



Email: committeeservices@horsham.gov.uk
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Planning Committee (South)

Tuesday, 16th July, 2019 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Brian Donnelly (Chairman)	
	Tim Lloyd (Vice-Chairman)	
	John Blackall	Paul Marshall
	Chris Brown	Mike Morgan
	Karen Burgess	Roger Noel
	Jonathan Chowen	Bob Platt
	Philip Circus	Josh Potts
	Paul Clarke	Kate Rowbottom
	Michael Croker	Jack Saheid
	Ray Dawe	Jim Sanson
	Nigel Jupp	Diana van der Klugt
	Lynn Lambert	Claire Vickers

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 - 14
To approve as correct the minutes of the meeting held on 18 th June 2019. <i>(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.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

5. **Appeals**

15 - 16

Applications for determination by Committee:

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

Applications for determination by Committee:

6. **DC/19/0209 - Mare Meadow, West Mare Lane, Pulborough RH20 2EA** 17 - 26

Ward: Pulborough and Coldwaltham (Historic)
Applicant: Mr Graham

7. **DC/19/0327 - Grey Oak, Tudor Close, Pulborough RH20 2EF** 27 - 36

Ward: Pulborough and Coldwaltham
Applicant: Mr and Mrs N Hamilton

8. **DC/19/0417 - Little Stoke, Sandgate Lane, Storrington RH20 3HJ** 37 - 44

Ward: Chantry (Historic Ward)
Applicant: Mr and Mrs Powell

9. **Urgent Business**

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

Agenda Annex

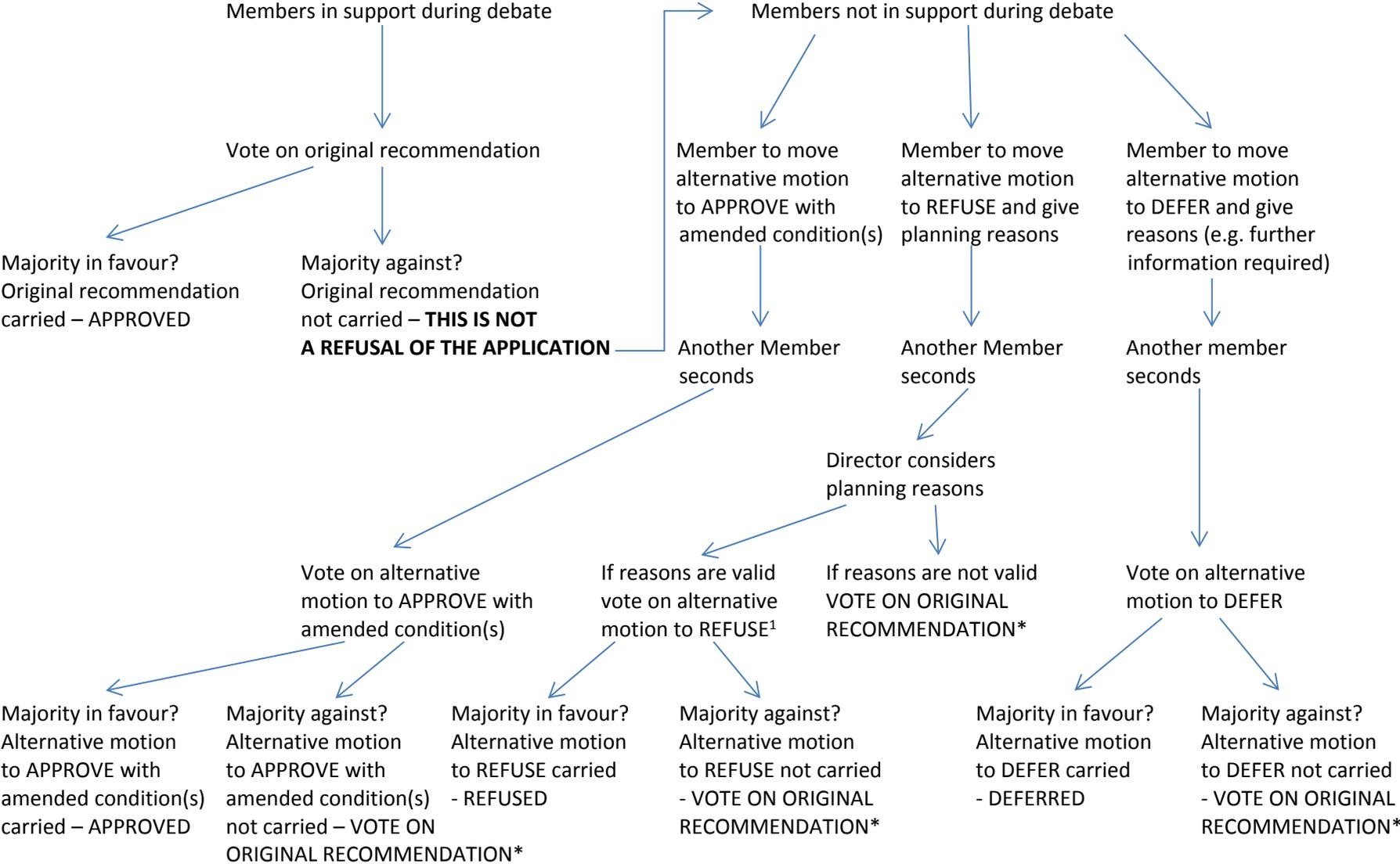
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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 (South)
18 JUNE 2019

Present: Councillors: John Blackall, Chris Brown, Philip Circus, Paul Clarke, Michael Croker, Ray Dawe, Brian Donnelly, Nigel Jupp, Lynn Lambert, Tim Lloyd, Mike Morgan, Roger Noel, Bob Platt, Josh Potts, Kate Rowbottom, Jim Sanson, Diana van der Klugt and Claire Vickers

Apologies: Councillors: Karen Burgess, Jonathan Chowen, Paul Marshall and Jack Saheid

PCS/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Brian Donnelly be elected Chairman of the Committee for the ensuing Council year.

PCS/2 **APPOINTMENT OF VICE CHAIRMAN**

RESOLVED

That Councillor Tim Lloyd be appointed Vice Chairman of the Committee for the ensuing Council year.

PCS/3 **TO APPROVE THE TIME OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

RESOLVED

That meetings of the Committee be held at 2.30pm for the ensuing Council year.

PCS/4 **MINUTES**

The minutes of the meeting of the Committee held on 16 April were approved as a correct record and signed by the Chairman.

PCS/5 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/0121 and DC/19/0122 – Councillor John Blackall declared a personal interest in these items because he was acquainted with the applicant, who had served on West Chiltington Parish Council.

DC/19/0121 and DC/19/0122 – Councillor Nigel Jupp declared a personal interest because he was a County Councillor and the freeholder of the land was West Sussex County Council.

SDNP/18/05914/FUL – Councillor Nigel Jupp declared a conflict of interest. He therefore withdrew from the meeting and took no part during the determination of the application.

PCS/6 **ANNOUNCEMENTS**

The Chairman of the Committee proposed a vote of thanks to former Councillor Brian O'Connell for his work as Chairman of the Committee during the previous Municipal year.

PCS/7 **APPEALS**

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

PCS/8 **DC/18/1761 - BARCLAYS BANK LTD, 84 HIGH STREET, BILLINGSHURST**

The Head of Development reported that this application sought permission for redevelopment of the site to provide one retail unit fronting the High Street, and four 2-bedroom terraced houses and one 2-bedroom chalet-style bungalow to the rear. The building to be demolished used to be a Barclays Bank, with an elevated parking area to the rear. Nine parking spaces and a bike store were proposed. The access would be modified by re-grading the ramped roadway and including a stepped pedestrian footway.

The scheme had been amended to take into account extensive discussions with officers. The Local Member clarified that her concerns regarding over development of the site had referred to the original proposal.

The application site was located on the west side of Billingshurst High Street, at the southern end of the Primary Shopping Frontage. It was adjacent to a florist and a small residential development, with further dwellings to the west. The Kings Arms pub garden and the cemetery were to the rear.

The Parish Council objected to the application. There had been responses to the public consultation from 30 individual properties objecting to the proposal. Six of these had been in response to the amended scheme. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; heritage impacts; the amenity of neighbouring occupiers; highways considerations; and trees and landscaping.

Members were advised that the nine parking spaces were for private use by occupiers of the development. It was agreed that the Local Members should be consulted on the approval of external materials required under Condition 10.

In response to concerns about potential overlooking from the rooflights, officers advised that any outlook would be towards a blank wall and roofs however a condition could be added to any permission granted requiring the rooflights to be positioned above 1.7m in height.

RESOLVED

That planning application DC/18/1761 be granted subject to the conditions as reported, with an amendment to condition 10 to include approval of external materials in consultation with the Local Members, and an additional condition requiring the rooflights on the north elevation to be positioned above 1.7m in height.

PCS/9 **DC/18/1515 - LAND SOUTH OF MASSEY CLOSE, STORRINGTON ROAD, THAKEHAM**

The Head of Development reported that this application sought permission for the erection of four 3-bedroom dwellings (affordable shared ownership) arranged as two pairs of semi-detached dwellings. Eight parking spaces and landscaping were proposed. Vehicular access would be created through the cul-de-sac Massey Close. The application had been amended during its consideration by officers, to reduce the number of dwellings from five to four.

The application site was located in the countryside between the mushroom works to the west and Massey Close. There was a stream and woodland to the south, beyond which were the gardens of Hardbarrow Wood. The site would benefit from pedestrian links associated with the nearby Abingworth development.

As part of the Local Plan review, the built-up area boundary of Thakeham was to be amended to include the Abingworth development, although Massey Close, the mushroom works and the application site would remain outside.

The Parish Council raised no objection to the application. There had been objections from eight households to the consultation on the initial proposal for five dwellings. Further consultation on the amended scheme for four dwellings had resulted in five further objections. The applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council also spoke in support of it.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; trees and landscaping; impact on neighbouring amenity; highways; ecology; and affordable housing.

Members noted its proximity to other development and welcomed the provision of affordable housing.

RESOLVED

- (i) That a legal agreement be entered into to secure the provision of affordable housing.
- (ii) That on completion of (i) above, planning application DC/18/1515 be determined by the Head of Development with a view to approval, subject to appropriate conditions.
- (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.

PCS/10 **DC/19/0121 - SOUTHLANDS FARM, SOUTHLANDS LANE, WEST CHILTINGTON**

The Head of Development reported that this application sought retrospective permission for the change of use of a barn to a wedding venue. The proposal included a replacement lean-to structure to comprise bar, kitchen and toilet facilities. Parking for at least 40 vehicles, on existing concrete hardstanding, was proposed.

The proposed conditions would restrict the business to operating from April to September each year, with each booking on a three-day basis to allow for setting up and clearing away.

An addendum to the report notified Members that Environmental Health had been consulted following a number of Statutory Noise complaints, and concerns that there had not been a Noise Impact Assessment. The Environmental Health Officer recommended additional conditions, which negated the need for a Noise Impact Assessment. The addendum also advised that an additional neighbour had been consulted, with a consultation expiry date of 21 June. The officer recommendation was amended to reflect that this Committee meeting took place prior to the end of the consultation period.

The application site was located outside the built-up area east of Southlands Lane and was one of several rural buildings. The barn was within the curtilage of Southlands Farm, a Grade II Listed Building. Open countryside surrounded the site, with some commercial and residential buildings on the other side of Southlands Lane.

West Chiltington Parish Council and Thakeham Parish Council raised no objections to the application, subject to conditions. Forty-four representations, from 35 households, objecting to the proposal had been received. There had also been 17 representations in support of the proposal, including four received after publication of the report. One member of the public spoke in objection to

this application and application DC/19/0122. Three members of the public, including the applicant and the applicant's agent, spoke in support of both applications. A representative of the Parish Council also spoke in support of the applications.

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

It was proposed and seconded that the application be deferred so it could be determined by Members after expiry of the consultation period. The motion was lost.

It was proposed and seconded that the proposal be subject to a temporary consent for 18 months. The motion was lost.

Members considered the economic benefits of the proposal, and weighed these against concerns about noise disturbance. It was noted that enforcement action could be taken should there be complaints regarding noise.

RESOLVED

- (i) That planning application DC/19/0121 be determined by the Head of Development with a view to approval, subject to the end of the neighbour consultation period on 21 June and the consideration of any further comments received in consultation with Local Members.
- (ii) That Condition 6 be amended to extend the period of permitted use by one month so it runs from April to October.

PCS/11 **DC/19/0122 - SOUTHLANDS FARM, SOUTHLANDS LANE, WEST CHILTINGTON**

The Head of Development reported that this retrospective application sought Listed Building Consent for the change of use of a barn to a wedding venue with ancillary facilities. The works included replacement entrance doors and new wooden floor, and a replacement lean-to structure to comprise bar, kitchen and toilet facilities.

The application site was located outside the built-up area east of Southlands Lane and was one of several rural buildings. The barn was within the curtilage of Southlands Farm, a Grade II Listed Building.

The Parish Council had not commented on the application. Four representations objecting to the proposal, and one in support of it, had been received. One member of the public spoke in objection to this application and application DC/19/0121. Three members of the public, including the applicant

and the applicant's agent, spoke in support of both applications. A representative of the Parish Council also spoke in support of the applications.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was the impact of the proposal on the special character and distinctiveness of the Grade II Listed Building.

RESOLVED

That Listed Building Consent DC/19/0122 be granted subject to the conditions as reported.

PCS/12 **SDNP/18/05914/FUL - WEST SUSSEX GOLF CLUB, GOLF CLUB LANE, WIGGONHOLT**

On behalf of the Director of Planning, South Downs National Park Authority, the Head of Development reported that this application sought permission for the change of use of land to provide a 6-hole practice area to the south of the West Sussex Golf Club. Some landscaping would be required.

The application site was located in the open countryside on the east side of Golf Club Lane. There was a mock-Tudor style clubhouse, driving range and car parking south of the golf course and north of the application site. There was an equestrian facility adjacent to the site.

The Parish Council raised no objection to the application. There had been 19 public consultation responses, from 15 households, objecting to the proposal. An additional representation objection to the application had been received since publication of the report. Three members of the public spoke in objection to the application. One member of the public and the applicant 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; its impact on the countryside landscape and character of the area; the amenities of nearby occupiers, including the equestrian facility; impact on a public bridleway along the perimeter of the site; and highways considerations.

Members noted concerns regarding the impact of the proposal on the neighbouring equestrian centre, in particular with regards to noise and the safety of horses and riders. After careful consideration, Members agreed to defer the application so that these concerns could be investigated.

RESOLVED

That planning application SDNP/18 05914/FUL be deferred to allow for further investigation into the impact on the neighbouring equestrian business and the Arun Valley SPA.

PCS/13 **DC/19/0511 - HOPE COTTAGE, SHOREHAM ROAD, SMALL DOLE**

The Head of Development reported that this application sought permission for the erection of a two-storey rear extension to a detached chalet bungalow. It would have a pitched roof with a ridge height of 6.5 metres, and would be eight metres wide and up to three metres deep.

The application site was located within the built-up area of Small Dole along the A281. There were detached properties either side, with Sycamores to the north in close proximity.

The Parish Council objected to the application. One objection had been received. One member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the character of the dwelling and its impact on the visual amenities of the area; and the amenity of the occupiers of adjacent properties.

Members considered the scale of the proposed extension and its proximity to the neighbouring property and concluded that the overbearing impact of the extension would be unacceptable.

RESOLVED

That planning application DC/19/0511 be refused for the following reasons:

The proposed extension by virtue of its scale, mass and form would represent an unduly dominant and overbearing impact on the neighbouring property the therefore effect their residential amenities, contrary to policies 32 and 33 of the Horsham District Planning Framework.

PCS/14 **DC/19/0628 - 31 EAST STREET, BILLINGSHURST**

The Head of Development reported that this application sought permission for alterations to a chalet bungalow comprising the installation of three rooflights on the front roofslope (over a newly formed en-suite bathroom, dressing room and existing staircase) and the enlargement of a rear dormer window.

The application site was located within the built-up area of Billingshurst on the north side of East Street, within the Billingshurst Conservation Area. The surrounding properties included two-storey houses, terraces and bungalows

The Parish Council raised no objection to the application. No public consultation responses had been received.

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 its impact on the streetscene and surrounding area; and neighbouring amenity.

RESOLVED

That planning application DC/19/0628 be granted subject to the conditions as reported.

The meeting closed at 5.58 pm having commenced at 2.30 pm

CHAIRMAN



Planning Committee (South)

Date: 16th July 2019

Report on Appeals: 06/06/19 – 03/07/19

1. Appeals Lodged

HDC have received notice from the Department of Communities and Local Government that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/18/2249	The Chardonnay Restaurant Old London Road Washington Pulborough West Sussex RH20 3BN	13/06/2019	Refuse	N/A
DC/18/2440	Hoes Farm Coolham Road Shipley Horsham West Sussex RH13 8PF	13/06/2019	Refuse	N/A

2. Live Appeals

HDC have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
EN/18/0018	Pear Tree Farm Furners Lane Woodmancote Henfield West Sussex BN5 9HX	Informal Hearing	03/07/2019	N/A	N/A
DC/17/1374	Land To The Rear of Pear Tree Farm Furners Lane Woodmancote West Sussex BN5 9HX	Informal Hearing	03/07/2019	Permit	Refuse
DC/18/2084	Fryern Park Farm Fryern Park Fryern Road Storrington Pulborough West Sussex RH20 4FF	Written Representation	21/06/2019	Permit	Refuse

DC/19/0617	Wood Machine Repairs Workshop Tea Caddy Cottages Worthing Road West Grinstead Horsham West Sussex RH13 8LG	Written Representation	25/06/2019	Refuse	N/A
DC/19/0698	The Milkyway Valewood Lane Barns Green Horsham West Sussex RH13 0QJ	Written Representation	03/07/2019	Refuse	N/A
SDNP/18/0644 5/FUL	Greenacres Farm Washington Road Storrington Pulborough RH20 4AF	Written Representation	04/07/2019	Refuse	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/15/0410	Sandhill Lodge Sandhill Lane Washington Pulborough West Sussex RH20 4TD	Informal Hearing	Quashed	N/A	N/A
DC/18/2066	Heron Farm Horsebridge Common Ashurst Steyning West Sussex BN44 3AL	Written Representation	Dismissed	Refused	N/A
DC/18/2415	Borough Farm Stane Street Five Oaks Billingshurst West Sussex RH14 9AG	Written Representation	Appeal Withdrawn	Refused	N/A
DC/18/1020	Cart Shed Court Farm West Chiltington Lane Coneyhurst Billingshurst West Sussex RH14 9DL	Written Representation	Allowed	Refused	N/A
DC/18/0458	Old Reservoir Farm East Street Billingshurst West Sussex RH14 9DA	Written Representation	Dismissed	Refused	N/A
DC/18/2629	3 Nep Close Henfield West Sussex BN5 9HB	Fast Track	Dismissed	Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 16th July 2019

DEVELOPMENT: Change of use of existing building from ancillary accommodation to residential dwelling.

SITE: Mare Meadow West Mare Lane Pulborough West Sussex RH20 2EA

WARD: Pulborough and Coldwaltham (Historic)

APPLICATION: DC/19/0209

APPLICANT: **Name:** Mr Graham **Address:** Mare Meadow, West Mare Lane
Pulborough RH20 2EA

REASON FOR INCLUSION ON THE AGENDA: The application represents a Departure from the Development Plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for a change of use of the existing detached outbuilding from ancillary accommodation to a self-contained residential dwelling. No external alterations are proposed. The dwelling would consist of a kitchen, living room, two bedrooms and a bathroom. There would be a parking space and amenity area.

DESCRIPTION OF THE SITE

1.3 The application site relates to a detached outbuilding within the curtilage of Mare Meadow located on the south eastern end of Mare Lane, on the junction with Batts Lane. The application site is not located within any defined built up areas and is therefore considered to be situated within the countryside. The application site benefits from large grounds consisting of the main house, a tennis court, open garden area and a detached outbuilding which is the subject of this application. The outbuilding in question is single-storey with a pitched roof. The site is bounded on all sides by extensive mature landscaping and is accessed via an existing driveway on the northwest boundary, which is used to access the ancillary accommodation. Mare Meadow has a separate access to the north.

1.4 A lawful development certificate was granted for the structure in 2007 under reference DC/07/0647, for use for storage purposes and as ancillary accommodation. An informative

attached to the decision advised that the building should be used for purposes incidental to the occupation and enjoyment of the property.

- 1.5 In 2008 an application was submitted for the change of use of the building from ancillary use to accommodation for dependant parents (DC/08/0808). This application was refused but subsequently allowed on appeal subject to conditions including restricting the occupation of the accommodation by the appellant's mother or for purposes solely incidental to the occupation and enjoyment of Mare Meadow only. As part of the appeal process a unilateral section 106 agreement was submitted which sets out that the accommodation will be occupied by the appellants mother only and upon cessation of her occupation the use of the building will revert back to an ancillary use.
- 1.6 In 2017 a further application was submitted to regularise the use of the building for ancillary domestic purposes (DC/17/2108). This in effect was to replace the 2008 permission which was granted on appeal but not implemented as a landscaping scheme, as required by condition, was not submitted within the 1-month time period. This permission was subject to a condition requiring the building to be occupied solely for purposes ancillary to the occupation and enjoyment of Mare Meadow.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
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 40 - Sustainable Transport
Policy 41 - Parking

Supplementary Planning Guidance:

- 2.3 Pulborough Parish Design Statement (2013)

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Pulborough Parish has been designated as a Neighbourhood Development Area as of February 2014. There is however no neighbourhood plan for the parish at present.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 The most recent and relevant planning history is as follows:

DC/07/0647	Replacement outbuildings for storage and ancillary accommodation (Certificate of Lawfulness - Proposed)	Application Permitted on 15.05.2007
DC/08/0808	Change of use of log cabin for ancillary/storage to accommodation for dependant relatives	Application Refused on 13.11.2008. Appeal Allowed
DC/17/2108	Use of existing domestic outbuilding for ancillary domestic purposes	Application Permitted on 16.11.2017

3. OUTCOME OF CONSULTATIONS

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

CONSULTATIONS

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

The LHA 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.

Subsequent comments:

The LHA's previous response is still considered valid and we do not wish to revise our comments. The LHA acknowledges representations from third parties. Whilst the LHA appreciates that visibility at the junction with the A283 is substandard, and that a planning application for the erection of a single dwelling adjacent to Brambles, Batts Lane was refused by both the Highways Officer and Planning Inspector on grounds of highway safety under application PL/28/95, the National Planning Policy and highways technical guidance has changed since this time, with the introduction of the NPPF in 2011 (revised 2018) and Manual for Streets (MfS) in 2007.

Paragraph 109 of the NPPF states 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.* This application is for the conversion of an existing annexe to a single dwellinghouse in its own right – this is not anticipated to result in a material intensification of use over the existing potential of the annexe accommodation. In addition, as stated within the LHA's previous response, there have been no recorded injury accidents within the vicinity of the junction and therefore there is no evidence to suggest that the junction is operating safely.

On balance, the LHA is unable to substantiate an objection on the basis of substandard visibility at an existing junction which currently serves a number of dwellings, when there is no material intensification of use and no evidence of safety concern.

- 3.3 **Southern Water: Comment.**

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

PUBLIC CONSULTATIONS

- 3.4 Four letters of objection have been received raising the following points:

- The site is outside of the built up area boundary and is not sustainable development.
- The application follows several attempts to build a new dwelling on the site.

- The design would not sit comfortably in the surrounding area.
- The proposed development would be dangerous in transport terms (an appeal decision for a nearby site is quoted).
- The development would set a precedent for similar developments 'garden grabbing'.

PARISH COUNCIL COMMENTS

3.5 **Pulborough Parish Council:** Objection.

Due to highway access and parking concerns. The Parish Council supports previous comment by a Planning Inspector relating to Application PL/28/95 regarding access issues between Batts Land and the A283, who stated "...*the present access is so poor as to be unacceptable for one more house*".

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 considerations material to this application relate to:

- The principle of development in this location
- The character of the development and the visual amenities of the countryside
- The amenities of the occupiers of adjoining properties
- The existing parking and traffic conditions in the area

Principle of Development

6.2 The application site is set within a rural setting. West Mare Lane and adjoining Batts Lane is formed of clusters of detached properties set within large plots. Open countryside adjoins West Mare Lane to the north. Policy 2 of the Horsham District Planning Framework (HDPF) seeks to maintain the Districts unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment.

6.3 Policy 3 (Development Hierarchy) of the HDPF states that development will be permitted within towns and villages which have a defined built-up area boundary (BUAB). Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy. The application site is located outside of any defined built-up area boundary and would therefore be classed as within the countryside, where both the NPPF and policies of the HDPF seek to restrict development unless special and exceptional circumstances exist.

6.4 The proposal seeks to change the use of an existing building located within the confines of Marehill from ancillary accommodation to a separate and independent property. The Council is currently undertaking a review of its Local Plan, with an Issues and Options document consulted on in early/mid 2018. It has been recognised that the land outside the built-up

areas within Horsham District is not uniformly undeveloped farmland and does include a number of small hamlets and villages which are defined as 'unclassified settlements' in Policy 3 of the HDPF. The Review has therefore revisited 'unclassified settlements' and sought to identify areas where some limited development may be appropriate. The mechanism by which some development could take place is through the identification of 'Secondary Settlement' boundaries, in which a small amount of infill development may be considered acceptable.

- 6.6 In classifying possible 'secondary settlements' a number of characteristics were identified, including: the presence of services and facilities; presence of local employment; proximity to other services, facilities, and employment, and ease of access; and settlement characteristics. The aim of 'secondary settlements' is to identify those smaller settlements which may be able to support a degree of infill to support rural communities. This could be through the provision of rural worker accommodation or the conversion of existing buildings to residential. The suggested policy wording within the issue and options document suggests that planning permission will be granted for residential infilling within defined secondary settlements provided that the site is a small gap or plot within an otherwise built-up settlement form; is limited in scale to reflect the existing scale and character of the settlement function and form; and does not result in significant increase in activity including traffic movement on narrow and rural roads.
- 6.7 Whilst the local plan review is at an early stage and therefore can only be afforded limited weight, it does set out the thoughts and direction of the Council in terms of development in rural areas in the near future. Whilst Marehill has not been identified as a secondary settlement within the Issues and Options document, it is noted that Marehill has a public house and is some 1.1km east of Pulborough village centre. As such the site is not in an isolated location, is in close proximity to a significant number of other dwellings, and is relatively close to proximity to Pulborough Village centre by way of footpath and bus routes along Marehill Road.
- 6.8 Paragraph 78 of the NPPF sets out that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 advises that development of isolated homes in the countryside should be avoided unless it meets one or more of a number of circumstances set out. One the criteria within the new NPPF is where "...the development would involve the subdivision of an existing residential dwelling." Whilst the building the subject of this application is a detached structure, it has been used for purposes ancillary to the main dwelling known as Mare Meadow and therefore the existing house and outbuilding is considered to be a single planning unit. It is acknowledged that the building sits within the confines of a settlement rather than being in an isolated location as required by paragraph 79 of the NPPF, however the direction of the NPPF is that Local Planning Authorities should seek alternative solutions to meet their housing need, including through the sub-division of existing dwellings.
- 6.9 The proposal, whilst located outside of any defined built-up area, involves the subdivision of a single planning unit into two separate and independent units of residential accommodation, through the re-use of an existing building on the site already used as ancillary accommodation. The building is an existing structure used for residential purposes and sited within the curtilage of the property, is located within the confines of Mare Hill and the proposal involves no external works to the structure to facilitate its use as a separate dwelling. Whilst the proposal is contrary to the development plan in relation to development in the countryside, the siting of the existing building in its plot is contiguous with surrounding development and within the confines of a reasonably sized hamlet with a public house and easy access to a range of facilities in Pulborough. Given the lack of any appreciable harm caused by this proposal to the development pattern or amenities of the area, a departure from the Local Plan is considered appropriate in this instance, taking into account these material considerations.

Design and Appearance

- 6.10 Policies 26, 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 application site relates to the change of use of an existing building. No external alterations are proposed apart from a driveway area and boundary fencing.
- 6.11 The impact of the proposed development upon the character and appearance of the wider site would be largely neutral. Views from the wider public realm are concealed by the mature landscaping to the boundary lines. The resultant development would be sympathetic to the wider landscape character with the use of natural materials. As such, the scale, siting and design of the proposed dwelling is considered to be appropriate for its location and it therefore deemed to be in accordance with policies 26, 32 and 33 of the HDPF.

Amenities of the occupiers of neighbouring properties

- 6.12 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of the occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.
- 6.13 The existing building is located comfortably within the site, located approximately 33m to the southwest of the existing dwellinghouse on site. It is considered that whilst the conversion of the outbuilding would increase the frequency of the use of the building, the activities associated with everyday living would be unlikely to generate significant or harmful levels of noise or disturbance for adjoining residents. Further to this, the single storey nature of the building, and the distance between it and other nearby properties, ensures that there will be no amenity harm created by the scale or proximity of the dwelling. Therefore, the proposal is considered to be in accordance with Policy 33 of the HDPF in respect of amenity impacts.

Parking and traffic conditions

- 6.14 The proposal would utilise the existing established access point from West Mare Lane that serves the annex building and associated gravel parking area. The gravel area is capable of holding a number of vehicles off street sufficient to meet the needs of future occupiers.
- 6.15 Concerns have been raised in relation to highway safety, with particular reference to a historic planning application for a new dwelling directly opposite the site which was dismissed on appeal in 1996 on the grounds that the access point between Batts Lane and Mare Hill Road was considered unsafe to accommodate any extra dwelling. The application included an objection from the Highways Authority on these grounds.
- 6.16 The Local Highway Authority (LHA) has been consulted on the current submission and has confirmed that there are no highway safety issues resulting from the access and that as such there are no objections. The LHA has advised that they appreciate that visibility at the junction with the A283 is substandard, and that a planning application for the erection of a single dwelling adjacent to Brambles, Batts Lane was refused by both the Highways Officer and Planning Inspector on grounds of highway safety under application PL/28/95. The LHA has advised that National Planning Policy and highways technical guidance has changed since this time, with the introduction of the NPPF in 2011 (revised 2019) and Manual for Streets (MfS) in 2007.
- 6.17 Paragraph 109 of the NPPF states 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.* The LHA have advised that the application is for the conversion of an existing annexe to a single dwellinghouse in its own right and that this is not anticipated to result in a material intensification of use over the existing potential of the annexe accommodation. In addition, the LHA have confirmed

that there have been no recorded injury accidents within the vicinity of the junction over the last five years and therefore there is no evidence to suggest that the junction is operating unsafely.

- 6.18 The LHA have concluded that they are unable to substantiate an objection on the basis of substandard visibility at an existing junction which currently serves a number of dwellings, when there is no material intensification of use and no evidence of safety concern. Officers are satisfied that the LHA has had full regard to the historical application referenced by the Parish Council and that the evidence now does not suggest the access from Batts Lane to Mare Hill should prevent this application from proceeding. On the basis of the advice received, and given that the application site is currently in ancillary residential use, the proposed development is deemed to be in accordance with Policies 40 and 41 of the HDPF.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.19 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.20 **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
Residential	106	106	0
		Total Gain	0
		Total Demolition	0

- 6.21 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.22 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Conclusion

- 6.23 Marehill is defined as an unclassified settlement in Policy 3 of the HDPF. Such settlements are described as having few facilities, limited accessibility and being reliant on other villages and towns to meet the needs of residents. Policy 2 of the HDPF seeks to focus development in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the settlement hierarchy. Marehill is not one of the District's named villages within Policy 3 of the HDPF and has not been put forward as a 'secondary settlement' within the Local Plan Review: Issues and Options document.
- 6.24 The proposal however would not involve the construction of a new building or indeed any extensions to the existing which already provides for all the facilities for independent occupation. The dwelling would occupy the same footprint and retain the low profile of the existing structure. It would not result in a material expansion of the settlement of Marehill, would not encroach into undeveloped countryside and would not adversely affect any existing landscape or townscape features in the vicinity. The location of the building in relation to the existing settlement, together with its proximity to facilities in Marehill and Pulboorugh, are considered to be material considerations that outweigh the conflict with the relevant policies of the local plan.

7. RECOMMENDATIONS

7.1 It is recommended that the application is approved subject to appropriate conditions.

Conditions:

1 Plans condition

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

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

3 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

4 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

5 **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 or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

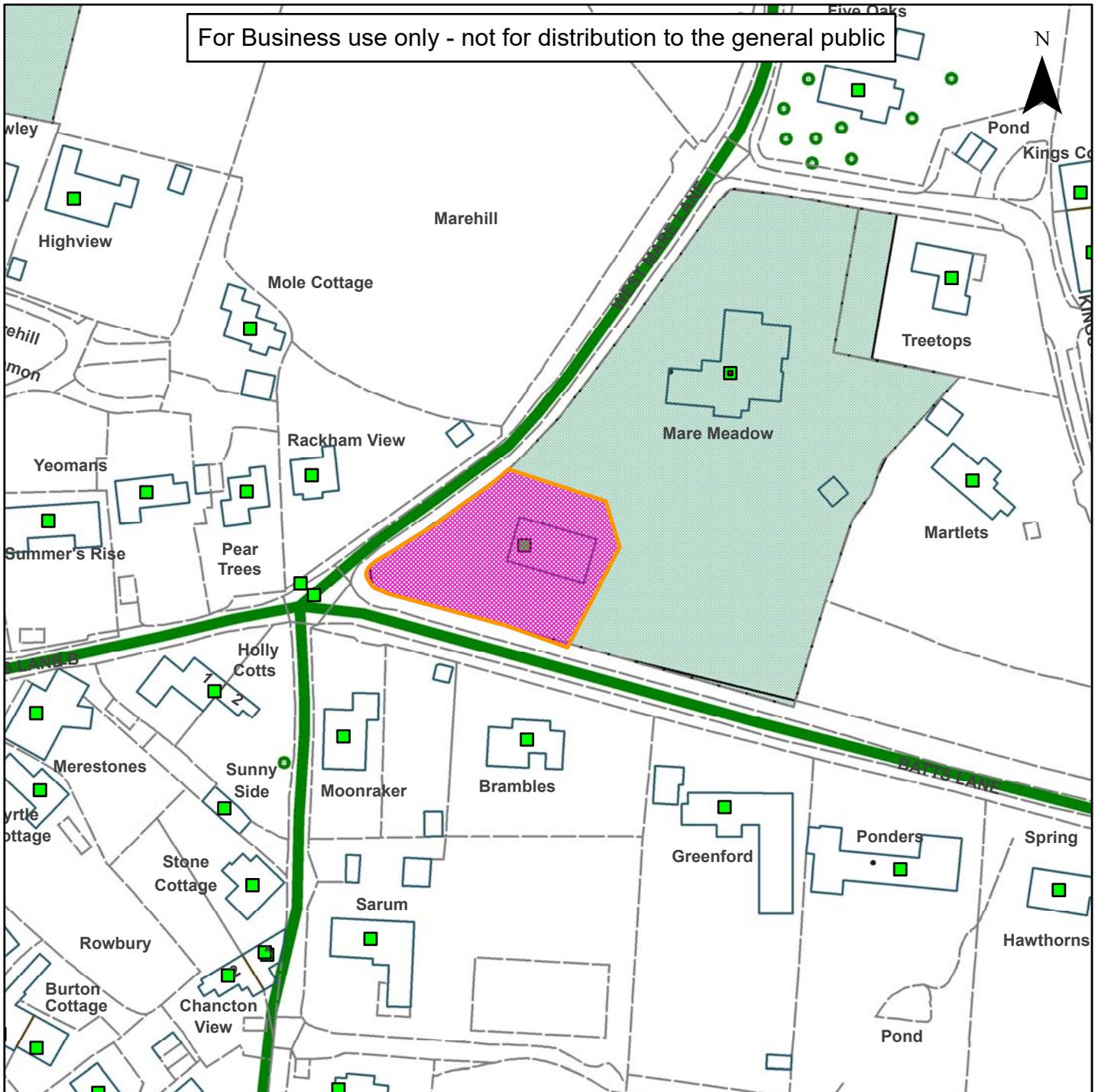
Reason: In the interest of visual and neighbouring amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0209



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Scale: 1:1,250

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Department	
Comments	Not Set
Date	04/07/2019
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 16 July 2019

DEVELOPMENT: Part demolition of existing garage and erection of a detached two storey dwelling, creation of driveway and access onto Tudor Close.

SITE: Grey Oak Tudor Close Pulborough West Sussex RH20 2EF

WARD: Pulborough and Coldwaltham

APPLICATION: DC/19/0327

APPLICANT: **Name:** Mr and Mrs N Hamilton **Address:** C/O Agent

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

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for a three-bedroom detached chalet bungalow set within the rear garden of Grey Oak. Part of the existing detached side garage to Grey Oak would be demolished to provide side access to the site from Tudor Close.
- 1.2 The proposed dwelling would be of a 'T' shape sitting centrally in the plot and at an angle to Grey Oak. It would take a traditional hipped roof form with two small dormers and two rooflights to the front elevation, and two dormers with small balconies to the rear elevation. The walls would be completed in beige/buff brickwork above a grey brick plinth, with a slate tile roof and oak finished windows. A large parking and turning area would be provided to the front.

DESCRIPTION OF THE SITE

- 1.3 The application site comprises land within the existing rear curtilage of Grey Oak, a detached two-storey dwellinghouse located on the southern side of Tudor Close, a residential cul-de-sac accessed from the northern side of West Chilmington Road. The site and surrounding area forms part of Mare Hill, an unclassified settlement approximately

400m to the east of the built-up area of Pulborough, and 500m to the north-west of the built-up area of West Chiltington Common.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Pulborough Parish has been designated as a Neighbourhood Development Area as of February 2014. There is no made plan.

PARISH DESIGN STATEMENT

- 2.5 Pulborough Parish Design Statement, 2013

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 None relevant to this application.

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:** No objection

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

The LHA 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.

3.4 **Southern Water:** Comment

The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

3.5 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 **Pulborough Parish Council:** Objection

The application is felt to be detrimental to the countryside and in conflict with NPPF and HDPF policies, in particular HDPF policy 33 (Development Principles).

3.7 27 representations were received objecting to the proposal for the following reasons:-

- The development is out of keeping, with Tudor Close designed to have large plots which benefit from a southerly aspect;
- The proposed materials would be out of keeping;
- The site is in an unsustainable location;
- There is no requirement for properties of this size;
- Mare Hill is not a classified settlement;
- Impact on views;
- Loss of privacy;
- Ground instability;
- Impact on traffic on West Chiltington Road;
- There are covenants in place preventing plot subdivision;
- Impact of building works;
- Potential for future applications to neighbouring sites;
- Loss of property value.

3.8 12 representations of support were received raising the following:-

- The dwelling would be suited for retirement friendly living;
- The building would not be visible from the close, with the design in keeping;
- The plot is large and would provide garden and green space to each dwelling;
- There is a bus route in proximity to 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

Principle

- 6.1 The HDPF takes a strategic approach to ensuring the sustainable delivery of housing across the plan period to meet the identified needs of the District, with the broad strategy seeking to concentrate growth in and around Horsham Town and to allow growth in the rest of the District in accordance with identified settlements. The spatial portrait and strategy for the District is set out further at paragraphs 3.16-3.27, with paragraph 3.22 setting out that the *'strategy seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible, including through the re-use of previously developed land (brownfield land)'*.
- 6.2 Policies 3 and 4 of the HDPF set out the development hierarchy for the district (Policy 3) and the means by which settlement expansion will be permitted (Policy 4). The pre-text at paragraphs 4.6-4.9 sets out that *"the priority will be to locate appropriate development...within built-up area boundaries, with a focus on brownfield land"*, with settlement expansion to be delivered through a planned expansion through the Local Plan or Neighbourhood Plan in order to meet identified local needs [4.6 and 4.9].
- 6.3 Policy 3 (Strategic Policy: Development Hierarchy) defines the settlement hierarchy within the district and states that development will be permitted within towns and villages which have defined built-up areas. The policy therefore does not relate to development that falls outside of the built-up area boundaries of the settlements listed, either in part or in full, previously developed or otherwise, and does not therefore support the principle of development of the application site as it lies beyond the built-up area boundary of the identified settlements within Pulborough (within whose parish boundary the application site falls). The hierarchy relates directly to point 1 of HDPF Policy 2, which allows for *"growth in the rest of the district in accordance with the identified settlement hierarchy"*, i.e. in accordance with Policy 3. The site is not within a built-up area boundary and has not been identified as a potential 'secondary settlement' as part of the Local Plan Review process currently being undertaken.
- 6.4 Policy 4 applies to development proposals involving the growth of settlements outside of the built-up area boundaries. The pre-text to this policy at paragraph 4.9 states that *"In addition to built-up areas, it is recognised that in order for some communities to continue to be able to grow and develop it will be necessary for them to be able to expand beyond their current built form. By allocating sites in the Local Plan or in Neighbourhood Plans, it will be possible to meet the identified local needs of these settlements and provide an appropriate level of market and affordable housing, as well as maintaining the viability of the smaller villages and towns, for example supporting local schools or local shops. This policy will also ensure that the settlement function and pattern of the district is retained, retaining the rural character of the District beyond these settlements."* Policy 4 sets out five criteria by which development outside of settlement boundaries will be accepted, all of which must be met in order to ensure compliance with the policy. In this case, whilst the development could be considered compliant with criteria ii) to v), as the site does not adjoin a settlement boundary and is not allocated for development it fails to meet the requirements of criteria i). On this basis the proposal fails to accord with Policy 4.
- 6.5 As a result of the above policy context the site falls within the countryside and Policy 26 of the HDPF is engaged. This requires that any proposal at the site must be essential to its countryside location. As the proposal involves the creation of an independent dwelling with no functional connection to the working of the surrounding land it cannot be reasonably regarded as being essential to its countryside location and no justification on this basis has been submitted by the applicant.
- 6.6 For the reasons set out above, it is considered that the proposed development, which would be located outside of any defined built-up area boundary and not allocated for development in the HDPF or NPNP would be inconsistent with the overarching strategy for

development within the District and is not considered to be essential to its countryside location.

Character and Appearance:

- 6.7 The application site is located within the rear garden of Grey Oak, a detached dwelling which is reflective of properties in the immediate surroundings. The properties in this locality do not follow a singular building line, with the general pattern of development being dwellings located in individual and relatively large plots. The rear of the site features extensive vegetation which provides thick screening along the boundary with West Chilton Road.
- 6.8 The proposal would subdivide the rear garden to create an additional plot for a detached dwelling. The dwelling would comprise accommodation at ground and first floor levels in the manner of a chalet bungalow with an area of front hardstanding and a new access road along the western boundary with Conifers. The siting of the development would contrast with the pattern of surrounding development and would introduce built form in a previously undeveloped backland garden location where none is currently present. The dwelling would not therefore be characteristic of the area and would not assimilate with the immediate surroundings.
- 6.9 It is therefore considered that the proposed dwelling would be harmful to the semi-rural character and appearance of the area. This would conflict with policies 32 and 33 of the HDPF which seek, amongst other things, seek to ensure development integrates with its surroundings and takes account of the existing character of the area by means of scale and layout.

Impact on neighbouring amenity

- 6.10 The scale of the development and separation from shared boundaries would limit the impact on light and outlook to adjoining properties, such that no significant harm would result. The location of rooflights and dormers at first floor level would minimise the potential for intrusive downward views into adjoining properties, with this sufficient to ensure no harmful loss of privacy would result from the scheme.
- 6.11 While the proposed access would be in close proximity to Conifers, which adjoins to the west of the site, the provision of an acoustic fence, in respect of noise attenuation, could be secured through planning condition, and the potential for noise or disturbance from the scheme would not amount to such an issue as to warrant refusal of the scheme. The same is true of potential disruption from construction activities, which could be mitigated through the use of conditions restricting working hours and to secure the implementation of a Construction Management Plan.

Highways Impacts:

- 6.12 The proposed level of parking (which would be in excess of 3 car parking spaces for the existing and proposed dwelling) is considered acceptable in this location and there is potential for informal visitor parking without the need to park on the street. The proposal would not be expected to result in displaced vehicles creating additional demand with sufficient visibility available at the point of access to the highway. The Highway Authority has raised no objections to the proposal, noting that the proposal would not have a 'severe' impact on the highway network, and that there are no transport grounds to resist the proposal. For the reasons outlined above there are no reasons to take a different view in this instance and the proposal is considered acceptable on highway grounds.

Other considerations

- 6.13 It is noted that representations have been received relating to the presence of covenants on the site, and, the impact of the proposal on property values. These are not though material considerations in the determination of this planning application. Whilst details of foul and surface water disposal have not been provided, it is considered that this matter can be suitably addressed by condition in the event permission is granted, with alternative means of surface water drainage to avoid using the public foul sewer as per the drainage hierarchy set out in the Planning Practice Guidance.
- 6.14 It is acknowledged that the proposal is intended to meet the future housing needs of the applicant, and this is set out in the Design & Access Statement and a number of representations supporting the application. While these needs are noted it is considered that the personal circumstances would not outweigh the policy conflict set out in this report, with the impact of a dwelling in this location resulting in a long-term impact which could not be justified by a temporal need. In any case, there would appear to be considerable scope to improve and adapt the existing dwelling at Grey Oak without the need to erect a new dwelling on the site.

Conclusion

- 6.15 The proposal would provide a windfall unit which would make a modest contribution toward the delivery of housing within the District, albeit this contribution carries less weight given the Council can demonstrate a five year housing land supply. The site is though located in an unclassified semi-rural settlement where the provision of an additional dwelling would be contrary to the strategic approach to housing set out within the HDPF. The dwelling would undermine this approach and is not essential to the countryside location, with the proposal therefore contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015). In addition, the subdivision of the plot would contrast with the pattern of surrounding development and would introduce built form in a previously undeveloped backland garden location where none is currently present; the dwelling would not therefore be characteristic of the area and would not assimilate with the immediate surroundings, contrary to policies 32 and 33 of the HDPF. While the proposal would not result in harm to neighbouring amenity or highway safety these are neutral considerations which would not outweigh the policy conflict set out above.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	291	0	291
		Total Gain	291
		Total Demolition	0

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

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

7. RECOMMENDATIONS

7.1.1 That planning permission be refused for the following reasons:-

1. The development would be located outside of a built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or in an adopted Neighbourhood Development Plan. The proposed development would not be essential to the countryside location and is therefore be inconsistent with the overarching strategy for development within the District, and is therefore contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).
2. The proposed backland development on previously undeveloped garden land would compromise the layout and semi-rural character of the application site and surrounding area, distorting the existing arrangement of properties on the southern side of Tudor Close. The resulting impact would not be sympathetic or appropriate to the existing character and appearance of the locality, resulting in harm to the established semi-rural character of the area. The proposed development is therefore contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

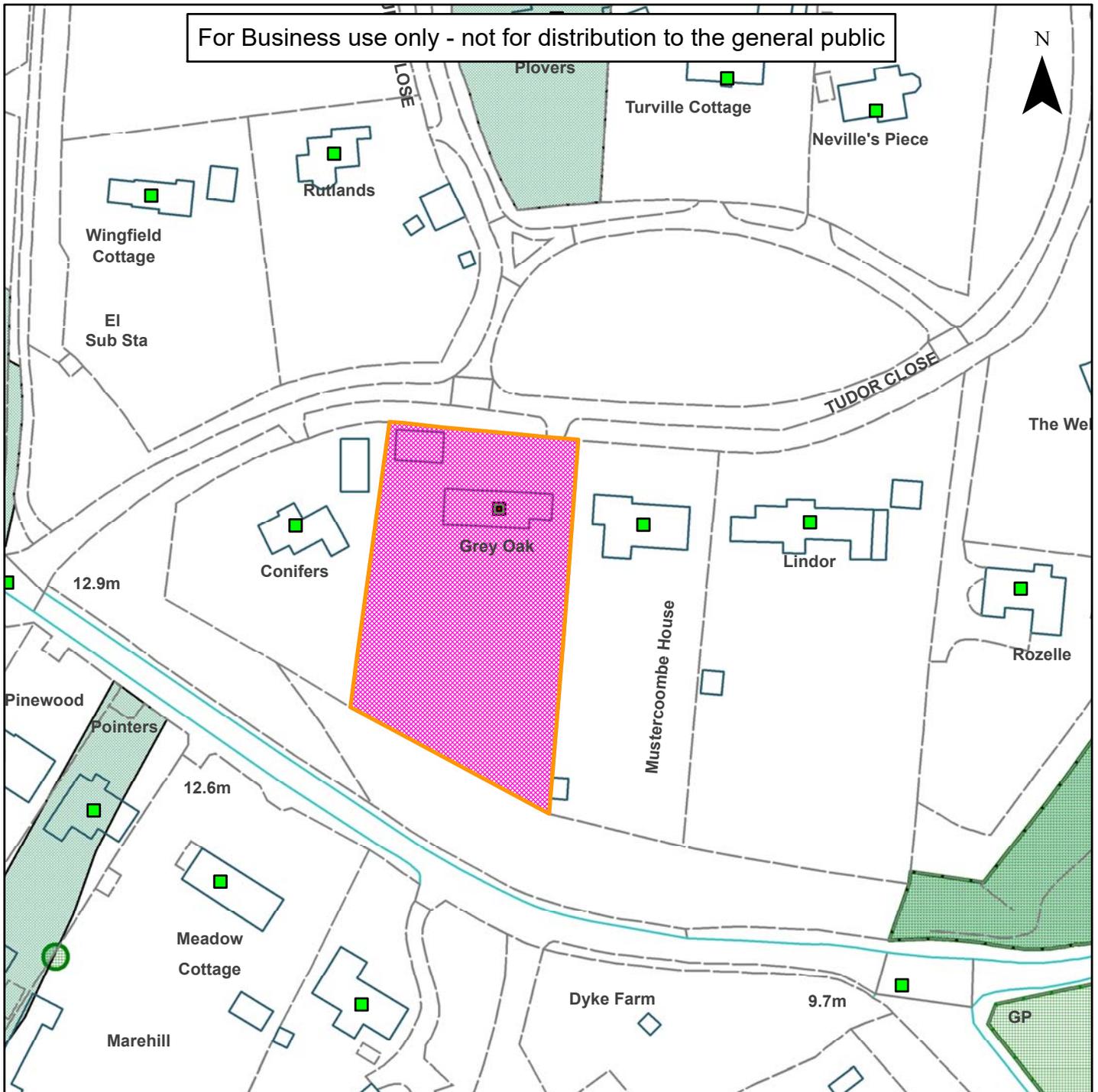
Background Papers: DC/19/0327

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 16th July 2019

DEVELOPMENT: Retrospective application for the erection of a two storey side extension and hip to gable roof extensions. Installation of two front pitched roof dormer windows, 1x front rooflight and 5x rear rooflights.

SITE: Little Stoke Sandgate Lane Storrington Pulborough West Sussex RH20 3HJ

WARD: Chantry (Historic Ward)

APPLICATION: DC/19/0417

APPLICANT: **Name:** Mr and Mrs Powell **Address:** Little Stoke, Sandgate Lane Storrington RH20 3HJ

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Retrospective planning permission is sought for extensions that have been carried out at Little Stoke, a detached bungalow on Sandgate Lane in Storrington. Planning permission has previously been granted under application DC/18/0152 for an infill side extension, gable roof extensions, two front dormer windows and two front rooflights, and 4 rear rooflights.
- 1.2 The extensions as built largely follow this planning permission but differ from the approved plans in the following respects:
- The front dormer windows have a taller ridge line now level with the ridge to the main roof
 - The two front rooflights have been reduced to a single rooflight.
 - The four rear rooflights (conditioned to be obscure glazed and fixed shut) have been replaced with 5 clear glazed and openable rooflights set higher in the rear roof plane
 - Various alterations to original fenestrations have been undertaken throughout the ground floor to the property, including an additional north-west facing door and window at ground floor level within the infill extension.

DESCRIPTION OF THE SITE

- 1.3 The application property is a detached single storey dwelling of mid-20th century design and construction. The property primarily comprises of white painted facing brickwork, plain

clay roof tiling in addition to dark uPVC windows/doors and retains some green painted crittall windows. The property has recently been extended/altered (as described above), and vertical tile hanging introduced to gable ends and vertical faces of dormer windows.

- 1.4 The application site is situated within the defined-built up area of Storrington, which passes near the application site to the south. Sandgate Lane benefits from a prevailing semi-suburban character as principally derived from the quantum of built development in combination with the extent of woodland and generously proportioned garden areas. In the immediate surrounds of Little Stoke uninterrupted Long views towards the north scarp of the South Downs ensure a more rural feel than would typically be expected of a cul-de-sac development such as this.
- 1.5 There is a notable gradient in the vicinity of Little Stoke, with land raising towards the north and east. As a consequence, adjacent dwellings to the north and north east are situated above the application site. The site is unaffected by any statutory landscape, environmental or heritage designation.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

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

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Storrington, Sullington & Washington Neighbourhood Plan 2018-2031

- 2.2 The Storrington, Sullington & Washington Neighbourhood Plan (SSWNP) 2018-2031 was submitted for examination on 12.02.2018. In response to formal recommendations made by the examiner under Regulation 16 on 22.11.2018, alternative modifications were resolved to be undertaken on 06.02.2019 with a further period of consultation undertaken. In response to the modifications and consultations the Local Planning Authority has considered that the SSWNP satisfies basic conditions in accordance with regulations 17A and 18; therefore should proceed to referendum in due course.
- 2.3 Paragraph 216 of the NPPF (2018) confirms that an emerging plan can be assigned material weight following publication, subject to the stage of preparation and extent of unresolved objections against individual policies. Given the relative maturity of the SSWNP the relevant policies of the neighbourhood plan can be assigned significant weight in the determination of this application. The relevant policies of the Submission SSWNP are listed below:

Policy 14 – Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/0152	Erection of a single storey side extension, two new gable roof ends and two front dormer windows to facilitate roof conversion. Erection of a new car port.	Application Permitted on 21.03.2018
SG/15/58	Bungalow and garage (From old Planning History)	Application Permitted on 03.09.1958

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

Consultations:
None

Parish Comments: Objection

3.2 The application is contrary to permissions previously granted under application DC/18/0152 constituting a clear breach of the conditions imposed.

Public Representations:

3.3 7 letters of objection were received in response to the proposal. The main material grounds for objection can be summarised as follows:-

- Loss of privacy arising from north-west facing rooflights
- Obscure glazing and non-opening conditions as required by condition 3 under DC/18/0152 considered necessary to ameliorate loss of privacy arising from north-west facing rooflights
- Inconsistent arrangement of fenestrations

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

Main issues:

The main considerations material to this application relate to:

- The impact of the extensions and alterations on the character and appearance of the building and area
- The impact of the extensions and alterations on the privacy of neighbouring occupiers

Principle of Development

6.1 The application currently before the Council follows a previously permitted application (DC/18/0152) for additions of a similar nature, bulk, scale and design. Within this context it is considered that there has been no material change in circumstance and or policy that would warrant a reconsideration of the principle of development previously established, subject to all other material considerations.

Character, Design and Appearance:

- 6.2 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their respective surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.
- 6.3 Policy 14 of the Submission SSWNP provides that the scale, density, massing, height, landscape design, layout and materials of all development, including alterations to existing buildings, will be required to reflect the architectural and historic characteristics of surroundings buildings and landscapes.
- 6.4 The extensions and alterations to the application property are of a directly comparable nature to those previous considered acceptable under application DC/18/0152. The additional height to the front dormer windows and revised window and rooflight arrangement as constructed do not materially harm the appearance of the building or its wider setting, and consequently are considered to accord with the relevant design criteria of policies 32 and 33 of the HDPF and policy 14 of the Submission SSWNP.

Amenity:

- 6.9 Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land with sufficient regard to the sensitivity of surrounding development.
- 6.10 The Council's House Extensions Design Guidance (Advice Leaflet No.1)(2008) advises that a minimum distance of 21m should be maintained between facing first floor rear windows of habitable rooms. Whilst it is acknowledged that this cannot be applied prescriptively, and any assessment must account for the specific characteristics of an application site, this represents an acceptable standard of mutual impact for the purposes of HDPF policy 33.
- 6.11 The impact of the extensions to the properties to the front/south at Tumby Woodside and to the side at Taqaph House remain as considered under the previous application, and no harm is identified.
- 6.12 The principal consideration is whether the five rear rooflights would have a harmful impact on the privacy of the adjacent properties to the rear/north, Little Downs, Springwood and Pine Rise, all of which sit on high ground level. In this respect it is noted that the previous planning permission required the four rear rooflights to be fixed shut and obscure glazed to reduce the perception of overlooking.
- 6.13 The application site, Little Stoke, is situated within a generously proportioned plot with notable separation maintained to neighbouring dwellings. Approximately 26m separates Little Stoke from Pine Rise, 66m to Little Downs, and 30m to Springwood. These separations far exceed the standard of separation advised by the Council's Design Guidance. Both Pine Rise and Little Downs also sit beyond the access road that serves them. A distance of approximately 6m separates Little Stoke from the closest common boundary with Springwood to the north east. These distances are sufficient to prevent the extensions resulting in any harmful overbearing impression or degree of overshadowing to neighbouring occupiers.
- 6.14 In respect of Little Downs it is considered that the intervening distance of 66m in combination with existing vegetation is sufficient to prevent any material loss of privacy

from the development. No vantage towards Pine Rise or its respective garden spaces to the north west could be identified from the rooflights due to the change in land levels and presence of intervening vegetation.

- 6.15 The greatest potential impact is on the privacy of Springwood, which is offset to the north east. The rooflights to the previous scheme were to serve a landing, stairwell and ensuite bathroom and set 1.05m above floor level. This would have resulted in direct eye line views towards Springwood, albeit at an angle. This impact necessitated the imposition of a condition requiring these rooflights to be obscure glazed and fixed shut.
- 6.16 The base of the north facing rooflights now installed is approximately 1.55m above floor level, with the rooflights now incorporating clear glazing and opening mechanisms. These rooflights now serve two bedrooms and two bathrooms. As was observed in person by the case officer, an outlook towards Springwood can be achieved if deliberately attempted, however this is not readily possible given the height of the rooflights above floor level and the angle of view towards Springwood. The view provided by these rooflights does not allow for a clear appreciation of neighbouring habitable rooms within Springwood, and only affords only a limited outlook over neighbouring garden spaces including that at Pine Rise. It was further noted that this was not a natural outlook given the height of the rooflights from floor level, the oblique relationship, and intervening distance. Consequently any direct overlooking must be deliberately attempted in a contrived manner to be achieved, and even then would not result in clear intrusive and harmful views into the neighbouring private property. This represents a clear difference and improvement in impact to the rooflight arrangement previously approved.
- 6.17 Whilst it is accepted that the very presence of rooflights is capable of creating a perception of overlooking, in this case the height of the rooflights in the roof slope and angle of the property from Springwood is such that this perception is not significant or sufficiently harmful to warrant the need to either refuse planning permission or condition the rooflights to be obscure glazed and fixed shut as before.
- 6.18 In this respect the comments of neighbouring occupiers requesting the incorporation of an appropriately worded condition requiring the use of obscure glazing and/or non-opening windows as before have been fully considered. Paragraph 55 of the NPPF *inter alia* provides that planning conditions must only be imposed where necessary and reasonable in all other respects. Given that no unacceptable harm is considered to arise from the rooflights, a condition restricting the composition of north facing rooflights is no longer deemed necessary in this instance.
- 6.19 On this basis the application is considered to accord with Policies 25, 32 and 33 of the HDPF and policy 14 of the Submission SSWNP, and is recommended for approval accordingly, subject to the conditions below.

7. RECOMMENDATIONS

- 7.1 That planning permission be approved subject to the following condition.

Conditions:

1 Approved Plans List

Background Papers: DC/18/0152
DC/19/0417

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	04/07/2019
MSA Number	100023865

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