



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

# Planning Committee (North)

Tuesday, 5th November, 2019 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Karen Burgess (Chairman)	
Liz Kitchen (Vice-Chairman)	
Matthew Allen	Richard Landeryou
Andrew Baldwin	Gordon Lindsay
Tony Bevis	John Milne
Toni Bradnum	Colin Minto
Alan Britten	Christian Mitchell
Peter Burgess	Godfrey Newman
Roy Cornell	Louise Potter
Christine Costin	Stuart Ritchie
Leonard Crosbie	David Skipp
Brian Donnelly	Ian Stannard
Ruth Fletcher	Claire Vickers
Billy Greening	Belinda Walters
Frances Haigh	Tricia Youtan
Tony Hogben	

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

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	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 12
To approve as correct the minutes of the meeting held on 1 October 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> )	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	

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/19/1205 - Kingfisher Farm, West Chiltington Lane, Billingshurst** 15 - 36  
Ward: Itchingfield, Slinfold and Warnham  
Applicant: Mr Michael Casey (on behalf of site residents)
7. **DC/19/1229 - Boreham House, Church Street, Rudgwick** 37 - 50  
Ward: Rudgwick  
Applicant: Mr and Mrs Holcombe
8. **DC/19/1345 - Global House, Market Square, Horsham** 51 - 62  
Ward: Denne  
Applicant: Fairfax Designs Ltd
9. **DC/19/1537 - 13 Global House, Market Square, Horsham** 63 - 72  
Ward: Denne  
Applicant: Fairfax Designs Ltd
10. **DC/19/0860 - The Royal Oak, Friday Street, Rusper** 73 - 86  
Ward: Colgate and Rusper  
Applicant: Bell and Sons
11. **DC/19/1738 - Phase 4, Oakhurst Business Park, Wilberforce Way, Southwater** 87 - 100  
Ward: Southwater North  
Applicant: Horsham District Council
12. **DC/19/1801 - 10 Beaver Close, Horsham** 101 - 106  
Ward: Holbrook East  
Applicant: Mrs Samantha Wells
13. **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

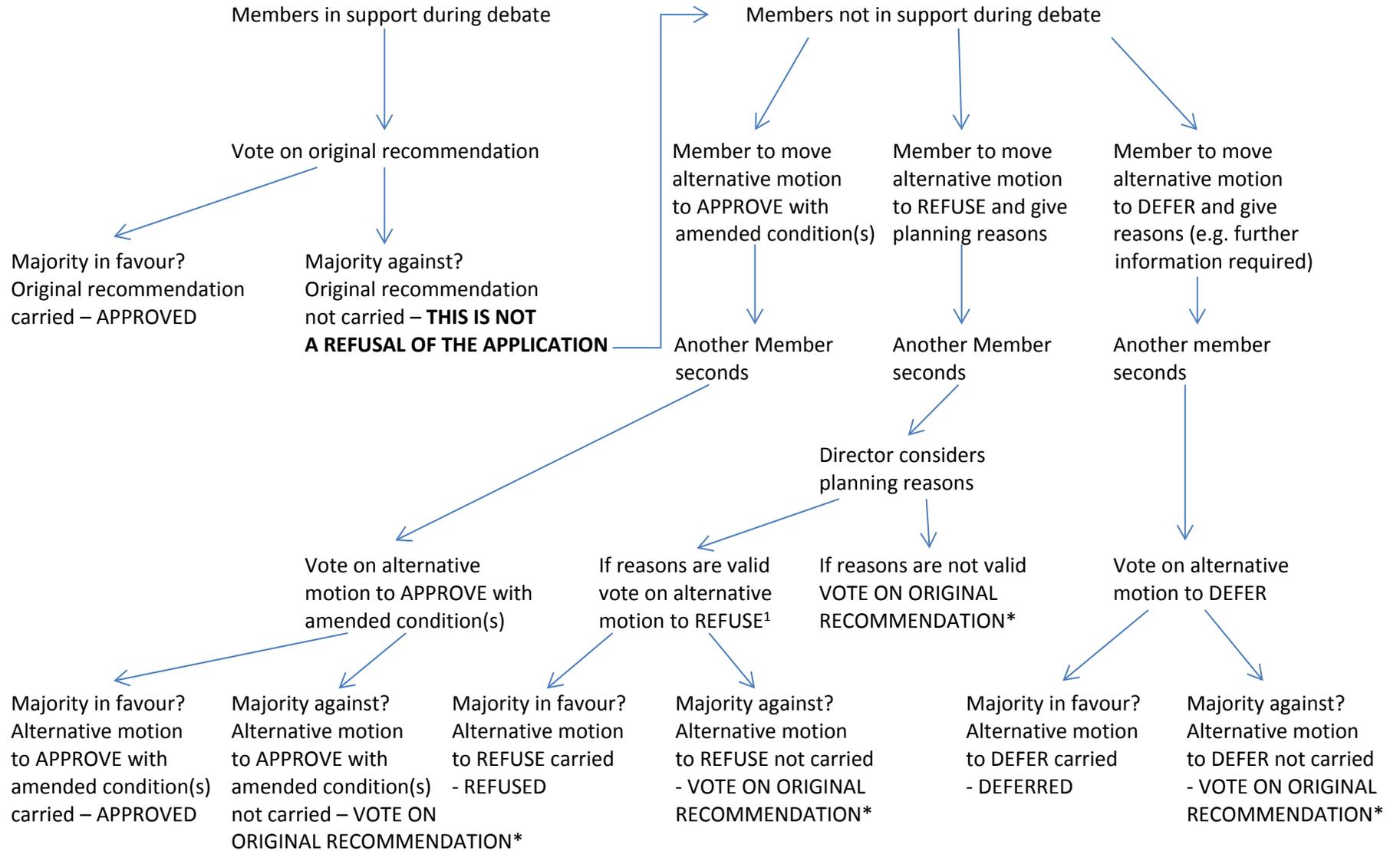
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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)**  
**1 OCTOBER 2019**

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Toni Bradnum, Peter Burgess, Roy Cornell, Christine Costin, Brian Donnelly, Ruth Fletcher, John Milne, Colin Minto, Godfrey Newman, Louise Potter, Stuart Ritchie, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Alan Britten, Leonard Crosbie, Billy Greening, Frances Haigh, Tony Hogben, Richard Landeryou, Gordon Lindsay, Christian Mitchell and David Skipp

PCN/36 **MINUTES**

The minutes of the meeting of the Committee held on 3 September 2019 were approved as a correct record and signed by the Chairman.

PCN/37 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/1362 and DC/19/0897 – Councillor Stuart Ritchie declared a personal interest because he knew one of the public speakers.

PCN/38 **ANNOUNCEMENTS**

There were no announcements.

PCN/39 **APPEALS**

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

PCN/40 **DC/19/1362 - SUSSEX TOPIARY, NALDRETT'S LANE, RUDGWICK**

The Head of Development reported that this application sought permission for the retrospective change of use of land for the stationing of caravans for four gypsy pitches, along with the formation of hardstanding and four utility/day rooms. There would be on-site parking for 12 vehicles. Hedging and other planting along the north and east of the site was proposed.

The application site was located in a countryside location approximately 850 metres from the built-up area of Bucks Green and over a kilometre from Rudgwick, with access off Naldretts Lane. It was a former horticultural nursery adjacent to paddocks, including the site of application DC/19/0897. There was some sporadic residential development nearby.

Works had already commenced, with hardstanding in place, and one of the day rooms erected. These works were not in accordance with the approved plans attached to permission DC/13/2170 for four gypsy pitches, and an enforcement notice had been served in September.

Officers advised that amendments to conditions 3, 4, 5 and 6 were recommended to ensure that these conditions were discharged within three months of the permission.

The Parish Council objected to the application. The Rudgwick Preservation Society had also objected. There had been 11 representations from eight households objecting to the scheme, including one received after publication of the report. Three members of the public spoke in objection to the application and a representative of the Parish Council also spoke in objection to it. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; landscape character; amenity impacts; impact on highways; and ecology. Members noted that, until a new Gypsy and Traveller policy is adopted, the Council is unable to demonstrate a five-year land supply of deliverable Gypsy and Traveller pitches.

Members noted the concerns of local residents and considered the DC/13/2170 appeal decision to grant four pitches on the site. Members concluded that the benefits of the scheme in contributing towards the five-year supply of pitches outweighed the concerns and the proposal was therefore acceptable.

#### RESOLVED

That planning application DC/19/1362 be granted subject to the conditions as reported, with amendments to conditions 3, 4, 5, and 6 to ensure that these conditions be adhered to within three months of the date of this decision as set out below:

- 3 **Regulatory Condition:** Within 3 months of the date of this decision a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) shall have been submitted to the Local Planning Authority for its written approval. All materials used in the construction of the development hereby permitted shall conform to those approved.
- 4 **Regulatory Condition:** Within 3 months of the date of this decision full details of all hard and soft landscaping works shall have been submitted to the Local Planning Authority for its written approval. 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 landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the written approval from the Local Planning Authority. 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.

- 5 **Regulatory Condition:** Within 3 months of the date of this decision 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.
- 6 **Regulatory Condition:** Within 3 months of the date of this decision details for the storage of refuse/recycling for each pitch shall be submitted to the Local Planning Authority for its written approval. The refuse / recycling facilities shall be provided in accordance with the agreed details within one month of such approval and shall thereafter be retained for use at all times.

PCN/41 **DC/19/0897 - SUSSEX TOPIARY, NALDRETT'S LANE, RUDGWICK**

The Head of Development reported that this application sought permission for the change of use of land for the stationing of caravans for eight gypsy pitches, along with the formation of hardstanding and eight utility/day rooms. There would be two parking spaces for each pitch.

The application site was located in a countryside location approximately 850 metres from the built-up area of Bucks Green and over a kilometre from Rudgwick, with access off Naldretts Lane. The site was a paddock adjacent to the site of application DC/19/1362. There was some sporadic residential development nearby.

The Parish Council objected to the application. The Rudgwick Preservation Society had also objected. There had been 45 representations from 36 households objecting to the scheme, including one received since publication of

the report. One letter of support had been received. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; landscape character; amenity impacts; impact on highways; and ecology. Members noted that, until a new Gypsy and Traveller policy is adopted, the Council is unable to demonstrate a five-year land supply of deliverable Gypsy and Traveller pitches.

Members noted the concerns of local residents, the scale of the proposal and the extent of its impact on the countryside location. Members concluded that the benefits of the scheme in contributing towards the five-year supply of pitches did not outweigh the identified harm.

#### RESOLVED

That planning application DC/19/0897 be refused for the following reasons:

- 01 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.
- 02 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).
- 03 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).

PCN/42 **DC/19/0394 - LAND NORTH OF 73 PRIMROSE COPSE, HORSHAM**

The Head of Development reported that this application sought permission for the erection of four 4-bedroom detached dwellings, each with an integral garage. The two dwellings to the north of the site would be link-attached. Access from the turning circle at the end of Holbrook School Lane was proposed.

The application site was a private green space located within the built-up area of Horsham, with dwellings to the east and south, and Holbrook Primary School to the northeast.

The Parish Council objected to the application. There had been 15 representations from 10 households objecting to the scheme. One member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; amenity impacts; highways impacts; and ecology. The history of the 1994 Legal Agreement relating to the application site was noted by the Committee.

In response to concerns regarding residential amenity relating to 73 Primrose Copse, it was agreed that an Informative be submitted to the applicant advising that the landscaping scheme required by the Pre-Commencement landscaping condition must include details of enhanced screening along the southern boundary of the application site.

RESOLVED

That planning application DC/19/0394 be granted subject to the conditions as reported, with the following amendments:

- (i) The approval of Pre-Occupation Condition regarding the submission of hard and soft landscaping works to be in consultation with Local Members;
- (ii) The addition of the following Pre-Commencement Condition to secure a Construction Method Statement:

**Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i the parking of vehicles of site operatives and visitors
- ii loading and unloading of plant and materials
- iii storage of plant and materials used in constructing the development
- iv the erection and maintenance of security hoarding, where appropriate
- v the provision of wheel washing facilities if necessary
- vi measures to control the emission of dust and dirt during construction
- vii details of working hours

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

*The meeting closed at 6.44 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee (NORTH)

Date: 5<sup>th</sup> November 2019

Report on Appeals: 19/9/19 – 23/10/19



### 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/19/0763	Hawthorns Bar Lane Southwater RH13 9DL	27-Sep-19	Application Refused	N/A
DC/18/1734	Coombe Wood Forest Road Colgate Horsham West Sussex RH12 4TB	02-Oct-19	Application Refused	N/A
DC/19/1021	Wellhall Cottage Five Oaks Road Slinfold Horsham West Sussex RH13 0QW	09-Oct-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
No appeals have started during the period					

### 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/19/0260	Mill House Brooklands Farm Countryman Lane Shipley Horsham West Sussex RH13 8PR	Fast Track	Appeal Allowed	Application Permitted	Application Refused
DC/19/0231	21 Spencers Road Horsham West Sussex RH12 2JQ	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/2294	Grouselands Woodland Lane Colgate Horsham West Sussex RH13 6HU	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/2578	The Mead Micklepage Nuthurst Horsham RH13 6RG	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/19/0421	Melbury 34 Richmond Road Horsham West Sussex RH12 2EG	Fast Track	Withdrawn	Application Refused	N/A
DC/18/1742	3 Chalice Walk High Street Rusper Horsham West Sussex RH12 4FA	Fast Track	Appeal Dismissed	Application Permitted	Application Refused
DC/18/2002	89-91 Corsletts Avenue Broadbridge Heath Horsham West Sussex RH12 3NY	Written Representation	Appeal Allowed	Application Permitted	Application Refused



**Horsham  
District  
Council**

**PLANNING COMMITTEE  
REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 5<sup>th</sup> November 2019

**DEVELOPMENT:** Change of use of land for the stationing of 11 pitches for residential purposes. To contain 11 static caravans, 11 touring caravans, 11 dayrooms, parking for associated vehicles, hard standing and associated infrastructure

**SITE:** Kingfisher Farm West Chiltington Lane Billingshurst West Sussex

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/19/1205

**APPLICANT:** **Name:** Mr Michael Casey (on behalf of site residents)  
**Address:** Kingfisher Farm, West Chiltington Lane Billingshurst

**REASON FOR INCLUSION ON THE AGENDA:** By request of Councillor Youtan

**RECOMMENDATION:** To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions.

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the change of use of part of an open field for the stationing of caravans for residential purposes comprising 11 no. gypsy pitches and associated infrastructure (consisting of; access track, hardstanding, patios, plinths and steps, drainage pipes and septic tanks, fencing, walls, brick piers and entrance gates delineating the individual pitches on the land, 11 no. ancillary utility/day rooms, stable blocks, sheds and external lighting).

1.3 The site forms the eastern part of the field, and is linked to West Chiltington Lane to the west by a hard surfaced track along the northern field boundary. The eastern part of the Kingfisher Farm field, which is the part of the field subject to this application, has been developed as a caravan site for use by the gypsy and traveller community. This existing development was purported to be in accordance with the 2011 appeal permission and subject of the recent 2018 appeal (details of which are explained below). The western boundary to the site as already constructed is irregular in alignment. The main access track as already constructed is a straight route that follows the northern boundary.

1.4 The intention of the current application is to revert the caravan site back to the 2011 appeal permission, apart from the main access track which will remain as laid out in its straight route.

This would require site works to remove the extent of hard standing in excess of the 2011 permission so that it matches the extent approved in 2011 and, consequently, the realignment of the pitches and day/utility rooms on the land in response to the adjusted west and east hardstanding boundaries.

- 1.5 This proposal would provide 11 pitches laid out in a rectangular block, with access onto a central internal road with a turning head. On the east side of the internal road 6 pitches would extend up to the eastern field boundary, with the remaining 5 pitches on the western side of the road. Each pitch would be some 650sqm in area (25m by 23m) with one larger pitch some 1,100sqm in size at the southern end of the site. The pitches and access would consist of hardstanding. The red line is drawn tight to the hard surfaced area and the main access track.
- 1.6 As per the development description, each pitch would include 1 no. static caravan, 1 no. touring caravan, and a day room/utility building, and space for associated vehicles and residential paraphernalia. The day room/utility buildings would provide living areas for site residents. A total of 22 vehicle parking spaces would be provided within the site, with each pitch having 2 parking spaces.

#### DESCRIPTION OF THE SITE

- 1.7 Kingfisher Farm lies in the open countryside some 800m to the west of the village of Barns Green, and was formerly one large field of some 5 hectares. The field is bounded by West Chiltington Lane to the west, an open field to the north, a paddock to the east, and by open land rear of further 9 pitches at Greenfield Farm to the south. Valewood Lane runs close to the south-eastern corner of the field and provides access to a number of dwellings immediately southeast of the field as well as the pitches at Greenfield Farm.
- 1.8 The field is enclosed by mature hedgerows and field margin trees along the northern, eastern and western boundaries. Some land mounding has taken place along the southern boundary. The site is linked to the highway on West Chiltington Lane by way of a single principal access track along the northern field edge.
- 1.9 The surrounding area is rural and characterised by an undulating topography with small woodlands, tree belts and mature hedgerows that help to define the linear field pattern. The sense of field enclosure is strong. The long established farmsteads and hamlet developments now exist alongside the modern settlement of Barns Green, which has a more suburban character. The local mix of traditional building materials includes timber framing, weatherboarding, brick and tile hanging.
- 1.10 A grade II Listed Building, Pear Tree Farmhouse, sits some 480m to the west of the main part of the site. A fishing and camp site, Sumners Ponds, lies on the edge of Barns Green to the east of the site. Barns Green is defined as a 'medium village' under the settlement hierarchy set out in Policy 3 of the Horsham District Planning Framework.
- 1.11 The nine pitches at Greenfield Farm sit 180m from the southern end of the application site, separated by the remain part of a field. These pitches sit in a linear arrangement along Valewood Lane and were granted planning permission in two stages, with the first four granted under DC/13/24578 in 2014 and the remaining five under DC/16/2721 in 2017. This 2017 permission allows for the permanent use of the five pitches for mobile homes, with use by touring caravans limited to summer months only.
- 1.12 These recent gypsy caravan pitches at Greenfield Farm have extended linear development along Valewood Lane round into West Chiltington Lane. Residential and caravan site development now forms part, but not a dominant feature, of the character of the locality.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

#### **National Planning Policy Framework (NPPF)**

#### **Planning policy for traveller sites (PPTS)**

#### **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

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

#### **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

#### **Itchingfield Neighbourhood Development Plan**

Itchingfield Parish is a designated neighbourhood plan area (Sept 2015). Discussions are ongoing with Horsham District Council to progress plan to Regulation 14 consultation stage.

### 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1184	Variation of conditions 3, 11 and 13 relating to Appeal Reference Number: APP/Z3825/A/11/2150329 (Use of land for the stationing of caravans for residential purposes for 11 no. gypsy pitches together with the formation of additional hard standing and utility/day rooms ancillary to that use)	Non-determination 02-08-2018 DISMISSED at appeal
DC/17/1185	Change of use of land as an extension to permission granted in appeal APP/Z3825/A/11/2150329	Refused 21-07-2017 NO FURTHER ACTION is taken on the appeal

DC/17/0816	Hybrid planning application for the part variation of condition 3, 11 and 13 of Appeal Decision ref: APP/Z3825/A/11/2150329 and material change of use of land.	Not processed – returned 19-MAY-2017
DC/10/1041	Use of the land for the stationing of caravans for residential purposes for 11 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use	Refused 09-MAR-2011 ALLOWED at appeal

## ENFORCEMENT HISTORY

- 2.5 The application site has previously been subject of an approval at appeal under reference DC/10/1041. This appeal granted permission for the change of use of the land for 11 no. gypsy pitches and associated operational development, with a condition further restricting there to be no more than 2 caravans stationed on each pitch at any time (a total of 22 therefore being permitted).
- 2.6 In early 2016 a compliance investigation was undertaken following receipt of complaints in respect of the number of caravans stationed on the site, which were reported as amounting to some 61 caravans.
- 2.7 A site visit by the Compliance Officer found that the works carried out were not in accordance with the approved plans subject of the 2011 appeal permission. Amongst other things, the number of caravans far exceeded those permitted whilst the extent of hardstanding was also greater than that approved.
- 2.8 In May 2016 an Injunction was obtained in the High Court to stop additional caravans from entering the site as at the time 61 caravans were on the site.
- 2.9 Given the significant discrepancy between the development that had been carried out on the land and that which was considered allowed by the planning permission, it was determined that the planning permission approved at appeal in 2011 had not been implemented, and was no longer extant.
- 2.10 In June 2016 the Council served two Enforcement Notices in response to the identified breaches of planning control on the land, which were appealed alongside appeals concerning planning applications DC/17/1185 & DC/17/1184. These two applications sought to regularise the existing caravan site laid out on the land (which exceeded the 2011 permission) and the increased the amount of caravans on each pitch, as well as the absence of landscape planting, by variation of conditions 3 (the caravan numbers on site), 11 (the configuration of the main internal access track) and 13 (the landscaping planting). These appeals were dealt with at a Public Inquiry in June & July 2018, and the decision was issued on 17<sup>th</sup> September 2018.
- 2.11 The Inspector combined the requirements of the two Enforcement Notices in one and dismissed the main appeals. The requirements of the amended Notice and its compliance periods are as follows:
- Cease use for stationing of caravans for residential purposes by 17 Sept 2019
  - Remove all caravans and associated residential paraphernalia by 17 Sept 2019
  - Remove all works of incidental operational development by 17 Nov 2019
  - Remove all materials and debris resulting from compliance by 17 Nov 2019
  - Restore land to its condition before breach took place by 17 Nov 2019
- 2.12 At the time of this report, none of the above requirements of the Enforcement Notice have been carried out.

## SECTION 70 (C) OF THE TOWN AND COUNTRY PLANNING ACT 1990.

2.13 Section 70(C) provides Planning Authorities with the power to decline to determine an application for works that relate in whole or part to matters set out in an enforcement notice. This section states:

- (1) *A local planning authority may decline to determine an application for planning permission ... for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.*
- (2) *For the purposes of the operation of this section in relation to any particular application for planning permission, a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority.*

2.14 In this instance your Officers' recommendation is not to exercise the above discretionary power to decline to determine this current application under section 70 (C) for the following reasons:

- The principle of the development has already been established under a planning appeal (APP/Z3825/A/11/2150329) in 2011, which allowed for the 11 pitches. It is not considered that material circumstances since this decision have appreciably changed, noting that the 2018 appeal inspector raised no objection to the principle of the development but was considering a far greater intensity of development on the site.
- The site was considered in the Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document Preferred Strategy (Dec 2017) and assessed as suitable for allocation of 11 pitches (albeit this document has not been formally adopted in to the development plan).
- The 2018 appeal inspector considered that in the circumstances before her she had no power to grant permission for an 11 pitch scheme of the sort now proposed, but the Council does have that power.
- The 2018 appeal inspector concluded that the personal circumstances of the site residents, including the best interests of the children, weighed strongly in favour of the development.
- The Council cannot currently point to another lawful site to which the existing occupiers can go.

### 3. OUTCOME OF CONSULTATIONS

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)

#### 3.1 INTERNAL CONSULTATIONS

##### **HDC Strategic Planning – Comment**

##### Horsham District Planning Framework

The most up-to-date, independently tested figure the Council has for Gypsies and Traveller need in Horsham District is 39 pitches.

That figure is based on a study by consultants from 2012, was tested at Examination in 2015, and is included within Policy 21 (Strategic Policy: Gypsy and Traveller Sites Allocations) in the Horsham District Planning Framework (adopted November 2015).

## Gypsy & Traveller Site Allocation Development Plan Document (April 2017 and December 2017)

- The Council carried out work in-house in 2016 and 2017 to produce a Site Allocations document for the identified Gypsy and Traveller need in the District.
- The Gypsy Site Allocations document (December 2017 version) sets out a pitch requirement for 60 gypsy pitches over a ten year period (up to 2027).
- The December 2017 Gypsy document identifies a supply of 68 gypsy pitches, which meets the 10 year requirement need for 60 pitches.
- The Proposed Submission version of the Gypsy & Traveller DPD was due to be presented at Cabinet on 24 May 2018.
- The owner of the site at Bromeliad Nursery, Billingshurst wrote to Horsham Council on 25 April 2018, formally withdrawing the site as being available for Gypsy & Traveller use.
- This meant that the removal of 15 pitches at Bromeliad Nursery meant that HDC could not demonstrate a supply of 60 pitches over the 10 year period (up to 2027), as HDC's 10 year supply was reduced from 68 pitches to 53 pitches.
- As the Site Allocations document could not be progressed to Examination by the Planning Inspectorate, it carries very little weight.

### Current Work

- It was therefore decided in 2018 to employ consultants to carry out an updated Gypsy and Traveller Needs Assessment, so that a new Gypsy and Traveller policy could be produced as part of the local plan review, with new allocations to meet the current identified need.
- Opinion Research Services (ORS) were employed in March 2019. They are currently interviewing Gypsies and Travellers in the District to identify i) how many pitches are currently in use in the District (and whether those individuals are Gypsies & Travellers within the new 2015 definition) and ii) what the current need for Gypsies and Travellers in the District is over the next 17 years.
- ORS's Study will be finalised later this year and published online.
- The ORS Study will feed into a new Gypsy and Traveller policy for the draft Local Plan. An Issues and Options Public Consultation is scheduled for February 2020.

### **HDC Drainage Engineer – Comment**

If permitted, suitable drainage conditions should be applied to show full details of measures to dispose of foul and surface water.

### **HDC Environmental Health – Comment**

Received some detail from the applicants with regard to the arrangements for sewage treatment and disposal of the treated effluent to ditches around the site. From this information, the size of the plants should be adequate for the proposal, so long as the number of mobile homes on each pitch is limited to one per pitch. If you have included conditions to limit this, this is satisfactory. The individual occupiers still need to ensure that they have consent to discharge to a ditch from the Environment Agency.

I recommend conditions to control the following:

- Details of means of treatment and disposal of sewage before commencement of use
- No burning of materials or waste shall take place on site
- Hours of general demolition, clearance and construction restricted to 08.00-18.00 Mon-Fri, 08.00–13.00 hours Sat and no work on Sundays and Bank Holidays
- No deliveries received or dispatched outside above hours

- Details of external lighting/floodlighting before commencement of development
- Provision for collection and disposal of refuse and recyclable materials
- Site occupied only for residential purposes and no business

#### **HDC Landscape Architect – Comment**

Concur with findings expressed by Inspector in relation to the 2018 appeal.

#### **HDC Waste Collections - Comment**

We only collect refuse from each dwelling as the residents contaminate their recycling bins. The collection point for Kingfishers Farm will be on the main junction of where the road meets with West Chiltington Lane, this is acceptable for the refuse & recycling collections.

### 3.2 OUTSIDE AGENCIES

#### **WSCC Highways – Comment**

Given the site history and appeal decisions of DC/10/1041 and DC/17/1185, the proposed application does not seek to increase the use of the site over and above what has previously been considered acceptable to the Local Highways Authority and Planning Inspectorate.

On this basis the LHA does not consider 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 NPPF (paragraph 109), and that there are no transport grounds to resist the proposal. If minded to approve, car parking space; cycle parking; turning space conditions should be applied.

#### **Environment Agency – No Objection**

#### **Southern Water – Comment**

The Council's technical staff should comment on the adequacy of surface water discharge to the local watercourse.

#### **Sussex Police – Comment**

Day rooms should be brick built and construction should meet relevant PAS British Standard. External lighting extremely beneficial for safety. Each pitch should be segregated from neighbouring pitches. For privacy, site perimeter would benefit from hedgerows and tree planting.

#### **Itchingfield Parish Council –**

The Parish were consulted on 14<sup>th</sup> August 2018 and the consultation period expired 4<sup>th</sup> September. Following the Parish Council Meeting on 30<sup>th</sup> September 2019, it was reported that comments were to follow. In the Parish Minutes it was stated that Itchingfield Parish Council object to Horsham District Council validating this planning application and have taken legal advice. The Parish Council will wait to receive the legal advice before sending in the Parish Council's full representation. Officers have since been in contact with the Parish, and at the time of writing of this report the Parish comments remain awaited.

### 3.3 PUBLIC CONSULTATIONS

Objections from 3 individuals received:

- There have been past ongoing breaches of planning control at `Kingfisher Farm`. Permitting this application will set a precedent to circumvent Planning Inspectorate decisions. During the past year there has been no change to the surrounding environment. The eviction notice should be enforced and any further Gypsies & Travellers applications on this site rejected.
- Increase in traffic dangerous. Wildlife environment has practically disappeared. Light pollution. Will replacement of septic tanks by an upgrade be enforced? Hopefully perpetual water running down the lane breaking the road surface will cease and no longer will raw sewage be discharged past properties.

#### **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 ASSESSMENT**

- 6.1 The main considerations of this assessment are:

- The principle of development;
- Effect on the character and appearance of the surrounding area;
- Whether the proposal, in combination with other pitches, would dominate the nearest settled community and is reasonably located for schools, shops and other local services and community facilities;
- Whether a need for site provision exists locally; and
- If harm arises, whether it is outweighed by other material considerations including the general need for and provision of sites, the availability of alternatives, and any personal circumstances

##### **Policy background**

- 6.2 The development plan for Horsham District includes the Horsham District Planning Framework (the HDPF) adopted in November 2015. The introduction to the HDPF emphasises that all policies are inter-related to one another and the document should be read as a whole.
- 6.3 The site is outside the defined built-up area boundary for Barns Green therefore HDPF Policy 26 applies which seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development subject to stated criteria. Of most importance is HDPF Policy 23 which sets out the criteria for consideration when determining planning applications for non-allocated gypsy and traveller sites. The criteria include ensuring the site is not at risk of flooding, or in proximity to hazardous land; the site has safe and convenient access; the site can be properly serviced; the site is located in or near to existing settlements within reasonable distance of a range of local services, in particular schools and essential health services; and the development would not have an unacceptable impact on landscape or neighbouring amenities.

- 6.4 The revised National Planning Policy Framework (NPPF, Feb 2019) is a material consideration in dealing with applications. The accompanying Planning Policy for Traveller Sites (PPTS, August 2015) should be read in conjunction with the NPPF and is a material consideration in planning decisions.
- 6.5 For the purpose of planning policy, Annex 1 of the PPTS defines “gypsies and travellers” as “persons of nomadic habit of life whatever their race or original, including such persons who on grounds only of their own or their family’s or dependents’ 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”.
- 6.6 Policy H of the 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 PPTS.
- 6.7 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 application 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 site from any travellers and not just those with local connections
- 6.8 Paragraph 25 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, with paragraph 26 providing further policy on matters that weight should also be given to in decision making (this is discussed later in the report).
- 6.9 Of key relevance is paragraph 27 which provides guidance on how decisions should be made where there is no up-to-date five year supply of deliverable gypsy and traveller sites. In such circumstances the PPTS states that any lack of such supply ‘should be a significant material consideration in any subsequent planning decision’.

### **Whether a need for site provision exists locally**

#### *General need and 5 year supply*

- 6.10 Policy 21 of the 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.

- 6.11 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 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 initially identified a supply of 68 gypsy pitches, to meet 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 the document did not proceed to formal submission or adoption.
- 6.12 As such it remains that Horsham District Council is unable to demonstrate a 5 year supply of Gypsy and Traveller pitches. In accordance with paragraph 27 of the PPTS this absence of supply is a significant material consideration in terms of the determination of this planning application.

#### *Site Provision at Kingfisher Farm*

- 6.13 Of relevance to this application is the previous planning permission granted at appeal in 2011 for 11 no. gypsy pitches and associated hardstanding submitted in planning application DC/10/1041 (the 2011 permission). Although the 2018 appeal inspector agreed with the Council that this 2011 permission has not been implemented, it nevertheless remains a material consideration as it demonstrates that the site is suitable for gypsy and traveller accommodation.
- 6.14 In the 2018 appeal, Horsham District Council raised no objection to an 11 pitch caravan site with a similar footprint to that approved under the 2011 permission. This approach is consistent with the proposed allocation of Kingfisher Farm for 11 pitches in the draft Site Allocations Development Plan Document (the draft DPD).
- 6.15 In that same 2018 appeal, Itchingfield Parish Council confirmed that it has always maintained an objection to the principle of development at Kingfisher Farm. However it recognised the difficulty of sustaining this objection given the inspector's decision in 2011, the Council's current case, the proposed allocation of 11 pitches, and the Council's acceptance of unmet need and an absence of a 5 year supply of gypsy and traveller sites.
- 6.16 The key issue was, and continues to be, on the scale, form and details of the site development, having regard to there being an unmet need and absence of a 5 years' worth of deliverable gypsy and traveller sites in the District, and the two appeal decisions by the Inspectors.
- 6.17 More specifically the issue is whether or not the caravan site is compatible with its surroundings, taking particular account of the design and layout, including the number of pitches and caravans, the effect on the character and appearance of the land and local landscape, and effects on nearest settled community and infrastructure, on and off site. Also of relevance is the existing level of local provision and the need for site, the availability (or lack) of alternative accommodation for the occupiers, their personal circumstances including their human rights and the best interests of the children. These are discussed in detail in the following sections.

#### *Needs of site occupiers*

- 6.18 In the 2018 appeal, a number of current occupiers and owners of the pitches gave evidence that confirmed their gypsy status within the terms of the definition in the Planning Policy for Traveller Sites (PPTS). The merits of this proposal is therefore assessed on the basis of the caravan site being occupied by gypsies and travellers.

- 6.19 Since the original development some pitches have changed ownership. The relevant considerations relating to the family's enjoyment of the home and the best interest of the children were set out in the witness statements and oral evidence at the 2018 appeal. It was explained why the residents are in need of a stable base, primarily related to family ties, health and children's education and that they know of no alternative site to move to if the proposal is unsuccessful. A number of children of varying ages live on the site and some parents are expecting new additions to their families. The Council did not reject their evidence and accepted that the best interests of the children on the site are likely to be served by allowing them to remain. The site has been their home for some 5 years. A return to a roadside existence would be very hard, especially for the children who have not been used to it.
- 6.20 In general most site residents have taken the opportunity to register at medical practices in the area and to ensure their children attend local schools. The children of school age have been able to make progress in their early education and the hope is that the younger children will follow in due course. They have been used to living in caravans and would not wish to live in bricks and mortar. Securing planning permission is seen as a means of keeping the family together and improving their living conditions. Travelling extensively for work purposes was also a common aspect of the evidence.
- 6.21 All these various considerations have to be assessed within relevant statutory duties. HDPF Policy 42 reflects this requirement. The personal circumstances of the site residents weigh significantly in favour of the development, and the best interests of the children on the site are a primary consideration.

#### **Effect on landscape character and visual amenity of surrounding area**

- 6.22 In 2011 and 2018, the Inspectors judged the caravan site to represent an urbanisation of the countryside, noting though that the development did not exist in isolation from the cluster of buildings nearby at Valewood Close and along Valewood Lane (some 100 metres southwest of the site), in addition to the pitches at Greenfield Farm some 180m to the south. The Kingfisher Farm caravan site is situated close by to this existing road frontage development, in close proximity to Barns Green.
- 6.23 Given this immediate context, it is not considered that the site is in a location where development should be strictly limited. The countryside location does not, as such, weigh significantly against the proposal in this instance. That said, HDPF Policy 26 requires proposals to be of scale appropriate to countryside character and location, including in terms of overall activity level.
- 6.24 When judging the impact of the development, both Inspectors made the clear differentiation required between visual appearance and that of landscape character. In terms of the former, both Inspectors judged the caravan site would not have a material adverse impact on the visual amenities of the rural area (which is predominately undeveloped), in view of the position of the main body of the site well back from West Chiltington Lane, the screening along the road frontage, and the limited wider public views.
- 6.25 Your officers agree the caravan site is set well back from West Chiltington Lane (unlike Greenfield Farm which is laid out as a linear form fronting onto Valewood Lane and West Chiltington Lane). The site is visually well contained, with built development confined primarily to the eastern half. The local topography and retained presence of strong landscape features (high field hedgerows and mature trees) on three sides of the site provides good natural enclosure. Vehicular movement in the north east corner of the site is visible from the public right of way to the north, and there are limited views of the development from the access on West Chiltington Lane. As a result the visual impact of the proposal would be local and limited and it would not have an imposing harmful effect on the wider landscape.

- 6.26 In terms of impact upon landscape character, both Inspectors concluded the urbanisation that would result from the caravan site would detract from the intrinsic nature of the countryside and quiet rural character.
- 6.27 The 2011 Inspector went on, however, to judge that the degree of this harm would not be of great weight. In contrast, the 2018 Inspector concluded that the greater scale of development before her, and the inadequacies in its design, led to more significant harm.
- 6.28 This reflected the Council's concerns of the difference in scale and intensity of the development on the site in 2016 during the time of the injunction, in particular a larger hard surfaced area than in 2011 (pitches 1 to 6 took in the width of the internal track, the gap to the eastern boundary was reduced and pitch 1 extended close to the northern boundary. Pitches 7 to 11 extended further to the west, including encroachment of hard surfacing and gaps in the fence through to the land behind), as well with the unrestricted nature of the numbers of residents on the site, with the number of caravans on site in the order of 50 rather than the 22 caravan limit imposed through the 2011 permission.
- 6.29 The 2018 Inspector shared those concerns, judging that the development harm to landscape character had increased markedly by the cumulative impact of the increase in caravans, facilitated by the larger hard-surfaced pitches, and that this would also be accompanied by more structures, such as day rooms, utility rooms, sheds and stables. The amount of activity would increase and further extension into the agricultural land could occur, unless adequately controlled by condition. As such the development would not be in character with the countryside surroundings. The Inspector agreed with the Council that the area of the component uses and the total number of caravans are important to ensuring an acceptable scale of development.
- 6.30 In the present proposal, it is accepted the caravan site would continue to be characterised by hard urban forms (hardstanding, a black topped internal road, external lighting and fences and brick walls, together with static and touring caravans and associated structures). However the extent of hard surfaced pitches and the intended number of caravans stationed on it would be no greater than in 2011. Consequently, the amount of activity would be comparable to that contemplated by the 2011 permission.
- 6.31 The flat topography of the site and the distance of the hard urban from the public highway means the development would only be visible from private views within the site. Its visual impact from public views would therefore be very marginal. The external lighting that already exists on site is limited to garden-style lanterns mounted on boundary pitch fences, with a small number of lampposts and slender lighting columns located within several of the pitches. The slender design of these lighting columns and angled light spill means this external lighting has a marginal impact on landscape character.
- 6.32 In summary, like in 2011, the development would result in some harm to landscape character. It is no more sensitively designed to mitigate its impact on its surroundings than in 2011. Nonetheless, both Inspectors (2011 and 2018) judged the harm to the visual appearance of its surroundings to be limited. As the Inspector judged in 2018, the area of the use and total number of caravans were important to ensuring an acceptable scale of development, appropriate to its countryside character and location in accordance with Policy 26. In current proposal, the area of use and caravans would be no greater than in 2011.

#### **Nearest settled community and local infrastructure**

- 6.33 This consideration is derived from paragraph 25 of the PPTS which states that sites in rural areas should respect the scale of and not dominate the nearest settled community and avoid placing an undue pressure on local infrastructure.

- 6.34 Both the 2011 and 2018 Inspectors concluded the proposals would not dominate the nearest settled community, even in combination with other pitches. Both their decisions took account of the residential properties within and surrounding Barns Green and Itchingfield. The 2018 Inspector accounted for various changes confirmed by the Parish Council that had increased the estimated population in Barns Green and Itchingfield. This included the permitted extensions to Greenfield Farm, providing a total of 9 additional pitches. The proposed Kingfisher site occupation would be comparable to that envisaged in 2011, and less than that considered by the Inspector in 2018. Bearing in mind the expansion in permanent dwellings nearby, dominance solely in terms of population is not evident.
- 6.35 At the 2018 appeal the Parish Council presented evidence of previous anti-social behaviour allegedly linked to the site and disruption to Barns Green village centre attributed to occupants of Kingfisher Farm, including intimidating behaviour. On the other hand the Parish Council acknowledged that residents and children from the site have had a positive impact in the local school.
- 6.36 The site is not in a remote or isolated location as schools, shops and other local services and community facilities are within walking distance. A settled base for gypsies would bring about general and wider benefits of easier access to GP and other health services and allow any children to attend school on a regular basis. It would also potentially reduce the need for long-distance travel and environmental damage caused by unauthorised encampment.
- 6.37 The concerns of residents about the incidents and occurrences of anti-social behaviour reported by the Parish at the 2018 appeal are acknowledged. However it is noted that these pre-dated the 2016 enforcement notice and coincided with the early period of site development when the number of caravans and occupiers significantly exceeded that allowed by the 2011 permission. Significantly, no similar incidents have been reported to the Local Planning Authority since the number of caravans on site has been reduced to site occupation levels which better aligns with the 2011 permission. Residents of the site who gave evidence in 2018 spoke of wishing to have a base from which to travel to earn a livelihood, ensure their children had a good education and to be near members of their extended family. Such aspirations should be compatible within the wider community.
- 6.38 At the 2018 appeal the Parish implications for local services and facilities were not illustrated by facts on school rolls, medical centres, shops, community buildings, open spaces and such like. In a rural area an increase in residents and new households may offer a means of supporting declining services. The limited information available at the appeal indicated that there is capacity at the new primary school in the village. The 2018 Inspector judged it did not follow that doubling the numbers of caravans on site (the proposal before her) would be likely to dominate local services and social infrastructure and community provision.
- 6.39 In support of the 2018 appeal traffic surveys were carried out over a week in March 2018. These confirmed the local roads are lightly trafficked and that even on single track lanes with passing places traffic flows, including those from the development, were able to be accommodated without adversely affecting their operation. Levels of traffic movements generated by the caravan site were shown in 2018 to be within the day to day variation of traffic on the local roads. Therefore the capacity of the highway network is adequate to absorb the existing level of development. A review of accidents over a five year period and detailed consideration of visibility at the site access confirmed no risk to highway safety. Accordingly there is support from criterion 1 of Policy 40.
- 6.40 In terms of infrastructure related to essential utility services, consideration of condition 15 attached to the 2011 permission highlighted the importance of resolving surface and foul water drainage before occupation because of the ground conditions. This was upheld in the 2018 appeal.

6.41 In summary, subject to conditions that limit the number of caravans and occupants, the site would not dominate the nearest settled community. Even if not ideal in terms of proximity to services the location of the site is nevertheless a reasonable one. This is backed up by the broad facets of sustainability that would be realised.

*Other policy considerations*

6.42 The land is not located in an area of flood risk. No constraints exist in terms of ground stability or proximity to hazardous installations. Policy 23 is met in respect of these matters. Matters concerned with drainage have been considered in relation to local infrastructure.

6.43 The highway assessment submitted in respect of the 2018 appeal demonstrated the site is served by a safe and convenient vehicular and pedestrian access and the development should not result in a significant hazard to other road users. The Local Highway Authority raises no objection to this proposal. Criterion (b) of Policy 23 and Policy 40 are met.

6.44 The site is more than large enough to provide adequate vehicle parking and circulation space, play areas and ensure amenity for residents is safeguarded. The current layout does not provide any play areas, in terms of a separate area outside of the hard surfaced pitches. The possible intention, as indicated with the plans submitted in 2011, was that an amenity space would be provided close to the main access on the northern side of the hard surfaced area. However this would expand the caravan site further at the expense of the undeveloped agricultural land. Referring to PPTS, it is considered the proposed hard surfaced area is adequate to provide a play area for children.

6.45 The site is located near to Barns Green, categorised as a 'medium village' by HDPF Policy 3 as offering some day to day needs for residents. The nearest higher order settlement is Billingshurst, about 4.5 km away. There are options for using other means of transport than a car, although less so for people with disabilities, the elderly or the very young given the distances involved and the nature of the routes. The use of the private car would be the predominant mode of travel. Nevertheless, the site is near to an existing settlement and is within a reasonable distance of a range of local services and community facilities. Criterion (d) of Policy 23 is met and no conflict arises with HDPF Policy 40.

6.46 The caravan site at Greenfield Farm and the dwellings on Valewood Lane are to the south of the land. The addition of a caravan site alongside the lawful agricultural use would be unlikely to adversely affect the nearest neighbouring development by reason of loss of privacy, noise or disturbance because of the separation distances. On these matters there is no conflict with this aspect of criterion (e) of Policy 23.

6.47 The setting of Pear Tree Farm is the surroundings in which the designated heritage asset is experienced. There is no inter-visibility or perception of activity between the Listed Building and Kingfisher Farm due to the separation distance, the intervening physical features and pattern of land use. Accordingly the site is not within the setting of Pear Tree Farm and the development has no material effect on the significance of the Listed Building. That being so requirements of Policy 34 do not apply and there is a neutral effect on the designated heritage asset.

6.48 The current application includes further detail to show how surface and foul water would be disposed, to comply with Policy 24, more particularly criterion 2. As the pitches are under separate ownership, the plan for one large treatment plant for all 11 pitches as intended under the 2011 appeal permission was never implemented. Instead, each individual pitch has its own separate treatment plant which would recycle the treated effluent and dispose of any overflow to ditches around the site via overflow pipework. Following receipt of detail on the make and model of the treatment plant for each pitch, along with plans of the siting of these and the route of their overflows, the Council's Environmental Health officer has confirmed that the size of treatment plant should be adequate for the proposal, provided the

number of mobile homes on each pitch is limited to one per pitch. The individual occupiers still need to have consent via an environmental permit from the Environment Agency to discharge to a ditch however this is enforced separately from planning. The Environment Agency have otherwise not raised objection to this application. The intent is to dispose of any surface water overflow from the hard standing to the ditches around the site. This site-specific drainage strategy demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. At the request of the Council's Drainage Engineer, the full details of the measures to dispose of both foul and surface water can be secured by condition.

- 6.49 With these details, it has now been demonstrated the site can be properly serviced and that the development is compliant with criterion (c) of Policies 23 and 39 on infrastructure provision. To implement the proposed planning application it would be necessary to extend the connections (from the location of the revised pitches to their treatment plant) for some of the pitches. This can be secured by condition.
- 6.50 There is the potential for cumulative effects with the authorised expansion of Greenfield Farm, which is noted in the draft DPD Dec 2017. The appraisal was based on the level of development envisaged in the 2011 permission. The concerns raised in the current application have not been substantiated with evidence and no adverse implications are identified or quantified.

*Use of planning conditions to mitigate harm: overview*

- 6.51 As set out in paragraphs 54 and 55 of the Framework planning conditions may be used to make otherwise unacceptable development acceptable. Conditions should be kept to a minimum and be imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Development has been carried out, which has implications for the scope and wording of conditions.
- 6.52 Reverting to the 2011 caravan site area would require new engineering works to remove part of the existing hard surfaces and hardstanding, demolition or relocation of some of the day/utility rooms, and physical alteration to site layout demarcations and definition of pitch areas. Whilst the 2018 Inspector was not satisfied this would be reasonable to impose by way of a condition given that no such proposal had been put forward by the appellant and the changes in land ownership and occupation meant that compliance would not be in the control of the appellant, the current application reflects a willingness by the applicant (who is acting on behalf of the other occupiers) to undertake these works following a meeting with your officers. Your officers believe six months is sufficient to allow the applicant time to complete the necessary physical alterations on site and, as such, this is a necessary, reasonable and enforceable condition.
- 6.53 The personal needs of the site occupiers were discussed in the 2018 appeal, in which it was accepted that the occupiers satisfied the gypsies and travellers PPTS definition. In the 2011 permission a personal occupancy condition was not imposed. It was considered that a permanent permission was acceptable, and a temporary permission was not necessary. Your officers believe that the general need for gypsy pitches, regardless of the personal needs of the occupiers, is of significant weight in the overall balance given the evidenced identified need in the district. Consequently, whilst it is necessary to ensure the development meets an identified need by limiting the occupation of the caravan site to gypsies and travellers as defined in Annex 1 to PPTS, it remains unreasonable to impose a personal or temporary condition.

- 6.54 The number of pitches proposed is eleven, which would reasonably reflect the proposed site layout and would be reasonable and necessary means of controlling the scale of development. Your officers believe the potential intensity of development, reflected by the number of caravans, is a key point of concern given the history of the site and the size of pitches proposed and so is reasonable to be restricted by condition. A condition to restrict the number of caravans allowed on each pitch to no more than 2 (one touring caravan and one static caravan) is reasonable and necessary, and aligns with the findings of the 2011 inspector's decision.
- 6.55 The location of the site and the nature of routes to and from it mean the car would be the natural choice of travel for site residents, and so it is not considered necessary to impose the cycle storage condition suggested by the Local Highway Authority as there is suitable opportunity to store bicycles in mobile homes or the day room.
- 6.56 The conditions suggested by the Council's Environmental Health are supportable as appropriate measures to protect and safeguard various environmental amenities.
- 6.57 In considering the effects on infrastructure, the importance of resolving surface and foul water drainage has been highlighted, and as discussed above the details can be controllable through condition.
- 6.58 The ability to secure a good quality landscape scheme is constrained by the current extent of hardstanding – for example there is no scope for planting near the northern boundary. The wider site area may enable planting to take place outside the existing defined pitches to soften the edges and for the provision of amenity space. However this space is currently unmanaged and self-seeded planting is already established and fairly extensive in its coverage across this area, reducing the need for further managed intervention. The application has not put forward a plan showing the additional land that would be required.
- 6.59 In summary, the caravan site could reasonably be restricted by planning condition to the existing developed area. With the details of site infrastructure now provided it is possible to conclude how many caravans would be acceptable, and to control this by condition.

### **Planning Balance and Conclusion**

- 6.60 The Council is currently unable to demonstrate a 5 year land supply of deliverable gypsy traveller pitches in the District, as required by the national Planning Policy for Travellers Sites (PPTS). If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the PPTS sets out that this should be a significant material consideration in any subsequent planning decision when consider applications for the grant of temporary planning permission.
- 6.61 The NPPF sets out how a presumption in favour of sustainable development should apply to decision-making. With reference to paragraph 11, there are relevant development plan policies. The policies that are the most important for determining this application are HDPF Policies 23 and 26, and Policy 42 Inclusive Communities, and it is considered these policies to be consistent with the NPPF and the PPTS. The 2018 Inspector did not consider these out of date, and therefore these policies can be given full weight.
- 6.62 Considering the development plan first, the application would be a positive measure to address the requirements from the specific needs of a minority group within the district and hence has the support of Policy 42. Policy 26 allows for a use within a countryside location as a sustainable development where its scale is appropriate to its countryside character and location. The considerations set out in Policy 23 highlight no identified harm regarding essential utility services to the site, visual appearance, and design of the layout. There is no identified conflict with Policy 40 and parking provision complies with Policy 41. Environmental

protection is satisfied, the quality of the development meets the requirement of Policy 32 and the development principles within Policy 33 are met.

- 6.63 The PPTS is the Government's policy for traveller sites. Policy H of the PPTS directs the decision-maker to determine an application in accordance with the presumption in favour of sustainable development. Referring to PPTS paragraphs 10 and 24, and 27, the clear unmet need for pitches should be attributed significant weight in favour of the proposal, with the application site recognised to be within a reasonably sustainable location. General need and a lack of a five year supply of sites therefore weighs significantly in favour of the development, as do the needs of the site occupiers, especially in view of the lack of alternative accommodation for them and the challenge in finding suitable sites. The site occupants include those of school age, and the needs of children on the site must be a primary consideration. Overall, these personal circumstances are of significant material weight in the consideration of the application. The site is not in the open countryside away from existing settlements and the land is located to enable reasonable access to facilities, as required by paragraph 25 of the PPTS. Development would not dominate the nearest settled community, even in combination with other pitches the proposal would not be disproportionate compared to the existing community of this size, and undue pressure would not be placed on the highway network.
- 6.64 This application site was the subject of appeals in 2011 and 2018. The findings of the Inspectors remain of particular relevance and carry significant weight. In both cases, it was concluded a proposed development for 11 gypsy pitches was broadly consistent with the sustainability criteria of the PPTS. In both cases, the general need for gypsy sites carried significant weight.
- 6.65 In 2011 and 2018 the Appeal Inspectors acknowledged the proposal would represent a formalised and urban form of development. However, in the weighted balance of considerations, the 2011 Inspector went on to acknowledge the harm to the character of the area would not be significant. As such the proposal would comply with criterion (e) of HDPF Policy 23 which requires development not to have an unacceptable impact on the character and appearance of the landscape. It was considered the shortfall in gypsy site provision clearly outweighed the limited landscape harm caused by the proposal.
- 6.66 In this current application, the proposed caravan site does not seek to increase the use, activity level and formalisation of the site over and above what has previously been considered acceptable to the Planning Inspectorate. The development does now accord with all the locally specific criteria used to assess applications on unallocated sites under HDPF Policy 23. Planning conditions are able to address the planning objectives of consultees.
- 6.67 In conclusion, the proposed development accords with the development plan, and there are no material considerations that would justify a departure from the development plan. Although there would be limited (but not unacceptable) harm to landscape character, this is clearly outweighed by the benefits of the development in helping to meet the current need for gypsy and traveller sites in the district, as well as meeting the needs of the site occupiers. The use in its proposed form is a sustainable form of development when balancing these social, environmental and economic objectives.

#### 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. **This development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	440	0	440

<b>Total Gain</b>	<b>440</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.

## 7. RECOMMENDATIONS

- 7.1 To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions

### Conditions:

- 1. Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2. Regulatory Condition:** Within 6 months of the date of this permission, site works to remove the extent of hard standing in excess of the 2011 permission and the realignment of the pitches and day/utility rooms on the land, shall be completed in strict accordance with the approved drawings BP-02-2019 BLOCK; and UB-01-2019 UTILITY BLOCK FLOOR AND ELEVATIONS. The layout of the pitches shall be retained as such thereafter.

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).

- 3. Regulatory Condition:** Within 6 months of the date of this permission, the turning and access facilities necessary to serve the development shall have been fully provided in strict accordance with the approved drawing BP-02-2019 BLOCK. The turning and access facilities shall be retained as such thereafter.

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

- 4. Regulatory Condition:** Within 6 months of the date of this permission, a drainage strategy detailing the proposed means of foul and surface water disposal shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

- 5. Regulatory Condition:** Within three months of the date of this permission, a refuse/recycling strategy to serve the development shall be submitted to and approved in writing to the Local Planning Authority. The refuse/recycling strategy shall be fully implemented in accordance with the agreed details within 1 month of the date of its approval and shall be retained as such thereafter.

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

- 6. Regulatory Condition:** No external lighting or floodlighting shall be installed unless otherwise approved in writing by the Local Planning Authority.

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

- 7. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours of the same day, Mondays to Fridays and 08:00 hours to 13:00 hours on Saturday 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).

- 8. Regulatory Condition:** The application site shall not be used 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 ensure the site continues to meet the needs of gypsies and travellers in accordance with Policies 21, 22, and 23 of the Horsham District Planning Framework (2015).

- 9. Regulatory Condition:** There shall be no more than 11 pitches on the application site at any time, with no more than 1 static or mobile home type caravan and 1 touring caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts)), stationed on each individual pitch at any time. No touring caravan shall be occupied by any person any time whilst stationed on the application site.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity and to enable the Local Planning Authority to control the use of the site, in accordance with Policy 21, 22, 23 and 26 of the Horsham District Planning Framework (2015).

- 10. Regulatory Condition:** The utility/day rooms hereby permitted shall be used and occupied solely for purposes ancillary to the use of the gypsy pitches hereby approved and shall not be used as separate units of accommodation. No more than 1 utility/day room shall be stationed on each individual pitch at any time.

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).

- 11. 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).

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

Reason: In the interests of amenity and in accordance with Policy 26 and 33 of the Horsham District Planning Framework (2015).

Background Papers:

DC/10/1041

DC/17/1086

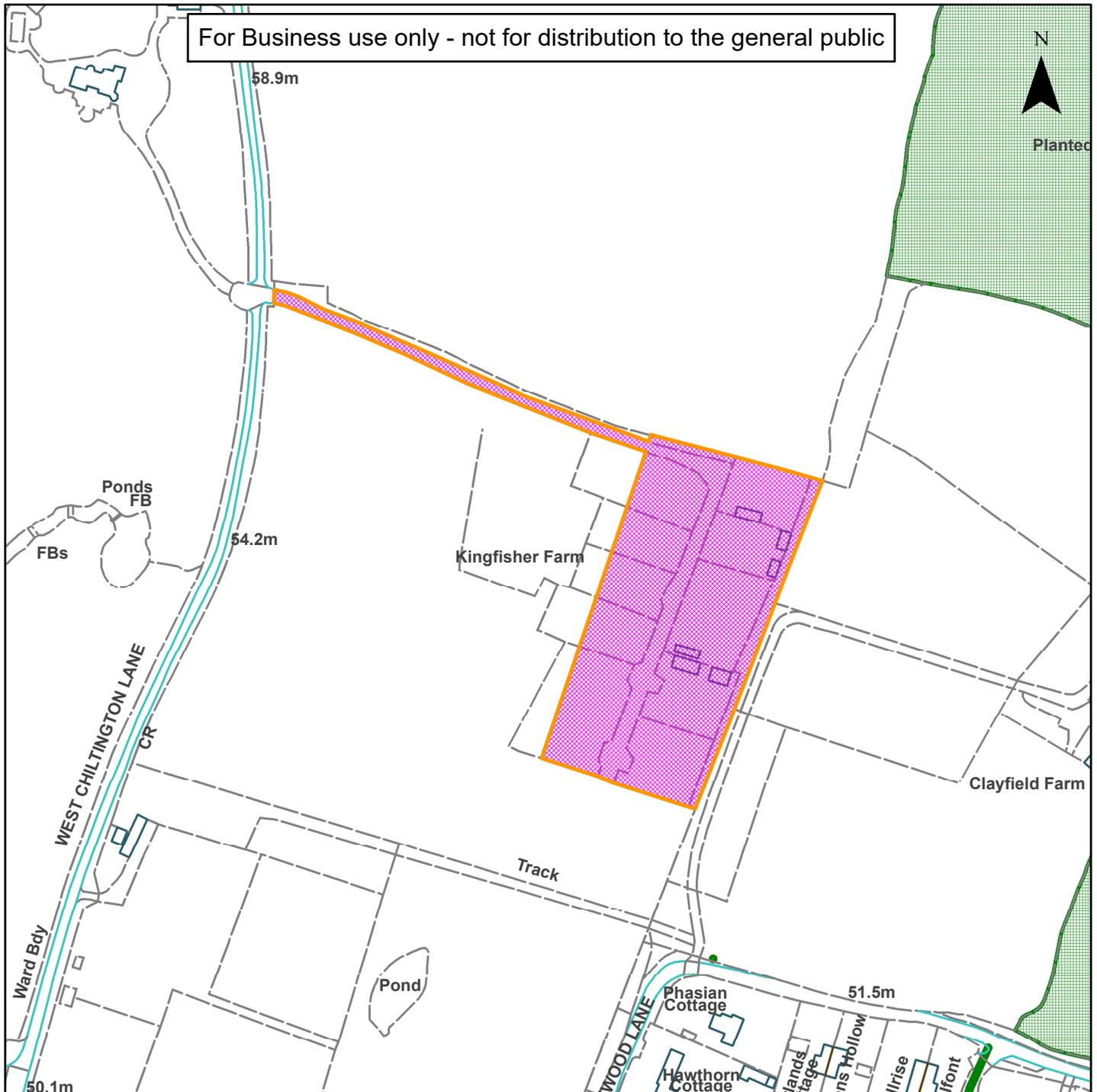
DC/17/1184

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Kingfisher Farm

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	24/10/2019
MSA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING REPORT COMMITTEE**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 November 2019

**DEVELOPMENT:** Erection of 2.No two storey detached dwellings with associated parking and garage, landscaping and creation of hard standing

**SITE:** Boreham House Church Street Rudgwick Horsham West Sussex RH12 3EF

**WARD:** Rudgwick

**APPLICATION:** DC/19/1229

**APPLICANT:** **Name:** Mr and Mrs Holcombe **Address:** Boreham House Church Street Rudgwick Horsham West Sussex RH12 3EF

**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 planning permission subject to appropriate conditions

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 2no. detached two storey dwellings within the site, along with associated amenity and parking space.

1.3 Unit 1 would be positioned to the west of the site, and would be oriented to face north. The dwelling would measure to a width of 15.4m and an overall depth of 12.6m, and would incorporate a two storey bay window projection to the front elevation. The proposal would incorporate a hipped projection to the front measuring to an overall height of 7.7m which would sit above the main ridgeline that would extend to a height of 7.5m. The proposed dwelling would be finished in tile hanging to the first floor with facing brick to the ground floor, and clay tiles to the roof. The proposal would provide kitchen/breakfast room, lounge, family room/snug, office, lounge, utility room, and w.c. to the ground floor, with 5no. bedrooms (two with ensuite) and bathroom to the first floor.

1.4 Unit 2 would be positioned to the north of the site, directly adjacent to the existing dwelling of Boreham House. The proposal would be oriented to face west, and would include a detached double garage positioned to the north-west. The proposal would measure to a width of 10.6m and a depth of 13.2m, and would incorporate a two storey bay window projection and overhang porch to the front elevation. The proposal would incorporate a two

storey hipped projection to the rear elevation measuring to a height of 7.7m, with the main ridgeline set down to an overall height of 7.5m. The detached double garage would measure 6m x 5.6m, and would incorporate a hipped roof measuring to an overall height of 5.2m. The proposal would be finished in facing brick and clay tiles to the roof. The proposal would be finished in tile hanging to the first floor and facing brick to the ground floor, with clay tiles to the roof. The proposal would provide a kitchen/breakfast room, family room/snug, office, lounge, utility room, and w.c. to the ground floor, with 4no. bedrooms (one with ensuite) and bathroom to the first floor.

- 1.5 A detached double garage to serve the existing dwelling would be positioned to the south-west of the existing dwelling and would be oriented to face north. The garage would measure 6m x 5.6m, and would incorporate a hipped roof measuring to an overall height of 5.2m. The proposal would be finished in facing brick and clay tiles to the roof. The proposal would be finished in tile hanging to the first floor and facing brick to the ground floor, with clay tiles to the roof.
- 1.6 Alterations to the driveway are proposed to provide a turning circle and areas of hardstanding for each of the dwellings, with parking and turning areas proposed for each dwelling.

#### DESCRIPTION OF THE SITE

- 1.7 The application site comprises a large detached dwelling known as Boreham House that is located within the built-up area boundary of Rudgwick.
- 1.8 The site is located adjacent to the Rudgwick Conservation Area and lies close to a new residential/commercial development site at Windacres.
- 1.9 There are a number of Grade II Listed Buildings close to the site, with 'Kings' being the closest set opposite the application site, with Southdown and Eames House being further north, and The Cottage further south along Church Street.
- 1.10 There is a drop across the site of around 4m with the eastern boundary being higher. A large protected Oak Tree is located to the northern boundary with the neighbouring property of Everley.

## **2. INTRODUCTION**

- 2.1 The application originally related to the erection of 3no. dwellings on the site, and was subsequently amended following concerns with the quantum of development and the layout of the development.
- 2.2 Concerns were raised with regard to the dwelling nearest to the public highway and access entrance particularly due to its relationship with the road frontage, the neighbouring (proposed) unit, and the resulting residential amenity space,. It was considered that the proposed dwelling would sit in close proximity to the street frontage, and due to the scale of the dwelling, would appear cramped within the context. In addition, given its siting forward of the recognised build line, it was considered that the dwelling would appear as a dominant and prominent addition that would sit in poor relation to the adjacent built development. Furthermore, given the siting and orientation of this dwelling, it was considered that the Plot as proposed would benefit from limited private amenity space, with a retained tree likely to overshadow much of this space. It was therefore considered that the proposed dwelling would need to be omitted from the proposal, and this would subsequently improve the layout of the remaining development.
- 2.2 Concerns were also raised with the size of the northern dwelling, and its proximity to the existing dwelling of Boreham House. The proposed dwelling was considered to be of a scale

and massing that while set down from the existing dwelling, would be of a proportion that would compete with the principal dwelling. It was considered to be exacerbated further by the prominence of the detached double garage and the reduced size of the amenity space. It was therefore considered that further consideration should be given to the scale and massing of the proposed dwelling, with a reduction in the footprint also considered necessary.

- 2.3 Following these concerns, the proposed dwelling adjacent to the public highway and entrance was removed, with subsequent alterations made to the remaining dwellings. This included a reduction in footprint to the proposed unit to the north, and an alteration to the design of the unit to the west of Boreham House. These design alterations were sought to ensure that the western elevation addressed the street.

#### STATUTORY BACKGROUND

- 2.4 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

2.6 **National Planning Policy Framework**

2.7 **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 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

2.8 **Rudgwick Parish Neighbourhood Development Plan**

- Designated (Regulation 7)

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.9 No relevant planning history

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

## INTERNAL CONSULTATIONS

### 3.2 **HDC Landscape Architect:** No Objection

The layout and amenity space provided are satisfactory, but would like to see additional trees planted on the site. Hard and soft landscaping condition is suggested.

### 3.3 **HDC Conservation:** No Objection

Development acceptable in principle, however it is anticipated that detailing to Unit 1 be provided so that it better addresses the street frontage.

### 3.4 **HDC Arboricultural officer:** No Comment

## OUTSIDE AGENCIES

### 3.5 **WSCC Highways:** No Objection

Appropriate visibility has been displayed at the site entrance, and there is no evidence to suggest that the existing access is operating unsafely. The proposal has been designed to allow turning on site. It is not therefore considered that the proposal would have a severe impact on the operation of the highway network.

### 3.6 **Ecology Consultant:** No Objection

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

## PUBLIC CONSULTATIONS

### 3.8 **Rudgwick Parish Council:** Objection on the following grounds:

The footprint of the dwellings is too large, and the resulting overdevelopment is not in keeping with the area.

### 3.9 Rudgwick Preservation Society: Objection on the following grounds:

- Increased urbanisation
- No housing need
- Flood risk
- Impact on infrastructure
- Impact on Conservation Area
- Overlooking

6.10 A total of 47 letters of objection were received from 26 separate households. 38 of these were received prior to the amended plans being submitted, with an additional 7 letters received as part of the re-consultation process.

### 6.11 The initial objections (from 25 separate households) can be summarised as follows:

- Overdevelopment of the site
- Impact on designated Conservation Area
- Dangerous access
- Impact on drainage
- Loss of trees
- Impact on biodiversity
- Out of character with area
- Scale and density of proposed development
- Loss of privacy
- Noise impact
- Impact on infrastructure

- Urbanisation
- Setting of precedent
- Impact on street scene

6.12 The later objections (from 4 separate households) received following the amendments can be summarised as follows:

- Out of character with the village
- Impact on neighbouring properties
- Impact on street frontage
- Surface water drainage issues
- Loss of trees
- Disruption during construction
- Landscape conditions required
- Traffic implications and danger of access

#### **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 2no. dwellings to the north and west of the existing dwelling known as Boreham House.

##### **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 Rudgwick, which is categorised as a Medium Village within the settlement hierarchy. These settlements have a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.

6.4 The site lies within the built-up area boundary where there is a presumption in favour of development that is appropriate in nature and scale to maintain the characteristics and function of the settlement. The principle of the proposed development is therefore considered acceptable, subject to all other material considerations.

## Design and Appearance

- 6.5 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposals 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 of design and layout that relates sympathetically to the landscape and built surroundings.
- 6.6 The application site comprises a relatively large plot positioned within Church Street, which is characterised by a mix of both large plots and narrow elongated plots within a semi-rural context. Development within the street scene is varied in form and appearance, with the dwellings primarily set back from the public highway and including landscaped frontages that address the street. A number of examples of infill development are evident within the street, including development within Church Street, The Ridge, and Freshwoods. More recent backland development is also evidenced within Summerfold, and directly adjacent at Windacres Farm. Built form within the area is characterised by a mix of facing brick, tile hanging, render, and painted timber cladding.
- 6.7 The proposed development would subdivide the site to provide an additional 2no. dwellings, with the retention of the existing dwelling of Boreham House. The proposal would result in the addition of 1no. dwelling along the frontage of the site, with the addition of 1no. dwelling to the north of the existing dwelling of Boreham House. A detached double garage to serve Boreham House would be positioned to the south of the site, which would separate Boreham House from Unit 1. Due to the sloped nature of the site, Unit 1 would be stepped down from the existing dwelling, with the land levels slightly built up to accommodate a level surface for the respective dwelling.
- 6.8 The wider surroundings are characterised by a number of examples of infill development along the street frontage, particularly to the south of the site, and including development at Church Street, The Ridge, Freshwoods, and Summerfold. Given this context, it is therefore considered that the principle of additional residential infill has been established in the locality, with the proposed site layout considered to reflect similar development within the vicinity. The proposed arrangement would include similar plot sizes to surrounding development, with the proposal considered to appropriately reflect the build pattern of the wider area.
- 6.9 The proposed development would include the addition of 1no. residential dwelling (Unit 1) forward of the existing dwelling of Boreham House. However, this dwelling would sit in line with other dwellings along the frontage. The proposed dwelling would not break the established build line, with the mature hedging and tree line to the western boundary retained. Given this context, the proposed dwelling would not be appreciable from the street, with only limited glimpses available. Notwithstanding this, Unit 1 has been designed to address the street, with such design detailing retaining the perception of development addressing the street.
- 6.10 The proposed development would be arranged in a cul-de-sac layout, with Units 1 and 2 oriented to address the access. Following amendments, the number of dwellings has been reduced, with a re-positioning and slight enlargement to Unit 1 and reduction in size to Unit 2. While acknowledged that Unit 1 would be of a large footprint, it is considered to sit appropriately within the plot, with the cat-slide roof to the eastern section considered to reduce the overall massing and bulk. Unit 2 would be built in line with Boreham House to the south, and would be separated from the northern elevation of the existing dwelling by approximately 3.5m. Unit 2 is considered to sit appropriately within the plot, with sufficient spacing provided between the proposed unit and the existing dwelling of Boreham House. It is therefore considered that the 2no. proposed dwellings would sit comfortably within the context of the site, with the proposed dwellings considered to be of a vernacular and finish

that would appropriately reflect the features and architectural design of similar dwellings within the locality.

- 6.11 The proposed development is considered to be of a number, scale, form, and finish that would appropriately reflect the build pattern and townscape character of the locality, and would have no adverse impact on the visual amenities of the street scene. The proposal is therefore considered to accord with Policies 25, 32, 33 and 34 of the Horsham District Planning Framework (2015).

### **Heritage Impact**

- 6.12 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.13 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.14 Policy 34 of the Horsham District Planning Framework states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.15 The application site is located adjacent to the designated Conservation Area of Rudgwick, with a number of Grade II Listed Buildings positioned along Church Street. Boreham House as existing is set well back from Church Street, as are the other large, twentieth century detached dwellings on the east side of the road. There is little perception of development along this section of Church Street between Summerfold and Highcroft Drive given the spacious garden plots and mature trees. This helps to preserve a semi-rural setting to the Conservation Area and Listed Buildings, which is considered an important characteristic to retain.
- 6.16 Following consultation with the Design and Conservation Officer, no objection is raised in principle to the proposed development. Concerns were initially raised in respect of the impact Unit 3 would have on the linear nature of development along the street frontage. Church Street represents an historic droveway, with development along the road built along a relatively continuous build line, with all buildings addressing the street frontage. This characteristic is considered to be an important feature of the townscape, with any development to the frontage of the site required to be designed in a manner that would address the street.
- 6.17 Following amendments to the design of Unit 3, which has included detailing to the western elevation so that it appears to address the street, it is not considered that the proposal results in harm to the special character of the designated Conservation Area or to the setting of any of the Grade II listed buildings. No objections on heritage grounds are therefore raised.

## **Existing Trees**

- 6.18 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.
- 6.19 The proposal seeks to retain the mature trees along the boundary of the site, with a group of trees to the north-western corner of the site removed to accommodate Unit 1. While this would result in the loss of some trees, the submitted Arboricultural Report Impact Assessment and Method Statement by Arborsense outlines that these trees comprise fruit and small ornamental trees, and are of no particular amenity value.
- 6.20 The loss of these trees, given their limited value, is considered acceptable. No objections on tree grounds are therefore raised, subject to the imposition of a condition requiring that construction works be undertaken in accordance with the recommendations within the Arboricultural report.

## **Amenity Impacts**

- 6.21 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.22 The proposed dwellings would be arranged in a cul-de-sac style arrangement, within the dwellings oriented to address a central turning circle. Each dwelling would benefit from private amenity space positioned to the rear of each dwelling, with the dwellings separated by detached garaging. It is considered that the proposed dwellings have been sited to limit potential overlooking and loss of privacy, with sufficient distance maintained between the proposed units and the existing dwelling of Boreham House.
- 6.23 It is noted that the site is bound to the north of the site by a residential dwelling known as Wisteria Cottage, with a dwelling known as Beckington House located to the south. The site is bound by mature trees and hedges so that there is limited intervisibility between the site and the neighbouring properties.
- 6.24 Unit 1 would be positioned approximately 20m from the shared boundary of Beckington House to the south, with Unit 2 positioned approximately 25m from the southern elevation of the neighbouring property to the north known as Wisteria Cottage. Given these distances, and the mature tree line which is sought to be retained, it is not considered that the additional dwellings would result in harm through overlooking, loss of privacy or loss of light. It is therefore considered that the proposal would accord with Policy 33 of the Horsham District Planning Framework (2015).

## **Highways Impact**

- 6.25 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.26 The proposed development would utilise the existing access point to Church Street, with alterations to the driveway to provide a turning circle and additional hardstanding to provide parking and turning for each resulting dwelling. Each dwelling would benefit from between 1 and 2 garage spaces, with additional parking provided to the front of these.
- 6.27 Following consultation with WSCC Highways, it is considered that the existing access point functions appropriately, with visibility from the entrance considered acceptable. The proposal would generate a requirement for 9no. parking spaces, with a total of 6no. internal parking spaces and areas of hardstanding proposed as part of the development sufficient to meet

this requirement. Sufficient turning has been provided on the site, with the access and driveway arrangement also considered acceptable. For this reason, the proposal is not considered to have a severe impact on the operation of the highway network, and there are no transport grounds to resist the proposal. The proposed development is therefore considered to provide safe and adequate access and parking, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

## **Ecology**

- 6.28 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.
- 6.29 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.
- 6.30 The Applicant has submitted a Preliminary Ecological Appraisal by CT Ecology dated 28 May 2019. The Survey found that the site provides suitable habitats for breeding birds and roosting and foraging bats, as well as connectivity for Great Crested Newts. A Great Crested Newt and Bat Survey Report by CT Ecology and dated July 2019 was also submitted. The recommendations from these surveys outlines that formal translocation of Great Crested Newts would be required, and this would be subject of a licence from Natural England. This would include the installation of newt exclusion fencing, a 30-day trapping exercise, and the relocation of any newts found on the site into a nearby suitable site. In addition, it is also proposed to reinstate and enhance areas within the site to allow better future connectivity between the site and the wider landscape. In regard to bats, the recommendations outline that additional bat boxes could be included, with the installation of specially designed roosting features, including bat bricks, within the buildings.
- 6.31 Following consultation with the Ecologist, it is considered that appropriate mitigation measures have been identified in both the Preliminary Ecological Appraisal and the Bat and Great Crested Newt Report. It is therefore considered that there is sufficient ecological information available which provides certainty of likely impacts on Protected Species and Priority Habitats and Species, with the recommended mitigation measures considered acceptable. An appropriately worded condition requiring that the recommendations and mitigation measures as proposed within the report is therefore recommended to be imposed.

## **Conclusion**

- 6.32 The proposed development for 2no. dwellings to the north and west of the existing dwelling of Boreham House is considered acceptable in principle. The proposed layout and siting would appropriately reflect the build pattern and context of the wider locality, with the design, form and finish of the dwellings considered to reflect the vernacular and townscape character of the wider area. The siting and orientation of the proposed dwellings would provide sufficient distance from the neighbouring properties to the north and south, with the retention of the mature boundary trees and hedging considered to further mitigate potential overlooking and loss of privacy. The use of the existing access is considered acceptable, and it is not considered that the proposed development would result in a material increase in the use of the use of the access. Appropriate visibility has been shown, and it is therefore considered that the proposal would provide safe and adequate access, suitable for all users.

- 6.33 The proposed development is therefore considered to accord with Policies 3, 15, 25, 32, 33, 34, 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	453.02		453.02
<b>Total Gain</b>			
<b>Total Demolition</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 to the following conditions.

### Conditions:

- 1 **Approved Plan**
- 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 of the relevant Plot 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 of the relevant Plot 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 (Slab Level) Condition:** No development of the relevant Plot 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).

- 6 **Pre-Commencement (Slab Level) Condition:** No development of the relevant Plot 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).

- 7 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling 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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan 03C 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).

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The 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).

- 10 **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).

- 11 **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).

- 12 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Report Impact Assessment and Method Statement dated 12-06-19.

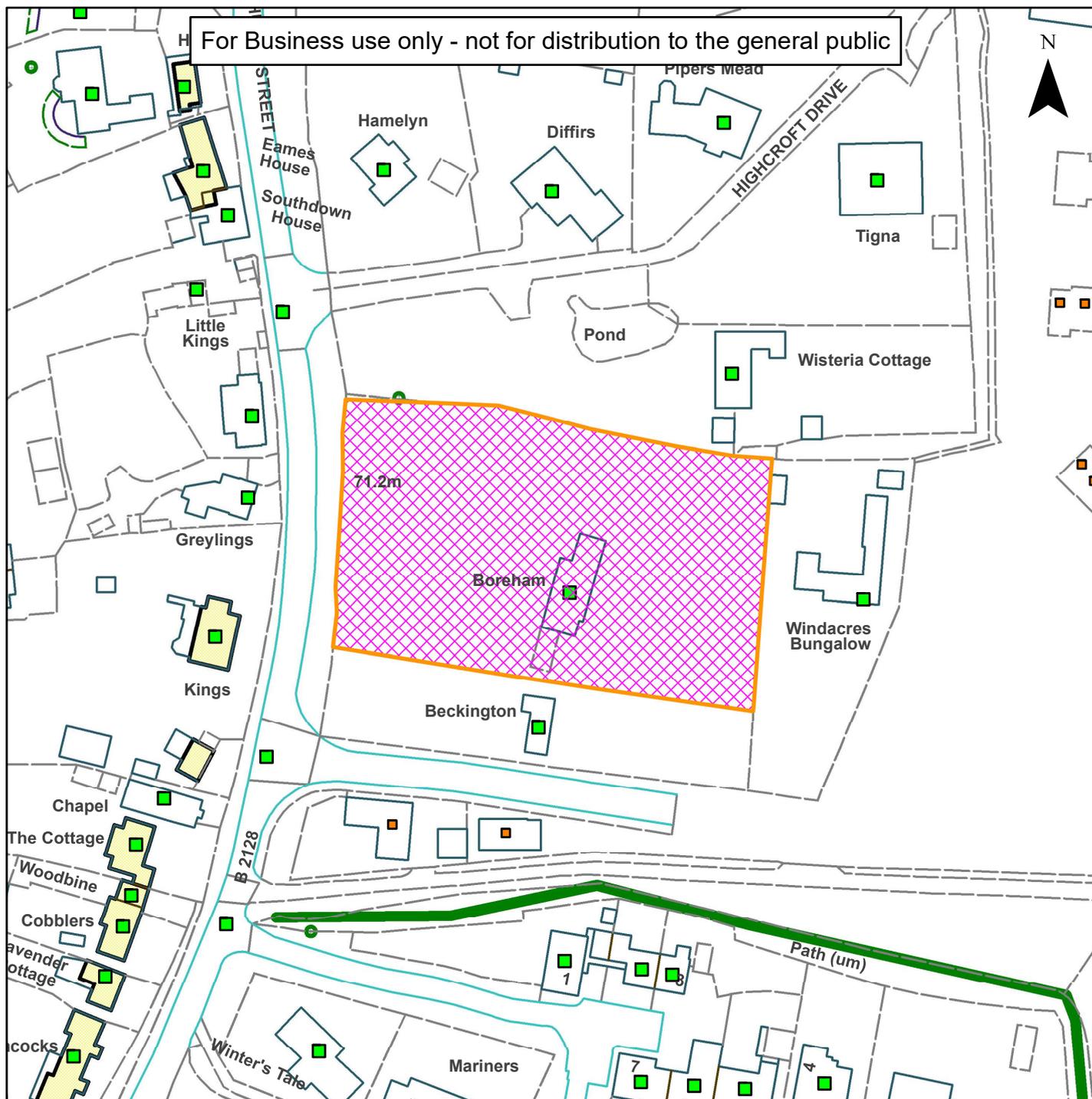
Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal reference 19021 dated 28 May 2019.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).



Boreham House, Church Street, Ruserp



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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	24/10/2019
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 05 November 2019

**DEVELOPMENT:** Demolition of the remains of an ancillary outbuilding and erection of a new single storey ancillary outbuilding to the rear of the main property (Full Planning).

**SITE:** Global House 13 Market Square Horsham West Sussex RH12 1EU

**WARD:** Denne

**APPLICATION:** DC/19/1345

**APPLICANT:** **Name:** Fairfax Designs Ltd **Address:** C/O Sawkings + Norton Architects  
1 The Quarry Betchworth RH3 7BY

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

At the request of Councillor Fletcher.

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

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the erection of a single storey ancillary outbuilding within the rear garden area of the application site. The proposed building would be positioned at the far south-eastern end of the garden in an area currently occupied by the remains of what would appear to be an old outbuilding.
- 1.2 The proposed outbuilding would be positioned between existing boundary walls either side and to the rear. The proposed building would have an overall depth of approximately 6.8m and an overall width of approximately 3.2m. The proposed outbuilding would incorporate a mono pitched roof design which a shallow pitched roof angle and would have an overall maximum height of approximately 3m.
- 1.3 The proposed outbuilding would be constructed of brickwork making up the external walls which would match the brickwork of the existing boundary walls, a metal roof with 3no

rooflights and extensive glazing, including structural glazing positioned between the walls of the building and roof. The proposed outbuilding would be accessed via a main access door from the garden area and a rear access door, positioned in the location of an existing gate leading from a narrow access path to the rear of the site.

- 1.4 In conjunction with the erection of the outbuilding, an existing boundary wall to the rear of the site would be extended/altered. The amended boundary wall would provide screening to the outbuilding from views from the south/south-east.
- 1.5 The proposed outbuilding would be used as additional workspace in association with the existing ground floor office use of the main building within the application site. It is noted that the existing premises is not subject to any planning conditions pertaining to hours of use, numbers of people within the building/site or method of access.

#### DESCRIPTION OF THE SITE

- 1.6 The application relates to a Grade II Listed, two/three-storey terraced building currently in use as an office/consulting rooms located on the eastern side of Market Square and to the north of the Causeway Horsham. The application site is located within Horsham Town Centre and within the Horsham Conservation Area. The application building consists of painted render and timber beans making up the external walls, a tiled roof and timber framed fenestration. The building benefits from a modern rear extension which is made up of tile hanging to the external walls and a flat roof.
- 1.7 The site benefits from a long narrow rear garden area with a rear access gate and an area of brickwork, which appears to form the remains of a historic outbuilding. The adjoining properties within Market Square are also listed, a number of which also benefit from existing outbuilding style structures within the rear garden. The surrounding area consists of a mixture of residential and commercial properties.

## 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 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 - Parking

## RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

### Supplementary Planning Guidance:

- 2.5 Horsham Town Design Statement

## 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/487/68	C/u from residential to office for part of premises.	Application Permitted on 28.11.1968
HU/582/68	Alterations and extension to premises.	Application Permitted on 13.02.1969
HU/61/69	Extension at rear window and front porch.	Application Permitted on 20.03.1969
HU/67/97	Change of use to a dwelling	Application Permitted on 07.04.1997
HU/68/97	Change of use to a dwelling	Application Permitted on 02.07.1997
HU/253/97	Alterations to front and rear doors repair to purlin in roof install fascia and hanging signs (listed building consent)	Application Permitted on 15.10.1997
HU/155/00	Change of use from office to residential	Application Permitted on 07.06.2000
HU/240/00	Change of use to part residential and part alternative medicine clinic	Application Permitted on 19.10.2000
HU/241/00	Demolition of cloakroom/lobby and internal and external alterations	Application Permitted on 06.09.2000

## 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 **HDC Conservation & Design:** No Objection. The Conservation Officer is satisfied the proposed garden building will not harm the setting of the principal building or the listed buildings in the vicinity. It will not result in harm to the historic wall. Conditions are

recommended relating to materials, making good of any disturbed surfaces and rainwater goods.

3.3 **HDC Arboricultural Officer:** Verbal Comments – No Objections raised.

3.4 **Denne Neighbourhood Council:** Objection.

- There is insufficient information supplied on the nature of the existing building to be demolished and the size & condition of the two trees which are to be removed. The plans do not show how the footprint of the proposed building compares to the existing building.
- The proposal for PPC window frames and roof lights is not acceptable in the conservation area, materials should be in character with adjacent buildings
- The building is described as a workshop but there is no information regarding the use of the building, or the number of people who may be in the building at any one time, or for what hours.
- There is no information regarding access to the new workshop i.e. will it be from Market Square or Talbot Lane? There is also no information regarding how many people will use the proposed building.
- There are 12 residential properties, many of which are listed, in close proximity to the site, in Market Square and Talbot Lane. Currently no businesses use Talbot Lane as an entrance. Therefore HDNC is concerned that this proposed new building and its use, particularly if access is from Talbot Lane, would adversely affect the residents, as would the disturbance caused by building work being carried out.
- HDNC considers that the application adversely affects the character and constitutes overdevelopment of the Conservation area, contravening Horsham District Planning Framework Policies 33.2, 34.3, 34.4, and 34.7. We are also concerned that it would set a precedent for more new builds in this area.

The case officer replied to the points made within Denne Neighbourhood Council's initial comments. Following clarification on the points above, the Neighbourhood Council maintained an objection to the proposals.

#### PUBLIC CONSULTATIONS

3.5 A total of 19 letters of objection from 19 separate households/bodies were received for this application. The nature of the objections can be summarised as follows –

- Design not in keeping with conservation area
- Detrimental impact on neighbouring amenity, noise and disturbance
- The proposal would result in overdevelopment
- Impact on Trees

3.6 **Councillor Fletcher** has commented that she has concerns that this is very intensive development. Concern is raised regarding the impact this will have on neighbours, potential damage to existing structures, arrangements for drainage and for longer term maintenance of the structure.

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

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

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 The main issues are the principle of the development in the location and the effect of the development on;

- The character of the proposals and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties
- The impact on the Listed Buildings and surrounding Conservation Area

- 6.2 The application seeks full planning permission for the erection of a single storey outbuilding within the rear garden area of the site which would provide additional ancillary office space connected to the main existing use of the site.

### **Principle**

- 6.3 The proposed outbuilding structure would be used as additional ancillary workspace in conjunction with the existing ground floor office use of the site. The proposed outbuilding would effectively form an 'extension' to the ground floor office. Policy 9 of the HDPF states that – "Expansion of existing employment sites and premises within the built-up area boundary will be supported through acceptable on-site expansion or intensification".

- 6.4 Discussions have taken place between the applicants and the Council with regards to extending the existing building. It is noted that the existing premises has an existing modern single storey extension which is considered to have caused harm to the setting of the Listed Building. Further extensions of this type would not be acceptable given the harm, resulting in an outbuilding forming the basis for the expansion of the commercial premises. The proposal would support the enlargement of the office space available as well ensuring that the harm to the Listed Building is minimised. As such, it is considered that the proposal would be in line with the overarching aims of the NPPF as well serve to support and existing commercial premises in this Town Centre location, in accordance with Policy 9 of the HDPF.

### **Design, Appearance and Impact on Listed Buildings & Conservation Area**

- 6.5 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

- 6.6 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.

- 6.7 Policy 33 of the Horsham District Planning Framework relates to improving the quality of new development. It confirms that high quality and inclusive design will be required for all development across the district. Policy 33 also seeks to ensure that development proposals make efficient use of land, cause no harm to amenity, integrate effectively with the character

of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

- 6.8 Policy 34 of the Horsham District Planning Framework states that the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, and preserves or enhances the special character or appearance or features of the area. Therefore applications for development will be required to; make reference to the significance of the asset; reflect current best practice guidance; reinforce the special character of the district's historic environment through appropriate siting, scale, form and design, including the use of traditional materials and techniques that are appropriate to the local context.
- 6.9 As detailed above, the proposed outbuilding would be located at the end of the rear garden area serving the application site. The proposed building would be located in the position of existing remnants of a previous outbuilding type building. It is noted that outbuildings serving Listed Buildings in these types of locations at the end of long narrow sites is common and this is evident with examples of such outbuildings in matchings locations to neighbouring properties. Given that an outbuilding in this location is considered to form part of the historical context of the site and the surrounding area, the principle of the proposal is considered to be acceptable in this regard.
- 6.10 The proposed outbuilding would be located between two existing boundary walls. As such, only the front/garden elevation, the roof and part of the north-east facing elevation would be visible. The front/garden elevation is predominantly made up of glazing, with structural glazing also proposed between the walls and the roof to the front/garden and north-east elevations, resulting in a lightweight appearance to the proposed outbuilding. Given the size of the rear garden area, it is considered that the proposed outbuilding would be modestly scaled and would be comfortably accommodated within the site. The materials to be used are also considered to be acceptable, subject to final specific details which will be secured via condition. This condition is attached to the accompanying listed building application.
- 6.11 HDC's Conservation & Heritage Officer has raised no objections to the proposed outbuilding and has considered the proposed building to be an appropriate addition within this setting. The Conservation Officer also considered that the proposals would not cause harm to the historic listed boundary walls. A distance of approximately 15m would be preserved between the proposed outbuilding and the main listed building on site. Given the presence of mature soft landscaping within the site, it is considered that the proposal would preserve the setting and appearance of the main Listed Building. Looking at the pattern of development to the rear of Market square it is noted that there is no uniform appearance to the properties, consisting of a mixture of residential and commercial premises. There are examples of modern additions to the properties, which vary in terms of appearance and size. This has changed the character of this part of the street.
- 6.12 Given the location, the proposed outbuilding would not be visible from Market Square. Taking into account the presence of existing outbuildings within neighbouring properties and other neighbouring buildings present within this area, it is also considered that the proposed outbuilding would not be readily visible from views from the rear when viewed from Talbot Lane. It is considered that the other examples of rear outbuildings in this area which would be more prominent than the proposed outbuilding, both in terms of form and height when viewed from this vantage point. Considering the overall form and height of the proposed building and its setting along a narrow passageway, it is therefore considered that the proposed building would not appear as a prominent addition within the context of this area and would be appropriate in the context of the wider Horsham Conservation Area.
- 6.13 It is also considered that the extension/alteration to the rear boundary wall, which would provide screening to the proposed outbuilding, is considered to be acceptable and would not

substantially alter the wall to cause harm to the setting or the wider area. Full details of the proposed outbuilding and alterations to the wall are to be secured via a suitably worded condition to ensure that the specific final details of the proposals are acceptable.

- 6.14 Overall, the proposed outbuilding is considered to be appropriately designed and scaled and given the design principles utilised in terms of the extensive glazing, would introduce a lightweight building, which would preserve the appearance and setting of the main Listed Buildings and the surrounding Conservation Area. The proposed works to the property are therefore considered to be in accordance with Policy 32, 33 and 34 of the Horsham District Planning Framework 2015.

### **Impact on Neighbouring Amenity**

- 6.15 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. As detailed above, the proposed outbuilding would be positioned in the same location as the remains of a previous outbuilding/structure. It is again noted that there are also other examples of outbuildings within the curtilages of neighbouring properties.
- 6.16 A distance of approximately 10.8m would be preserved between the proposed outbuilding and the closest adjoining property at 12 Market Square. Given the distances maintained, the overall height of the proposed outbuilding, which would be less than an existing outbuilding(s) in this area to adjoining properties and the presence of tall boundary walls, it is considered that no issues of overbearing or overshadowing are envisaged as a result of the proposed development.
- 6.17 Whilst it is acknowledged that the front/garden elevation would consist of significant glazing, views into neighbouring properties from the proposed building would be obscured by the boundary walls and extensive soft mature landscaping. Indeed, it is further noted that the neighbouring boundary wall to the south-west is significantly tall and no views at all are available into the adjoining property to this side. The proposed outbuilding incorporates three rooflights within its design. Given the angle of the proposed rooflights and the roof and the distances maintained, taking all of the above into account, it is considered that the proposed outbuilding would not result in any harmful overlooking.
- 6.18 As detailed above, the existing premises is not subject to any planning conditions pertaining to hours of use, numbers of people within the building/site or method of access. As detailed within the application documents and plans, the proposed outbuilding would be used as additional office space linked to the existing use of the main building, effectively forming a ground floor extension to the existing listed premises.
- 6.19 It is also noted that there are no restrictions currently in place with regards to the use of the rear access gate and this can be used freely to access the site. Objections have been received relating to the proposed outbuilding potentially resulting in an increase in noise and disturbance. Given the unrestricted nature of the site in terms of numbers of people accessing the site and hours of operation and taking into account that this space can currently be used for outdoor working. As such, it is considered that the erection of the outbuilding would not result in any additional harm to neighbouring amenity beyond that of the existing situation on site.
- 6.20 Overall, the site is located within the Town Centre of Horsham, which is predominantly made up of commercial premises. Whilst it is acknowledged that there are residential properties which adjoin the site, overall it is considered that the proposals would not result in harm to neighbouring amenity and is considered to result in an acceptable level of development in this location, in this regard, in accordance with Policy 33 of the Horsham District Planning Framework 2015.

## Highways and Parking Considerations

- 6.21 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The site does not have any vehicular access to or from it and does not benefit from on-site parking. The site is located within a highly sustainable location in the centre of Horsham Town Centre with close access to public transport links as well as public carparks located in very close proximity (Denne Road Car Park). Given the modest nature of the development, it is not considered that there would be any strain on these services as a result of the proposals above that of the existing situation on site. As such, the proposals are considered to be acceptable on highway and transport grounds.

## Impact On Trees

- 6.22 As part of the proposals 2no trees/bushes would be removed to facilitate the erection of the proposed outbuilding. These specimens are considered to be of low value and are not readily visible within the wider context. Following consultation with HDC's Arboricultural who raised no objections to the removal of these trees/bushes, the proposals are therefore considered to be acceptable in this regard, in accordance with Policy 33 and 34 of the Horsham District Planning Framework 2015.

## Conclusion

- 6.23 Overall, it is considered that the proposed works would be acceptable in this Town Centre location which would not result in harm to the Listed Buildings or the wider Conservation Area. The proposed outbuilding would be used in conjunction with the existing commercial use of the site and would represent the re-instatement of a historic feature to the rear of the site which would be in keeping with this area. It is considered that the proposals would not have a detrimental impact on the visual amenities of the street scene of the wider consideration area, and is acceptable on amenity grounds, in accordance with Policies 32, 33 and 34 of the Horsham District Planning Framework. 2015.

## 7. RECOMMENDATIONS

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

1 A list of the approved plans.

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

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

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

- i. The location for the loading and unloading of plant and materials, and storage of plant and materials;
  - ii. Details regarding parking for site operatives and visitors and deliveries;
  - iii. The method of access to and from the construction site.
  - iv. Arrangements to protect existing trees and landscaping within the site.
- The approved details shall be adhered to throughout the construction period.

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

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

Reason: The use of this building for any other uses may be inappropriate for the location and would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

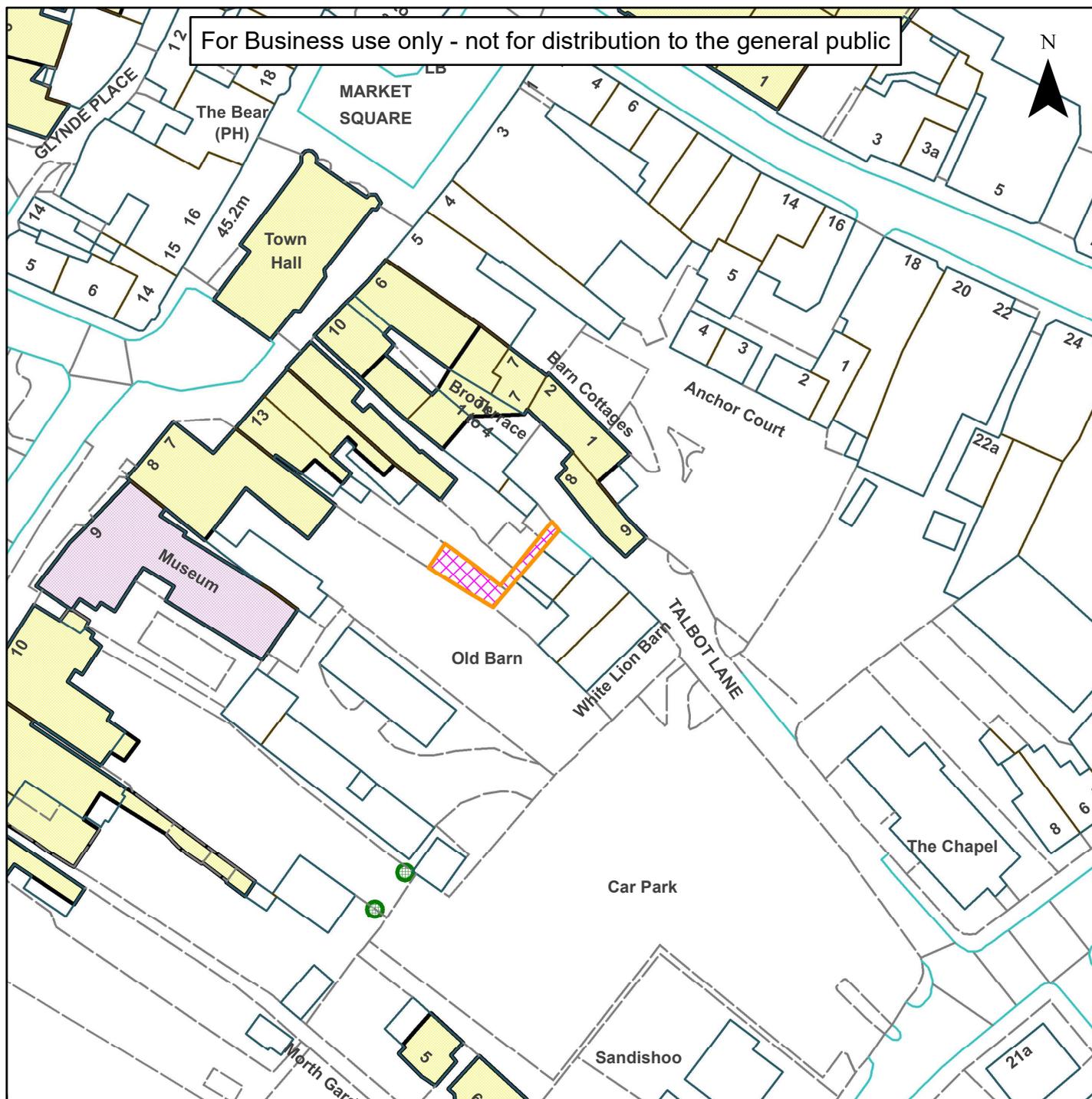
Background Papers: DC/19/1345, DC/19/1537

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Global House 13 Market Square Horsham

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	24/10/2019
ISA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 05 November 2019  
**DEVELOPMENT:** Demolition of the remains of an ancillary outbuilding and erection of a new single storey ancillary outbuilding to the rear of the main property (Listed Building Consent).  
**SITE:** 13 Global House Market Square Horsham West Sussex RH12 1EU  
**WARD:** Denne  
**APPLICATION:** DC/19/1537  
**APPLICANT:** **Name:** Fairfax Designs LTD **Address:** 1 The Quarry Betchworth

**REASON FOR INCLUSION ON THE AGENDA:** As this application is associated with another application for full planning permission, reference number DC/19/1345 which is also on the agenda.

At the request of Councillor Fletcher.

**RECOMMENDATION:** To approve Listed Building consent subject to appropriate conditions.

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

To consider the Listed building consent application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks listed building consent for the erection of a single storey ancillary outbuilding within the rear garden area of the application site. The proposed building would be positioned at the far south-eastern end of the garden in an area currently occupied by the remains of what would appear to be an old outbuilding.
- 1.2 Listed building consent is required for these works as the proposed outbuilding would be attached to the listed curtilage walls and due to the alteration to the rear wall of the site.
- 1.3 The proposed outbuilding would be positioned between existing boundary walls either side and to the rear. The proposed building would have an overall depth of approximately 6.8m and an overall width of approximately 3.2m. The proposed outbuilding would incorporate a mono pitched roof design which a shallow pitched roof angle and would have an overall maximum height of approximately 3m.

- 1.4 The proposed outbuilding would be constructed of brickwork making up the external walls which would match the brickwork of the existing boundary walls, a metal roof with 3no rooflights and extensive glazing, including structural glazing positioned between the walls of the building and roof. The proposed outbuilding would be accessed via a main access door from the garden area and a rear access door, positioned in the location of an existing gate leading from a narrow access path to the rear of the site.
- 1.5 In conjunction with the erection of the outbuilding, an existing boundary wall to the rear of the site would be extended/altered. The amended boundary wall would provide screening to the outbuilding from views from the south/south-east.

#### DESCRIPTION OF THE SITE

- 1.6 The application relates to a Grade II Listed, two/three-storey terraced building currently in use as an office/consulting rooms located on the eastern side of Market Square and to the north of the Causeway Horsham. The application site is located within Horsham Town Centre and within the Horsham Conservation Area. The application building consists of painted render and timber beams making up the external walls, a tiled roof and timber framed fenestration. The building benefits from a modern rear extension which is made up of tile hanging to the external walls and a flat roof.
- 1.7 The site benefits from a long narrow rear garden area with a rear access gate and an area of brickwork which appears to form the remains of a historic outbuilding. The adjoining properties within Market Square are also Listed, a number of which also benefit from existing outbuilding style structures within the rear garden. The surrounding area consists of a mixture of residential and commercial properties.

## 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 34 - Cultural and Heritage Assets

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

- 2.5 Supplementary Planning Guidance:  
Horsham Town Design Statement

## 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/487/68	C/u from residential to office for part of premises.	Application Permitted on 28.11.1968
HU/582/68	Alterations and extension to premises.	Application Permitted on 13.02.1969
HU/61/69	Extension at rear window and front porch.	Application Permitted on 20.03.1969
HU/67/97	Change of use to a dwelling	Application Permitted on 07.04.1997
HU/68/97	Change of use to a dwelling	Application Permitted on 02.07.1997
HU/253/97	Alterations to front and rear doors repair to purlin in roof install fascia and hanging signs (listed building consent)	Application Permitted on 15.10.1997
HU/155/00	Change of use from office to residential	Application Permitted on 07.06.2000
HU/240/00	Change of use to part residential and part alternative medicine clinic	Application Permitted on 19.10.2000
HU/241/00	Demolition of cloakroom/lobby and internal and external alterations	Application Permitted on 06.09.2000

## 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 **HDC Conservation & Design:** No Objection. The Conservation Officer is satisfied the proposed garden building will not harm the setting of the principal building or the Listed buildings in the vicinity. It will not result in harm to the historic wall. Conditions are recommended relating to materials, making good of any disturbed surfaces and rainwater goods.
- 3.4 **Denne Neighbourhood Council:** Objection on the grounds of -
- There is insufficient information supplied on the nature of the existing building to be demolished and the size & condition of the two trees which are to be removed. The plans do not show how the footprint of the proposed building compares to the existing building.
  - The proposal for PPC window frames and roof lights is not acceptable in the conservation area, materials should be in character with adjacent buildings

- The building is described as a workshop but there is no information regarding the use of the building, or the number of people who may be in the building at any one time, or for what hours.
- There is no information regarding access to the new workshop i.e. will it be from Market Square or Talbot Lane? There is also no information regarding how many people will use the proposed building.
- There are 12 residential properties, many of which are listed, in close proximity to the site, in Market Square and Talbot Lane. Currently no businesses use Talbot Lane as an entrance. Therefore HDNC is concerned that this proposed new building and its use, particularly if access is from Talbot Lane, would adversely affect the residents, as would the disturbance caused by building work being carried out.
- HDNC considers that the application adversely affects the character and constitutes overdevelopment of the Conservation area, contravening Horsham District Planning Framework Policies 33.2, 34.3, 34.4, and 34.7. We are also concerned that it would set a precedent for more new builds in this area.

The case officer replied to the points made within Denne Neighbourhood Council's initial comments. Following clarification on the points above, the Neighbourhood Council maintained an objection to the proposals.

## PUBLIC CONSULTATIONS

- 3.5 A total of 4 letters of objection from 4 separate households/bodies were received for this application. The nature of the objections can be summarised as follows –
- Detrimental Impact on Listed Buildings
  - Design not in keeping with conservation area
  - The proposal would result in overdevelopment

## MEMBER COMMENTS

- 3.6 **Councillor Fletcher** has commented that she has concerns that this is very intensive development. Concern is raised regarding the impact this will have on neighbours, potential damage to existing structures, arrangements for drainage and for longer term maintenance of the structure.

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

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

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

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

## 6. PLANNING ASSESSMENTS

- 6.1 The main issues are the effects of the development on the appearance, setting and character of the Listed Building(s).

- 6.2 The application seeks Listed building consent for the erection of a single storey outbuilding within the rear garden area of the site which would provide additional ancillary office space connected to the main existing use of the site and for alterations to a rear boundary wall.

### **Design, Appearance and Impact on Listed Building(s)**

- 6.3 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.4 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.5 Policy 34 of the Horsham District Planning Framework states that the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, and preserves or enhances the special character or appearance or features of the area. Therefore applications for development will be required to; make reference to the significance of the asset; reflect current best practice guidance; reinforce the special character of the district's historic environment through appropriate siting, scale, form and design, including the use of traditional materials and techniques that are appropriate to the local context.
- 6.6 As detailed above, the proposed outbuilding would be located at the end of the rear garden area serving the application site. The proposed building would be located in the position of existing remnants of a previous outbuilding type building. It is noted that outbuildings serving Listed Buildings in these types of locations at the end of long narrow sites is common and this is evident with examples of such outbuildings in matchings locations to neighbouring properties. Given that an outbuilding in this location is considered to form part of the historical context of the site and the surrounding area, the principle of the proposal is considered to be acceptable in this regard.
- 6.7 The proposed outbuilding would be located between two existing boundary walls. As such, only the front/garden elevation, the roof and part of the north-east facing elevation would be visible. The front/garden elevation is predominantly made up of glazing, with structural glazing also proposed between the walls and the roof to the front/garden and north-east elevations, resulting in a lightweight appearance to the proposed outbuilding. Given the size of the rear garden area, it is considered that the proposed outbuilding would be modestly scaled and would be comfortably accommodated within the site. The materials to be used are also considered to be acceptable, subject to final specific details which will be secured via condition.
- 6.8 HDC's Conservation & Heritage Officer has raised no objections to the proposed outbuilding considered the proposed building to be an appropriate addition within this setting. The Conservation Officer also considered that the proposals would not cause harm to the historic Listed boundary walls. A distance of approximately 15m would be preserved between the proposed outbuilding and the main Listed building on site. Given the presence of mature soft landscaping within the site, it is considered that the proposal would not have a detrimental impact on the main Listed Building. Looking at the pattern of development to the rear of

Market square it must be noted that there is no uniform appearance to the properties, consisting of a mixture of residential and commercial premises. There are examples of modern additions to the properties, which vary in terms of appearance and size and it is considered that these have had an impact in terms of the overall character.

- 6.9 It is also considered that the extension/alteration to the rear boundary wall which would provide screening to the proposed outbuilding is considered to be an acceptable and would not substantially alter the wall to cause harm to the setting of the Listed building. Full details of the proposed outbuilding and alterations to the wall will be secured via a suitably worded condition to ensure that the specific final details of the proposals are acceptable.
- 6.10 Overall, the proposed outbuilding is considered to be appropriately designed and scaled and given the design principles utilised in terms of the extensive glazing, would introduce a lightweight building which would preserve the character and appearance of the main Listed Buildings. The proposed works to the property are therefore considered to be in accordance with Policy 34 of the Horsham District Planning Framework 2015.

### **Conclusion**

- 6.11 Overall, it is considered that the proposed works would be acceptable and would not result in harm caused to the Listed Buildings. The proposed outbuilding would be used in conjunction with the existing commercial use of the site and would represent the reinstatement of a historic feature to the rear of the site which would be in keeping with this area. It is considered that the proposals would be in accordance with Policy 34 of the Horsham District Planning Framework. 2015.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that listed building consent be granted subject to the following conditions  
-

- 1 A list of the approved plans.
- 2 **Standard Time Condition:** The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3 **Pre-Commencement Condition:** No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

a) Drawings to a scale not smaller than 1:5 fully describing:

i) new windows, external doors, rooflights.

These drawings must show:

- materials
- cross section of frame, etc.
- formation of openings including reveals, heads, sills, lintels, etc.
- method of opening
- method of glazing

ii) Roof details including sections through:

- junction with historic boundary wall
- eaves
- verges

b) Specification of brickwork including material, colour, texture, face bond, components of the mortar, and jointing/pointing profile.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** All building works, finishes, and making-good of the historic boundary wall shall match the relevant existing work in respect of method, detail, and finished appearance unless otherwise approved in writing by the Local Planning Authority. Where new materials are to be used externally, the colour match shall make allowance for future weathering.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** All new and replacement rainwater goods (including gutters, down pipes and hopperheads) and external soil pipes shall be of metal.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

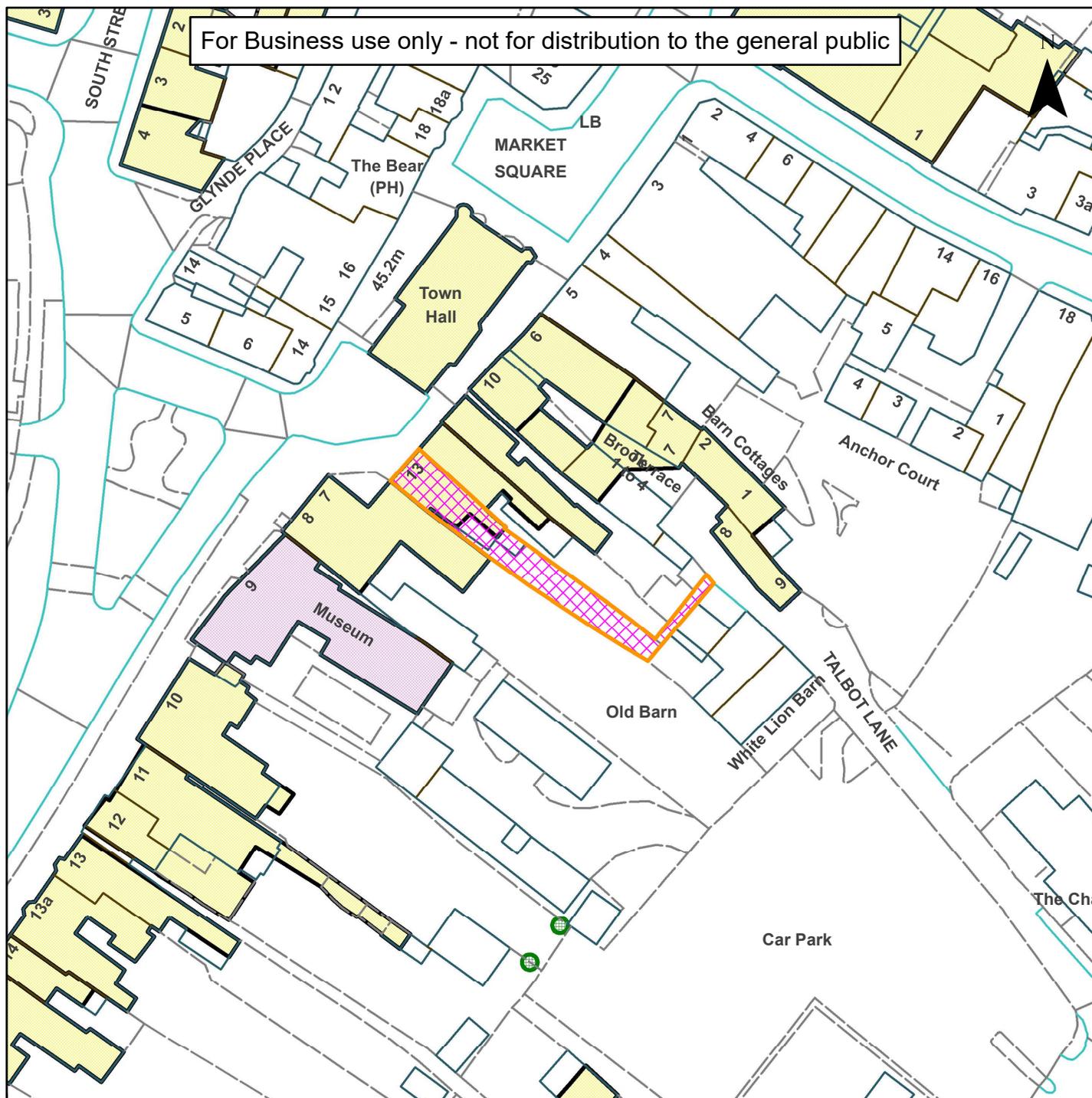
Background Papers: DC/19/1537, DC/19/1345

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	24/10/2019
ISA Number	100023865

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**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 November 2019

**DEVELOPMENT:** Demolition of existing dwellings and erection of 2.No semi-detached two storey dwellings with garages

**SITE:** The Royal Oak, Friday Street, Rusper, West Sussex, RH12 4QA

**WARD:** Colgate and Rusper

**APPLICATION:** DC/19/0860

**APPLICANT:** **Name:** Bell and Sons **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** The application, if approved, represents a departure from the development plan.

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

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the demolition of an existing public house building, and the erection of a pair of semi-detached dwellings, which would be positioned further to the west. The proposed building would be positioned parallel to Friday Street and would be oriented to face north, and would be set back from the road by approximately 4m.

1.3 The proposed built form would comprise an 'L-shaped' building that would measure to a length of 16.4m and an overall depth of 10.2m, and would incorporate a hipped roof extending to an overall height of 7.7m. The proposal would incorporate projecting gable features to the northern elevation, which would be slightly set down from the main ridgeline, with a mono-pitched infill porch positioned centrally. Single storey mono-pitched roof extensions would extend from the southern and eastern elevations, with the provision of 2no. roof lights to each projection. The building would be finished in render to the ground floor and tile hanging to the first floor, with tiles to the roof.

1.4 Each dwelling would benefit from side/rear amenity space, with a detached single storey garage to the south-west and north-east respectively. Each garage building would measure to a length of 6m and a width of 3.1m, and would incorporate a pitched roof measuring to an overall height of 3.5m. The proposal would be finished in timber cladding and tiles.

## DESCRIPTION OF THE SITE

- 1.5 The application site is positioned to the south of Friday Street, outside of any defined built-up area boundary; and is therefore within the countryside in policy terms. It site comprises a former Public House and first floor residential accommodation (now vacant) with associated car park and garden space to the south-west and south respectively.
- 1.7 The site sits in the setting of three Grade II listed buildings, Little Benhams opposite to the north, Friday Farm to the west, and Howells to the east. The wider area is characterised by sporadic residential development, with woodland and enclosed fields surrounding.

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 11 - Tourism and Cultural Facilities
- 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 26 - Strategic Policy: Countryside Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 43 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 **Rusper Parish Neighbourhood Development Plan**  
- Designated (Regulation 7)

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/2707                      Conversion of existing property to create two dwellings.                      Application Permitted on 15.02.2019

### 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 Conservation:** As the building is of local historic and architectural interest, the proposal should be determined in accordance with paragraph 197 of the NPPF. While the need for the works is recognised, the conversion of this building to two dwellings is not the sole potential for this site. It is agreed that a large proportion of the building fabric will have to be repaired or replaced. However the scale and unique form of the building could be retained in any repaired building. The site offers opportunity for additional dwellings and that the historic building could be retained albeit partially rebuilt.

- 3.3 **Building Control:** Comment

The proposed change of the Royal Oak pub to 1 or 2 dwellings would constitute a change of use under the building regulations. The building regulations would be applicable to elements of the existing building and would need to be upgraded if not considered compliant. These would include: fire safety; resistance to moisture; resistance to sound; and thermal insulation. The report indicates that the general construction due to the buildings age and condition is unlikely to meet the expected requirements and would require significant work to upgrade to the required standard. It is difficult to say that the building is not capable of conversion, as anything can be converted given enough time, effort and money. The merits of the current building would need to be considered in conjunction with the reality of how much of the building is likely to be retained once the required repairs and compliance works are undertaken.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection

- 3.5 **Southern Water:** Comment

The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long-term effectiveness.

#### PUBLIC CONSULTATIONS

- 3.6 **Rusper Parish Council:** Support

Support application, but ask for highest standard of energy efficiency is applied.

### 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 demolition of the existing building, and the erection of a pair of semi-detached dwellings, which would be positioned further to the west.

### **Principle of Development**

- 6.2 Policies 3 and 4 of the Horsham District Planning Framework state that development will be permitted within towns and villages that have defined built-up areas. Any 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. Outside of built-up areas, the expansion of settlements will be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development meets identified local housing needs and/or employment needs; the impact of the development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape features are maintained and enhanced. Furthermore, policy 26 seeks to ensure the protection of the countryside, and states that development outside of the built-up area boundary should protect the countryside against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas.
- 6.3 The application site is located outside of any defined built-up area, and therefore lies within the countryside in policy terms. While the provision of new dwellings in the countryside would not usually be supported in policy terms, it is noted that the site currently benefits from a fall-back position. This fall-back position relates to planning reference DC/18/2707 for the conversion of the existing building to 2no. dwellings.
- 6.4 Fallback is a material consideration in the decision making process, and when making a determination, weight needs to be given to the fallback position. The weight to be given to such material consideration varies according to whether what could have been built under previous applications would result in a broadly similar or worse impact to the development proposed; and the reasonable likelihood that if permission were refused, the previous approval(s) would be implemented.
- 6.5 The submitted Planning Statement outlines that current application has come forward following consultation with a Civil and Structural Engineer, who having viewed the building, is of the view that there are inherent weaknesses and inadequacies in the original building that could not be overcome. The issues include shallow period foundations, damp penetration, bulged and out of plumb walls, rotting floors, and weaknesses in the roof. Further information in respect of the work required to ensure the conversion would be Building Regulation compliant has been submitted, and this has outlined that much of the building would need to be replaced, with alterations to ceiling and floor heights required. It is therefore suggested by the Applicant that the approved conversion would not be viable, and a better solution would be to demolish the building and replace with 2no. dwellings. The proposal would position the dwellings slightly further to the west, which would seek to locate the proposed built form further away from the adjacent residential dwelling of Howells Cottage

to the south-east. It is outlined that this would result in a better relationship, which would enhance the overall amenities and outlook of the adjacent property. Such proposal would also enable each to be served by a better rear amenity space.

- 6.6 The Applicant has provided information in respect of the works required to undertake the conversion, with an assessment provided by a Structural Engineer outlining the existing structural issues of the building. Following consultation with the Building Control Officer, it is recognised that the building in its current state would not meet Building Regulation standards, and would likely require the replacement and demolition of much of the building to ensure its compliance. Such works would likely result in the loss of large parts of the existing building, and this is a consideration of great weight in assessing the current application.
- 6.7 While acknowledged that the proposed scheme would result in a new-build dwellings, it is recognised that the proposal provides the opportunity to improve the quality of the accommodation on the site, and its relationship with the nearest neighbouring property of Howells Cottage. The improved quality of the development, particularly given the current state of the building, as well as the improved amenity space and relationship with the neighbouring property, are considered to be material considerations of weight in the consideration of the application.
- 6.8 The fallback position is a material consideration of significant weight, with the proposed scheme considered to improve the quality and provision of accommodation within the site. While the provision of new dwellings in this countryside location would not usually be supported by policy, given the extant permission on the site, it is considered that the proposed scheme would result in a built form that would improve and enhance the quality of the accommodation provided, as well as the relationship with the neighbouring property.
- 6.9 The fallback position is considered to be of significant weight to the consideration of the current application. On this basis, the current application is considered to provide a better, more rational re-development of the site, with the development as proposed therefore considered acceptable.

### **Design and Appearance**

- 6.10 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.
- 6.11 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.12 The locality is characterised by sporadic residential development of a mixed character, with the built form of the surrounding development predominantly comprising a Sussex vernacular including brick, render, timber framing, and tile hanging. The existing building on the site is a modestly proportioned painted brick building comprising 2no. two storey pitched roof gables, with the central section set down to the eaves. The building is considered to be particularly characterful, with its proportions and detailing considered to be of particular interest. The

building is considered to contribute to the character of the area, and is considered to reflect and reinforce the historic evolution of the locality. For these reasons, the existing building is considered to be a non-designated heritage asset that contributes to the understanding of the historic environment within the District.

- 6.13 The proposed built form would comprise an 'L-shaped' building that would measure to a length of 16.4m and an overall depth of 10.2m, and would incorporate a hipped roof extending to an overall height of 7.7m. The proposal would incorporate projecting gable features to the northern elevation, which would be slightly set down from the main ridgeline, with a mono-pitched infill porch positioned centrally. Single storey mono-pitched roof extensions would extend from the southern and eastern elevations, with the provision of 2no. roof lights to each projection. The building would be finished in render to the ground floor and tile hanging to the first floor, with tiles to the roof.
- 6.14 The proposed development, while seeking to reflect the general form and appearance of the existing building, would result in a greater mass and bulk that would contrast the modest proportions of the existing building. It is however recognised that the proposal would seek to reflect a Sussex vernacular, with the use of materials including tile hanging to reflect the similar development within the locality. While it is unfortunate that the proposed development would result in the loss of the characterful building, it is considered on balance that the proposed development would appropriately reflect the wider character and vernacular of the locality. There are however some concerns with the proposed render to the lower sections, which is not considered to be a finish reflective of the wider area. It is noted that the existing building is painted brick, however there are some concerns that the render would appear out of character with the wider street scene and locality. For this reason, it is suggested that an Approval of Materials condition be imposed to ensure that the proposed materials and finishes reflect the wider area.
- 6.15 It is therefore considered that the proposed development would appropriately reflect the character and visual amenities of the street and wider locality. As such, the proposal is considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Heritage Impacts**

- 6.16 Chapter 18 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 184 states that "heritage assets range from sites and building of local historic value to those of the highest significance...these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations." This paragraph makes it clear that heritage assets are not only those of national and international significance (i.e. Listed Buildings, World Heritage Sites, etc.), but are also those of local historic value. There is no statutory definition of "local historic value", but given the distinction made within the NPPF to heritage assets that are of national and international significance, and those of local historic value, it is considered that any buildings that are not formally designated, but are of significance to the local historic environment, fall within the term "non-designated heritage assets". These buildings, by virtue of the paragraphs within the NPPF, are therefore considered heritage assets, albeit not formally designated through for example, Listed Building status. The NPPF defines a "heritage asset" as "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes assets identified by the Local Planning Authority (including local listing)." There is encouragement within the NPPF and in Planning Practice Guidance (PPG) to identify non-designated heritage assets. The PPG states that "there are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is

important that the decisions to identify them as non-designated heritage assets are based on sound evidence".

- 6.17 It is clear that the formal identification or local listing of the existing building as a non-designated heritage assets is not a necessary requirement for the building to hold that status.
- 6.18 Paragraph 197 of the NPPF continues that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application." There is no statutory definition of "non-designated heritage asset" within the NPPF or any other statute, but it is considered that a building of local historic value, as noted within paragraph 184 would be considered such. These buildings are not necessarily worthy of national listing, but contribute to the understanding and appreciation of the local historic environment, and are of value in the contribution they make. Paragraph 197 continues that "...in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 6.19 The application building is considered to be local historic value as an exemplar building of character that provides an understanding of the historic evolution of Rusper. The building appears to be a timber framed cottage of the 1700's, with two prominent gabled wings; the north of which has a date plaque of 1796. The property first appears on the 1840 Tithe Map, and is first mentioned as a beer house in 1871. Having visited the site, in consideration of relevant materials (including historic maps, censuses, and reference books among which are titled "The Early Houses of Rusper 1400-1840" and "Rusper Chronicles Edition One"), and upon review of the historic evolution of the locality and the site's place within it, the site has been identified of being of local significance. For this reason, as asserted from the outset of the current application, the site is considered to be a "non-designated heritage asset".
- 6.20 The Applicant has provided information in respect of the works required to undertake the conversion, with an assessment provided by a Structural Engineer outlining the existing structural issues of the building. Following consultation with the Building Control Officer, it is recognised that the building in its current state would not meet Building Regulation standards, and would likely require some replacement and demolition of the building to ensure its compliance. Such works would likely result in the loss of parts of the existing building, with much alteration to the building required to make the building fully habitable and Building Regulation compliant. This is a consideration of great weight in assessing the current application.
- 6.21 The proposed development would result in the total loss of the existing building, which given its character and association, is considered to be a "non-designated heritage asset", albeit not one current locally listed by the Council. It is however acknowledged that evidence has been provided to illustrate that given the current state of the building, the approved conversion would likely result in the loss of much of the historic fabric of the building. Paragraph 197 of the NPPF outlines that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. While recognised that the existing building is of a particular character and historic association, it is recognised that the extant permission would likely have resulted in a loss of historic fabric in order to ensure the development is Building Regulation compliant. This is a consideration of weight in balancing the loss of the building in its entirety.
- 6.22 It is recognised that the extant permission would likely have resulted in a loss of historic fabric, with the existing building suffering with a number of structural issues and failings that would need to be addressed. Although the loss of the building is unfortunate, in weighing the significance of the building against the public benefit of providing 2no. dwellings, as well as the betterment from the design and layout of the proposal, it is considered that the loss of

the "non-designated heritage asset" would be outweighed by the public benefit of the scheme.

- 6.23 Three Grade II Listed Buildings are located to the north, east and west, of the site, and these are known as Little Benhams, Howells, and Friday Farm respectively. While the application building sits within the setting of these Listed Buildings, it is not readily perceived or understood in connection with these designated heritage assets. It is not therefore considered that the loss of the application building would detract from the setting of the adjacent Grade II Listed Building. Furthermore, while the proposal would result in new built form within the setting of the surrounding Grade II Listed Buildings, it is not considered that the proposal would result in harm to the understanding of the designated heritage assets or their setting.

### **Amenity Impacts**

- 6.24 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.25 The proposed development would position the built form further to the west of the existing footprint, with the proposed dwellings oriented to sit parallel to the public highway. The proposal would re-locate the built form away from the dwelling known as Howells Cottage/Bungalow, which is positioned directly to the rear of the existing building, with a separation distance of approximately 9m. The proposed built form would incorporate first floor windows to the southern elevation, with a single storey projection to the east, and a single first floor window to this elevation.
- 6.26 It is acknowledged that Howells Cottage/Bungalow is located approximately 9m from the flank elevation of the proposed dwellings, with this neighbouring property set down from the site due to the sloping ground levels. Howells Cottage/Bungalow shares an established relationship with the existing built form comprising the former Public House and first floor residential accommodation. The proposed development would re-locate the built form further to the west, away from this neighbour, albeit that private amenity space would extend along the shared boundary.
- 6.27 The resulting residential development would likely reduce the level of activity when compared to the established drinking establishment use, with the re-location of the built form considered to benefit the relationship between the properties. The proposal is not therefore considered to result in harm to the amenities or sensitivities of Howells Cottage/Bungalow or any other neighbouring properties opposite the site, with the proposed development considered to improve the relationship between the site and Howells Cottage/Bungalow in particular. The proposal is therefore considered to accord with Policy 33 of the Horsham District Planning Framework (2015).

### **Highways Impacts**

- 6.28 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.
- 6.29 The proposal seeks to provide 2no. separate accesses serving each individual dwelling, with an area of hardstanding and single detached dwelling provided to each. The western access would be in a similar position to the existing access, with a new access point positioned to the east.
- 6.30 The 2019 WSCC Car Parking Demand Calculator outlines that a development of this size would require 2no. off-road vehicle spaces per dwelling. The proposal would provide a total of 2no. parking spaces per dwelling, with additional space available for visitor parking.

Following consultation with WSCC Highways, no objections to the proposed layout have been raised, with a condition controlling visibility splays to the accesses suggested.

- 6.31 The Local Highways Authority do not consider that the proposal would have a 'severe' impact on the operation of the highway network, and it is not considered that the development would result in a material intensification of the existing situation. It is therefore considered that the proposal would provide safe and adequate access and parking, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

### **Conclusion**

- 6.32 The fallback position is a material consideration of significant weight, with the proposed scheme considered to improve the quality and provision of accommodation within the site. While the provision of new dwellings in this countryside location would not usually be supported by policy, given the extant permissions on the site, it is considered that the proposed scheme would result in a built form that would improve and enhance the character of the semi-rural locality. The development is considered to relate sympathetically to the rural character of the site and surroundings, and would not result in harm to the interest and understanding of the adjacent Grade II Listed Buildings and their setting. Furthermore, subject to appropriate conditions, the proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties. The proposed development is therefore considered to accord with all relevant local and national planning policies.

### 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	225.32		225.32
	<b>Total Gain</b>		
	<b>Total Demolition</b>		<b>192.93</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 to the following conditions.

### Conditions:

- 1 Plans list
- 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 (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).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until 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).

- 6 **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).

- 7 **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 KP/DB1 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).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The 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).

- 9 **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).

- 10 **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).

Background Papers: DC/19/0860

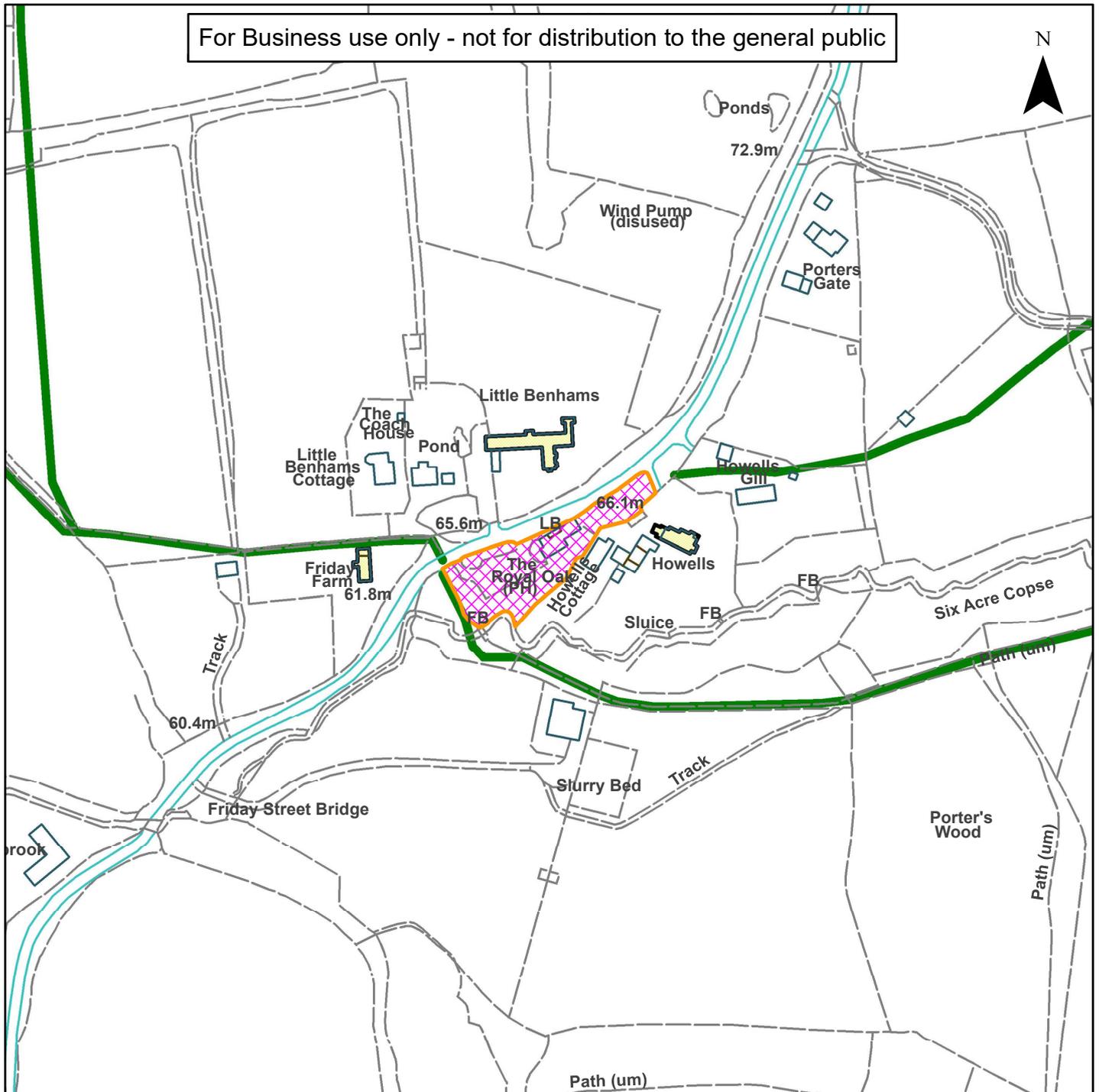
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Royal Oak, Friday Street, Rusper

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**Scale:** 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	24/10/2019
MSA Number	100023865

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## Horsham District Council

### PLANNING COMMITTEE REPORT

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 5 November 2019

**DEVELOPMENT:** Variation of condition 1 to previously approved DC/17/1023 (Proposed erection of 8 No. business units (B1/B8) arranged in 2 groups with associated hardstanding and parking.) Amendment sought: increase ground floor area and add mezzanines to units 22, 23, 24 and 25. Extend Mezzanines to units 26, 27, 28, and 29. Reconfigure parking to accommodate all spaces within the site service yard.

**SITE:** Phase 4 Oakhurst Business Park Wilberforce Way Southwater West Sussex RH13 9RT

**WARD:** Southwater North

**APPLICATION:** DC/19/1738

**APPLICANT:** **Name:** Horsham District Council **Address:** Parkside Chart Way Horsham RH12 1RL

**REASON FOR INCLUSION ON THE AGENDA:** Planning application made on behalf of the Council and on land owned by the Council.

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

#### 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.1 Permission was formally granted in December 2017 for permission to erect 8 x B1 (business) / B8 (storage/distribution) business units on a vacant parcel within Oakhurst Business Park (DC/17/1023). The proposal included hardstanding, parking and bin storage, with access through the existing business estate. The approved 8x business units were split into 2 separate terraces of 4x units each with a central block-paved service area in the centre comprising 31x car parking spaces and 3x motorcycle spaces. The vehicular entrance to the site would be on the eastern boundary which is accessed directly from within the existing business estate road. The approved units comprised a northern terrace of 4x smaller units (2x 72m<sup>2</sup> and 2x 73m<sup>2</sup>), and a southern terrace of larger 4x units (1x 137m<sup>2</sup>, 2x 139m<sup>2</sup>, and 1x 322m<sup>2</sup>), with these 4 southern units having mezzanine floors.

1.2 The proposal seeks to amend the approved development in the following ways:

1) Increase the floor areas of all of the 8 units:

- Units 22-25 (north terrace) would be increased at ground floor with a building depth of an additional 2m. These units would also each be provided with a new mezzanine floor area.
  - Units 26-29 (south terrace) would be provided with larger mezzanine floor areas only.
- 2) Cumulatively, the GIA of the units would increase from an approved 1029sq.m to a proposed 1584sq.m.
- 3) Revised car parking / hard-standing layout, but maintaining the cycle parking provision, number of parking spaces (31 spaces) with 3 being dedicated as disabled spaces, and a motorcycle bay.
- 4) Bin store is maintained as per the approved scheme, albeit rotated in its orientation.

## DESCRIPTION OF THE SITE

- 1.3 The application site is located in the Oakhurst Business Park which is an established business facility in Southwater, within the defined Built-Up Area Boundary of the village. Oakhurst Business Park is a designated Key Employment Area as described in Policy 9 of the HDPF, and has been expanded since the early 2000's.
- 1.4 Oakhurst Business Park is accessed off Wilberforce Way and is a well-established site comprising several large business units, including the RSPCA HQ and Macfarlane packaging and Blueleaf (clinical supplies), and several smaller units. The application site and its immediate neighbours, comprising units 1 -21, is owned by Horsham District Council and includes units for Class B1 business /B2 general industrial /B8 storage and distribution uses, arranged in large blocks around central hardstanding, parking and delivery areas. Units 2-14 of Oakhurst Business Park are currently provided with some 100 marked parking spaces, many of which are dedicated to specific units, with a total of 10 marked Visitor spaces and some 4 Disabled spaces evident during a site visit.
- 1.6 Adjacent units are in use as a car repair / MOT workshop, electronics distributors, model railway retailer, fire alarm installers, hydroponics supplier, a sizable local distribution company and suppliers of plastics and glass jars, and other suppliers and distributors, as well as a former kitchen showroom.
- 1.5 The site visit, carried out during business hours, revealed some double parking taking place and parking in front of the delivery doors. Furthermore, a couple of units appeared to be vacant, or closed, whilst Unit 1, provided with some 19 parking spaces within the fenced enclosure, was mostly free of parked cars at the time of the visit, although there were some company vehicles and cars parked outside of the unit's boundary.
- 1.6 The application site, along with units 1-21 Oakhurst Business Park, are all within a gated site. There are marked parking spaces along the service road to units 15 – 21, with these units also having parking spaces onsite. It is noted that the WSCC public highway boundary only extends into the northern edge of Wilberforce Way, with the remainder being a private road / Class Q (unclassified).
- 1.7 At the time of the site visit, it was evident that the service roads within the estate included the capacity for on-street parking, with availability noted at the time of the visit.
- 1.8 Development of the site to implement the 8 no. units has yet to commence, although it was noted that reptile fencing has been erected around the site, apart from a section near the proposed site entrance.
- 1.9 It was previously noted, as part of DC/17/1023, that the existing bund / landscape buffer to the south-west and north-western boundaries creates an effective screen between the site

and the residential properties along Worthing Road. The bund / buffer zone is between 32m and 40m wide.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 – Sustainable Development  
Policy 3 – Development Hierarchy  
Policy 7 – Economic Growth  
Policy 9 – Employment Development  
Policy 24 – Environmental Protection  
Policy 31 – Green Infrastructure and Biodiversity  
Policy 32 – The Quality of New Development  
Policy 33 – Design Principles  
Policy 37 – Sustainable Design and Construction  
Policy 40 – Sustainable Transport  
Policy 41 – Parking

#### **Site Specific Allocations of Land Development Plan Document (2007)**

Policy - AL17

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 In February 2014, Southwater Parish Council was designated as a Neighbourhood Development Plan Area. In May 2016 the boundary was amended and the designation was reconfirmed. The Neighbourhood Plan has been prepared and the Regulation 16 consultation stage ended in July 2019.

Draft policy SNP1 – Core Principles  
Draft policy SNP16 – Design  
Draft policy SNP17 – Site Levels  
Draft policy SNP 21 – A Growing Economy

- 2.4 West Sussex Joint Minerals Local Plan (2018):

Policy M9 - Safeguarding Minerals

Community Infrastructure Levy (CIL) Charging Schedule (2017)

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/91/92	350 dwellings, 5 acres social housing, 350,000 sq. ft. commercial dev. public open space, land for primary sch. est. roads & access (outline)	Application Permitted on 23.02.1993
SQ/70/94	Buffer zone landscaping (reserved matters)	Application Permitted on 31.10.1994

SQ/11/03	Erection of b1,b2 and b8 business units	Application Permitted on 06.03.2003
DC/17/1023	Proposed erection of 8 No. business units (B1/B8) arranged in 2 groups with associated hardstanding and parking.	Application Permitted on 14.12.17

### 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)

#### OUTSIDE AGENCIES

3.2 **WSCC Highways:** No Objection

- The increased floor area may give rise to the site generating a slight increase in vehicular traffic over an extended period. However, the number of movements would not be anticipated to be particularly significant and would not be expected to exacerbate any existing issues, nor warrant an objection on the basis of safety or capacity. Some changes have taken place with the internal parking arrangements. The applicant has provided a plan which demonstrates that large vehicles can turn within the service yard.
- Following concerns raised by neighbouring units, a joint site visit with the planning officer was carried out on 22.10.19, whereby some time was spent observing the site and nearby traffic movements and parking stress in and around the site (approx. 45mins). The area where the new units are to be located was used for parking.
- At the time, there was a good proportion of available on-street parking along nearby roads, which could be used by visitors in a worst-case scenario.
- Although the plans do not take into account the number of parked cars within the site, there is clearly still space for a large vehicle to turn within the area outlined
- Accordingly, there would be no grounds to resist the proposal on Highway matters in accordance with para 109 of the NPPF.

3.3 **Southern Water:** No Objection

3.4 **Southwater Parish Council:** Objection

- Change in parking place position and density increases the difficulty in access and loading of large and articulated lorries which are forced to use the entrance to the right of the existing development to reverse into the proposed estate
- Prevents / reduced ability for large vehicles to gain access to the loading bays of the units and when such vehicles are loading, they block access to the entire estate which prevents free movement of other tenants
- Loss of the environmental bund
- Increased volume of surface water on current systems
- Visual impact of the loss of bund during winter months

3.5 PUBLIC CONSULTATIONS

To date, two representations have been received (Units 5 and 12), both objecting to the proposal on the following grounds:

- The new application and subsequent changes will create even further issues with the manoeuvring of vehicles within the business park. Clearly the site plan shows

HGV's using the existing entrance to Units 2-14 as a turning area. Unit 1 currently run 17 HGV's which use the estate road entrance as a loading and waiting area, this is already an ongoing issue for all entering via the main estate road entrance. HDC as a landlord legally has to protect the estate road entrance. The landlord must prevent any vehicles belonging to or persons calling to the leased units from causing an obstruction or standing.

- The entrance area to the new units is currently used as parking by the staff from unit 1, the existing parking for units 2-14 is already insufficient for staff & visitors.
- Clearly there is no regard for existing tenants, the parking and ongoing issues with HGV's using the estate entrance has never been addressed. The new development will only add to this issue.
- Belief that the approach to business involving avoidance manoeuvres and near misses has affected adjacent companies. Customers are put off by the poor access and parking. There has been many close encounters including cyclists being nearly knocked down and two of our customers have hit HGV's.
- The planning officer must take note of these concerns, the impact of vehicle manoeuvres is never obvious on a plan, the reality of this design is in fact dangerous.
- The new application and plan cause a danger to those using and entering existing units 2 - 14 Oakhurst Business Park. The revised application allows no turning space for HGVs within the new yard area. HGVs will be using the entrance to Units 2 -14 as a reversing area due to the new plan. The old plan allowed sufficient space for HGVs to turn within the confines of the new yard. The existing quadrangle of units 2 - 14 is a large, fully occupied and busy area. Anyone exiting the existing units 2 - 14 will be faced with HGVs reversing towards them posing a risk to commercial vehicles, motorists and cyclists.
- This issue has been highlighted with the metal gates next to unit 1 having been hit twice in the last year, by reversing lorries. HGVs must have the ability to turn in the new yard as a self-contained area without causing a hazard at the new cross roads between the new development, unit 1 entrance, entrance to units 2 - 14 and Wilberforce Way. It is not safe to have HGVs reversing onto a cross roads.

#### **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 ASSESSMENT**

Principle of Development

- 6.1 By virtue of the nature of the development as approved under DC/17/1023, and its proposed location within an allocated Key Employment Area, the principle of the development of B1/B8 commercial premises has previously been deemed acceptable. The development would provide a valuable addition to the existing business park, as well as to economic floorspace and employment opportunities within the District as a whole. The

development has therefore already been considered to accord with the aims of Policies 7 and 9 of the HDPF, and Section 1 of the NPPF, and was accordingly approved.

#### Design and Appearance

- 6.2 The approved units under DC/17/1023 were around 9m in height with a shallow-pitched roof, with a metal roof, silver metal clad walls, grey loading / roller doors.
- 6.3 As part of the proposed variation, the only proposed changes to the southern terrace arise with Unit 27, whereby the roller doors, windows and pedestrian door are handed and sit adjacent to Unit 28.
- 6.4 The northern terrace would retain the approved elevational appearance as per the approved design (DC/17/1023). The increased 2m footprint has been accommodated into a shallower roof-pitch, so that the building heights stay as per the approved scheme. The increased footprint extends into the parking / service yard and therefore does not affect the approved distances between the northern terrace and Unit 2 to the north.
- 6.5 The central parking and service yard, as approved under DC/17/1023, required HGVs to use the wider service roads to carry out a turning manoeuvre, enabling vehicles to reverse into the application site and then exit in forward gear. There is no change proposed as part of the current proposal, which turns the parking spaces through 90degrees in order to accommodate the same parking ratio as per the approved scheme (31 car parking spaces, motorcycle and bicycle spaces), and bin storage.
- 6.6 The current proposal retains the external appearance of the approved scheme, and results in an increased net floor area across the units, over and above the approved floor area, of some 555sq.m. However, the distance between units and the placement of the units within the site remains virtually as per the approved scheme (DC/17/1023). The Buffer Zone and vegetated bund would remain unaffected as per the previously approved scheme, maintaining the required 30m width (as set out in the 1993 Design Code). Therefore, in terms of policies HDPF 32 and 33, the current proposal would remain in accordance with the character of the surrounding built environment and does not erode the vegetated screening bund that separates the commercial site from the residential houses along Worthing Road.

#### Highways Impacts

- 6.7 The site has previously been considered to be in a sustainable location within the Built-Up Area of Southwater where there is good access to local bus routes and services. Access to the site is already established via the wider road network of Wilberforce Way to the internal road network that serves the application site and neighbouring units, all noted to be within a gated part of the business park and not accessed directly off the public highway network.
- 6.8 When consulted on the approved scheme, the Local Highways Authority raised no objection, and considered that parking provision achievable within the site was in general accordance with the WSCC parking standards at the time (requiring a maximum of 34 spaces). It was therefore previously considered (under DC/17/1023) that the access and parking arrangement for all modes of transport proposed were in general accordance with the provisions and requirements set out in Policy 41 of the HDPF.
- 6.9 The WSCC parking standards have recently been revised in 2019. For a development of this floor area, the new standards set a maximum of 53 parking spaces assuming full B1 use of all units, and 16 parking spaces assuming a full B8 use of all units. It remains that the appropriate number of parking spaces should be informed by site-specific assessments in order to balance operational needs, efficient land use, and space requirements. The 31

parking spaces proposed represents a shortfall of 22 against the maximum 53 spaces assuming full B1 occupation, but an oversupply of 15 spaces assuming full B8 occupation. Given the B1/B8 uses permitted on the site it is likely that the development will yield a combination of B1 and B8 users across the site rather than solely one or the other. Given the proposed flexibility of the uses and the availability of street parking should the need arise, it is considered that 31 parking spaces is appropriate for a B1/B8 use development in a sustainable location such as this.

- 6.10 Following concerns raised by existing neighbouring business owners in relation to the proposed parking provision and manoeuvring of large HGV's, officers have carried out a detailed site visit with WSCC highways, whereby some time was spent observing vehicular movements within the estate. Whilst there was a reasonably regular pattern of movement to / from units within the site, and in the wider Business Park the level of vehicular movements was still relatively modest in nature. The existing parking spaces serving the adjacent units appear to be designated to specific units, with the visitor spaces and disabled spaces marked out and occupied. Whilst it would appear that some units had some vacant parking spaces, there was some double-parking evident, notably around the motor vehicle repair / MOT garage close to the application site.
- 6.11 HGV access and turning remains as per the approved scheme (DC/17/1023), utilising the service roads, to which no highway objections were previously raised. The site visit revealed that any HGV turning would be accommodated within the privately maintained estate / service roads, and would be afforded with clear sight-lines, both for manoeuvring vehicles and passing vehicles. The existing situation is envisaged to already result in a number of HGV manoeuvres taking place on the service roads in order to access the delivery bays of existing units.
- 6.12 Taking account of the fact that the site is accessed from private service roads, within an established business park, where fluctuating levels of parking, deliveries and vehicular movements are noted to take place throughout the day, along with a potential for additional on-street parking capacity, it is concluded that the proposal would not result in an objection on grounds of Highway safety or capacity. Furthermore, it is noted that the proposal would not conflict with para 109 of the NPPF (2019), or HDPF policy 40.
- 6.13 In this instance, the achievable parking levels within the application site would remain appropriate to the site, the potential requirements of the end occupiers (B1 / B8 uses), and in an area whereby any potential overspill could be accommodated within the wider service roads without undue detriment to traffic flow or safety.

#### Conclusions

- 6.14 The commercial development is within a designated Key Employment Area and remains in accordance with HDPF policies 3, 7 and 9, which seeks to achieve sustainable economic growth and employment opportunities within the Horsham District.
- 6.15 Planning conditions were previously included to address required ecological mitigation measures, surface water drainage, and hours of use, whilst the development also retains the 30m separation distance from the landscape buffer zone.
- 6.16 The fundamental change over and above the approved scheme arises from an increased footprint of the commercial units (some 555sq.m) by way of new or increased mezzanine floor areas, and a 2m increased depth of the northern terrace.
- 6.17 This uplift in floorspace would still be served by a static parking provision for 31 vehicles (including bicycle, disabled and motorcycle provision) as per the approved scheme (DC/17/1023), along with the same provision of HGV manoeuvring within the wider estate roads.

- 6.18 It is noted that the proposed flexible occupation of the units, open to B1 (business) and/or B8 (storage and distribution) uses, yields a different level of parking demand. However, it is also recognised that these are maximum initial guidelines, which are then to be balanced against by site location, context, operational needs and efficient land use. However, the resulting spaces achieved at the site are considered to remain in overall compliance with the updated WSCC parking guidelines, considering the potential flexible B1 / B8 end users and the varying demands of these business types.
- 6.19 It is therefore recommended that Members approve the application subject to the suggested conditions listed below.

#### 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	1584.00	0.00	1584.00
		<b>Total Gain</b>	1584.00
		<b>Total Demolition</b>	<b>0.00</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 It is recommended that the application is approved subject to appropriate conditions.

#### Conditions

- 1 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 Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. a site plan indicating the location of relevant features listed above.

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

- 4 **Pre-Commencement Condition:** No development shall commence until the measures and recommendations set out and approved under DISC/18/0134 and the approved Ecological Mitigation and Enhancement Plan (EMEP) - The Ecology Consultancy, dated January 2018 - have been implemented. The approved provisions shall thereafter be retained and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats & Species Regulations 2010, NPPF and Policy 31 of the Horsham District Planning Framework.

- 5 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor 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).

- 6 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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).

- 7 **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in general accordance with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the refuse/recycling bin storage facility indicated on plan [[2010 Rev P2 and 1010 Rev P2], shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

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

- 9 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the cycle parking facility indicated on plan [2010 Rev P2 and 1010 Rev P2] shall have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facility shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

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

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall have been implemented in accordance with the approved details as shown on plan [2010 Rev P2 and 1010 Rev P2], unless details of alternative facilities have been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved facilities shall be fully implemented prior to first occupation of the development and 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).

- 12 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those detailed on the Proposed Elevations Plan [2010 Rev P2 and 1010 Rev P2], unless alternative materials have been submitted to and been approved in writing by the Local Planning Authority prior to the commencement of development above ground floor slab level.

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).

- 13 **Regulatory Condition:** No external lighting or floodlighting shall be installed unless approved in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with Policy 31 of the Horsham District Planning Framework; and to protect local amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall only be used for uses falling within Classes B1 and B8, and for no other purposes (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local amenity under Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** The premises hereby permitted shall not be open for trade or business (including the receipt and/or dispatch of deliveries, and/or the operation of plant/machinery) except between the hours of 07:00 to 18:00 Mondays to Fridays; 07:00 to 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

- 16 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place except between the hours of 07:00 to 18:00 hours Mondays to Fridays and 07:00 to 13:00 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays.

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

- 17 **Regulatory Condition:** All vehicular access to/from the site shall be by Wilberforce Way only.

Reason: For the avoidance of doubt and in the interest of highway safety to accord with Policy 40 of the Horsham District Planning Framework (2015).

#### NOTE TO APPLICANT

**Noise Producing Plant:** Please be advised that the development hereby permitted does not relate to any external plant machinery that may be required as part of the development. To safeguard the amenities of nearby residents and occupiers, any plant or machinery that is proposed to be located outside any of the buildings hereby permitted will require an application for planning permission to be submitted to the Local Planning Authority.

**Wildlife Protection:** The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Under the Conservation of Habitats and Species Regulations 2010 (as amended), it is an offence to harm or disturb great crested newts and dormice. Planning permission does not provide a defence against prosecution under this legislation. The applicant is advised that it is the opinion of the Local Planning Authority that a Natural England European Protected Species (EPS) licence will be required before any site clearance work is undertaken to implement this planning permission. Other works outside this planning permission (such as vegetation clearance) could also breach this legislation and advice should be obtained from a licensed ecologist before proceeding with any work of this nature.

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

**Surface Water Drainage Statements:** A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.

**Landscape Details:** The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

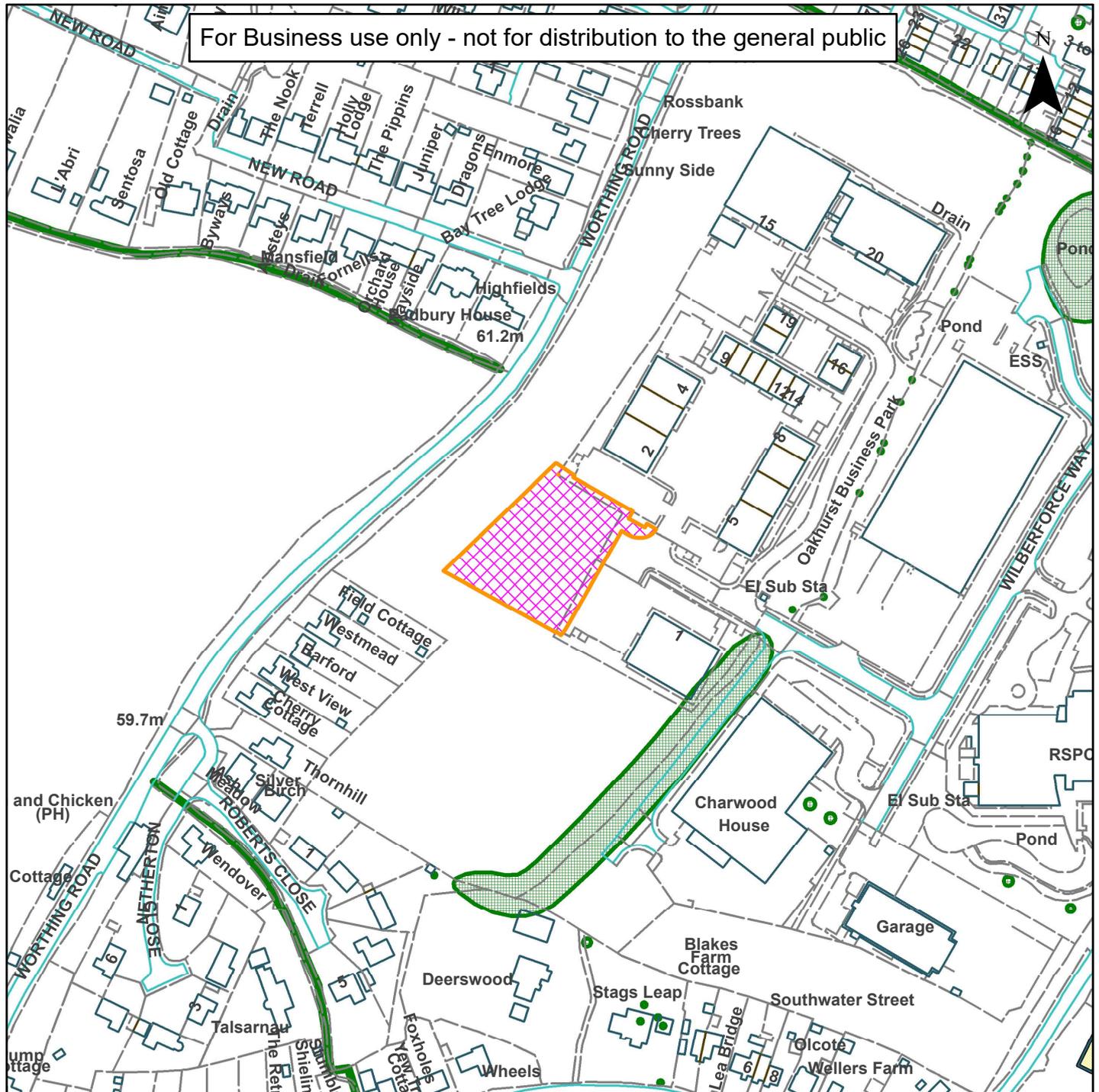
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Background Papers: DC/19/1738



Phase 4, Oakhurst Business Park, Southwater

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	24/10/2019
SA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 05 November 2019  
**DEVELOPMENT:** Erection of a single storey side extension with a pitched roof.  
**SITE:** 10 Beaver Close Horsham West Sussex RH12 5GB  
**WARD:** Holbrook East  
**APPLICATION:** DC/19/1801  
**APPLICANT:** **Name:** Mrs Samantha Wells **Address:** 10, Beaver Close Horsham  
RH12 5GB

**REASON FOR INCLUSION ON THE AGENDA:** The application has been made by a Council member of staff

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

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the construction of a single storey side extension with a pitched roof. The proposed development would facilitate two bedrooms and a bathroom. In order to facilitate the proposed rear extension, the existing glass conservatory would be demolished. The proposed extension is to the south side of the building. The extension would have a width of 4m with a depth of 8.8m. The extension would project 2.4m from the rear of the existing dwelling.

### DESCRIPTION OF THE SITE

- 1.2 The application property is a two-storey dwelling situated at the west end of Beaver Close. Beaver Close is a cul-de-sac comprised of two-storey detached and semi-detached properties in North Horsham. The dwelling is a pitched roof red brick house and includes a detached garage within its curtilage to the east side of the boundary.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

## RELEVANT PLANNING POLICIES

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

### **National Planning Policy Framework**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

## RELEVANT NEIGHBOURHOOD PLAN

- 2.3 North Horsham formally withdrew their Neighbourhood Plan on 12 September 2018.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

NH/8/98	Single-storey side extension Site: 10 Beaver Close Horsham	Application Permitted on 23.02.1998
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## **3. OUTCOME OF CONSULTATIONS**

### PUBLIC CONSULTATIONS

- 3.1 **North Horsham Parish:** No objection.
- 3.2 One email has been received from an adjacent property in support of the proposal.

## **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 Policy 33 of the Horsham District Planning Framework sets out development principles for planning applications. The policy states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. The policy also states that developments should be of an appropriate scale, massing and appearance and respect the character of the local area.

### Design and Appearance:

- 6.2 Planning permission is sought to construct a single storey side extension to the south side of the host property. The proposed extension would replace an existing conservatory and is proposed with a large lean-to roof, which would include two rooflights. The extension would also include front and rear facing windows and a small side bathroom window. Given the orientation of the dwelling in relation to Beaver Close, the extension would not be readily visible from the street. Additionally, the proposed extension would retain a substantial garden area around the property and would be set away from the boundary hedging.

- 6.3 Whilst the proposed extension would protrude beyond the rear building line of the dwelling, the protrusion is considered minor and would not result in an inappropriate addition. Overall, the scale of the extension, with a width of 4m and a height of 2.7m to eaves level, is considered appropriate for this dwelling. This takes into account the width of the existing dwelling of 9.4m. As such, subject to matching materials, the extension would form a sympathetic and subordinate addition to the dwelling.

Impact on Amenity:

- 6.3 The nearest residential properties are set over 10 metres to the west, 8 meters to the east and 13 meters to the south. Windows would be installed on either side of the proposed extension. Set within the curtilage of the property and given the distance between the proposed extension and the adjacent properties, these ground floor windows would not result in any overlooking or loss of privacy. The extension is also set a suitable distance from the boundaries of the property to south, east and west so that it would not result in any loss of light or an increased sense of enclosure to any adjacent properties.

Parking

- 6.4 The existing building is a four-bedroom house and the proposal results in additional two bedrooms to the existing dwelling. This would result in six bedrooms in total. There is currently space for 4 off-street parking spaces (including a garage). This is considered an appropriate level of parking to accommodate the needs of this dwelling with the additional bedrooms.

Conclusion:

- 6.5 Overall, the proposed extension is considered appropriate in terms of design and would not cause any significant harm to the amenity of any adjacent properties, in accordance with Policy 33 of the HDPF.

## 7. RECOMMENDATIONS

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

1 A list of the approved plans.

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

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

3 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form.

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).

Background Papers: DC/19/1801

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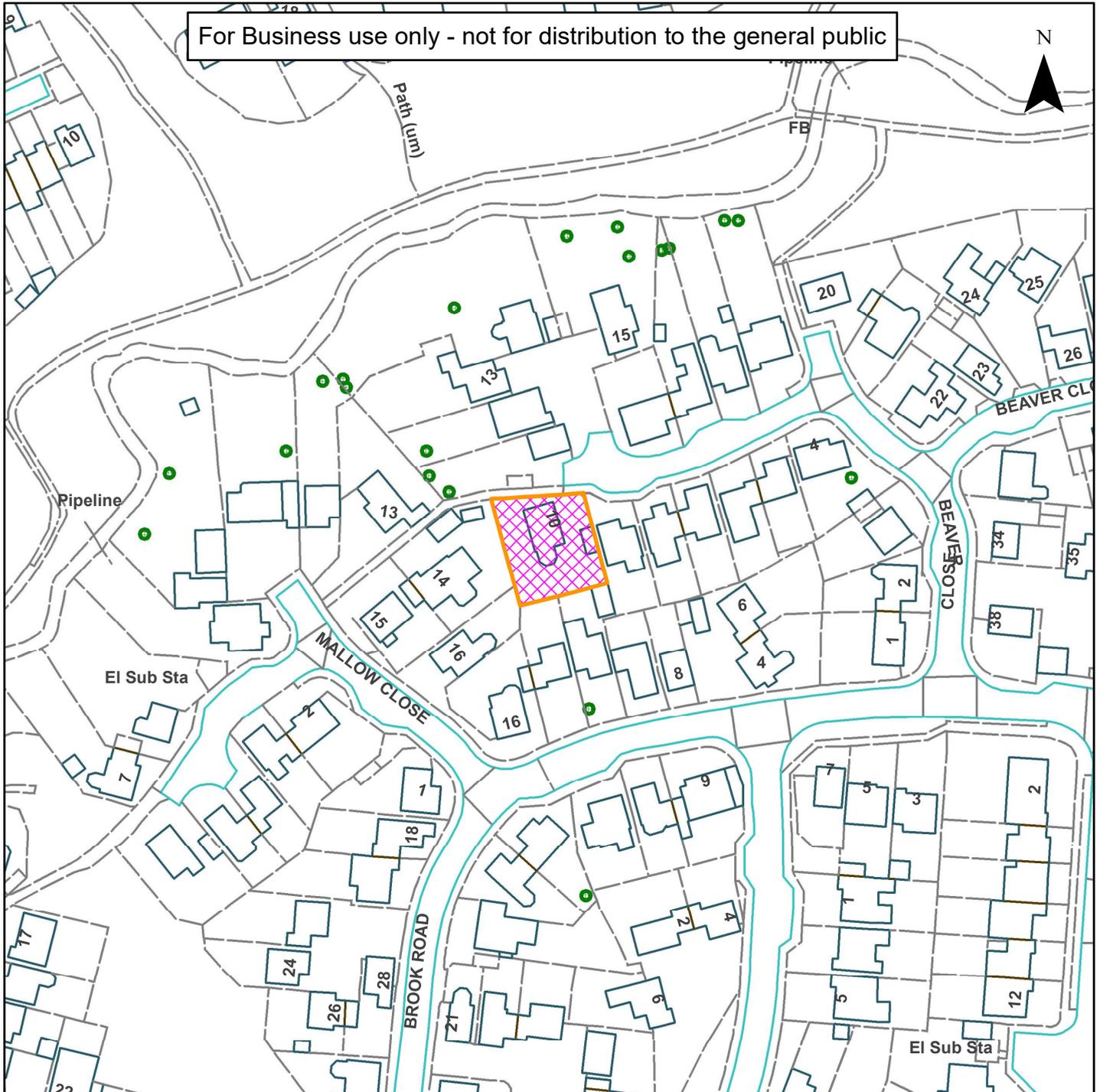


**Horsham  
District  
Council**

10 Beaver Close Horsham West Sussex RH12 5GB

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**Scale:** 1:1,250

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