- A13 Bundle of judgements referred to in Document A1.

### **OTHER PARTIES' DOCUMENTS**

- O1 Letter dated 16 December 2014 from the British Horse Society to Mr Copping.
- O2 Technical note by Vectos (South) Ltd on the highways implications of the appeal proposal.
- O3 Mrs Roger's statement.
- O4 Photographs of flooding on Haven Road, ponding at site access, and lighting on the Appellant's land. Submitted by Naldretts Lane Residents Association.
- O5 Mr Ashworth's statement.
- O6 Horsham DC'S report on a planning application for four gypsy pitches at Barns Green. Submitted by Mr Ashworth.
- O7 Judgement in T Holland & J Smith v The Secretary of State for Communities & Local Government and Taunton Deane BC, [2009] EWHC 2161 (Admin). Submitted by Mr Ashworth.
- O8 Judgement in Wychavon DC v The Secretary of State for Communities & Local Government, K Butler and L Butler, [2008] EWCA Civ 692. Submitted by Mr Ashworth.
- O9 Extract from The West Sussex Landscape Land Management Guidelines. Submitted by Naldretts Lane Residents Association.
- O10 Desktop Biodiversity Report for Land at Naldretts Lane, Sussex Biodiversity Record Centre. Submitted by Naldretts Lane Residents Association.
- O11 Rudgwick Parish Design Statement. Submitted by Naldretts Lane Residents Association.
- O12 Response from Naldretts Lane Residents Association to Document A9.
- O13 Email dated 18 September 2015 from Naldretts Lane Residents Association concerning the revised PPTS.
- O14 Mr Haider's statement.
- O15 Appendix to letter dated 1 September 2014 from NJA Town Planning Consultancy on behalf of Naldretts Lane Residents Association.

### **GENERAL DOCUMENTS**

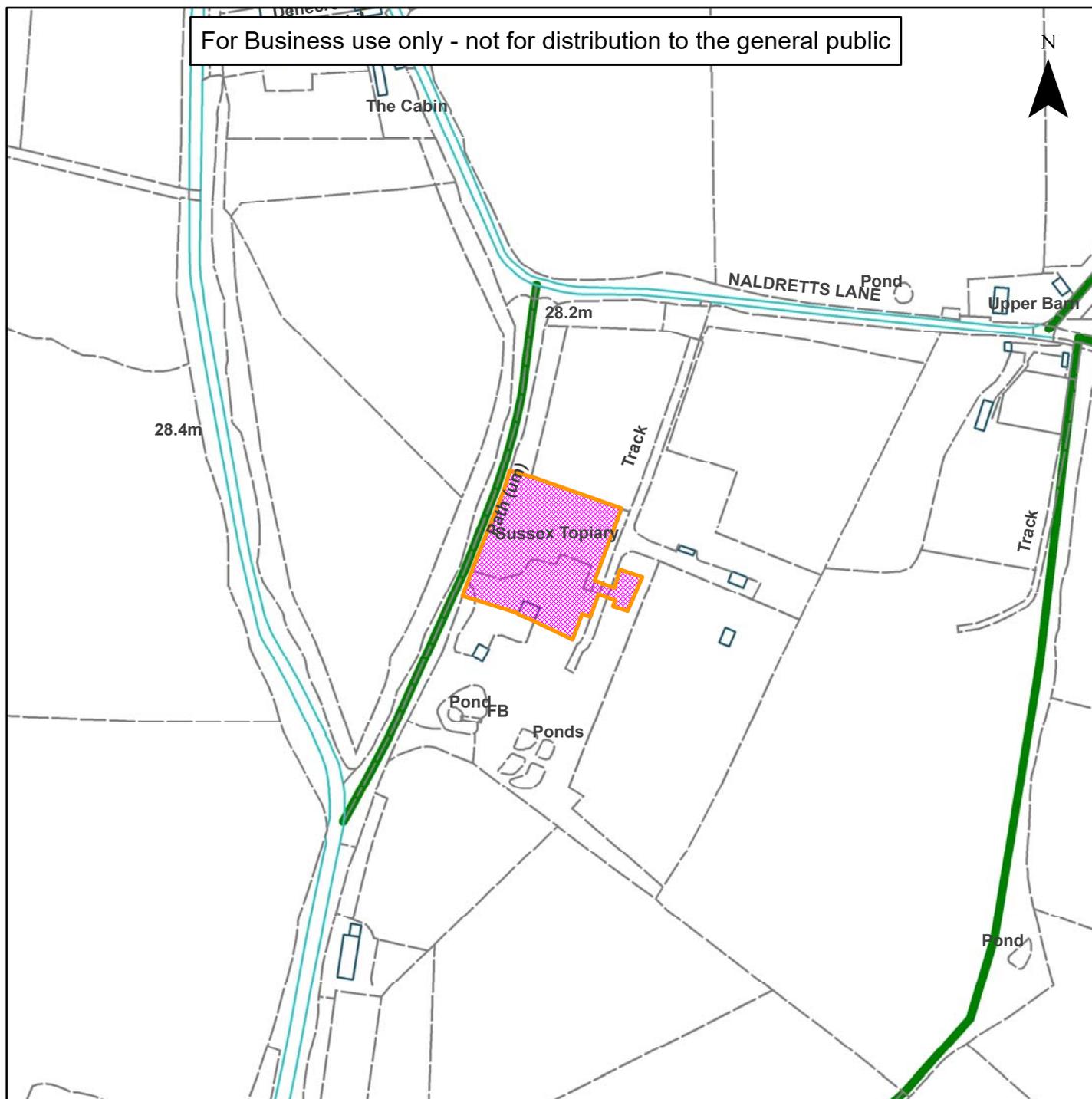
- G1 List of core documents.
- G2 Draft Local Development Scheme October 2014-2017.
- G3a-b Local Development Framework Proposals Map and Inset Map 15 for Rudgwick and Bucks Green.
- G4 Plan and list entries of listed buildings in the vicinity of the appeal site.
- G5 Extract from the Core Strategy.
- G6 Notification of resumption of the inquiry.

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Sussex Topiary, Naldretts Lane, Rudgwick

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Organisation	Horsham District Council
Department	
Comments	
Date	19/09/2019
MSA Number	100023865

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**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 01 October 2019

**DEVELOPMENT:** Change of use to eight pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings

**SITE:** Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

**WARD:** Rudgwick

**APPLICATION:** DC/19/0897

**APPLICANT:** **Name:** Tim Bloxham **Address:** c/ agent Melton Lodge Rusper Road Newdigate RH5 5BX

**REASON FOR INCLUSION ON THE AGENDA:** At the discretion of the Development Manager

**RECOMMENDATION:** To refuse the application for the reasons outlined in Section 7

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the change of use of the land to 8no. gypsy pitches, along with the formation of hardstanding and the erection of 8no. day room/utility buildings.
- 1.3 Each pitch would be oriented around the shared central amenity space, and would include a mobile home, day room/utility building, space for a touring caravan, and 2no. vehicle parking spaces. Each pitch would be defined by post and rail fencing.
- 1.4 The proposed day rooms would be semi-detached and would provide bathroom and living area for each pitch. The building would measure 9.6m in length and 5.2m in depth, and would incorporate a pitched roof measuring to an overall height of 3.5m. The proposed building would incorporate windows and door to the front elevation, and a window to the rear, and would be finished in brick and tile.
- 1.5 Each pitch would provide parking for a touring caravan, with 2no. vehicle spaces, with access provided to each pitch from the circular access road around the amenity space.

## DESCRIPTION OF THE SITE

- 1.6 The application site is located outside of any defined built-up area boundary, and is located in the countryside in policy terms. The site is located approximately 850m from the built-up area of Bucks Green and approximately 1.2km from the built-up area of Rudgwick.
- 1.7 The site comprises paddock land positioned to the east of the application site under reference DC/19/1362. The wider surroundings are characterised as agricultural fields, with sporadic residential dwellings.
- 1.8 The application site is accessed from Naldretts Lane, and is enclosed by boundary hedging and trees to the north, east and south, with the boundary enclosed by post and rail fencing to the west.

## 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:

- 2.3 **National Planning Policy Framework**

- 2.4 **Planning Policy for Traveller Sites (PPTS)**

- 2.5 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
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 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.6 **Rudgwick Parish Neighbourhood Development Plan**
  - Designated (Regulation 7)

## 2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/13/2170	REF (Approved at Appeal)	Change of use of land for the stationing of caravans for residential purposes for 4 No. gypsy pitches along with the formation of hardstanding and 4 No. utility/dayrooms ancillary to that use
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## 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:** A Gypsy & Traveller Housing Needs Assessment was undertaken in 2012 which identified the need for 39 pitches in the period up to 2017. Sites were allocated in the HDPF to meet this need for this five-year period. The HDPF was clear that further work was needed to address needs beyond the first five years, but to help address this a criteria based policy (Policy 23) is included in the document to help guide the selection of additional sites for allocation, or considering applications for non-allocated sites. This approach was agreed by the Inspector who examined the HDPF.

Unfortunately some sites allocated in the HDPF have not come forward, and this contributes to the fact that the Council does not have a 5-year land supply for Gypsy and Traveller Sites.

Until a new Gypsy and Traveller policy is adopted by HDC, the need figure included in Policy 21 of the HDPF remains at 39 net new permanent pitches and HDC is unable to demonstrate a 5 year supply of gypsy and traveller pitches.

- 3.3 **HDC Landscape Architect:** Objection. The proposal would utilise the full extent of the site, which would increase the level of activity and degree of urbanisation, and would have a detrimental effect on the landscape character. The proposal would contribute to a cumulative change in the countryside, whose impact would further erode the landscape character of this rural location, whilst also removing a much needed landscape buffer and degree of separation. The proposal is therefore contrary to the planning and landscape management guidelines in the adopted Landscape Character Assessment.
- 3.4 **HDC Environmental Health:** No Objection. The proposals for surface water drainage run-off should be examined by the Drainage Engineer. Building Regulations do not apply to caravan sites, so these cannot be relied upon to achieve sustainable drainage on the site.
- 3.5 **HDC Drainage Engineer:** No objection although it is noted that given the geology of the area that using soakaways to deal with surface water, i.e. infiltration, could prove difficult to achieve.

### OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** The Local Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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 are minded to approve the application, conditions should be applied relating to car parking and cycle parking:

## PUBLIC CONSULTATIONS

### 3.7 **Rudgwick Parish Council:** Objection:-

- The proposal would result in substantial harm that would not be outweighed by public benefit
- Inconsistent with paragraph 170 of the NPPF
- The proposal does not ensure that the settlement pattern and rural landscape character is retained and enhanced
- Does not meet housing need in the area
- The level of expansion is not appropriate to the scale and function of the settlement

### 3.8 **Rudgwick Preservation Society:** Objection:-

- Drainage issues
- Loss of landscaping
- Construction hours
- Large scale development unacceptable
- Inadequate vehicle access
- No evidence of personal need

### 3.9 44 letters of objection were received from 36 separate households, and these can be summarised as follows:-

- Greater pressure on infrastructure
- Limited road access and safety implications
- Loss of amenity
- Impact on character of the rural locality
- Unacceptable increase in noise
- Commercial development
- No evidence of personal need
- Intensification and urbanisation
- Detrimental impact on the countryside
- Overdevelopment
- Surface water drainage issues
- Removal of trees
- Not justified in the countryside
- Impact on property values
- Setting of a precedent
- Not in keeping
- Removal of ponds
- Burning on site
- Occupation of say room
- Contamination issues
- Loss of wildlife

### 3.10 1 letter of support was received, and this can be summarised as follows:-

- Additional gypsy accommodation needed

## 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 application relates to the change of use of the land to provide 8no. gypsy pitches, along with the laying of hardstanding and the erection of day rooms buildings.

### Principle of Development

- 6.2 Policy 21 of the Horsham District Planning Framework (HDPF) states that provision shall be made for 39 net additional permanent residential pitches for Gypsies and Travellers within the period of 2011-2017. This is partly 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 through a Site Allocation DPD. It is however acknowledged that a number of sites allocated through Policy 21 of the HDPF have yet to come forward and therefore the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.
- 6.3 The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) – Preferred Strategy in 2017. This sets out a pitch requirement for 60 gypsy pitches over a ten year period (up to 2027), and a 15 year requirement for 78 pitches. The 10 year requirement, which is essential, includes a backlog of 40 gypsy pitches, a need for 1 pitch in years 1-5 (2017-2022) and a requirement for a further 19 pitches between 2022-2027. This document identified a supply of 68 gypsy pitches, which meets the 10 year requirement need for 60 pitches. However, following the drafting of this DPD, the site at Bromeliad Nursery, Billingshurst was withdrawn, which meant the removal of 15 pitches from the 68 pitches identified. On this basis, a supply of 60 pitches over the 10 year plan period (up to 2027) could not be demonstrated, and HDC is unable to demonstrate a 5-year supply of Gypsy and Traveller pitches.
- 6.4 For the purposes of planning policy, Annex 1 of the Planning Policy for Traveller Sites (PPTS) defines “gypsies and travellers” as *“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*
- 6.4 Policy H of Planning Policy for Traveller Sites (PPTS) provides national guidance on determining planning applications for Traveller sites. Paragraph 22 of this document outlines that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 23 continues that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the Planning Policy for Traveller Sites document.
- 6.5 Paragraph 24 of the PPTS states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:-

- a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
  - e) that they should determine applications for sites from any travellers and not just those with local connections
- 6.6 The Applicant has outlined that the intended occupants of the site would be for his extended family, including his daughters and son (including their partners and children) his brother (and his wife and children), and his parents. The occupiers would include children of school age and also older relatives who have health and mobility issues. These personal circumstances are of material weight in the consideration of the application.
- 6.8 It is acknowledged that the sites allocated through Policy 21 of the HDPF have yet to come forward and therefore, the Council is currently still unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application and would weigh in favour of the proposal, subject to compliance with the criteria within Policy 23 of the HDPF and the relevant provisions of the PPTS.
- 6.9 A number of sites allocated through Policy 21 of the HDPF have yet to come forward and the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration which weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant policies of the PPTS and HDPF.
- 6.10 Policy C of the PPTS relates to sites in rural areas and the countryside, with paragraph 14 stating that *“when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community”*.
- 6.11 Paragraph 25 of the PPTS continues that local planning authorities *“should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure”*.
- 6.12 Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs or agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development or rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
- 6.13 The application relates to the change of use of the land to provide 8no. gypsy pitches along with associated operational development. The proposal would be an extension to the 4no. pitches proposed under planning reference DC/19/1362, and were both applications approved, would result in the total of 12no. pitches on the wider site.
- 6.14 The immediate surrounds of the site are characterised as countryside, with limited, sporadic residential development. While it is acknowledged that the site is located within 0.8km of the

built-up area of Bucks Green and 1.2km of the built-up area of Rudgwick, the immediate surrounds comprise limited and sporadic residential development.

- 6.15 The resulting intensity of use given the total number of pitches proposed by this application is considered to result in a significant increase in the level of activity within the countryside setting. The immediate surrounds are characterised by limited and sporadic residential development, with a small ribbon of development located to the north of the site, and a small number of residential dwellings located to the north-east. Given this context, the addition of 8no. pitches is considered to be disproportionate to the scale of the existing conglomeration of dwellings along Naldretts Lane and within the immediate surrounds, with the proposal considered to be of a scale that would dominate the nearest settled community.
- 6.16 It is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation. In addition, it is acknowledged that the intended occupants include children of school age and individuals with health and mobility issues. These matters are considered to be of significant weight in the consideration of the application. However, the individual and cumulative impact on the countryside location is also of significant weight in the consideration of the application. It is acknowledged that the lack of 5-year land supply for gypsy and traveller accommodation, and the personal circumstances of the intended occupants, is of significant weight in the consideration of the application; however, the cumulative impact of the proposal is considered to result in a significant increase in the overall level of activity in the countryside, which would result in a scale of development that would likely dominate the existing sporadic residential development of the locality.
- 6.17 The proposal is not therefore considered to comply with paragraphs 14 and 25 of the PPTS or Policy 26 of the HDPF, which seek to retain the rural character and undeveloped nature of the countryside, while ensuring that new traveller site development is proportionate to the scale and does not over-dominate the nearest settled community.
- 6.18 While the proposal would contribute to the identified need for gypsy traveller pitches within the District, it is considered that there are material considerations of significance that weigh against the proposal. The harm to the rural character and undeveloped nature of the countryside as identified is considered to be a material consideration that weighs significantly against the proposal, with the cumulative impact on the countryside locality considered to result in unacceptable harm to the character and ambience of the countryside location. It is considered that the benefits of the application would not outweigh the harm as identified, with the proposal considered to be contrary to Policy 26 of the Horsham District Planning Framework (2015) and paragraphs 14 and 25 of the Planning Policy for Traveller Sites.
- 6.19 Paragraph 27 of the 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 considered in any subsequent planning decision when considering applications for the grant of temporary planning permission”*.
- 6.20 It is not considered that a temporary permission would overcome the harm as identified, with any permission, be it temporary or permanent, for a development of this scale resulting in a harmful increase in the level of activity in the countryside location. It is not therefore considered that a temporary permission would overcome the concerns raised, and it is not therefore considered that a temporary permission would be appropriate.

#### *Sustainable Development*

- 6.21 Policy 23 of the HDPF outlines the criteria that must be considered when determining planning applications for non-allocated sites. These provisions include that the site is located in or near to existing settlements, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

- 6.22 Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 continues that Local Planning Authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.23 The sustainability of the wider site was considered by the Inspector in respect of an earlier application under planning reference DC/13/2170. The Inspector outlined that application site is approximately 1.7km from Rudgwick, where the facilities and services available include a primary school, a surgery, a Post Office, and a convenience store. It was recognised that Rudgwick was close enough to the site to be reached on foot or by cycle, and car journeys would be short. The Inspector therefore concluded that the site is in a sustainable location for a gypsy site.
- 6.24 The spatial and policy context of the site and its relationship with Rudgwick has not changed considerably since the appeal decision. It is therefore considered that the conclusions of the Inspector in regard to the sustainability of the site remain of relevance and significant weight. On this basis, the application site is considered to be in a sustainable location for a gypsy site, and is considered to accord with the relevant criteria of the HDPF in this regard.

#### **Landscape Character**

- 6.25 The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states that Local Planning Authorities should “*very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*”. Furthermore, it advises that any sites in rural areas respect the scale of, and do not over-dominate, the nearest settled community.
- 6.26 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-
- a) effective use of previously developed land (brownfield), untidy or derelict land;
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.27 The application site is located within the Central Low Weald Landscape Character Area, as defined in the West Sussex Landscape Character Assessment. The area is described as a mainly pastoral landscape with a well-wooded character. Many small farms and cottages are concentrated along lanes and key characteristics include predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and hedgerows. The area around the application site reflects these features, with several strong lines of tree cover, and a cluster of buildings along Naldretts Lane near its junction with Haven Road. The planning and land management guidelines state that the rural and undeveloped character of the landscape should be conserved and that the cumulative impact of small scale change should be considered.
- 6.28 The site is a large, flat field enclosed by mature vegetation on the boundary. To the west lies the partially constructed development for 4no. gypsy pitches (submitted under planning

reference DC/19/1362) and to the east lies Quince Farm. Open farmland lies to the south, with Naldretts Lane and the sporadic residential development positioned to the north.

- 6.29 The proposed 8no. pitches would extend across the full breadth of the site, with the laying of hardstanding across these pitches, and the provision of a central amenity. It is also proposed to retain the boundary screening and trees.
- 6.30 While acknowledged that the site is relatively well screened from wider view by the boundary trees and screening, concerns are raised in respect of the cumulative impact the proposal would have on the landscape character of the area. The proposed development, given its extent and scale, would result in a cumulative change to the character and informal nature of the site, with the formalisation and urbanisation of the paddock. Such change would erode the informal and undeveloped character of the rural countryside location, and would result in the loss of a landscape buffer that is considered to contribute to the characteristics and features of the landscape character area.
- 6.31 The proposed development would result in the urbanisation and formalisation of the undeveloped paddock, and would fail to respect, protect, conserve, or enhance the landscape features and character of the rural locality. The proposal is therefore considered to be of a scale and extent that would result in a cumulative change to the undeveloped and informal character and ambience of the countryside location, with the proposal not considered to protect, conserve or enhance the landscape character of the area. While recognised that the site is well screened from wider views, the cumulative impact of the proposal would erode the rural sense of place, and would fail to protect, conserve, or enhance the key features and characteristics of the landscape character area. The proposal is therefore considered to be contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.32 Policy 23 of the HDPF states that development will not have an unacceptable impact on the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. Policy 33 of the HDPF continues that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.33 The application site is located to the south of Naldretts Lane, with the surrounding residential properties positioned between approximately 120m and 200m to the east and north of the site respectively.
- 6.34 While acknowledged that a number of objections have been received on the grounds of potential impact on neighbouring properties, given the separation distance between the site and the nearest neighbouring properties, it is not considered that the proposal would result in such harm to the privacy or amenity of occupiers to justify a reason for refusal.

### **Highways Impacts**

- 6.35 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.36 When considering the appeal under reference DC/13/2170 the Inspector outlined that Naldretts Lane is a narrow road, with no footways, and provides vehicular access for the

properties along the road. The access was considered to be satisfactory, and it was also considered that the existing highway network is adequate to serve the site. Furthermore, it was considered that there would be adequate space for parking and turning within and adjacent to each pitch.

- 6.37 WSCC Highways have been consulted on the application, and no objections have been raised on highways grounds. The Local Highways Authority do not consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.
- 6.38 It is considered that the proposal would provide sufficient parking for the number of pitches proposed, with the existing access considered to be functioning appropriately. It is not considered that the proposal would result in harm to the function or safety of the highways network, and it is therefore considered that the proposal would comply with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Ecology**

- 6.39 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.40 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, 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 planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.41 No information in regard to habitats and biodiversity have been submitted in support of the application. The site as existing is an area of open grassland, and includes a number of ponds as well as mature trees along the perimeter. Given this context, the site may be used as a connector between various habitats, and therefore presents the likelihood that priority and protected species, including Great Crested Newts, Bats, Badgers, Hazel Dormice, and other Reptiles and Amphibians may be present in close proximity to the site.
- 6.42 Given this likelihood, and the potential for the site to be used by species as a means of connection, a Preliminary Ecological Survey would be required. This has not been submitted, and it is therefore considered that insufficient information in respect of ecology has been submitted to fully assess the application.

### **Other Issues**

- 6.43 In addition to the matters raised above, Policy 23 of the HDPF outlines that there must be no significant barriers to development in terms of flooding, drainage, and ground stability.
- 6.44 Concerns have been raised by residents in respect of potential flooding and drainage issues.
- 6.45 The application site is located outside of any designated Flood Zone, but it is acknowledged that the site slopes down to the north. A soakaway is proposed to the north of the site, with no details provided in respect of foul drainage.
- 6.46 Following consultation with the Drainage Engineer, drainage details would be required for both foul and surface water drainage. In addition, following consultation with the

Environmental Health Officer, the proposed drainage strategy is considered acceptable. While no objections have been raised on these grounds, should the application be considered acceptable, it is considered reasonable to impose a Drainage Strategy condition in relation to foul and surface water drainage.

- 6.47 Following a site visit, there do not seem to be any ground stability issues on the site. Therefore, no objections are raised on these grounds.

### Conclusion

- 6.48 It is recognised that the Council are currently unable to demonstrate a 5-year land supply of deliverable gypsy traveller pitches within the District. This shortfall is considered to be of significant weight in favour of the application, with the site recognised to be within a reasonably sustainable location. Furthermore, it is recognised that the intended occupants of the site include individuals of school age and those with health and mobility issues. These personal circumstances are of material weight in the consideration of the application.
- 6.49 However, as outlined within Policy C of the PPTS, sites within rural and semi-rural locations should be of a scale that does not dominate the nearest settled community. In addition, paragraph 25 outlines that sites in rural areas should respect the scale of, and not dominate, the nearest settled community. Furthermore, Policy 26 of the HDPF states that proposals must be of a scale appropriate to its countryside character and location, and should not lead either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
- 6.50 The proposed 8no. pitches would result in a scale and extent of development that would result in a formalised and overtly urban nature of development that would detract from the undeveloped and informal character of the rural locality. The subsequent level of activity and formalisation of the site would result in an intensification and significant change to the undeveloped and informal character and ambience of the countryside location which would erode the sense of place and would fail to protect, conserve, or enhance the key features and characteristics of the landscape character area. The proposal would therefore be contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).
- 6.51 In addition, it is considered that insufficient information has been submitted to determine that the proposed development would not result in harm to protected species and habitat. Therefore an adequate assessment of existing ecological features within the site, and potential ecological habitats, cannot be undertaken, contrary to Policy 31 of the Horsham District Planning Framework (2015).

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
All Other Development	167.92	0	167.92
		<b>Total Gain</b>	<b>167.92</b>
		<b>Total Demolition</b>	<b>0</b>

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

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

## **7. RECOMMENDATIONS**

7.1 To refuse the application for the following reasons:

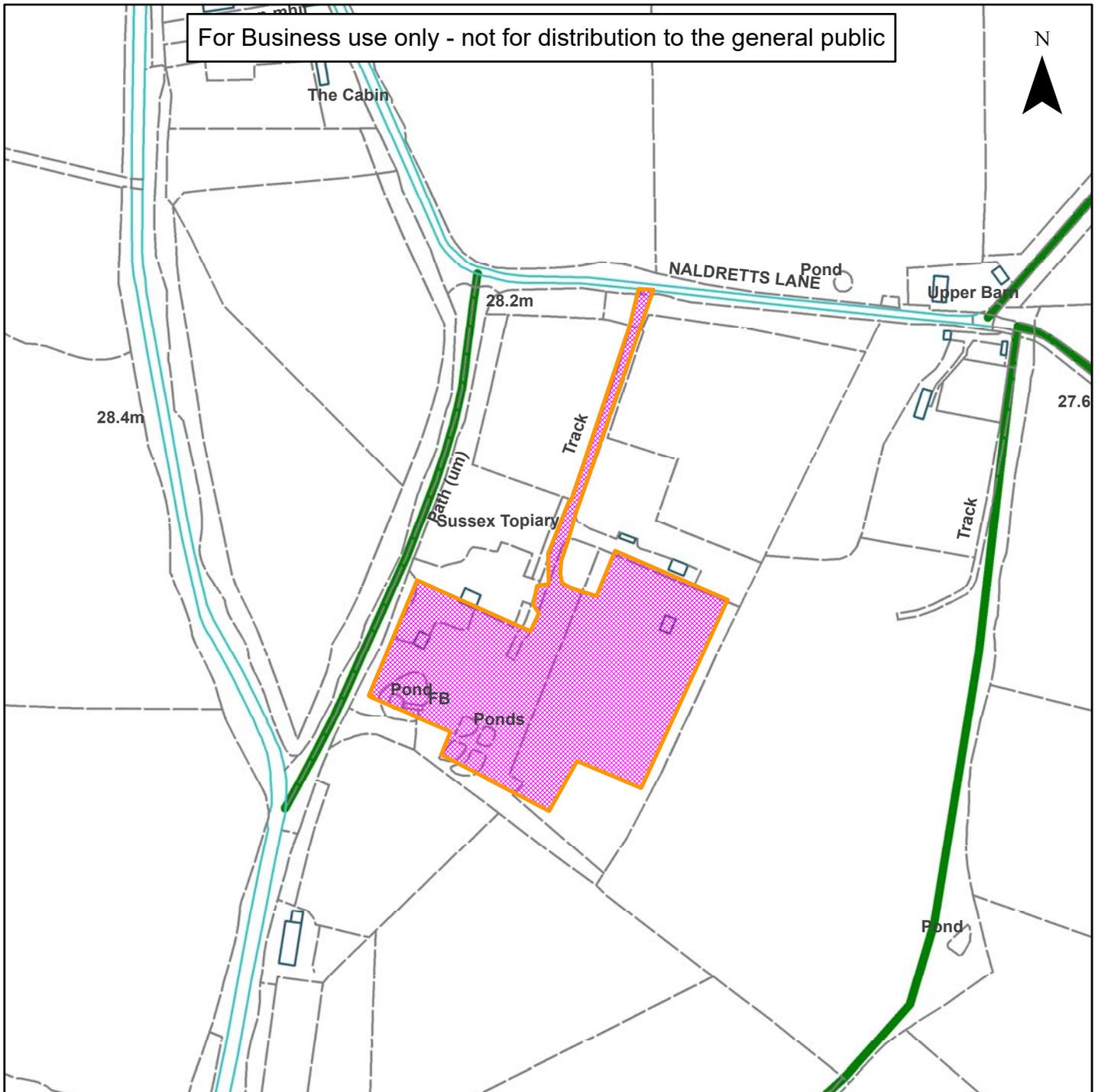
- 1 The proposed development would be of a number and scale that would result in a significant intensification and increase in the level of activity on the site within a countryside location. The impact of the proposal would therefore result in a level of activity in the countryside which would dominate the sporadic residential development that defines the settlement and would fail to retain the rural character and undeveloped nature of the countryside. The proposal would therefore be contrary to Policies 23 and 26 of the Horsham District Planning Framework (2015) and paragraphs 14 and 25 of the Planning Policy for Traveller Sites.
- 2 The proposed development would be of a scale and extent that would result in a formalised and overtly urban nature of development that would detract from the undeveloped and informal character of the rural locality. The proposal would be of a scale and extent that would result in a significant change to the undeveloped and informal character and ambience of the countryside location, with the proposal eroding the sense of place and failing to protect, conserve, or enhance the key features and characteristics of the landscape character area. The proposal would therefore be contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).
- 3 Insufficient information has been submitted to determine that the proposed development would not result in harm to protected species and habitat. Therefore an adequate assessment of existing ecological features within the site, and potential ecological habitats, cannot be undertaken, contrary to Policy 31 of the Horsham District Planning Framework (2015).

Background Papers: DC/13/2170  
DC/19/0897  
DC/19/1362



Sussex Topiary, Naldretts Lane, Rudgwick

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Organisation	Horsham District Council
Department	
Comments	
Date	19/09/2019
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING REPORT COMMITTEE**

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 01 October 2019  
**DEVELOPMENT:** Erection of 4.no two storey detached dwellings  
**SITE:** Land North of 73 Primrose Copse Horsham West Sussex  
**WARD:** Holbrook West  
**APPLICATION:** DC/19/0394  
**APPLICANT:** **Name:** Mr M Betts **Address:** North Lodge Capel Road Rusper RH12 4PZ

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

**RECOMMENDATION:** To approve application subject to conditions

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the erection of 4no. 4-bed dwellings that would be oriented to face east. The development would comprise a pair of link-attached dwellings (Plots 1 and 2) positioned to the northern section of the site, and 2no. detached dwellings (Plots 3 and 4) located to the southern section of the site.
- 1.2 Plots 1 and 2 would extend over two storeys and would measure to an overall length of 18.3m and a depth of 11.2m, and would incorporate a hipped roof measuring to a height of 8.6m. Each dwelling would incorporate a two storey bay window with gable feature, with a single storey front projection incorporate a mono-pitched roof. An array of solar panels are also proposed to the western roof slope. Each dwelling would provide living room, kitchen/dining/family room, w.c, utility room, and integral garage to the ground floor, with 4no. bedrooms (one with ensuite) and bathroom to the first floor.
- 1.3 Plots 3 and 4 would comprise detached two storey dwellings, and would each measure to a length of 9.3m and a depth of 11.2m. Each dwelling would incorporate a hipped roof measuring to an overall height of 8.6m, with an array of solar panels proposed to the western roof slope. A two storey bay window with gable feature is proposed to the front elevation of

each dwelling, with a single storey front/side projection projecting from the north-eastern corner.

- 1.4 Each dwelling would provide living room, kitchen/dining/family room, w.c, utility room, and integral garage to the ground floor, with 4no. bedrooms (one with ensuite) and bathroom to the first floor.
- 1.5 The proposed dwellings would be accessed from the turning circle of Holbrook School Lane, with the access road running southwards along the eastern perimeter. Each dwelling would be accessed from this road, with parking provided on the driveway and within the integral garage. An area of residential amenity would be positioned to the north-west of each dwelling, and would comprise an area of approximately 155sqm.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located within the built-up area of Horsham, and is positioned to the west of the dwellings comprising Holbrook School Lane, and to the south-west of Holbrook Primary School.
- 1.7 The site comprises an area of private green space, and is accessed through a locked entrance gate to the north-eastern corner of the site.
- 1.8 A group of residential dwellings are positioned directly to the south and east of the site, with the rear amenity spaces of these properties adjoining the eastern boundary of the application site.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

#### 2.2 National Planning Policy Framework

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

## RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Horsham Blueprint Neighbourhood Forum  
- Designated (Regulation 10)

## PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 NH/48/94 PER Erection of 10 houses (Approval of Reserved Matters)

## 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)

### 3.2 WSCC Highways:

Visibility at the proposed access onto Holbrook School Lane appears sufficient for the anticipated use of the site, and there is no evidence to suggest that the existing road network is operating unsafely or that the addition of 4no. dwellings would exacerbate the existing situation.

The proposed plan indicates that a total of 10no. spaces (2no. per dwelling and 2no. visitor spaces) would be provided, which would meet the anticipated requirement for a development of this size and location.

The Local Planning Authority do not consider that the proposal would have a severe impact on the operation of the highway network, and there are no transport grounds to resist the proposal.

- 3.3 **Ecology Consultant:** Recommend approval subject to conditions

- 3.4 **Southern Water:** No Objections are raised

## PUBLIC CONSULTATIONS

- 3.5 **North Horsham Parish Council:** Strong Objection

The proposed development would result in overdevelopment of the site, with increased parking pressures on the current roads and the proposed site. The proposal would result in the loss of amenity space, and it would be anticipated that this is retained for community use.

- 3.6 15 letters of objection were received from 10 separate households, and these can be summarised as follows:

- Overdevelopment of the site
- Parking pressure
- Potential flood risk
- Allocation of land for community use
- Poor quality design
- Out of character with the surroundings
- Impact on neighbouring amenity
- Access for emergency vehicles
- Pollution caused by increased traffic

#### **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 application seeks full planning permission for the erection of 4no. two storey detached dwellings, along with associated access and landscaping.

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

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy.
- 6.3 The application site is located within the built-up area of Horsham, which is categorised as the "Main Town" within Policy 3 of the HDPF. The scale of the development would be appropriate to the settlement and is therefore considered acceptable in principle, subject to all other material considerations.

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

- 6.4 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.5 The proposed dwellings would be positioned along a continuous build-line located within an area of open space to the north, east and west of a grouping of dwellings comprising Holbrook School Lane, Primrose Copse, and Bloor Close. The build pattern of the wider locality is predominantly characterised by dwellings built adjacent to the public highway, within this there are though a number of dwellings positioned at various angles and set back from the highway.
- 6.6 The application site would form a backland setting to the rear of the row of residential dwellings comprising Holbrook School Lane. The site currently comprises open space set behind the dwellings, and as such is not readily readable from the street scene. The proposed dwellings would be positioned to a similar siting as 73 Primrose Copse, and would be sited from north to south. While the proposal would sit within a backland setting, it is considered that the siting of the proposed dwellings would form an appropriate book-end to the wider

residential development, and as such would relate appropriately to the built pattern of the surroundings.

- 6.7 The wider locality consist of detached, semi-detached, and terrace dwellings that incorporate a variety of materials and finishes including facing brick, tile hanging, and cladding. The adjacent dwellings are of relatively uniform character, utilising similar design features and form.
- 6.8 The proposed dwellings would incorporate facing brick and cladding, with a hipped roof and two storey bay window to the front elevation. The form and appearance of the proposed dwellings is considered to be reflective of wider character and appearance of dwellings within the locality, with the use of features and materials that would reflect the wider townscape character.
- 6.9 It is considered that the proposed dwellings would be of a scale, design, and appearance that would reflect the character and vernacular of similar development in the locality, and would sit comfortably within the context of the site. As such, the proposal is considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.10 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.11 It is noted that a number of objections have been raised in respect of amenity impacts, and in particular overlooking and noise and disturbance. The proposed dwellings would be positioned centrally in the site and would be oriented to face east, with the front elevation of the proposed dwellings positioned between 17m and 20m from the rear elevation of the adjacent dwellings to the east. Given the character and context of the existing residential development, there is an existing and established degree of mutual overlooking between properties. In addition, while the proposed development would introduce additional built form to the rear of the existing dwellings of 33-39 Holbrook School Lane, which would introduce a perception of overlooking, it is considered that the built form would be sufficiently distanced from the neighbouring properties to limit actual overlooking and loss of privacy.
- 6.12 It is considered that the introduction of additional residential units into an established residential area would be unlikely to generate a level of noise or disturbance which would warrant a refusal of planning permission. Similarly, having regard to the scale of the development and nature of the site it is considered any disturbance from construction activities would be relatively short-term and not of a magnitude or duration as to amount to significant harm to amenity.
- 6.13 It is therefore considered that the proposed development has been sited and oriented to take consideration of the amenities of surrounding residential properties, with the proposal not considered to result in harm to the amenities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

### **Highways Impacts**

- 6.14 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.15 The proposed dwellings would be accessed from the turning circle of Holbrook School Lane, with the access road running southwards along the eastern perimeter. Each dwelling would be accessed from this road, with parking provided on the driveway and within the integral garage. This would comprise a total of 2no. spaces per dwelling, with an addition 2no.

parking spaces proposed to the north-west and south of the access road. The proposed development would provide a total of 10 no. parking spaces.

- 6.16 Following consultation with WSCC Highways, the visibility from the proposed access appears to be sufficient for the anticipated road speeds in this location, with the width of the access considered sufficient. Following initial concerns in respect of the number of parking spaces proposed, the development has been amended to provide a total of 10no. parking spaces (8no. allocated and 2no. visitor spaces). This provision meets the Parking Demand for the proposed development, and is considered to provide sufficient parking for the anticipated users.
- 6.17 It is considered that the proposed development would provide safe and adequate access for users, with the total number of parking spaces sufficient for the proposed use, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

### **Ecology**

- 6.18 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.19 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, 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 planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.20 The Applicant submitted a Preliminary Ecological Appraisal Survey and Reptile Mitigation and Enhancement Plan by Arbtech. The report outlines that the trees and scrub on the site are suitable for nesting birds, and the site does provide suitable habitat for slow worms and grass snakes, as well as adders and common lizards. The grassland is also considered suitable for hedgehogs. Habitat enhancements for nesting birds, bats, hedgehogs and reptiles have been proposed.
- 6.21 Following consultation with the Ecologist, no objections to the proposal have been raised. The biodiversity enhancements are considered acceptable, and it is suggested that this be secured by condition.
- 6.22 It is noted that a Reptile Mitigation and Enhancement Plan was submitted by Arbtech for consideration. However, upon review by the Ecologist, it was considered that this strategy was insufficient as the justification for only providing habitat manipulation was limited. In addition, the strategy did not include detail regarding a long-term management plan for the retained and enhanced habitat. As such, an updated Reptile Mitigation and Enhancement Plan has been requested by condition.

### **Existing Trees**

- 6.23 Policy 33 of the HDPF states that development should presume in favour of the retention of existing important landscape and nature features, including trees, hedges, banks, and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

- 6.24 The Applicant has submitted a Tree Survey Schedule relating to the boundary trees on the site and the singular self-seeded tree located to the south-west corner of the site. The trees to the north and western boundaries are off-site and stated to be of moderate to low quality, with the self-seeded tree of low quality. No works are proposed to these trees, and they will be retained on the site. Additional planting to the frontage of the dwellings is proposed.
- 6.25 The trees and hedging along the perimeter of the site would be retained, with additional planting proposed along the frontage of the proposed dwellings. No objections are therefore raised in this respect, with the imposition of a landscaping condition considered reasonable and necessary to ensure that the landscape and natural features of the site and surroundings are maintained and enhanced where appropriate.

### **Other Matters**

- 6.26 The application site was subject of a Section 106 Agreement dated 07 July 1994 which was entered into between HDC, West Sussex County Council, and Hassell Homes Ltd. The obligation relating to the land referenced the provision of Scout Hut facilities.
- 6.27 Clause 6 of the Agreement related to provision of Scout Facilities, with Clause 6.1 stating that the Owner agrees to "...transfer the Blue Land to the Local Planning Authority or to such other body as it may nominate and the Local Planning Authority shall accept the same or procure acceptance of the same substantially in the form 'B' attached".
- 6.28 Form B of the Agreement relates to the Scout Facilities, and beyond the requirement outlined above, covenants in point 5 that the property will be used as or for a scout of guide hall or other recreational purposes.
- 6.29 The local Scout Group (3<sup>rd</sup> Horsham Scout Troop) were originally located in Peary Close. The Troop were relocated to the Holbrook Community Centre and were paid compensation when they extinguished their lease. The needs of the Troop are currently met at the Community Centre facility, and there have been no representations received to the contrary from the Scout Group. On the basis that there is no evidence to support a need for the site for scouting purposes it is considered that the proposal would not result in the loss of any community or recreational use.
- 6.30 Following discussion with the Legal Team, the land was transferred to the Council in accordance with the requirements as stated above. As such, the obligations of the Agreement have been complied with, and there are no outstanding obligations under the s106 Agreement.
- 6.31 It is acknowledged that a Covenant is in place on the site in respect the provision of scout/guide facilities or recreational purposes. Such covenant is a separate legal mechanism and falls outside of the consideration of the planning application. Should the application be approved, the issues of the covenant would need to be considered separately as a civil matter.

### **Conclusion**

- 6.32 The proposed development is acceptable in principle, and is considered to be of a design, form and appearance that would relate sympathetically to the character of the wider street and surrounding development. The proposal is not considered to result in harm to the amenities of neighbouring properties or the safety and function of the public highway network. As such, the proposal is considered to accord with Policies 1, 2, 3, 15, 25, 32, 33, and 41 of the Horsham District Planning Framework (2015).

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	485.97	0	485.97
		<b>Total Gain</b>	<b>485.97</b>
		<b>Total Demolition</b>	<b>0</b>

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

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

## 7. RECOMMENDATIONS

7.1 To approve the application subject of the following conditions.

### Conditions:

- 1 Approved Plans
- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.  
  
Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).
- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.  
  
Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 5 **Pre-Commencement Condition:** No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:-

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

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

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

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal provided by Arbtch dated 2019, (although dated April 2019, updated and submitted publicly on August 13th 2019), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details i.e. 2m buffer strip along western boundary with holes to allow mammal movements, bat boxes and bird boxes and all features shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan 828.HSLH.100 rev C and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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

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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number 828.HSLH.100 rev C. 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).

- 13 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 14 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal provided by Arbtech dated 2019, (although dated April 2019, updated and submitted publicly on August 13th 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

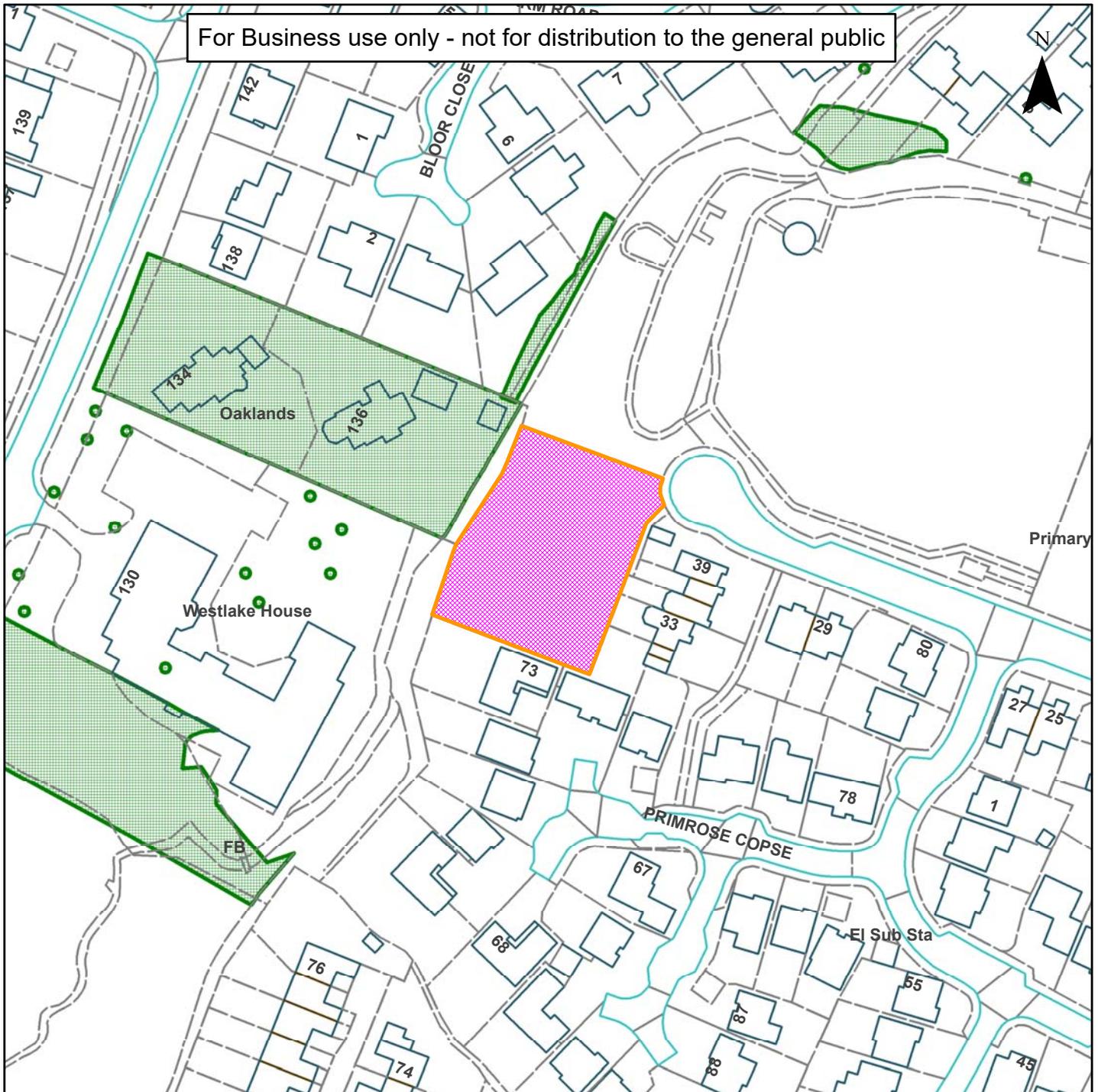
Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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Land North of 73 Primrose Copse, Horsham

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Organisation	Horsham District Council
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