



Planning Committee (North)

Tuesday, 4th February, 2020 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

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
<p>To approve as correct the minutes of the meeting held on 7th January 2020. (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Committee</p>	

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

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

5. **Appeals** 13 - 14

Applications for determination by Committee:

6. **DC/19/2346 - 44 College Road, Southwater** 15 - 26

Ward: Southwater South and Shipley
Applicant: Mrs Anoopam Dovuru

7. **DC/19/2232 - 12 Hayes Lane, Slinfold** 27 - 46

Ward: Itchingfield, Slinfold and Warnham
Applicant: Zena Mount

8. **DC/19/2412 - Tittlesfold Farm, The Haven, Billingshurst** 47 - 60

Ward: Rudgwick
Applicant: Mr Stephen Roots

9. **DC/18/1622 - Beckley Stud, Reeds Lane, Southwater** 61 - 72

Ward: Southwater North
Applicant: Mr L Middleton

10. **Urgent Business**

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

Agenda Annex

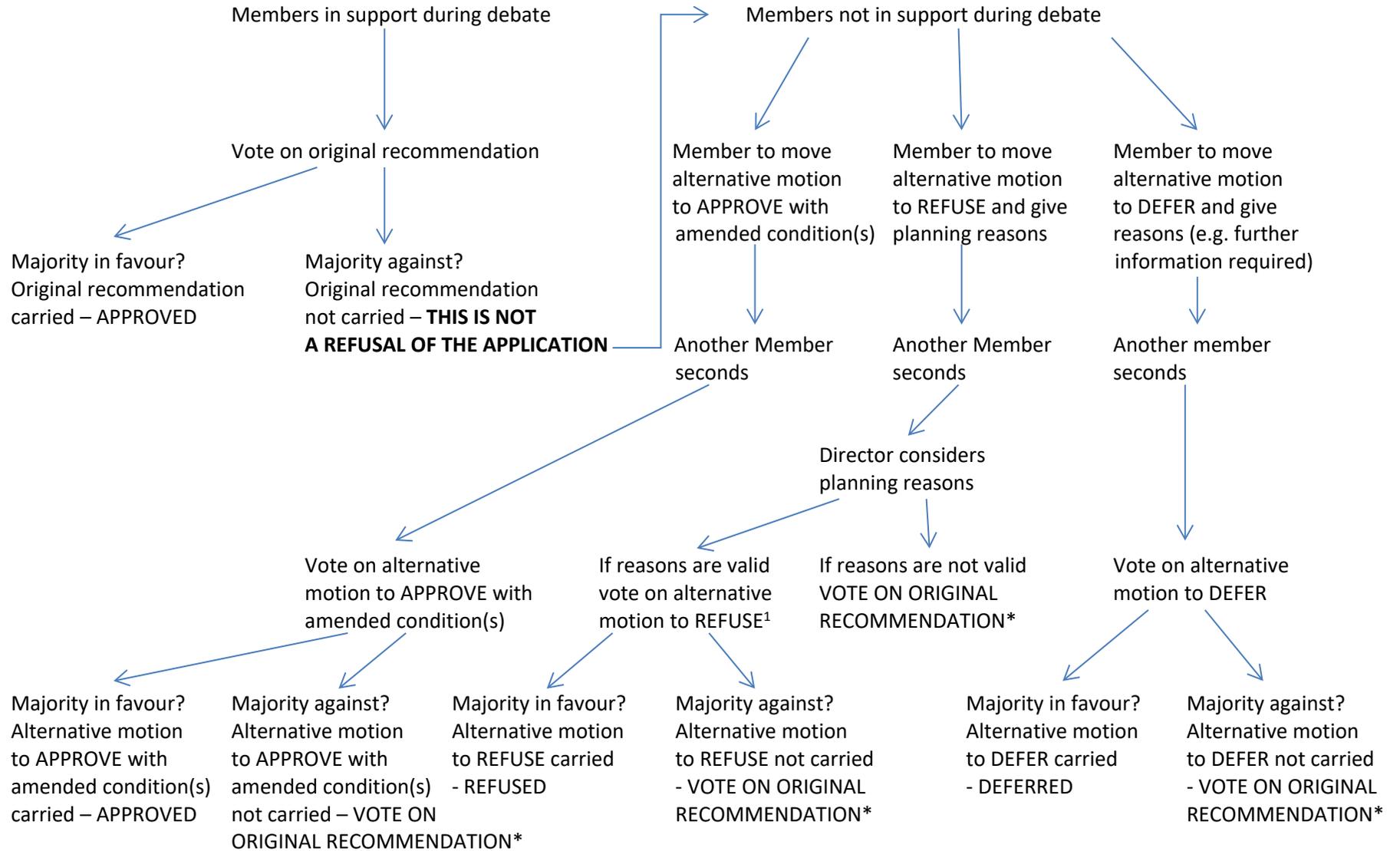
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

Addressing the Committee	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.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	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.
Declarations of Interest	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.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	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.
Public Speaking on Agenda Items (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 5 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<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"> ○ 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. ○ 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. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - 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). - 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). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<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>
Alternative Motion to Refuse	<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>
Voting	<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"> - Two Members request a recorded vote - A recorded vote is required by law. <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>
Vice-Chairman	<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>

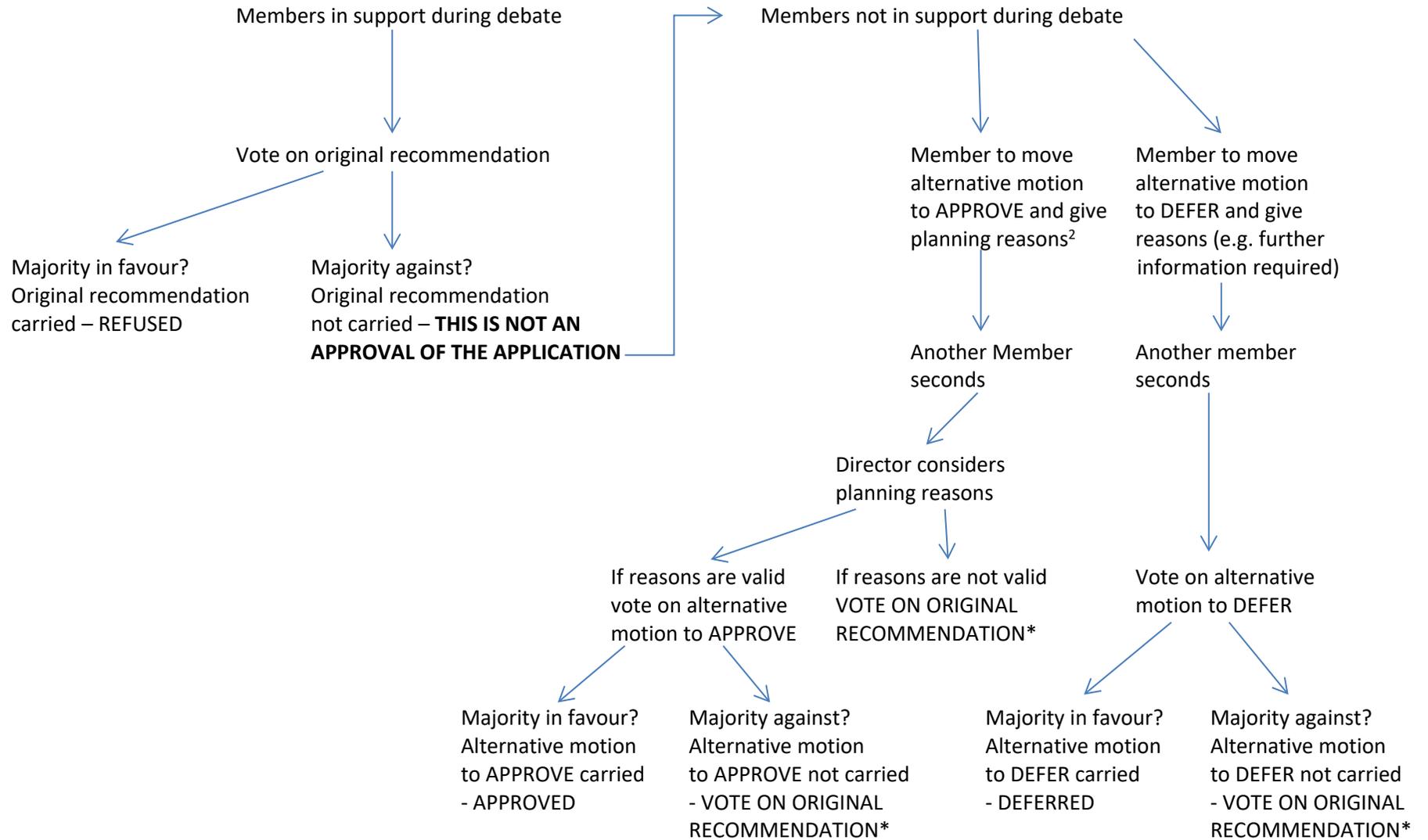
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ 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

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (North)
7 JANUARY 2020

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), Matthew Allen, Andrew Baldwin, Toni Bradnum, Peter Burgess, Christine Costin, Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, Richard Landeryou, Gordon Lindsay, John Milne, Christian Mitchell, Godfrey Newman, Louise Potter, Stuart Ritchie, David Skipp, Ian Stannard and Claire Vickers

Apologies: Councillors: Tony Bevis, Alan Britten, Roy Cornell, Leonard Crosbie, Colin Minto, Belinda Walters and Tricia Youtan

PCN/60 **MINUTES**

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

PCN/61 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/2223 - Councillor Tony Hogben declared a personal interest in this item because he was the applicant. He withdrew from the meeting and took no part in the determination of this item.

PCN/62 **ANNOUNCEMENTS**

There were no announcements.

PCN/63 **APPEALS**

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

PCN/64 **DC/18/2747 - PATHFIELD CLOSE, RUDGWICK**

The Head of Development reported that this application sought permission for the demolition of six bungalows and the erection of six two-storey dwellings, with landscaping, comprising: two 3-bedroom (not 5-bedroom as incorrectly stated at paragraph 1.2 of the report); and four semi-detached 2-bedroom dwellings. Fourteen parking spaces were proposed; parking arrangements would be achieved by extending Pathfield Close to the south. All the units would be housing for affordable rent.

Since publication of the report, the draft Rudgwick Neighbourhood Plan had been approved for consultation and was currently undergoing an 8-week consultation period.

The application site was located within and adjacent to the southern edge of the built-up area of Rudgwick on the west of Pathfield Close, in a residential area not far from the A281. The six bungalows to be demolished were managed by the applicant, a registered provider of affordable homes.

Since publication of the report a further objection had been received relating to the loss of the bungalows. The Parish Council objected to the application. There had been 15 representations objecting to the original application and five further objections to the amended scheme, as set out in the report. The Rudgwick Preservation Society had also objected. The applicant and the applicant's agent both addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and impact on the character of the area; residential amenity; highway considerations; and ecological impact.

Members welcomed the provision of affordable housing, and considered that the benefits of the scheme outweighed any concerns regarding the loss of smaller units. Members were concerned that the use of dark grey building materials on the roofs and upper floors of the units detracted from the design and were out of keeping with the street scene.

It was therefore agreed that Condition 10 be amended so that the schedule of materials, finishes and colours, required under Condition 10, be approved in consultation with Local District Council Members, the Chairman and Vice-Chairman of this Committee.

RESOLVED

- (i) That a legal agreement be entered into to secure the provision of 100% affordable rented units.
- (ii) That on completion of (i) above, planning application Planning Application DC/18/2717 be determined by the Head of Development with a view to approval, subject to appropriate conditions, including the amendment to Condition 10.
- (iii) In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

PCN/65 **DC/19/1112 - TESCO EXPRESS, 49 BRIGHTON ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the installation of an ATM at the Tesco Express, on a wall adjacent to a trolley store at the front of the building. The ATM would only be available to use when the shop was open (6.00am – 11pm). The proposal includes a cover to the ATM for when it is not in use.

The application site was located in the built-up area of Horsham on the corner of the A281 and St Leonards Road, in a predominantly residential area.

Since publication of the report a further objection had been received relating to highway safety. The Neighbourhood Council objected to the application. There had been 15 representations from 13 households objecting to the original application, and a further seven objections in respect of additional information submitted by the applicant, as printed in the report. The Local Members had asked for this application to be determined by the Committee. One member of the public spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the impact of the proposal on highway safety and traffic flow; and the impact on the amenity of residential occupiers, in particular with regard to noise and disturbance. Members also considered the two previous applications for an ATM on the site, which had been refused.

The previous appeal decision was noted by the Members. Members did not consider that the current proposal had produced enough evidence to show that the use of the ATM would not be detrimental to highway safety, and noted that the previous appeal decision was some time ago.

Members considered that the proposed hours of operation, from early in the morning until late into the evening, would have a harmful impact on neighbouring residential occupiers due to noise and disturbance.

Members concluded that the proposal would increase activity and traffic movements at this already busy location and have an unacceptable impact on highway safety and on residential amenity.

RESOLVED

That planning application DC/19/1112 be refused for the following reasons:

The proposed ATM will have a detrimental impact on highway safety and the amenity of neighbouring properties contrary to Policies 33 and 40 of the Horsham District Local Plan (2015) and Paragraph 109 of the National Planning Policy Framework.

PCN/66 **DC/19/2232 - 12 HAYES LANE, SLINFOLD**

Item withdrawn from the agenda.

PCN/67 **DC/19/2223 - MORRISWOOD, OLD HOLBROOK, HORSHAM**

The Head of Development reported that this application sought permission for the installation of 100 solar panels, in two 50-metre long rows, on agricultural land directly to the south of the dwelling.

The application site was located in the countryside to the west of Old Holbrook Road, north of the A264.

The Parish Council raised no objection to the application. There had been no other responses to the public consultation.

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 and visual impact; amenity impacts; and ecology. It was noted that the proposal's scale and siting would not be detrimental to the countryside setting.

RESOLVED

That planning application DC/19/2223 be granted subject to the conditions as reported.

PCN/68 **DC/19/1623 - MILLFIELD BARN, HORSHAM ROAD, ROWHOOK, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of an agricultural building and erection of a two-storey L shaped dwelling in the style of a barn conversion, with hard and soft landscaping.

Since publication of the report, the draft Rudgwick Neighbourhood Plan had been approved for consultation and was currently undergoing an 8-week consultation period.

The application site was located in the countryside northwest of Rowhook village and was accessed via a narrow track west of Horsham Road.

The Parish Council raised no objection to the application. There had been 13 representations in support, and three in objection, to the application. One letter of comment was also received. One member of the public spoke in support to the application and the two applicants both spoke 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 in this countryside location; the character of the development and visual amenities of the street scene; amenities of adjoining occupiers; and parking and highways impacts.

Members discussed the proposal in the context of local and national planning policies. They discussed the benefits of the proposal, which was of an acceptable design and would improve the appearance of the site itself. It was proposed and seconded that the application be approved. The motion was lost.

Members concluded that the proposal was contrary to policies within the Horsham District Planning Framework, and would lead to unacceptable development in a countryside location.

RESOLVED

That planning application DC/19/1623 be refused for the following reasons:

The proposed dwelling is located in a countryside location, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted neighbourhood plan. The Council is able to demonstrate a 5-year housing land supply and consequently the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development is not essential to its countryside location. Consequently, the proposal for a new dwelling on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and guidance within the National Planning Policy Framework (2018).

PCN/69 **TPO/1524 - BURNALLS, BUCKS GREEN, RUDGWICK**

Item withdrawn from the agenda.

PCN/70 **DC/19/2112 - THE COUNCIL OFFICES, PARK HOUSE, NORTH STREET, HORSHAM**

The Head of Development reported that this application sought Listed Building consent for internal alterations to this Grade II* Listed Building, which dates from the 17th century. Alterations include removal of later additions, repairs and decorations, new floor finishes, new lighting, new access system, power actuation to entrance door, refitting of existing toilets and kitchen and installation of a suspended ceiling.

The application site was located on North Street, adjacent to Horsham Park, within the built-up area of Horsham town.

The Neighbourhood Council raised no objection to the application. There had been no further representations in response to the public consultation.

Members considered the officer's planning assessment and concluded that the proposed alterations, which included the removal of later additions, were acceptable.

RESOLVED

That Listed Building consent DC/19/2112 be granted subject to the conditions as reported.

PCN/71 **DC/19/2085 - 9 BENS ACRE, HORSHAM**

The Head of Development reported that this application sought permission for the erection of a single storey rear extension with pitched roof. The conversion of a front garage extension into a habitable room was also proposed.

The application site was located within the built-up area of Horsham on the west side of Bens Acre, facing a wooded area. It was in a row of similar dwellings, with front garage extensions in large front gardens.

The Neighbourhood Council raised no objection to the application. There had been no other consultation responses.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the character of the dwelling and the visual amenities of the area; the amenities of adjacent occupiers; and parking. It was considered that the proposal would not materially affect the character of the dwelling, the street scene, or neighbouring amenity.

RESOLVED

That planning application DC/19/2085 be granted subject to the conditions as reported.

The meeting closed at 7.06 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 4th February 2020



**Horsham
District
Council**

Report on Appeals: 20/12/2019 – 22/01/2020

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
EN/19/0219	Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU	23-Dec-19	Notice served	N/A
DC/19/1864	17 Cedar Drive Southwater Horsham West Sussex RH13 9UF	11-Jan-20	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
EN/19/0219	Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU	Written Representation	20-Dec-19	Notice served	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/19/0219	Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU	Written Representation	Withdrawn	Notice served	N/A
DC/19/0677	Sunnycroft Two Mile Ash Road Barns Green Horsham West Sussex RH13 0PX	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/19/1021	Wellhall Cottage Five Oaks Road Slinfold Horsham West Sussex RH13 0QW	Fast Track	Appeal Allowed	Application Refused	N/A



**Horsham
District
Council**

**PLANNING COMMITTEE
REPORT**

TO: Planning Committee North
BY: Head of Development
DATE: 4 February 2020
DEVELOPMENT: Erection of a two storey attached 3 bedroom dwelling with associated parking.
SITE: 44 College Road Southwater Horsham West Sussex RH13 9EH
WARD: Southwater South and Shipley
APPLICATION: DC/19/2346
APPLICANT: **Name:** Mrs Anoopam Dovuru **Address:** 44 College Road Southwater Horsham RH13 9EH

REASON FOR INCLUSION ON THE AGENDA: Over 8 letters of representation have been received which are contrary to the recommendation

RECOMMENDATION: To approve the application subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the erection of an end of terrace two storey dwelling to the north-west of the existing dwelling of 44 College Road.

1.3 The proposed dwelling would measure to a width of 6.4m and a depth of 9.6m, and would be slightly set back from the front and rear elevations of the existing dwelling. The proposed dwelling would incorporate a pitched roof extending to the same height as the main ridgeline of the terrace, measuring to an overall height of 7m. The proposal would be finished in facing brick to match the existing, with concrete interlocking tiles to the roof to match the existing roof finish. The proposed dwelling would provide an open plan living/dining/kitchen, w.c and utility room to the ground floor with 3no. bedrooms and bathroom to the first floor.

1.4 An area of private amenity space would be provided to the south-west of the proposed dwelling, which would be laid to grass with patio area, with 3no. off-road parking spaces proposed to the rear and 2no. spaces proposed to the frontage.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a corner plot positioned to the south of College Road, within the built-up area of Southwater. The site is positioned to the end of a row of terraced properties, with the existing property befitting from side and rear amenity space.
- 1.6 The application site is bound by close boarded fencing and hedging, with the wider surroundings characterised by dense residential development of relatively uniform scale and appearance. The site benefits from an existing dropped kerb to the rear of the site.

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 (NPPF)**

- 2.4 **Horsham District Planning Framework (HDPF)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 15 - Strategic Policy: Housing Provision

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

- 2.5 **Southwater Parish Design Statement (2008)**

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The **Southwater Neighbourhood Development Plan (2019-2031)** is currently at examination. Whilst the neighbourhood plan is not yet 'made', the most relevant policies are as follows:

- SNP1: Core Principles
- SNP4: Keeping Our Roads Moving
- SNP9: Home Standards
- SNP10: Residential Space Standards
- SNP13: Enhancing Our Non-Motorised Transport Network
- SNP14: Adequate Provision of Car Parking
- SNP15: Driving In The 21st Century
- SNP16: Design
- SNP17: Site Levels
- SNP18: A Treed Landscape
- SNP23: Use Of Community Infrastructure Levy Funds

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.7 The most recent and relevant planning history is as follows:

DC/19/1292	Erection of two storey attached dwelling with associated parking	Application Refused on 23.08.2019
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3. OUTCOME OF CONSULTATIONS

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

OUTSIDE AGENCIES

3.2 **WSCC Highways:** Comment. The Local Highways Authority consider that only 4no. parking spaces are proposed for the existing and proposed dwelling. Under the WSCC Car Parking Guidance, 5/6 car parking spaces should be provided for the proposal. However, it is not considered that a 4no. car parking provision would detrimentally affect highway safety. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking. In considering this, the Local Planning Authority should be mindful that some of the access works may not be granted the required licence to be implemented.

3.3 **Southern Water:** Comment. Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

PUBLIC CONSULTATIONS

3.4 **Southwater Parish Council:** No objection.

3.5 30 letters of objection were received from 9 separate households. These can be summarised as follows:

- Increase in traffic movements
- Greater congestion and potential safety impacts
- Access and manoeuvrability into the proposed spaces
- Loss of natural day light
- Additional parking pressure
- Accessibility of parking to frontage of existing dwelling
- Intensification of development
- Insufficient visitor parking
- Construction traffic
- Loss of front gardens to existing and proposed properties
- Overdevelopment
- Overlooking and loss of privacy

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 1no. end of terrace two storey dwelling.

Principle of Development

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages that 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.
- 6.3 The application site is located within the built-up area of Southwater, which is defined as a "Small Town and Larger Village" within the settlement hierarchy of Policy 3 of the HDPF. There is a presumption in favour of sustainable development within the built-up area, and the development is therefore considered acceptable in principle, subject to all other material considerations.

Design and Visual Amenities

- 6.4 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.5 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.
- 6.6 Draft Policy SNP16 of the Submission Draft Southwater Neighbourhood Development Plan states that all development must be of high quality design, including: facing buildings with locally sourced materials; encourage a variety of complimentary vernaculars to encourage contextually appropriate design and diversity; and using Secure by Design principles to ensure developments are safe to live in.
- 6.7 The wider streetscene is characterised by relatively uniform development comprising semi-detached and terraced dwellings of two storeys in height. These dwellings are built along a relatively continuous build line and set back from the street, with open plan frontages that comprise some natural features.
- 6.8 The proposed dwelling would measure to a width of 6.4m and a depth of 9.6m, and would be slightly set back from the front elevation, while extending in line with the rear elevation of the existing dwelling. The proposed dwelling would incorporate a pitched roof extending to

the same height as the main ridgeline of the terrace, measuring to an overall height of 7m. The proposal would be finished in facing brick to match the existing, with concrete interlocking tiles to the roof to match the existing roof finish.

- 6.9 It is noted that the Parish Council have raised concern with the flat roof projection to the dwelling. While the proposed roof form would contrast with the architectural features of similar development in the area, it is at single storey level and is not considered that the proposal would result in harm to justify a reason for refusal.
- 6.10 The proposed dwelling would form an extension to the existing built form comprising the terrace of residential dwellings, with the dwelling matching in height and appearance the existing built form. While recognised that the proposal would show little subservience to the existing row of terraces, it is considered that the proposal would reflect the scale, mass and proportions of the built form and would relate sympathetically to the recognised character of development within the locality. The proposal is therefore considered to appropriately reflect the recognised character and appearance of similar development within the locality, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.11 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.
- 6.12 Draft Policy SNP16 of the Submission Draft Southwater Neighbourhood Development Plan states that all development must actively respond to other properties in the vicinity to ensure no unacceptable impacts on residential amenity occur; and not result in unacceptable harm to the amenities of existing and proposed buildings, particularly with regard to privacy, outlook, daylight and sunlight.
- 6.13 The proposed dwelling would be built in line with the existing build pattern comprising the terrace of residential properties to the south-east, with the existing road to the adjacent properties to the north-west separating the site. The proposal would be positioned parallel to the existing dwelling of 44 College Road, with rear and side amenity space provided.
- 6.14 Given the nature of the locality, which comprises relatively high density residential development, it is acknowledged that there is an established degree of mutual overlooking between properties. While the proposal would result in the net increase of 1no. dwelling within the locality, it is considered that the scale and siting of the proposed dwelling has been designed to limit potential overlooking and loss of privacy. The proposal is considered to provide an appropriate level of amenity space, with the siting and orientation of the dwelling not considered to result in harm to the amenities of neighbouring properties. It is therefore considered that the proposal would accord with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.15 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.16 Paragraph 110 of the NPPF states that application for development should "*...create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.*"
- 6.17 Draft Policy SNP14 of the Submission Draft Southwater Neighbourhood Development Plan states that residential development must include provision for adequate off-road parking

spaces in accordance with the following criteria: every dwellings will provide, for use associated with that dwelling, 2 parking spaces and one additional parking space for each bedroom over a total of three, with an upstairs study counting as a bedroom within its curtilage (or within the development). The proposed solution should avoid car parking dominating the streetscene. Therefore, parking should be to the side rather than in front of the property. While this policy is in draft form and has yet to be formally adopted, it does provide guidance on the local expectations of parking within the community of Southwater.

- 6.18 A previous application under planning reference DC/19/1292 was refused on the grounds of the undersupply of off-road parking spaces to the existing and proposed dwellings. The previous application provided 2no. parking spaces, with a shortfall of 3no. off-road spaces. It was therefore concluded that the proposed development would result in an inadequate level of on-site parking provision that would not meet the demands of anticipated users and would result in a poor amenity and environment within the locality. The proposal would therefore be considered to be contrary to Policy 41 of the Horsham District Planning Framework (2015).
- 6.19 The proposal has sought to overcome this reason for refusal through the provision of 4no. off-road parking spaces to the front and rear of the dwellings, with the removal of part of the boundary fence and hedging to accommodate a wider dropped kerb.
- 6.20 College Road is an unclassified road that benefits from unrestricted on-street parking opportunities, with such provisions within a reasonable walking distance from the site. While the area lies within a sustainable location, within close proximity to a bus stop and within walking distance to shops and services, it is acknowledged that there is existing parking pressure along the street. Many of the dwellings along the street do not benefit from off-road parking provision, with only a few to the north of the site having created parking areas within the front garden.
- 6.21 The existing dwelling benefits from an informal off-road parking area to the rear for approximately 2/3 cars, with no off-road parking provided to the frontage. A number of properties within the vicinity include formalised parking areas to the frontage of the dwelling, which the adjoining neighbour benefitting from such arrangement.
- 6.22 The updated West Sussex County Council Parking Demand Calculator outlines that a dwelling of this size, when coupled with the requirements of the existing dwelling, would amount to a total demand of 5no. parking spaces. The proposed development would provide a total of 4no. parking spaces, with an additional parking space indicated to the frontage of the existing dwelling.
- 6.23 Following consultation with WSCC Highways, concerns have been raised in respect of the usability of the parking space to the frontage of the existing dwelling. It is therefore considered that a total of 4no. useable spaces have been proposed.
- 6.24 A number of objections have been received in respect of the potential impact the proposal would have on the availability of off-street parking in the area. The wider street benefits from unallocated and unrestricted parking, but it is recognised that this has caused pressures on the availability of parking in the area.
- 6.25 While recognised that the proposed development would provide an undersupply of 1no. off-road parking space, it is recognised that the current number of available off-road parking spaces for the existing dwelling falls below the anticipated demand as calculated under the new WSCC Parking Standards. Given this existing context, the cumulative number of off-road parking spaces resulting from the development would be comparable to the existing supply, and would not therefore result in any further pressure over the existing situation. It is not therefore considered that the proposal would result in any further material intensification, and is not considered to further exacerbate the existing parking condition.

- 6.26 In addition, it is recognised that the application site is located within a sustainable location, within walking distance to the village centre, and benefits from a bus stop that is located directly adjacent to the site.
- 6.27 On balance, and in considering the context of the site and the existing parking situation on the site and with the street, the proposed development is not considered to lead to material harm to the visual amenities of the area, or materially intensify and exacerbate the existing parking pressure. The proposal is therefore considered to provide an adequate amount of off-road parking, with the provision of the dropped kerb to the rear considered acceptable. It is therefore considered that the proposal would accord with Policy 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.28 The proposed development is considered to be acceptable in principle, subject to all material considerations. The proposal would be of a design, form and appearance that would appropriately reflect the character and visual amenities of the area, while of a scale and siting that would not materially harm the amenities or sensitivities of neighbouring properties.
- 6.29 It is recognised that a number of objections have been received in respect of the impact the proposal would have on the existing parking pressure and the availability of parking in the locality. While acknowledged that the proposal would result in the shortfall of 1no. off-road parking space, it is recognised that the application site is located within a sustainable location, within walking distance to the village centre, and directly adjacent to a bus stop. On the balance of these considerations, including the modest shortfall, it is not considered that the proposal would materially exacerbate or cause severe harm to the function and safety of the public highway. The public benefit arising from the development, of providing an additional dwelling in a sustainable location, is therefore considered to outweigh the harm caused by the modest off-road parking shortfall.
- 6.30 For these reasons the proposed development is considered acceptable, in accordance with Policies 1, 2, 3, 32, 33, and 41 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.45 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.46 **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	92.6		92.6
Total Gain			
Total Demolition			

- 6.47 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.48 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 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-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 234-06 rev B 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).

4 **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 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).

5 **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 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).

6 **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).

7 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

8 **Regulatory Condition:** The proposed development shall strictly accord with the landscaping scheme as shown on approved plan 234-06 rev B. 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).

Background Papers: DC/19/2346
DC/19/1292

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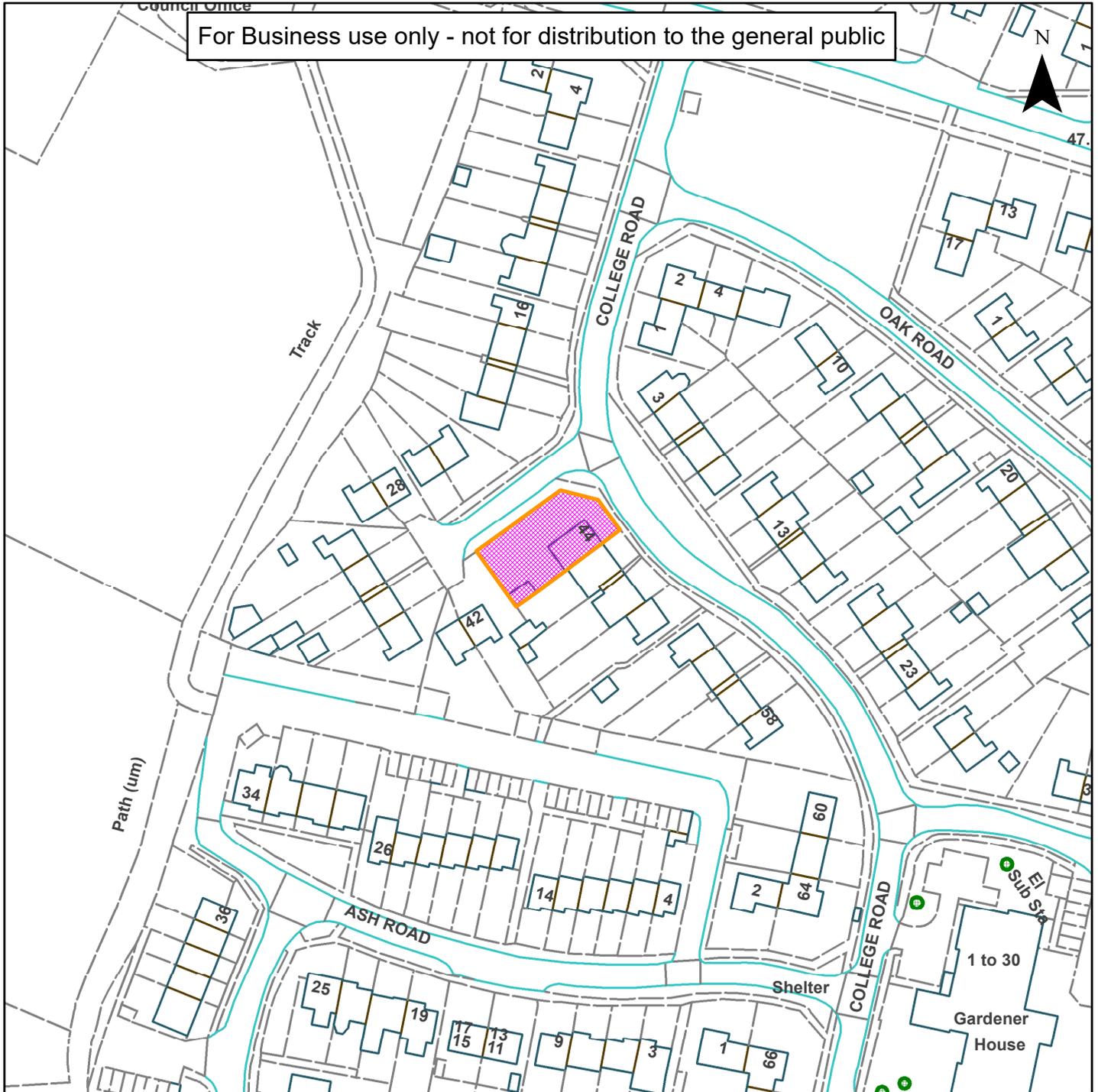
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44 College Road, Southwater, Horsham, RH13 9EH



Horsham District Council

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Organisation	Horsham District Council
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Comments	
Date	23/01/2020
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 February 2020

DEVELOPMENT: Erection of two semi-detached two storey two bedroom dwellings with on-site parking and associated works

SITE: 12 Hayes Lane Slinfold Horsham West Sussex RH13 0SQ

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/19/2232

APPLICANT: **Name:** Zena Mount **Address:** The Swan Inn Cone Valley Woolaston Lydney GL15 6AD

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

RECOMMENDATION: To approve the application subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 2no. semi-detached dwellings to the rear of the frontage dwellings along Hayes Lane. The proposed dwellings would be positioned centrally within the site, and would be oriented to face north and west.

1.3 The built form would measure to a length of 8.4m and depth of 8.9m, and would incorporate a half-hipped roof measuring to a height of 7.7m. The proposal would incorporate gable features to the north and south elevations, which would be set down from the main ridgeline, with overhang porch features to the north and west elevations. The proposed dwellings would be finished in red/brown multi-stock brick to match the adjacent properties, dark brown plain concrete tile to the roof, and white double glazed windows. Each dwelling would provide living area, kitchen, w.c to the ground floor, and 2no. bedrooms and bathroom to the first floor.

1.4 The proposed development would provide rear amenity space for each dwelling, with the amenity space for Unit 1 located to the south and east of the built form, and the amenity space of Unit 2 provided further to the east. Each amenity space would be separated by 1.8 timber fencing, with new trees and shrubs planted along the eastern boundary. 2no. off-road parking spaces would be provided for Unit 1, which would be located to the south of the built form, with 2no. off-road parking spaces for Unit 2 located to the north.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises an area of land adjoining the application properties of 11-12 Hayes Lane, and is located to the west of Hayes Lane and the south of Brick Lane.
- 1.6 The site is located outside of, but adjoining, the designated built-up area of Slinfold, and is therefore within the countryside in policy terms.
- 1.7 The area of land comprises predominantly scrubland, and is currently used for off-road parking. There is a watercourse running to the eastern edge of the application site, with a new housing development located to the west.
- 1.8 The adjacent neighbouring properties are positioned to the east and west of the site by approximately 22m and 11m respectively.

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 (NPPF)**

- 2.4 **Horsham District Planning Framework (HDPF)**

- 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 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 **Slinfold Parish Neighbourhood Development Plan**
 - Policy 5: Development Principles
 - Policy 6: Housing Mix

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 The most recent and relevant planning history is as follows:

DC/17/1012	Proposed erection of 2 nos. semi-detached two bedroom dwellings with on-site parking and associated works.	Application Refused on 31.07.2017. Appeal dismissed 16.03.2018.
DC/19/1243	Erection of 2.No semi-detached dwellings with on-site parking and associated works	Application Refused on 15.08.2019

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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health: Comment.** From reviewing historic maps it is apparent that part of the application site historically formed part of a brickworks with associated pits, pits which have subsequently been infilled with unknown and therefore potentially contaminated material. From undertaking a recent site visit it is also apparent that the site is currently being used to store vehicles and potentially contaminated materials. Given the historic and current land uses as detailed above we are of the view that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users.

3.3 **HDC Drainage Engineer: Comment.** If this development is recommended for approval, it is suggested that a Drainage Strategy (Foul and Surface Water) condition be imposed.

OUTSIDE AGENCIES

3.4 **WSCC Highways: Comment.** The Local Highways Authority does not consider that in principle this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

3.5 **Ecology Consultant: No Comment.**

3.6 **Southern Water: Comment.** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

PUBLIC CONSULTATIONS

3.7 **Slinfold Parish Council: No objection** but confirmation that the area covered by the timber sleepers has sufficient capacity to cope in extreme conditions is suggested. A condition requiring the watercourse to be kept clear of obstruction is also requested.

3.8 Two letters of objection were received. These can be summarised as follows:

- Potential flooding
- Additional traffic pressure
- Parking issues
- Overcrowding
- Impact on privacy

- Proximity to watercourse
- Removal of trees
- Overdevelopment

3.9 One letter was received from the owner of Brick Lane (A2 Dominion) which states that no parking rights would be granted by A2 Dominion South Ltd, and vehicles should not be parked on Brick Lane. Furthermore, the boundary treatment between the footpath and the car parking for Unit 2 (adjacent to Brick Lane) should be confirmed, and the boundary treatment should not obstruct the footpath. The landing window to the first floor of Unit 1 should be obscure glazed.

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 a pair of semi-detached dwellings to the rear of Hayes Lane.

Background

6.2 An application for 2no. semi-detached dwellings with parking and landscaping was originally submitted under planning reference DC/17/1012. This application was refused for the following reasons:

- 1 *The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching spatial strategy of the Horsham District Planning Framework (2015), in particular Policies 1, 2, 3, 4 and 26.*
- 2 *The proximity of the proposed new dwellings to the existing watercourse to the east of the application site is considered too close at 2.0m and is contrary to existing advice which usually suggests a minimum of 5.0m. This application is therefore considered to be contrary to Policy 24 of the Horsham District Planning Framework (2015).*

6.3 Following this refusal, the decision was appealed to the Planning Inspector. In considering the Appeal, the Planning Inspector agreed that there was conflict with policy, however questioned what harm would result to the spatial strategy or to the character of the area if the site were to be developed for housing. In considering this, the Inspector outlined that the site abuts the built-up area boundary to the east, and recognised that the site is adjacent to a large housing development providing 23 dwellings (under planning reference DC/13/2042) to the west. The Inspector thereby concluded that the site is surrounded by housing and forms part of a ribbon of land between the established and new areas of housing. It was

therefore considered that the development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.

- 6.4 The Inspector noted that Council's concerns that the development might appear cramped, but concluded that given the surrounding variations in plot sizes the proposal would not look out of place. The Council's concerns regarding the potential of the development to encourage a ribbon of development along the access track to the south, but considered that the Council would be able to determine any subsequent planning application for housing on its individual planning merits.
- 6.5 The Inspector considered that *"the proposal would not harm the broader aims of Council policy which is to concentrate growth around the settlements and to protect the character and appearance of the countryside. Indeed, the Council's delegated report also states that "it is not considered that this application would result in any harm to the countryside surrounding Slinfold" and that "the area itself does have the feel of a built-up area". Whilst I have found conflict with policies 3, 4 and 26, the proposal would be compatible with policies 1 and 2 to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth."* The Inspector thereby concluded that the site is suitable for residential development in terms of its location.
- 6.6 While the Inspector considered that the development was acceptable in respect of its location, concerns were raised in regard to the proximity of the development to the watercourse. The Inspector outlined that the flank wall of the easternmost dwelling would be located approximately 2m from the watercourse, and recognised that the Council's Drainage Engineer had advised that an appropriately sized, development-free buffer zone, usually a minimum of 5m wide, should be left on both sides of the watercourse to conserve and enhance its habitats. The Inspector stated that no convincing justification had been put forward to demonstrate that the Riparian Buffer Advice referred to by the Council should not be adhered to, and thereby concluded that the proposed development would have a harmful effect upon the watercourse.
- 6.7 The Inspector concluded that whilst *"the site would be a suitable location for residential development the proposal would have a harmful effect upon the watercourse. For this reason, and having regard to all matters raised, the appeal is [sic] therefore dismissed."*
- 6.8 A later application under planning reference DC/19/1243 sought permission for 2no. semi-detached dwellings with parking and associated works. This application was refused for the following reason:
- 1 *The proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The resulting layout, particularly the awkward subdivision of the site to provide amenity space, would further exaggerate the cramped and incongruous form of development, with the resulting layout appearing at odds with the built pattern and characteristics of the surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).*
- 6.9 This application sought to address the reason for dismissal at Appeal, with the siting of the development further to the south of the site, and oriented to address the internal access track. In addition, the built form of the dwellings was increased in length to accommodate undercroft parking, with a reduction in the overall height and provision of additional dormers within the roof.
- 6.10 It was though considered that the proposed development, due to the scale, extent and massing of the proposal, would result in a cramped form of development that would detract from the recognised linear build pattern of the surroundings. The proposed development, set

further to the south of the site and oriented to face west, would sit in juxtaposition to recognisable build pattern, with the scale and extent of the built form considered to appear as a cramped and dominant addition within the context. It was thereby concluded that the proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The proposal would sit in contrast to the linear form of development fronting the street, with the scale and massing of the proposal considered to result in a dominant and cramped form of development, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

- 6.11 The current application has sought to address the reason for dismissal, and the reason for refusal in respect of the most recent application (planning reference DC/19/1243). The current proposal has been re-sited further to the west, outside of the Riparian Buffer Zone, with the built form and appearance reflective of that considered at Appeal, albeit to a reduced scale and footprint. A larger area of amenity space has also been provided, with alterations to the layout of the site and parking arrangement.

Principle of Development

- 6.12 The priority of Policies 3 and 4 of the Horsham District Planning Framework (HDPF) is for development to be located within the built-up area boundaries, with a focus on brownfield land. The appeal site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms. The scheme is therefore classed as a departure from the Local Plan.
- 6.13 Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are 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 is demonstrated to meet the identified local housing needs; the impact of 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 character features are maintained and enhanced.
- 6.14 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.15 Paragraph 78 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.16 The site lies between the established frontage properties of Hayes Lane, with an area used as extended curtilage, with the new housing development of Brick Lane located to the west. The site is adjacent to the built-up area for Slinfold which runs along the back gardens of the properties fronting Hayes Lane.
- 6.17 A previous application under planning reference DC/17/1012 was refused by the Council on the grounds that while the proposal would not result in harm to the countryside surrounding Slinfold, the site is outside of the defined built-up area boundary and would be contrary to the overarching spatial strategy within the Development Plan. The principle of development was therefore considered unacceptable. This was addressed by the Planning Inspector at

appeal, where it was noted that the site abuts the built-up area boundary of Slinfold to the east, while to the west it is adjacent to a large housing development. The site is therefore surrounded by housing, and forms part of a ribbon of land between established and new housing areas. It was therefore considered that the site would become a functioning part of the settlement of Slinfold, and would not harm the broader aims of Council policy. The Inspector concluded that the site would be suitable for residential development in terms of its location.

- 6.18 Given the Inspector's conclusions, which considered that the site is in a suitable location that would not harm the broader aims of the spatial strategy, it is considered that the principle of residential development would be acceptable in this location.

Design and Appearance

- 6.19 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.20 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.
- 6.21 The previous application under planning reference DC/19/1243 related to the erection of 2no. semi-detached dwellings with on-site parking and associated works. The proposal was refused for the following reason:
- "The proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The resulting layout, particularly the awkward subdivision of the site to provide amenity space, would further exaggerate the cramped and incongruous form of development, with the resulting layout appearing at odds with the built pattern and characteristics of the surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015)."*
- 6.22 The current proposal has sought to address these concerns by re-siting and re-orienting the proposed dwellings, with alterations to the design to encompass dual frontages at a reduced scale and footprint. The parking arrangement has also been altered to provide parking to the north and south of the built form, with the layout of the residential curtilage remaining as previously proposed. The proposed built form sits in general conformity of the build pattern between the garages serving 11a-11c Hayes Lane and the dwelling known as 1 Brick Lane.
- 6.23 While acknowledged that the proposal represents backland development, given the context of the wider surroundings, which includes the detached garaging to the east and the detached residential properties comprising Brick Lane to the west, it is considered that the provision of the semi-detached dwellings as proposed would create a general build line of development fronting Brick Lane. Given this specific context, it is considered that the proposed infill development would not appear out of character with the build pattern and characteristics of the immediate locality.

- 6.24 The proposal has been reduced in scale and footprint, with the 2no. semi-detached dwellings designed to address the existing access lane to the west and Brick Lane to the north. The built form would sit in line with the adjacent buildings, with the overall form and appearance considered to reflect the character and finish of the adjacent properties to the west. Given these reductions and alterations, it is considered that the development would sit in better relation to the built pattern and characteristics, and would not result in harm to the townscape character and visual amenities of the street scene.
- 6.25 It is recognised that the layout of the amenity space remains as previously proposed albeit that the spaces themselves have been re-arranged and enlarged. These alterations have included the provision of a patio area and enlarged amenity space to Unit 1, and the provision of a narrow rear/side garden to Unit 2. Concerns were raised in respect of the previous arrangement, which was considered to result in an awkward layout that would result in a convoluted division that would be incongruous within the established settlement pattern. While this arrangement remains, albeit with slightly larger amenity spaces, it is recognised that the arrangement would not be readily appreciable from the street scene. It is not therefore considered that there would be sufficient harm arising from this arrangement to justify a reason for refusal.
- 6.26 The Inspector, in considering the appeal under reference DC/171012, stated that “the site abuts the built up area boundary to the east whilst to the west it is adjacent to a larger housing development providing 23 dwellings on land to the rear of 1-25 Hayes Lane (reference DC/13/2042). The site is surrounded by housing. It forms part of a ribbon of land between the established and new areas of housing. The development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.”
- 6.27 While the proposed development would contrast the build pattern and character of the surroundings, the scheme is similar in scale to that subject of the appeal decision. In considering the appeal, the Inspector raised no objections to the scale, layout and form of the development, with the appeal only dismissed on the impact of the development on the watercourse.
- 6.28 Given the conclusions of the Inspector, and the alterations to the scheme as a whole, which has reduced the scale of the development and resulted in a form and appearance that better reflects the characteristics of the surroundings, it is considered that the proposal would relate sympathetically to the build pattern and characteristics of the townscape and locality. The proposed development is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.29 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.
- 6.30 The application site lies to the rear of the frontage dwellings comprising Hayes Lane, which are located approximately 22m to the east, with the new development comprising Brick Lane positioned to the west at a distance of approximately 11m.
- 6.31 The proposed development would incorporate ground and first floor windows to the southern and eastern elevations, which would open to bedrooms and a bathroom.
- 6.32 While the proposal would result in additional built form and the increased perception of overlooking, it is considered that the proposal has taken sufficient account of the relationship with the neighbouring properties. The proposed development would be located a reasonable distance from the neighbouring properties to the east and west, and is not considered to

result in harm to the amenities of neighbouring properties through overlooking or loss of privacy.

- 6.33 While the amenity spaces provided would result in an awkward arrangement, it is considered that each unit would benefit from a reasonable amount of private amenity space. It is not therefore considered that sufficient harm would arise to justify a reason for refusal in this regard.
- 6.34 On the balance of the considerations, it is considered that the proposed development would accord with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.35 Policy 41 of the HDPF promotes development that provides safe and adequate access, suitable for all users.
- 6.36 The proposed development would be set back from the public highway, and would be accessed via the existing internal access track. Off-road parking would be provided to each dwelling, with 2no. tandem parking spaces serving Unit 1 located to the south of the built form, and 2no. parking spaces serving Unit 2 located adjacent to Brick Lane.
- 6.37 Following consultation with WSCC Highways, it is considered that the existing access functions appropriately. The WSCC Parking Demand Calculator outlines that the proposed development would require provision of 5no. off-road parking spaces, with the proposal providing a shortfall of 1no. space. While the proposal would result in the shortfall of 1no. visitor space, it is recognised that there is availability to park on nearby streets. It is not therefore considered that a reason for refusal on parking grounds could be sustained.

Impact on Watercourse

- 6.38 Policy 24 of the HDPF states that development will be expected to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution. Development should, among other things, maintain or improve the environmental quality of any watercourses, groundwater and drinking water supplies, and prevent contaminated run-off to surface water sewers.
- 6.39 The appeal under reference DC/17/1012 was dismissed due to the harmful effect the development would have on the watercourse. This followed concerns from the Drainage Engineer in regard to the proximity of the development to the watercourse, which was located within the 5m development-free Riparian Buffer Zone.
- 6.40 The current application has altered the layout, arrangement and siting of the proposed dwellings, with the proposed development located outside of the 5m Riparian Buffer Zone. Following consultation with the Drainage Engineer, no objections have been raised to the proposal. The imposition of a Foul and Surface Water condition has been suggested, and this has been imposed on the recommendation.
- 6.41 Subject to the suggested condition, the proposal is not considered to have a harmful effect on the watercourse, and is considered to accord with Policy 24 of the Horsham District Planning Framework (2015).

Conclusion

- 6.42 The conclusions of the Planning Inspector when considering the earlier application under planning reference DC/17/1012 are considered to be of significant weight in the consideration of the current application. While the proposal would result in new-build development within a countryside location, the Inspector concluded that the development

would not harm the broader aims of the spatial strategy and development plan policies. Given this conclusion, it is considered that the principle of development has been established.

- 6.43 The proposed development would sit in line with the adjacent buildings, with the overall form and appearance considered to reflect the character and finish of the adjacent properties to the west. The proposal would result in infill development that would follow the build pattern created between the existing garages to the east and 1 Brick Lane to the west, with the scale, form and siting considered to reflect the recognised character and appearance of the wider surroundings. While recognised that the proposal would involve an awkward subdivision of the site to provide amenity space for both dwellings, it is acknowledged that this would not be readily perceptible from the street scene. On the balance of all considerations, it is not therefore considered that a singular reason for refusal on the grounds of the amenity layout would be reasonable. The proposed amenity space is considered appropriate given the size of the units, with the proposal not considered to result in conflict with the amenities of the surrounding properties.
- 6.44 On the balance of all material considerations, including the conclusions of the Planning Inspector, the proposal is recommended for approval as a departure from the development plan as it is considered that the site would be a suitable location for a windfall site, and would not result in harm to the character of the site and surroundings, the amenities and sensitivities of neighbouring properties, or the function and safety of the public highway.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.45 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.46 **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	447		447
Total Gain			
Total Demolition			

- 6.47 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.48 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 approved the application subject to the following conditions:

Conditions:

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

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

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

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

- 4 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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

- 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
- A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
- 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 10A 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 occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the 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).

- 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 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:** 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).

- 11 **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/17/1012
DC/19/1243
DC/19/2232

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Appeal Decision

Site visit made on 19 February 2018

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2018

Appeal Ref: APP/Z3825/3181981

Land rear of 12 Hayes Lane fronting Maydwell Avenue, Slinfold, Horsham RH13 0SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Zena Mount against the decision of Horsham District Council.
 - The application Ref DC/17/1012, dated 24 May 2017, was refused by notice dated 31 July 2017.
 - The development proposed is erection of 2 semi-detached two bedroom dwellings with on-site parking and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application drawings show the proposal relating to a rectangular parcel of land fronting Maydwell Avenue outlined in red, with a blue outline to the adjacent house and garden at 12 Hayes Lane indicating land in the same ownership but outside the application site. Subsequent to the submission of the appeal, the house and garden at 12 Hayes Lane has been sold. The original address reference to the appeal, 12 Hayes Lane, is no longer correct. I have amended the address reference in the banner heading above to reflect the change in circumstances.

Main Issues

3. The main issues are (a) whether the site is a suitable site for residential development in respect of its location and (b) the effect of the development on a watercourse running through the site.

Reasons

(a) Suitability for residential development

4. The appeal relates to an area of open land to the south side of Maydwell Avenue and to the west of dwellings fronting Hayes Lane. These dwellings and their back gardens are within the built up area boundary for Slinfold but the appeal site is outside it but adjacent to it. Next to the site, also beyond the built up area boundary, is a new residential development, under construction at the time of my site visit, with industrial units to the west of this. On the

- opposite, northern side of Maydwell Avenue are the back gardens of dwellings fronting Hayes Lane and an area of allotments.
5. The Horsham District Planning Frameworks (HDPF) (2015) has a spatial strategy for guiding the provision of new housing. Policy 1 of the HDPF emphasises the principles of sustainable development whilst policy 2 focuses growth within the main settlements, and amongst other things, seeks to maintain the district's rural character. Policy 3 indicates that development will be permitted within towns and villages which have defined built up areas and identifies Slinfold as a 'Medium Village'. That said, the site is not within a defined built up area and so the proposal would not comply with this policy. Policy 4 outlines the circumstances in which development outside of built up area boundaries will be supported, but as the appeal site is not allocated within a Local Plan or a made Neighbourhood Plan and is not 'contained within an existing defensible boundary' the proposal would not comply with this policy. Given the above factors, and in accordance with Policies 3 and 4, the site falls within the Countryside.
 6. Policy 26 of the HDPF seeks to protect the rural character and undeveloped nature of the countryside and indicates that new development must be essential to its countryside location. But I have nothing before me to suggest that the dwellings would be 'essential to their countryside location'. Therefore, the proposal would also conflict with Policy 26.
 7. There is conflict with Council policy. However, the question arises what harm would result to the spatial strategy or to the character of the area if the site were to be developed for housing? The site abuts the built up area boundary to the east whilst to the west it is adjacent to a large housing development providing 23 dwellings on land to the rear of 1-25 Hayes Lane (ref. DC/13/2042). The site is surrounded by housing. It forms part of a ribbon of land between the established and new areas of housing. The development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.
 8. I note the Council's comments that the development might appear cramped but given the surrounding variations in plot sizes, I consider that it would not look out of place. I also note the Council's concerns that the proposal may encourage a ribbon of development along the access track to the south of the site, but the Council would be able to determine any subsequent planning application for housing on its individual planning merits.
 9. Therefore, I consider that the proposal would not harm the broader aims of Council policy which is to concentrate growth around the settlements and to protect the character and appearance of the countryside. Indeed, the Council's delegated report also states that "it is not considered that this application would result in any harm to the countryside surrounding Slinfold" and that "the area itself does have the feel of a built-up area". Whilst I have found conflict with policies 3, 4 and 26, the proposal would be compatible with policies 1 and 2 to maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth.
 10. I appreciate that the Council has an up to date supply of land for housing. However, this factor does not limit further housing provision and it is the National Planning Policy Framework's objective to boost the supply of housing.

Given the above, I conclude that the site is suitable for residential development in terms of its location.

(b) Effect on the watercourse

11. The flank wall of the easternmost house would be located approximately 2m from the watercourse. The Council's Drainage Engineer has advised that an appropriately sized, development-free buffer zone, usually a minimum of 5 metres wide, should be left on both sides of the watercourse, to conserve and enhance its habitats. Whilst I note the appellant's comments that neither a design and access statement nor a SuDS report is usually necessary for the scale of development proposed, I have no convincing justification before me that the Riparian Buffer Advice, referred to by the Council, should not be adhered to, notwithstanding the location of the site within a low risk flood area.
12. I have had regard to the development on Plot 23 but in my assessment, there is more space remaining around the watercourse on that plot than there would be in the appeal proposal. Moreover, I am not bound by other decisions of the Council.
13. I therefore conclude that the proposed development would have a harmful effect upon the watercourse. Consequently, it would be contrary to Policy 24 of the HDPF which seeks to maintain or improve the environmental quality of watercourses. It would also conflict with one of the core planning principles set out at paragraph 17 of the National Planning Policy Framework that development should "contribute to conserving and enhancing the natural environment".
14. I have considered the representations from interested parties including support for the development but none outweigh the conclusions I have reached.

Conclusion

15. Whilst I have concluded that the site would be a suitable location for residential development the proposal would have a harmful effect upon the watercourse. For this reason, and having regard to all matters raised, the appeal is therefore dismissed.

Rory MacLeod

INSPECTOR

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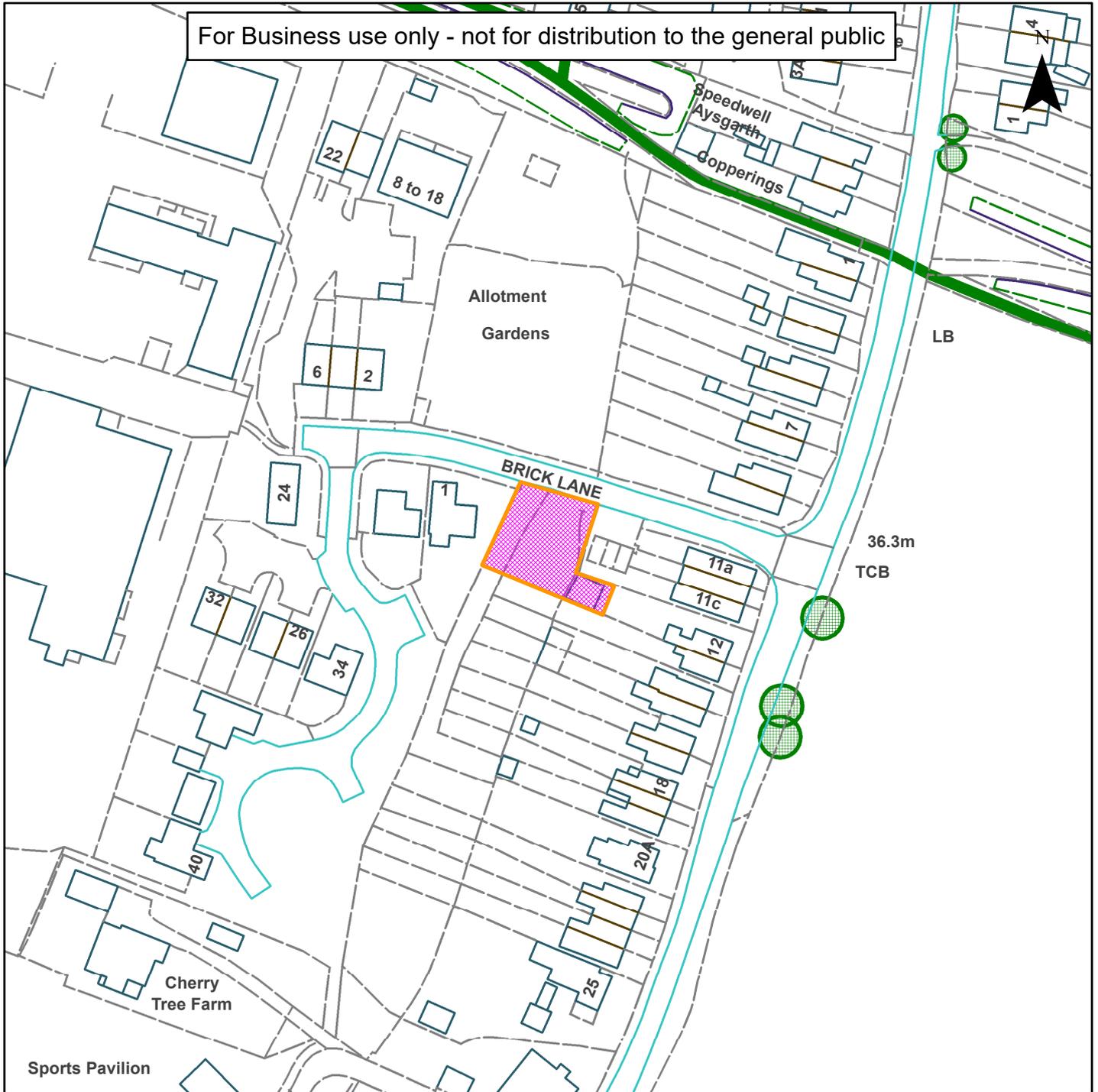
07) DC/19/2232

12 Hayes Lane, Slinfold, Horsham, RH13 0SQ



Horsham District Council

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	23/01/2020
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 21st January 2020

DEVELOPMENT: Demolition of 2no. barns, removal of caravan, and the erection of a two storey dwelling

SITE: Tittlesfold Farm The Haven Billingshurst West Sussex RH14 9BG

WARD: Rudgwick

APPLICATION: DC/19/2412

APPLICANT: **Name:** Mr Stephen Roots **Address:** 5 Sterling Barns Knowle Lane Cranleigh GU6 8JP

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

RECOMMENDATION: To approve planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the demolition of 2no. barns and the removal of a mobile home, and the erection of a two storey detached dwelling and garage.

1.3 The proposed dwelling would be located centrally within the defined curtilage, and would be oriented to face north. The dwelling would comprise a 'T' shape that would measure to a length of 21.9m and a total depth of 9.6m. The proposal would incorporate a pitched roof (with cat-slide to the frontage) measuring to an overall height of 6.9m, with a single storey fully glazed porch projection to the front and a fully glazed cart shed opening with dormer to the rear. The dwelling would incorporate roof lights to the front and rear roof slopes, and would utilise a brick plinth, with timber cladding to the elevations, and clay tiles to the roof.

1.4 The proposed garage would be positioned to the north-west of the proposed dwelling, and would be oriented to face east. The proposal would measure to a length of 6.7m and a depth of 5.6m, and would incorporate a hipped roof measuring to an overall height of 5.2m. The proposed garage would be finished in timber cladding with a tile roof.

1.5 The proposed dwelling would benefit from private amenity space to the north and east of the dwelling, with the area of land to the west returned to paddock.

DESCRIPTION OF THE SITE

- 1.6 The application site is located to the southeast of a cluster of properties that comprise the wider Tittlesfold Farm estate. The Tittlesfold Farm estate includes Tittlesfold House, a Grade II listed building, and is accessed via a narrow lane east off The Haven/Haven Road. The site falls outside of any designated built-up area boundary and is therefore located within the countryside in policy terms.
- 1.7 The site comprises 2no. barns and 1no. mobile home located within paddocks southeast of Tittlesfold House and Tittlesfold Barn. The wider site comprises enclosed grassland with mature trees located along the boundaries of the paddocks.
- 1.8 The wide surroundings are characterised by open countryside, with sporadic residential dwellings fronting The Haven/Haven Road.

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 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

- 2.5 **Rudgwick Parish Design Statement 2009**

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 **Rudgwick Parish Neighbourhood Development Plan**

- Designated (Regulation 7)

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1462	Prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3)	Prior Approval Required and PERMITTED on 12.09.2019
DC/19/1471	Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class 3)	Prior Approval Required and PERMITTED on 12.09.2019

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

INTERNAL CONSULTATIONS

3.2 **HDC Conservation:** Comment

Tittesfold Farmhouse is described as a 16thC timber framed dwelling. The historic farm buildings survive to the southeast of the house and could be contemporary. These are not listed but do reinforce the special interest of the house. The Upper and Lower Barns south of the lane are modern agricultural and equestrian buildings of no architectural merit. However, they are low scale buildings and are well screened from the historic farm complex. Preference would be for the existing buildings to be converted or replaced with single storey structures under clay tile roofs. There are single storey buildings south of the main barn and additional single storey buildings reflecting traditional farm buildings would not look out of place in this context. They would also be subservient structures and would not compete with the historic house as the primary dwelling in this location. The proposed dwelling is a large building and will be in addition to the existing modern dwelling east of the historic house. A third large house will begin to change the perception of this complex of buildings from a historic farmstead to a hamlet. The harm to the setting of the listed building will be negligible and I can imagine that, although the public benefit is fleeting, it will outweigh this level of harm.

- 3.3 **HDC Environmental Health:** Conditions are suggested in respect of contamination, construction management, external lighting, and noise.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** The WSCC Parking Demand Calculator expects that a minimum of three parking spaces would be required for a dwelling of this size and location. Whilst a detailed plan demonstrating parking provision has not been provided, there would appear to be sufficient space on site for this provision to be accommodated. Details of parking provision can be secured via condition.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

3.5 **Southern Water:** Comment
Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
PUBLIC CONSULTATIONS

3.6 **Rudgwick Parish Council:** Objection on the following grounds:

- Development in the countryside
- Inappropriate development
- Overdevelopment of the site

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 2no. barns and the removal of 1no. mobile home, and the erection of a two storey dwelling and single storey garage.

Principle of Development

6.2 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The appeal site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

6.3 Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are 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 is demonstrated to meet the identified local housing needs; the impact of 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 character features are maintained and enhanced.

6.4 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with development elsewhere permitted only where it falls within a defined settlement boundary or where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

6.5 Paragraph 78 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning

policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

- 6.6 Policy 26 of the HDPF directs that development should be essential and appropriate in scale, and meet one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.
- 6.7 The application site lies outside of any defined built-up area boundary and there is no 'made' neighbourhood plan for the area. Furthermore there is not considered to be an essential need for a dwelling in this countryside location. Accordingly the proposal represents development in the countryside contrary to policies 4 and 26 of the HDPF.
- 6.8 Whilst the provision of this proposed new dwelling in the countryside is not supported in policy terms, it is recognised that the site benefits from extant Prior Approvals for the conversion of the 2no. barns to residential dwellings under references DC/19/1462 and DC/19/1471. Due to the extant nature of these approvals, consideration must be given to them as a fallback position.
- 6.9 Fallback is a material consideration in the decision making process and carries weight when making a determination. 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.
- 6.10 In this instance the fallback position is considered a material consideration of significant weight, with the proposed scheme considered to improve the quality and provision of accommodation within the site. The proposed scheme would result in a built form that would improve and enhance the character of the semi-rural locality compared to the conversion of the existing barns, and an opportunity to better control the development through the imposition of relevant conditions, including those related to occupancy and use. Furthermore, the proposal includes the demolition of both existing barns and the removal of the caravan on the site, thereby resulting in fewer dwellings on site. On this basis, and subject to a condition requiring the removal of the two barns and caravan from the site before occupation commenced, the current application is considered to provide a better, more rational re-development of the site.
- 6.11 Consequently, while the proposal represents a departure from the development plan, the fallback position established by way of the extant prior approvals for the conversion of existing barns on the site to residential is considered to hold sufficient weight to justify the principle of a new dwelling in this location.

Design and Appearance

- 6.12 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.
- 6.13 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.

- 6.14 Rudgwick Parish Design Statement 2009 outlines that the overall condition of the landscape character is good, however sensitivity is high given the area's intrinsic qualities, views from the ridge tops, and across Arun Valley. The Statement continues that any small scale development should respond to the historic settlement pattern, local design, and building materials. Small scale development should be well integrated into the existing landscape pattern of small woodlands, hedgerows, and shaws, and should conserve the rural undeveloped character, particularly where development is likely to damage the character through loss of small scale field patterns and woodland. The Design Statement outlines that development should utilise architectural details that complement the whole and sit well in the overall street scene, and should enhance the landscape and maintain the building line.
- 6.15 The proposed dwelling would be located centrally within the defined curtilage, and would be oriented to face north. The dwelling would comprise a 'T' shape that would measure to a length of 21.9m and a total depth of 9.6m. The proposal would incorporate a pitched roof (with cat-slide to the frontage) measuring to an overall height of 6.9m, with a single storey fully glazed porch projection to the front and a fully glazed cart shed opening with dormer to the rear. The dwelling would incorporate roof lights to the front and rear roof slopes, and would utilise a brick plinth, with timber cladding to the elevations, and clay tiles to the roof.
- 6.16 Following initial concerns with the design, proportions, and arrangement of fenestration of the barn, amendments have been received which have introduced barn hips to the side elevations, and reduced the depth and height of the front and rear projections.
- 6.17 The proposed dwelling has been designed to reflect a traditional barn vernacular, with the use of a cat-slide roof to the front elevation, and a cart shed opening to the rear. The proportions of the dwelling are considered to reflect a rural vernacular, with the arrangement and size of the window openings considered to retain a traditional barn character. While the front projection does introduce a degree of domesticity into the character of the building, following amendments, this addition is considered to sit comfortably within the character of the building. It is therefore considered that the proposed dwelling has been designed to reflect the built form and character of the area, in a manner that would be anticipated within the context of the rural locality and landscape setting.
- 6.18 The proposed garage would be positioned to the north-west of the proposed dwelling, and would be oriented to face east. The proposal would measure to a length of 6.7m and a depth of 5.6m, and would incorporate a hipped roof measuring to an overall height of 5.2m. The proposed garage would be finished in timber cladding with a tile roof.
- 6.19 The proposed garage would be set down from the main ridgeline of the dwelling, and would be set back from the access track. While the proposed garage would be positioned forward of the front elevation, it is considered that the size and scale of the garage would be modest, and would not overdominate the frontage of the dwelling.
- 6.20 The proposed dwelling and detached garage are therefore considered to be of a scale, design, and appearance that would appropriately reflect the character and appearance of the rural locality, and are considered to relate sympathetically to the built form and context of the wider locality. The proposal is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and the provisions of the Rudgwick Parish Design Statement (2009).

Heritage Impacts

- 6.21 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.'
- 6.22 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.
- 6.23 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.
- 6.24 Tittesfold Farmhouse is a Grade II Listed Building described as a 16thC timber framed dwelling. The historic farm buildings survive to the southeast of the house and could be contemporary. These are not listed but do reinforce the special interest of the house. The Upper and Lower Barns south of the lane that are to be demolished as part of this development are modern agricultural and equestrian buildings of no architectural merit. They are low scale buildings and are well screened from the historic farm complex.
- 6.25 The Council's Design and Conservation Officer is of the view that the proposed dwelling would be a large building that would be in addition to the existing modern dwelling to the east of the Grade II Listed dwelling. As such the Design and Conservation Officer considers that an additional dwelling within this farmstead would begin to change the perception of this complex from an historic farmstead to more of a hamlet. Notwithstanding this, the Design and Conservation Officer considers an harm to the setting of the Grade II listed building to be negligible.
- 6.26 The application site is located to the southeast of the historic farmstead, and given the surrounding boundary arrangements is not readily perceived or understood within this context. The proposed development seeks to reflect a traditional barn vernacular, which would be anticipated within the rural context. For this reason, it is not considered that the proposal would result in harm to the setting of the Listed Building that would outweigh the benefit of the new dwelling, particularly given the extant permission for the conversion of the two barns on the site to dwellings of inferior design, and given that the proposal includes the removal of these two barns as well as the caravan.

Amenity Impacts

- 6.27 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.28 The proposed dwelling would be positioned to the south of the cluster of dwellings at the Tittesfold Farm estate at a distance of approximately 40m.
- 6.29 Given the separation distance and the relationship between the proposal and the neighbouring properties, it is not considered that the proposal would result in harm to the

amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impact

- 6.30 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.31 The proposed dwelling would utilise an existing field access, with an area of hardstanding provided to the frontage.
- 6.32 Following consultation with WSCC Highways, no objections have been raised to the use of this access, and it is considered that the established access road functions appropriately in the current form. It is therefore considered that the proposal would provide suitable access. In addition, it is considered that an appropriate level of parking would be made available through the provision of the area of hardstanding to the north of the dwelling.
- 6.33 It is therefore considered that the proposal provides safe and adequate access and parking, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.34 The proposed development would be located outside of a built up area boundary and on a site not allocated for development within the HDPF or an adopted neighbourhood plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the development is not considered essential to this countryside location. The proposal therefore fails to comply with policies 1, 4 and 26 of the Horsham District Planning Framework (2015).
- 6.35 Although contrary to the above policies, there are existing extant permissions for the conversion of the existing barns into residential dwellings under Class Q of Schedule 2, Part 3 of the General Permitted Development Order 2015. These extant permissions have established the principle of residential use on the site and represent a fallback position that is a material consideration of significant weight. The proposed scheme would result in a built form that would relate sympathetically to the rural character of the site and surroundings and would result in no harm to the amenities or sensitivities of neighbouring properties. Furthermore the public benefit of the new dwelling including through its design and the removal of the existing consents for the conversion of the existing barns by way of their demolition is sufficient to outweigh the minor 'less than substantial' harm the development would have on the setting of the Grade II listed Tittlesfold House. The proposed development is therefore considered acceptable as a departure from the development plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.36 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.37 **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	257.5		257.5
		Total Gain	
		Total Demolition	233.2

- 6.37 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.38 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 approved the application subject of the following conditions:

Conditions:

1 **Approved Plans**

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

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

- 3 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following

the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 4 **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).

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

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

- 8 **Pre-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

- A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
- 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).

- 9 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces (including garages where applicable) for vehicles shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include a minimum of 1no. Electric Vehicle Charging Point within or adjacent to the parking spaces. The dwelling hereby permitted shall not be occupied until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 10 **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).

- 11 **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).

- 12 **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).

- 13 **Pre-Occupation Condition:** Prior to first occupation of the dwelling hereby permitted the existing barns and caravan indicated on location plan TFB 02 shall cease to be used for any purpose whatsoever and shall have been demolished (including the removal of foundations) with all materials arising from such demolition removed from the site and the site of the demolished barns and caravan restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority prior to demolition works commencing.

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

- 14 **Regulatory Condition:** The residential curtilage of the dwelling hereby permitted shall be as indicated by the red outline on plan reference TFB 02, and shall not include the area dashed which is to be returned to paddock.

Reason: In the interests of visual amenity and the landscape character of the area within the countryside location, and in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A B C D E F G and H of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the new residential dwelling hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the sensitivity to change in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

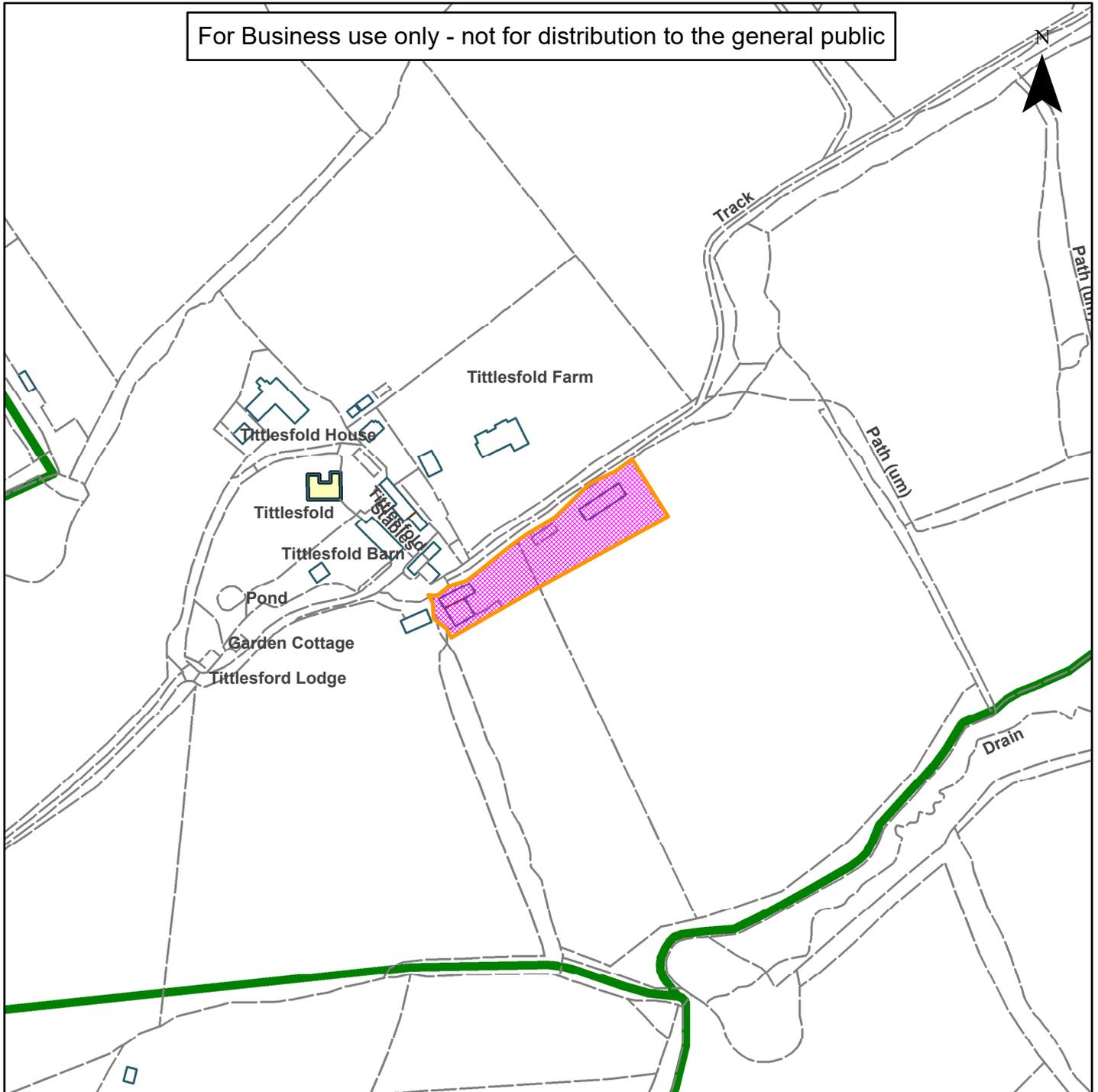
Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/2412, DC/19/1462, DC/19/1471



Tittlesfold Farm, The Haven, Billingshurst, RH14 9BG

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Comments	
Date	23/01/2020
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 February 2020

DEVELOPMENT: Removal of existing mobile home and positioning of new mobile home (retrospective). Construction of 1.8m fencing along eastern/southern boundaries along with brick pillars and gates to entrance (retrospective). Proposed construction of 1.5m high fence along eastern/northern boundaries.

SITE: Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ

WARD: Southwater North

APPLICATION: DC/18/1622

APPLICANT: **Name:** Mr L Middleton **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: At the request of Councillor Vickers.

RECOMMENDATION: To approve the application subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The proposal as originally submitted was for the re-siting of two sets of stable buildings, the removal of the existing temporary mobile home on the site, and its replacement with a larger mobile home, sited in a different position on the site. In August 2019 permission was however granted for the re-siting of the stable buildings under application reference DC/19/0278. The description of the application before Members has therefore been updated to reflect the fact that the proposal is now for the removal of the existing caravan and its replacement with a larger unit only. It is understood that works to re-site the stable buildings has recently commenced. The applicant is seeking to permanently site the larger mobile home on the site.

1.3 The new and larger mobile home has been positioned in line with, but set further into the site (west), from the existing re-located stables. The dimensions of the larger mobile home are 6.4 metres by 19.7 metres with a maximum height of 4.2 metres. The mobile home was brought onto site in mid-2018 and provides three-bedroom accommodation with an open plan kitchen/living/dining area. The walls of the mobile home are finished in a grey timber cladding effect, with the mono-pitched roof dark grey in colour and the windows/doors also dark grey. The rear elevation of the mobile home features a protruding timber and glazed element. The proposal also includes landscaping and steps to access the accommodation.

- 1.4 Since the submission of the application it has also been necessary to amend the plans to include the retention of fencing along the eastern and northern boundaries together with the construction of brick pillars and gates which are also retrospective. The proposal also now includes the construction of a 1.5m high fence along the eastern and northern boundaries and part of the southern boundary.
- 1.4 The fence as constructed is 1.8m high and runs along the southern boundary of the site (approx. 30 metres) and the eastern boundary (approx. 112 metres). The brick pillars as constructed measure some 0.6m by 0.6m in width/depth and are 1.95 metres in height, and support a 6 metre wide and 1.85 metre high gate. The proposed fence along the remainder of the eastern boundary and part of the northern boundary will be some 134 metres in length, and measure to a height of 1.5m. It is also proposed that a 25m section of 1.5m high fencing is erected along the south-western corner of the site (opposite Oakwood). Both the fence to be retained and the proposed new fencing are close boarded, timber fencing.
- 1.4 The existing permission for the temporary mobile home (DC/17/2048) expires on the 8 March 2020, with this current application seeking to permanently site the larger mobile home. The mobile home as previously granted consent measures some 11.4 metres in length by 3.8 metres in width, and 3.1 metres in height.

DESCRIPTION OF THE SITE

- 1.5 The application site, known as Beckley Stud, is sited some distance from the village of Southwater along Reeds Lane which is accessed from the south side of Coltstaple Lane. The land comprises a number of stables which are grouped together along the eastern boundary of the site which is an approximate 3.25 hectares (8 acres) of land, set out in individual paddocks with post and rail fencing.
- 1.6 Permission has previously been granted for the stables and a mobile home under application reference DC/17/2048 which was for the proposed change of use of the existing equestrian facilities to combined equestrian and charitable use and the retention of the mobile home and re-sited timber clad container. More recently a 60 metre by 30 metre sandschool has been granted permission (DC/18/1826). The layout of the current site is linear in form running parallel with the eastern boundary of the site comprising 4 stables, storage and a mobile home. As detailed above, in August 2019 permission was granted for the re-siting of the stable buildings (DC/19/0278).
- 1.7 Coltstaple Lane runs along the northern boundary of the site and Southwater Street runs along the western boundary. The eastern boundary of the site is parallel to Reeds Lane where the existing access point is located serving the field. There are listed buildings 'Kings Farm' to the north and immediately adjacent to the application site on the north side of Coltstaple Lane, and another known as 'Newfoundout East' located to the south east of the site. Neither is located within a distance that would be considered to affect the character or setting of these listed buildings.
- 1.8 The site is located outside any defined built up area boundary and therefore is identified as countryside. A right of way is located to the south of the site but not immediately adjacent to the site.

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 15 - Strategic Policy: Housing Provision

Policy 20 - Rural Workers 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 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.5 Southwater Parish Design Statement (2008)

RELEVANT NEIGHBOURHOOD PLAN

2.6 The **Southwater Neighbourhood Development Plan (2019-2031)** is currently at examination. Whilst the neighbourhood plan is not yet 'made' and therefore carries more limited weight, the most relevant policies are as follows:

SNP1 - Core Principles

SNP16 - Design

SNP17 - Site Levels

SNP18 - A Treed Landscape

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.7 The most recent and relevant planning history is as follows:

DC/14/1645	Erection of stable building comprising 8 stables and 2 foaling boxes, feed hay and tack rooms with wash down and store areas and a sand school for private use	Application Refused on 06.10.2014
DC/14/2407	Proposed creation of a small scale private equestrian yard - Five stables and sand school, revised application further to DC/14/1645	Application Refused on 20.04.2015
DC/16/1069	Retrospective application for the erection of 4 stable blocks forming 10 stables and creation of hard standing	Application Permitted on 27.07.2016
DC/17/2048	Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container	Application Permitted on 08.03.2018

DC/18/1826	Erection of a 60m x 30m sand school.	Application Permitted on 09.11.2018
DC/19/0278	Demolition of existing stables and erection of stables	Application Permitted on 06.08.2019

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
- 3.2 **WSCC Highways:** No Objection. In conclusion the Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- 3.3 **Southern Water:** Comments. The applicant should consult the Environment Agency directly regarding the use of a sewerage treatment plan which disposes of effluent to sub-soil irrigation. Southern Water should be contacted by the application in respect of drainage as it may be possible for the flows from the proposed development to be connected to a nearby public sewer. There is no public surface water sewers in the area to serve this development.
- 3.4 **Highways England** – No objection. This is on the basis that Highways England considers that the development will not materially affect the safety, reliability and / or operation of the strategic road network.
- 3.5 **Environment Agency:** No response received.
- 3.6 **Reading Agricultural Consultants:** Support the proposal. *"As concluded in the RAC Appraisal for DC/17/2048 and the November 2018 appraisal of this application there is an accepted essential need for a full time worker to reside at Beckley Stud. Mr Middleton and his family have been living on site in the replacement mobile home. As such the property is occupied by a person employed full-time in the equestrian business. Whilst the business at Beckley Stud has altered from breeding and racehorse recuperation to only breeding of Show Hunter Horses and Ponies, the first year of submitted accounts has exceeded the projections of the original five year business plan. The November 2019 update to the Business Plan and confidential financial accounts demonstrate that the business is viable and sustainable now and in the long term. The relocation of the mobile home, and replacement with a larger unit to be retained permanently is considered acceptable in terms of Local Plan Policy 20."*

PARISH COUNCIL

- 3.7 **Southwater Parish Council** have maintained an objection to the proposal throughout consideration of the application and to the amendments submitted. The objections raised relate to the increased size of the mobile home, its visibility given its height and there being no apparent need for a larger unit.
- 3.8 If the Local Planning Authority is minded to approve the application then conditions are recommended by the Parish Council in respect of use of the caravan only during the breeding season and as per DC/17/2048, that the use of the caravan ceases if there is no need for the accommodation due to there being no animals on site, and removing permitted development rights.

PUBLIC CONSULTATIONS

3.9 None received.

COUNCILLOR COMMENTS

3.10 **Councillor Vickers** wishes to discuss this at planning committee

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The main issues in this case are considered to be:

- The principle of the development in this location;
- The impact and scale of the development on the character and visual amenities of the countryside, including the neighbouring Grade II listed buildings;
- The amenities of neighbour and future occupiers; and
- Parking and highway safety issues.

Principle of Development

6.2 The principle of temporary residential accommodation on the site was considered under the original application DC/17/2048. This was granted permission, subject to conditions, including a temporary period for the residential accommodation, on the basis that the Council's Agricultural Consultant considered there to be sufficient justification to demonstrate there was an essential need for a worker to be on site at Beckley Stud in order for the enterprise to be managed properly and to meet the welfare requirements of the horses. As the enterprise proposed at Beckley Stud was still in the development stages there was not sufficient evidence that confirmed the business was financially sound and sustainable and therefore in order for the applicant to demonstrate the business was financially sound, the Council's Agricultural Consultant suggested a temporary period for the siting of the mobile home more appropriate, rather than permanent retention.

6.3 A site visit and further appraisal of the need for residential accommodation on the site has been undertaken by the Council's Agricultural Consultant in October 2018. As way of background information, the applicant and the HOPE Charity Project at that time operated from Beckley Stud. It comprised of four stables blocks, a mobile home and a timber clad container which is used by the charity. At the time of the consultants visit there were seven horses on site, with three currently off-site but to arrive shortly. Previously the applicant was focusing on providing box rest for racehorses and showjumpers and recuperation following injury, in addition to the intention to keep four broodmares at the site. The applicant had however recognised a new market for breeding and selling show hunter horses and ponies for the international market, in particular to America. The applicant intended to have more involvement in the day to day management of the site than in 2017, and his intention was

that he would reside in a larger mobile home with his family. The Council's Agricultural Consultant was content at that time that whilst the business at Beckley Stud had altered from breeding and racehorse recuperation to only the breeding of show hunter horses and ponies, the first year of submitted accounts has exceeded the projections of the original five year business plan, and therefore the relocation of the siting of a mobile home and an increase in its size was acceptable.

- 6.4 Since the application was originally submitted in August 2018, and following the advice received from the Council's Agricultural Consultant in October 2018, further information has been submitted in support of the continuation of and permanent siting of the mobile home on the site. An updated confidential Business Plan has been submitted to the Council with Profit and Loss and Balance Sheet extracts for the years ending 30 September 2018 and 2019 and forecasted profits for the year ending September 2020.
- 6.5 The Business Plan details that the applicant is operating an embryo programme in conjunction with Billy Stud (operated by William and Pippa Funnell) and he has two foals which were born in 2019 and two mares due to foal in 2020. It is anticipated that the high quality breeding lines could achieve sales in excess of £50,000 for horses aged 4 to 5 years old. Beckley Stud is planning to extend their partnership with Billy Stud and purchase two 5 year old horses which will be kept at Beckley Stud for training and then subsequently sold into the show-jumping/eventing sectors and is also exploring the options of export sales into the US market and further developing connections in the US. Beckley Stud has also secured a Brand Ambassador role for Equine America for 2020-2021 which provides £40,000 to assist with the expansion of the breeding and development programme. This sponsorship income is not clearly shown in the forecasted figures for the year ending September 2020.
- 6.6 The Council's Agricultural Advisor in their response dated 20 December 2019 has advised that *'Labour requirements are met by Mr Middleton and his wife and they are supported by a part time employee. Wages for one full time worker are shown in the profit and loss accounts for the years ending September 2018 and 2018. The net profit and balance sheets demonstrate that the business is able to support unpaid labour costs for the applicant and his wife.'* The turnover of the business has continued to increase and the submitted business plan details that the breeding programme is continuing to expand with two foals born in 2019 and two foals due in 2020. The forecasted figures for 2020 show turnover increasing by 133% and net profit increasing by 238%.
- 6.7 Policy 20 of the Horsham District Planning Framework sets out outside the defined built-up area new housing for rural workers will be supported provided that there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use, evidence is submitted to demonstrate the viability of the rural business for which the housing is required.
- 6.8 Whilst the advice of the Council's Agricultural Consultant is that Beckley Stud has demonstrated over the previous planning applications and appraisals in November 2017, October 2018 and in this current assessment that the business is viable and sustainable now and in the long term and able to meet the notional costs as detailed previously, there is concern that the nature of the business has changed since 2017. Therefore, whilst the advice of the Council's Agricultural Consultant has been fully taken into account in the consideration of this application, it is recommended that a further temporary permission be permitted in order for the changing nature of the business operating at Beckley Stud to be demonstrated as being financially sound over the next three years.

Character and visual amenities of the countryside, including the neighbouring Grade II listed buildings

- 6.9 The applicants have pre-empted the time constraint in condition 2 (standard time condition) attached to DC/17/2048, which seeks that the mobile home shall be removed and the land

restored to its former condition on or before the expiration date of 08/03/2020 (to allow for the justification of the dwelling to be reconsidered), by the installation of a much larger mobile home, together with erection of boundary fencing and construction of brick pillars and gates at the site entrance.

- 6.10 Policy 26 of the HDPF states that outside built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. In addition, proposals must be of a scale appropriate to its countryside character and location, and would not lead, either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserve, enhances key features and characteristics of the landscape character in which it is located. Policies 32 and 33 of the HDPF require development to provide an attractive, functional, accessible, safe and adaptable environment, which complement locally distinctive characters and heritage of the district, and relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site. Policy 34 of the HDPF sets out 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.
- 6.11 The mobile home as sited is largely screened from public view by the currently unauthorised fencing at the site entrance. Notwithstanding this, the mobile home is seen in the context of the equestrian development at the site, which includes replacement stables granted consent under DC/19/0278 and a sandschool granted consent in 2018. The mobile home is single storey in height with a mono-pitched roof dark grey roof. Whilst it is acknowledged that the mobile home the subject of this application is significantly larger than that previously granted consent by the Council, it is considered that its siting is not harmful to the character and appearance of the locality given the materials of the structure and its siting back from the public highway and in the context of existing buildings at the site.
- 6.12 Whilst it is noted that the boundary treatment (a 1.8m high close boarded fence) and alterations to the access into the site, when taken together with the installation of the larger mobile home, have altered the character and appearance of the site from a stable yard to more of a residential property, with a more formalised entrance, it is not considered that the development of the site as has occurred is contrary to the aims of the countryside protection policies.
- 6.13 The site is largely screened from public vantage points by mature planting, except at the site entrance off Reeds Lane, where the access has been formalised with solid gates and a gravelled surface. It is acknowledged that a 1.8m high close boarded fence would not usually be appropriate in a rural area such as this, given its more sub-urban and residential appearance, however the fence as existing is set back from the highway and behind mature planting. The submitted site plan details that the existing 1.8m high fencing has been erected along the eastern boundary of the site, to the extent where the built development on the site backs onto Reeds Lane. It is considered reasonable to consider that such fencing is required in order for security purposes at the site. It is also noted that trees have been planted at the site entrance in order to soften the impact.
- 6.14 However, the submitted site plan also indicates that 1.5m high close boarded fencing is also to be erected along other sections of the wider site. No information has been submitted to detail why such fencing is required around a wider extent of the site. Whilst the retention of the existing fencing is considered to be reasonable, it is considered that the proposed additional fencing further formalises and alter the character and appearance of the site and that a post and rail fence is the normal method of boundary treatment in rural locations.
- 6.15 As such, it is recommended that a condition is imposed on any permission granted requiring details of the landscaping of the site, including the boundary treatment to the north, south

and western sides of the site, be submitted for consideration by the Council, notwithstanding the details submitted with this application.

- 6.16 There are listed buildings 'Kings Farm' to the north and immediately adjacent to the application site on the north side of Coltstaple Lane, and another known as 'Newfoundout East' located to the south east of the site. Neither is located within a distance that would be considered to affect the character or setting of these listed buildings.

Amenities of neighbour and future occupiers

- 6.17 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.
- 6.18 The nearest neighbour to the site is 'High Reeds' to the south, and whilst there was originally a hedge between their site and the application site, this has been replaced with a 1.8m wooden fence, which has altered their outlook, but not to the detriment of the residential amenities which would warrant a refusal of the application.
- 6.19 It is not considered that the retention of the mobile home on the site, to be occupied in association with the equestrian use/s on the site, will have an adverse impact on the privacy or amenity of the occupiers of the neighbouring property to the south. The mobile home has been sited some 30m north of 'High Reeds' with the boundary with the application site bounded with the 1.8m high boundary fence, with only a second window and a window to a dressing area within the southern elevation of the mobile home.

Parking and highways impacts

- 6.20 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.21 The principle of the proposed would not be anticipated to attract a significant increase in vehicular activity to the site and no changes are proposed to the existing access arrangements to the maintained highway network. In addition, no significant changes would result to the existing on-site parking and turning arrangements, with sufficient space being provided on-site to meet the demands of occupiers of the mobile home.
- 6.22 West Sussex County Council as the Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the Highway network and therefore is not contrary to paragraph 109 of the NPPF which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the advice of the Local Highway Authority it is not considered that there are any transport or highway safety grounds to resist the proposal.

Conclusions

- 6.23 With regard to the retention of the mobile home on the site, it has been established that there is a requirement for someone to reside on the site to manage the welfare needs of the horses on site and therefore its retention is considered to meet the requirements of Policy 20 of the HDPF as there is a functional need for the dwelling. However, whilst the advice of the Council's Agricultural Consultant is that Beckley Stud has demonstrated over the previous planning applications and appraisals in November 2017, October 2018 and in this current assessment that the business is viable, and sustainable now and in the long term, there is concern that the nature of the business has changed since 2017. Therefore, whilst the advice of the Council's Agricultural Consultant has been fully taken into account in the consideration

of this application, it is recommended that a temporary permission be permitted in order for the changing nature of the business operating at Beckley Stud to be demonstrated as being financially sound over the next three years. This will allow the opportunity for the applicant to demonstrate the business can be financially sound.

6.24 Whilst it is noted that the boundary treatment (a 1.8m high close boarded fence) and alterations to the access into the site, when taken together with the installation of the larger mobile home, have altered the character and appearance of the site from a stable yard to more of a residential property, with a more formalised entrance, it is not considered that the development of the site as has occurred is contrary to the aims of the countryside protection policies. However, the submitted site plan also indicates that 1.5m high close boarded fencing is also to be erected along other sections of the wider site. Whilst it is considered reasonable to expect such fencing along the road frontage where there are buildings on the site, for security purposes, it is considered that the proposed additional fencing would further formalise and adversely alter the character and appearance of the site and streetscene. As such, it is recommended that a condition is imposed on any permission granted requiring details of the landscaping of the site, including the boundary treatment to the north, south and western sides of the site to be submitted to the Council for consideration.

6.25 It is considered that the proposals would not result in any significant or appreciable harm to the amenities of neighbouring properties, and that there is a sufficient level of car parking to support the occupiers of the mobile home.

COMMUNITY INFRASTRUCTURE LEVY

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

6.27 **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	123.47		123.47
Total Gain			
Total Demolition			

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

6.29 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 planning permission is granted subject to the following conditions:

1 **A list of the approved plans**

2 **Standard Time Condition:** The dwelling hereby permitted shall be removed and the land shall be restored to its former condition on or before the 4 February 2023 in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To allow for the justification of the temporary dwelling to be reconsidered at the expiry of the extended timeframe.

- 3 **Regulatory Condition:** Within 2 months of the date of this permission, and notwithstanding the details submitted, full details of all hard and soft landscaping works shall be 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
 - A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
 - Details of all hard surfacing materials and finishes, including at the access to the site
 - Details of all boundary treatments, including existing fencing
 - Details of the restoration of the site of the mobile home granted temporary consent under DC/17/2048.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following approval of the details. 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 character of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The existing mobile home on the site, granted temporary permission under DC/17/2048, shall be removed from the site by 8 March 2020.

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

- 5 **Regulatory Condition:** The mobile home hereby permitted shall be occupied by a person solely or mainly working in association with the equestrian use operating at Beckley Stud, Reeds Lane, Southwater.

Reason: The site lies in an area where, in accordance with Policies 20 and 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of a rural worker would not normally be permitted.

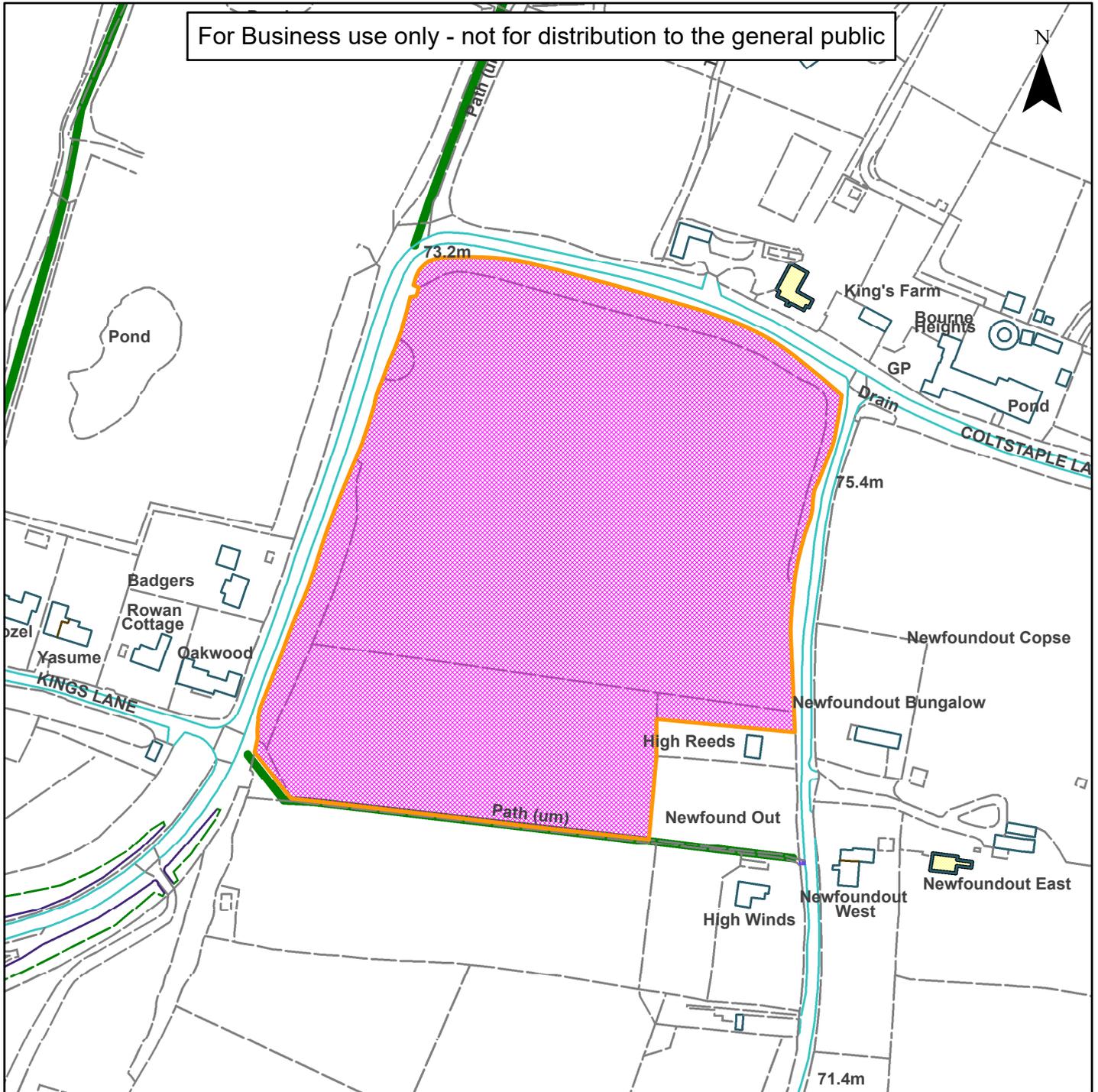
- 6 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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



Beckley Stud, Reeds Lane, Southwater, Horsham, RH13 9DQ

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