



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Planning Committee (South)

Tuesday, 17th September, 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 - 12
<p>To approve as correct the minutes of the meeting held on 20 August 2019 (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	
<p>To receive any announcements from the Chairman of the Committee or the Chief Executive</p>	

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/19/0845 - Land at junction of Hill Farm Lane and Stane Street, Hill Farm Lane, Codmore Hill, Pulborough** 15 - 28
Ward: Pulborough, Coldwaltham and Amberley
Applicant: Mr and Mrs Chatfield
7. **DC/18/2739 - Heathenthorn Farm North, Henfield Road, Albourne** 29 - 44
Ward: Bramber, Upper Beeding and Woodmancote
Applicant: Miss Laura Plumer
8. **SDNP/19/03041/FUL - Besley Farm, River Lane, Watersfield** 45 - 58
Ward: Pulborough, Coldwaltham and Amberley
Applicant: Besley Farm Buildings
9. **TPO/1521 - Ash Wood, Star Road, Partridge Green** 59 - 66
Ward: Cowfold, Shermanbury and West Grinstead
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

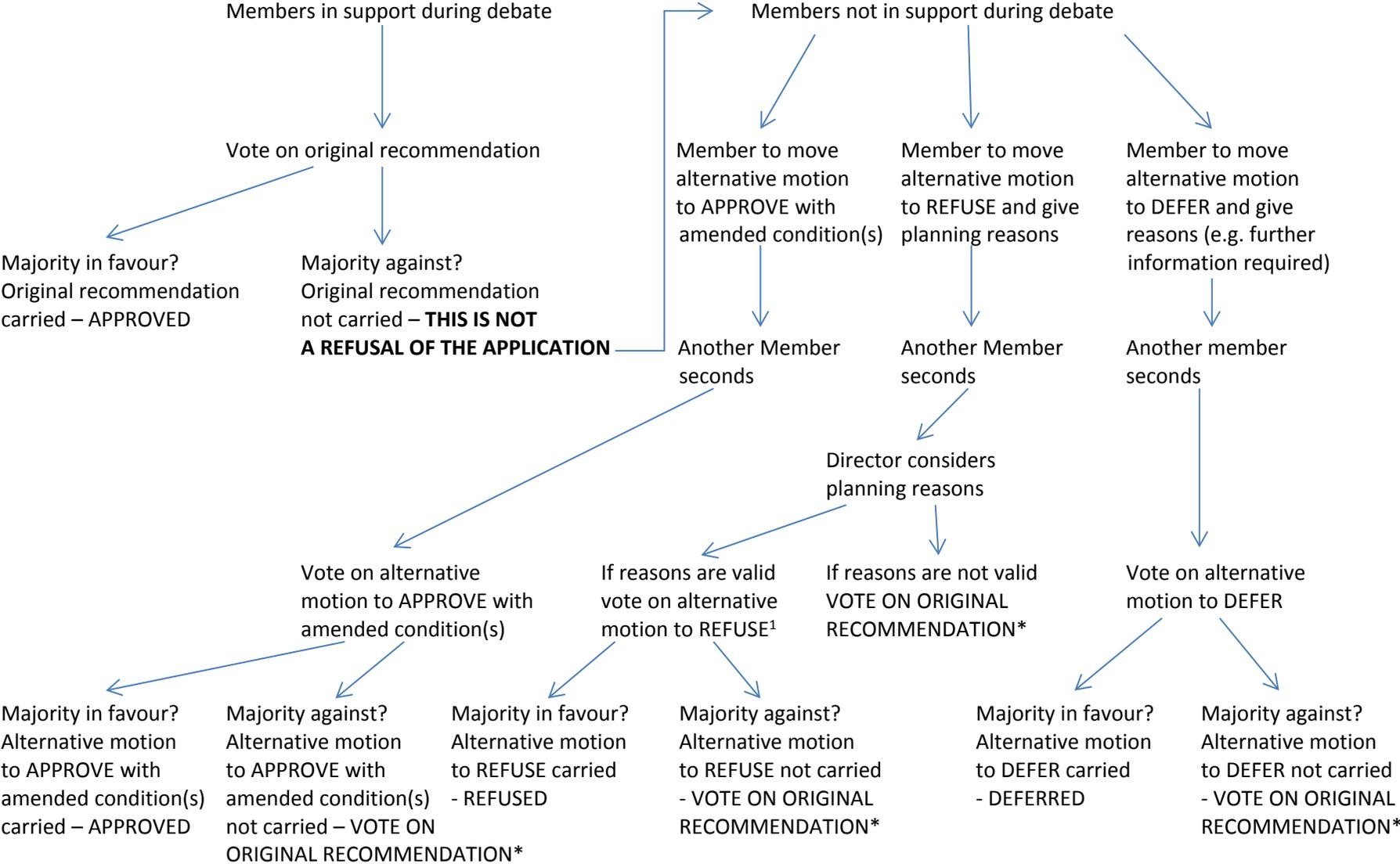
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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 (South)
20 AUGUST 2019

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

Apologies: None

PCS/22 **MINUTES**

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

PCS/23 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations on interest.

PCS/24 **ANNOUNCEMENTS**

There were no announcements.

PCS/25 **APPEALS**

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

PCS/26 **DC/18/2095 - THAKEHAM TILES LTD, ROCK ROAD, STORRINGTON**

The Head of Development reported that this application sought outline permission for the demolition of buildings on an industrial site, occupied by Thakeham Tiles, and the erection of 90 dwellings. Matters for consideration were the principle of the development and a new access onto Rock Road. An indicative layout of dwellings, roads, play area and landscaping had been submitted.

The indicative housing mix comprised four 1-bedroom, 23 2-bedroom, 36 3-bedroom and 27 4-bedroom units. There would be 20% (18 units) of on-site affordable housing. Should Thakeham Tiles cease trading instead of relocating, a full 35% of affordable housing would be secured through a legal agreement.

Members noted that the application site was in the West Chiltington, Thakeham & Ashington Ward, not the Chanctonbury Ward as incorrectly stated in the report.

The application site was an industrial site south of Rock Road, within the built-up area of Storrington and Sullington. Some detached dwellings lay to the east, south and west. There were fields and some dwellings beyond Rock Road to the north. There was some dense woodland containing protected trees surrounding parts of the site. A public footpath ran through the site from east to west.

Officers advised of a proposed amendment to Condition 10, as printed in the report, regarding details of finished floor levels. The amendment would require the submission of details of any required retaining structures that are deemed necessary to the site. This referred specifically to the steep bank at the southern portion of the site and its relationship to adjoining properties to the south. This amendment addressed concerns regarding the stability of the bank.

Storrington & Sullington Parish Council objected to the application. Thakeham Parish Council supported the proposal subject to conditions. Washington Parish Council objected to the proposal. There had been 18 representations objecting to the application and two in support. Since publication of the report a further six objections to the proposal had been received. The applicant addressed the Committee in support of the proposal. A representative of Thakeham 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; loss of employment land; site density and housing mix; affordable housing provision; landscape and trees; ecology; highways; impact on neighbouring amenity. It was noted that a condition requiring the use of green energy could be secured at reserved matters stage.

The Local Member considered the comments from the CCG (paragraph 3.2 of the report) regarding the quality of Glebe Surgery to be misleading, as the surgery provided a high quality medical service.

Members considered the need for comprehensive air quality mitigation, and noted that a scheme of air quality mitigation would need to be submitted and approved.

Members discussed the level of affordable housing provision in the context of the applicant's intended relocation of the business. It was proposed and seconded that 35% affordable housing should be secured under the legal agreement on the understanding it could be reduced to reflect the cost of relocating should the company find an alternative site. The motion was lost.

It was agreed that, in the event that the business did not relocate and the additional 15% affordable housing be paid, the legal agreement should include a trigger for its payment to be linked to construction of the development, and the inclusion of an option for the additional contribution to be invested into the site.

RESOLVED

- (i) That a legal agreement be entered into to secure necessary highways works and 20% on-site affordable housing, to include a clause to secure the full 35% on-site affordable housing in the event that the business ceases trading instead of relocating. And that the legal agreement includes a trigger on when the additional 15% affordable housing contribution should be payable (in the event the business closes and does not relocate and the 15% is required to be paid) linked to the build out of the site, and an option to re-invest the 15% contribution in the site either as extra units, or to improve the tenure split.
- (ii) That on completion of (i) above planning application DC/18/2095 be determined by the Head of Development, in consultation with Local Members, 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/27 **DC/19/0720 - CHILTON PIG FARM, THREALS LANE, WEST CHILTINGTON**

The Head of Development reported that this application sought permission for a variation to a number of conditions attached to permission DC/15/0193 (the erection of eight new dwellings, comprising six detached and two semi-detached houses with related accesses, garaging and car parking). Variation of conditions 6, 8, 9, 10, 13 and 15 would allow pre-construction/occupation conditions to be dealt with by each individual plot owner. Variation of condition 2 would allow: plots 7 and 8 to be merged to provide one market dwelling rather than two affordable units; plot 1 to be split to provide two market dwellings; and amendments to siting and design of the dwelling proposed for plot 5.

The proposal would allow the plots to be sold off separately as self-build sites. A new legal agreement would be required because only plots developed by developers, rather than self-build, would require an affordable housing contribution.

Officers advised of a proposed amendment to Condition 6 to require agreement of materials at pre-slab level rather than pre-commencement level, and conditions 8 and 9 would be updated to be regulatory rather than pre-commencement conditions

Members noted that the application site was in the West Chilton, Thakeham & Ashington Ward, not the Chanctonbury Ward as incorrectly stated in the report.

The application site was located outside the built-up area on the east side of Threals Lane and comprised two plots; the larger one to the south was in the parish of Thakeham and the smaller one was within the parish of West Chiltington. There was a single property between these two plots. The built-up area of West Chiltington Common was on the opposite side of Threals Lane.

Both Thakeham and West Chiltington Parish Councils objected to the application. There had been eight representations objecting to the application including one from the Campaign to Protect Rural England (CPRE Sussex). A representative of West Chiltington Parish Council and a representative of Thakeham Parish Council both spoke in objection to the application. A representative of the CPRE also spoke in objection to it. A representative on behalf of the applicant's agent 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 was the loss of affordable housing as a result of the provision of custom-build housing and the impact of the proposed amendments to the design and layout of the scheme.

Details of the appeal decision to grant DC/15/0193 were noted, in particular the weight given by the Inspector to the provision of affordable housing. Members discussed the loss of the two affordable housing units in this countryside location and concluded that the proposal was unacceptable as the benefit of housing, proposed as self/custom build, did not outweigh the policy conflict of new housing in the open countryside.

RESOLVED

That planning application DC/19/0720 be refused for the following reasons:

The proposed dwellings are 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. Consequently, the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District, and the benefits of the scheme do not outweigh the harm caused by this policy conflict, in particular the non-provision of affordable units, by any means, to meet an identified local need. The proposal is therefore contrary to policies 1, 3, 4, 16 and 26 of the Horsham District Planning Framework (2015), Policy Thakeham1 of the Thakeham Neighbourhood Plan (2017), Policy EH1 of the Pre-Submission Version of the West Chiltington Neighbourhood Plan and the National Planning Policy Framework (2018).

PCS/28 **TREE PRESERVATION ORDER NO. 1517 - LAND NORTH OF SANDY LANE, HENFIELD**

The Head of Development reported that a Provisional Tree Preservation Order (TPO) 1517 was served on 5 March 2019 on seven oak trees under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations (2012). Under these regulations, the trees included within the order benefitted from immediate protection.

The trees were located along the southern and western edges of an agricultural field south of Dropping Holms and Chanctonbury View in the village of Henfield.

One letter of objection had been received from an agent representing the owners of the plot of land to the west of the site. Fifteen letters of support had been received. Three members of the public spoke in support of the TPO.

Members noted the high amenity value of the trees and agreed that the trees merited protection and cited their age and setting within the landscape.

RESOLVED

That Tree Preservation Order 1517 be confirmed.

The meeting closed at 5.10 pm having commenced at 2.30 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 17th September 2019

Report on Appeals: 8/8/19 – 4/9/19



**Horsham
District
Council**

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/19/0656	Land East of Pemberley Mill Lane Partridge Green West Sussex	13-Aug-19	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/1488	Land East of Coolham Road West Chiltington West Sussex RH20	Written Representation	09-Aug-19	Application Permitted	Application Refused
DC/18/2178	18 Rosemary Avenue Steyning West Sussex BN44 3YS	Written Representation	28-Aug-19	Application Refused	N/A
EN/18/0001	40 Pound Lane Upper Beeding Steyning West Sussex BN44 3JD	Written Representation	30-Aug-19	Notice served	N/A
EN/18/0089	Two Hoots Furners Lane Woodmancote West Sussex	Written Representation	30-Aug-19	Notice served	N/A
DC/19/0710	St Josephs Abbey Greyfriars Lane Storrington RH20 4GJ	Written Representation	30-Aug-19	Application Refused	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/19/0163	69 Kings Stone Avenue Steyning West Sussex BN44 3FJ	Fast Track	Appeal Allowed	Application Refused	N/A
DC/18/0553	Land West of Badgers Wood Spinney Lane West Chiltington Pulborough West Sussex RH20 2NX	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 17 September 2019

DEVELOPMENT: Change of use of land for the provision of two pitches for gypsies and travellers and the erection of a shared day room.

SITE: Land at Junction of Hill Farm Lane and Stane Street Hill Farm Lane
Codmore Hill Pulborough RH20 1BW

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/19/0845

APPLICANT: **Name:** Mr and Mrs Chatfield **Address:** c/o agent

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

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 approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application as submitted seeks planning permission for the change of use of the site for the provision of two pitches for use by gypsies and travellers and the erection of an associated single storey day room building, including associated car parking and touring caravan parking.
- 1.2 The proposed day room, which would serve both pitches, would measure approximately 9.7m by 5.7m with a maximum height of approximately 4.55m. The proposed day room would be made up of rendered walls and a slate tiled roof, and would have a GIA of approximately 55sqm.
- 1.3 The site would be laid out in a 'U' shaped configuration with the day room to the north of the site and the two pitches positioned to the east and west of this. The proposed vehicle and touring caravan parking would be positioned in between the two pitches and to the south of the pitch labelled as 'Unit 1' on the submitted drawings respectively.

DESCRIPTION OF THE SITE

- 1.4 The application site is located at the junction between Hill Farm Lane and Stane Street, Codmore Hill Pulborough and the site effectively adjoins the built up area boundary of Codmore Hill. The site is accessed via the public highway to the south and over an area of land/hardstanding/a layby of which the applicant has a right of way over (as confirmed within the title deeds to the site). The site area measures some 2100sqm.
- 1.5 The site is made up of hardstanding with soft landscaping to the edges and is currently unoccupied with only a number of containers/skips present within the site towards the western boundary area. There are a number of trees to the southern boundary of the site which are covered by a blanket Tree Preservation Order (TPO) and the site is generally unmaintained with regards to the existing soft boundary treatments.
- 1.6 There is no confirmed history for this site, however it has been previously used for storage and car parking. The surrounding area consists of residential properties to the west, south and east. It is noted that there are Grade II Listed Buildings located on the eastern side of Stane Street at Forge Cottage and the Old Forge and a restaurant to the south of the site. This section of Hill Farm Lane/Stane Street is served by a pedestrian pavement and public foul sewers are located just outside of the site. The site is not located within in a Conservation Area or a Flood Risk Zone.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework
- 2.3 The Government also published 'Planning Policy for Traveller Sites' in 2015 alongside the NPPF. Policy H advises on the determination of planning applications for traveller sites.

2.4 RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

- Policy 1 - Strategic Policy: Sustainable Development.
- Policy 2 - Strategic Policy: Strategic Development.
- Policy 3 - Strategic Policy: Development Hierarchy.
- Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations.
- Policy 22 - Gypsy and Traveller Sites.
- Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation.
- Policy 24 - Strategic Policy: Environmental Protection.
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
- Policy 26 - Strategic Policy: Countryside Protection.
- Policy 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 40 - Sustainable Transport.
- Policy 41 - Parking.
- Policy 42 - Strategic Policy: Inclusive Communities.
- Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Parish of Pulborough was designated as a Neighbourhood Development Plan Area in February 2014. To date no draft Plan has been prepared for public consultation.
- 2.6 Supplementary Planning Guidance: Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) 2017

PLANNING HISTORY

- 2.7 None relevant

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 **Strategic and Community Planning**: No objection
Verbal Comments. No objections raised given the current need and lack of 5-year supply for Gypsy, Traveller and Travelling Showpeople accommodation.
- 3.3 **Property Services (Drainage)**: No objection
- 3.4 **Environmental Health**: No Objection.
Conditions suggested if application was to be approved.
- 3.5 **HDC Arboricultural Officer**: Verbal Comments. No objection.
- 3.6 **HDC Heritage Officer**: No objection
The proposal for two pitches on the parcel of land in the north west corner of the crossroads will not result in harm to the setting of the listed buildings on the east side of the road.

OUTSIDE AGENCIES

- 3.7 **Southern Water**: No objection
- 3.8 **WSCC Highways**: No objection
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. Conditions suggested relating to parking and turning
- 3.9 **Ecology**: No objection
Condition recommended relating to Biodiversity Enhancement. Informative suggested relating to discovery of protected species.

PUBLIC CONSULTATIONS

3.7 **Pulborough Parish Council**: Objection.

- The description of the site is not accurate, it is not an industrial site.
- The access is not under the applicant's ownership and control, Members believe it is owned by South East Power Networks Ltd.
- HDC have more than sufficient gypsy and traveller sites at present.
- There will be privacy issues for neighbouring properties.
- This site will have problems with access to utilities, given that the neighbouring house has no connection to the sewerage system.

Members request that this application goes to the Planning South Committee and Pulborough Parish Council wish to send a representative to the meeting.

3.8 A total of 59 letters of objection have been received for this application. The letters of objection can be summarised as follows:

- Conflict with national, regional and local neighbourhood planning policies.
- No need for additional gypsy sites
- Highways and Parking Concerns
- Issues with regards to drainage
- Unsuitable site owing to its location
- Lack of essential services to site
- Noise disturbance and Loss of privacy
- Detrimental effects on the character of the area
- Impact on listed buildings to the east

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, the suitability of the location; highways, parking and access; the amenities of the occupiers and adjoining properties; the impact on the landscape character of the area.

Principle of Development

6.2 In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites. At paragraph 23, it states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. Also, paragraph 24 of the Planning Policy Guidance requires Local Planning Authorities to consider the existing level of local provision and need for sites, along with the availability (or lack) of alternative sites for the applicants, and other personal circumstances of the applicant. It is noted at Paragraph 27 of this document that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant

material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

- 6.3 In terms of local planning policy, Policy 21 of the HDPF: 'Gypsy and Traveller Site Allocations' makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017 in order to fulfil the backlog of unmet need identified through the Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013). The policy confirms that Horsham District Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Gypsy and Traveller Site Allocations Development Plan Document (DPD).
- 6.4 However, it is acknowledged that a number of sites allocated through Policy 21 of the HDPF have yet to come forward and the DPD was not able to progress, therefore the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. The application site has not been put forward as a possible site within the draft DPD document and was not identified in the call for sites. Notwithstanding this, as the Council currently has a lack of identified sites for this purpose and cannot demonstrate a 5-year supply, the principle of this change of use is considered to be acceptable subject to all other relevant material considerations.
- 6.5 Policy 23 of the HDPF has previously been found by Inspectors to be consistent with the amended NPPF which recognises in paragraph 78 that sustainable development in rural areas can be promoted where its location would maintain or enhance the vitality of rural communities, while Chapter 9 sets out that the planning system should 'actively manage patterns of growth', recognising that opportunities to maximise sustainable transport will vary between urban and rural areas.
- 6.6 Policy 23 also sets out a list of criteria for applications for use for Gypsies, Travellers, and Travelling Showpeople on non-allocated sites. The criteria set out within the Policy is as follows:
- a. There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;*
 - b. The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;*
 - c. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;*
 - d. The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;*
 - e. The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*
- 6.7 As stated above, the site is not located within an Environment Agency defined Flood Risk Zone and is located in very close proximity to existing public foul sewers. It is noted from comments received from neighbouring properties that the public sewer may not be suitable for additional connections, however no objections have been raised by Southern Water in this regard. The details within the application state that a soakaway would be provided for surface water drainage. Notwithstanding the above, full details of the means of foul and

surface water drainage would be secured and controlled by a suitable condition, as advised by the Council's Drainage Engineer. The land within the site is considered to be flat and stable following assessment of this during a case officer site visit and any previous hazards or contamination within the site can also be investigated with a suitably worded condition to ensure that human habitation of the site is appropriate.

- 6.8 A pedestrian pavement is located on the opposite side of Hill Farm Lane to the site and the site is served by an existing vehicular access point with a layby allowing for ease of access from the public highway. Given the presence of existing neighbouring residential development directly adjoining and adjacent to the site, it is considered that there are no constraints with regards to the site being served by essential services such as water and electricity. The plans submitted with the application also indicate that there would be sufficient space for parking and turning on site with appropriate outdoor areas maintained.
- 6.9 A key criteria in the consideration of this application is its relationship with the existing established settlement of Codmore Hill. As detailed above, the site effectively adjoins the defined built up area boundary of Codmore Hill and is located in relatively close proximity to the larger settlement of Pulborough to the south (approximately 1.1km away). Stane Street, located directly to the east of the site, given that it is a major connecting road, provides appropriate public transport links into Pulborough with bus stops located only short distances away (approximately 100m). The site is therefore considered to be in a sustainable location with good access to services such as schools and healthcare in Pulborough.
- 6.10 The proposals overall are considered to be low-key in nature given the number of pitches proposed and the size and distances preserved to neighbouring properties in terms of the proposed day room. The surrounding area is made up of a mixture of dwelling designs with differing built forms and materials present. It is considered that the proposed development would not have an impact on the surrounding area or the landscape character beyond that of the existing development in this section of Hill Farm Lane, particularly when viewed against the properties directly to the west of the site.
- 6.11 Overall it is considered that the principle of the development in this location would be acceptable and the proposed development would adhere to the criteria set out within the NPPF and HDPF Policy 23.

Design, Appearance & Landscape Impact

- 6.12 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.
- 6.13 Criterion (e) of Policy 23 of the HDPF states that development proposals for gypsy and traveller accommodation should not have an unacceptable impact on the character and appearance of the landscape and should be sensitively designed to mitigate any impact on its surroundings.
- 6.14 On assessment of the details submitted with the application and following a case officer site visit, it is considered that given its location, in very close proximity to the built up area boundary of Codmore Hill, the significant residential development within the vicinity and the relationship the site has to this, the site is not considered to be in 'rural' location, which would be associated with sites further away from settlements. Whilst it is acknowledged that the site is located outside of the built up boundary and for policy purposes, is considered to be located in the countryside, the makeup of the site is considered to be well-related to the existing residential development which characterises this area.

- 6.15 The proposed pitches, parking areas and driveways to be created would not be dissimilar to the existing hardstanding currently in place. The proposed day room is considered to be a modestly designed and scaled structure which would be a common feature within sites of this proposed use. The site currently benefits from extensive mature soft boundary treatments so the proposed day room would not appear as a prominent addition within the site. Indeed, it is noted, that given the existing boundary treatments, the existing containers/waste skips present on site and not clearly visible from views from outside of the site.
- 6.16 As stated above, given the nature of the works to the site, the scale of the proposed day room and the make-up of the surrounding area, it is considered that there would not be a detrimental impact on the landscape character of the locality. The surrounding development is made up of different building designs, forms and external materials and given that there is no prevailing character in this regard, it is considered that the proposals would accord with Policies 25, 32 and 33 of the HDPF.

Impact on Listed Buildings

- 6.17 Policy 34 of the Horsham District Planning framework states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. The proposal would be required to ensure it has no adverse effect upon the historic character and appearance of the listed building or its setting.
- 6.18 As stated above, there are two Grade II Listed properties located to the east of the site on the opposite side of Stane Street. Given that this major road would be located between the proposed development and the Listed Buildings and taking into account the nature of the proposed single storey day room and other works, as well as existing boundary treatments, it is considered that the proposals would not have a detrimental impact on the these properties. No objections have been raised following consultation with HDC's Heritage Officer and overall, the proposals are considered to be acceptable from this standpoint, preserving the special historic interest of the heritage assets, in accordance with Policy 34 of the HDPF.

Impact on Neighbouring Amenity

- 6.19 As detailed above, criterion (e) of Policy 23 and Policy 33 of the HDPF require consideration be had to the resulting amenities of neighbouring occupiers of nearby land and properties and that development should consider the scale, massing and orientation between buildings. The details submitted with the application indicate that minimum distances of approximately 18.6m and 11.5m would be preserved between the proposed day room and the pitch located to the eastern side of the site respectively and the closest neighbouring property, located to the west at Orchard Cottage Hill Farm Lane.
- 6.20 Looking at the configuration of existing development within the immediate vicinity, it is evident that existing properties, particularly to the west of the application site, are located in much closer proximity to one another. A case officer site visit also revealed that Orchard Cottage is a bungalow and there is an existing fence along the western boundary of the site, so no views are available into the site from this vantage point. It is therefore considered that the distances maintained to all neighbouring properties would be appropriate and given the single storey nature of the proposed day room and existing boundary treatments present, there would be no issues of overshadowing, overbearing or overlooking from the proposals. Overall, it is not considered that the scheme would contribute to any harmful impact on the privacy or amenity of the occupiers of the neighbouring residential property, or users of adjoining land.

Highways & Parking Considerations and Implications

- 6.21 As detailed above, criterion (b) of Policy 23 of the HDPF requires that sites for gypsy and traveller accommodation are served by a safe and convenient vehicular and pedestrian access, and that proposals should not result in significant hazard to other road users. This is supported by policies 40 and 41 of the HDPF which require, amongst other matters, safe and suitable vehicular access and adequate parking facilities. Paragraph 109 of the NPPF sets out that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.22 The site would be accessed via an existing access point off of Hill Farm Lane to the south. As detailed above, there is a layby to the south of site of which the applicant has a right of way over. It is noted that no incidents or accidents have been recorded in this location and it is considered that given the location of the site and the proximity to the junction of Hill Farm Lane and Stane Street, speeds at this section of the highway would be relatively low.
- 6.23 Following the submission of additional information in relation to visibility splays, WSCC Highways have raised no objections to the proposals and have stated that the proposed use would not have a severe impact on the operation of the highway network and would provide acceptable levels of off-street parking, subject to an appropriate condition. The site would also be served by appropriate pedestrian access given the presence of a pavement directly to the south and the proximity to the built up area of Codmore Hill. Overall, it is considered that the proposed use of the site would accord with the relevant section of Policies 23, 40 and 41 of the HDPF.

Impact on Trees

- 6.24 It is noted that there are a cluster of trees located along the southern boundary of the site, which are the subject of a blanket Tree Preservation Order (TPO). Given the distances maintained between the proposals and the nature of the development, it is considered that the proposals would not have a detrimental impact on the existing trees within and adjacent to the site following consultation with HDC's Arboricultural Officer who raised no objections to the application.

Ecology Considerations

- 6.25 Policy 31 of the Horsham District Planning Framework states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. On assessment of the submitted information and following consultation with the Council's Ecology consultant, it is considered that it is unlikely that protected or priority species are present on site or that they would be affected by the development. A suitable condition and appropriate informative are recommended to ensure ecological enhancements and mitigation measures are put in place, to include as a minimum 2 bat boxes and 2 bird nest boxes. Subject to this condition it is considered that the proposals would not have a detrimental impact on ecology and overall, the proposals are considered to be acceptable in this regard.

Conclusion

- 6.26 In conclusion, it is acknowledged that the Council cannot currently meet the identified unmet gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF.

6.27 Whilst the site has not been allocated this application has been considered against Policy 23 of the HDPF which relates to non-allocated sites, and all other relevant policies. Overall, it is considered that the site is well related to existing settlements, facilities and services and would accord with criteria set out within Policy with regards to highways, access, drainage, neighbouring amenity and landscape impact. The proposal would therefore be in accordance with Policy 23 of the HDPF and the National Planning Policy for Traveller Sites 2015.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions:

1 A list of the approved plans

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

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

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) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.

(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 development shall thereafter be carried out in accordance with the approved details. 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, roofs windows and doors, of the approved day room and two mobile homes 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-Occupation Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for the mobile homes 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).

- 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 sizes densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures

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:** A Biodiversity Enhancement Layout, providing the details and locations of the enhancement measures which should include 2 bat boxes and 2 bird nest boxes, shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of The Horsham District Planning Framework (2015).

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

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

- 11 **Regulatory Condition:** There shall be no more than two (2) pitches on the site with no more than one (1) mobile home/static caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on each pitch at any time. There shall be no more than two (2) touring caravans stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.

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

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

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

- 13 **Regulatory Condition:** No Heavy Goods Vehicles (defined as any vehicle having 3 axles or more and with a weight exceeding 3,500kg) shall operate to or from the site or be stationed, parked or stored on the site at any time.

Reason: In the interest of highway safety and amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

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

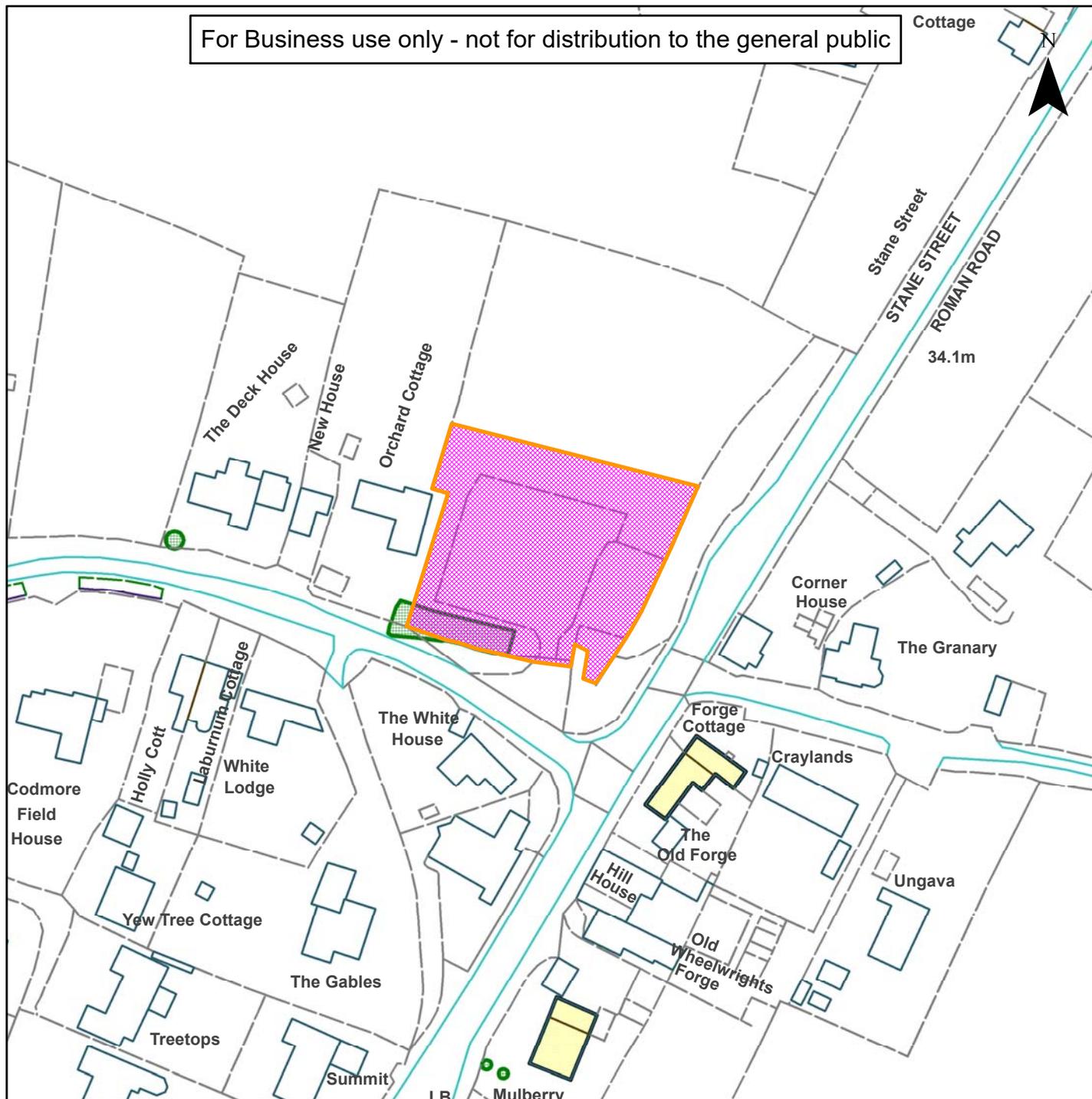
Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0845



Land at Hill Farm Lane/Stane Street, Codmore Hill

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Scale: 1:1,250

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Department	
Comments	
Date	05/09/2019
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 17th September 2019

DEVELOPMENT: Demolition of existing farm building and the erection of a single storey dwelling

SITE: Heathenthorn Farm North Henfield Road Albourne West Sussex

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/18/2739

APPLICANT: **Name:** Miss Laura Plumer **Address:** C/O Agent

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The current application seeks consent for the erection of a new detached residential dwelling at Heathenthorn Farm, and the demolition of an existing farm office / store immediately adjacent.
- 1.2 The proposed dwelling comprises a modest single-storey 3-bed dwelling of a single-storey nature with a half-hipped roof and brick elevations, amounting to a footprint of some 8.2m x 13.7m (external area = 112.34sq.m, internal area some 99.65sq.m). A modest curtilage is proposed to the rear/west side of the dwelling.
- 1.3 A Preliminary Ecological Report and subsequent Protected Species Report have been submitted in support of the application.
- 1.4 The proposal is submitted on the basis of the fall-back position of DC/18/1125, which granted Prior Approval for the conversion of the existing farm office / store building on the site, under Class Q of the GPD, to form a 3-bed dwelling. This approval was subject to a pre-commencement condition relating to potential contamination risks at the site, requiring the submission of a preliminary risk assessment. This condition has not yet been discharged, but the Prior Approval remains extant.

- 1.6 The statement also refers to a number of benefits that would be available as a result of the new-build rather than the conversion of the existing agricultural structure, including the use of sustainable construction techniques, higher quality design and use of materials, and a reduction of floorspace of around 18sq.m.

DESCRIPTION OF THE SITE

- 1.7 The application site lies in open countryside, but comprises a group of farm, equestrian and residential dwellings that formerly fell under one agricultural property: Heathenthorn Farm. This farm has since been split into different functions and land holdings. The application site itself adjoins Glendon House Stud to the eastern side where a range of barns are situated close to the common boundary. Glenard Farm occupies a large area of land and buildings south of the access track and appears to have a current equine use, and includes a property (The Flat) set in a converted barn abutting the southern elevation of the farm office / store building on the application site.
- 1.8 To the south, and having use of the shared access track, is Heathenthorn Farm Cottage, which established independent residential use in 1998 (WK/20/98).

SITE HISTORY

- 1.9 It would appear that the site was formerly part of the wider Heathenthorn Farm Cottage. Applications in 1997 and 1998 established an agricultural barn and independent vehicular access around the adjacent Glenard Farm.
- 1.10 In 2014, the Council considered, and refused, a Prior Notification under the then Class MB for the conversion of the farm office / barn store to residential use (DC/14/2702). A subsequent appeal decision dated February 2016 allowed the Prior Notification, referring to the last use as a farm office and agricultural store.
- 1.11 In the intervening period, in late 2015, Prior Notification under Class Q was submitted under DC/15/2539 for the conversion of the farm office / barn store, which adjoins The Flat at Glenard Farm. This proposal under Class Q of the GDPO followed the earlier appeal decision DC/14/2702, and granted Prior Approval for the conversion.
- 1.12 More recently, in June 2018, a Prior Notification for the conversion of the same barn / farm office was approved, effectively extending the time period for the conversion to be undertaken. This remains extant and is subject to pre-commencement conditions.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy
 Policy 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 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 40 - Sustainable Transport
 Policy 41 – Parking

2.4 RELEVANT NEIGHBOURHOOD PLAN

Woodmancote Neighbourhood Plan (Made June 2017)

Policy 1: Spatial Plan for the Parish

Policy 2: Housing Windfall Sites

Policy 3: Design

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/1125	Prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3)	Prior Approval Required and PERMITTED on 19.07.2018
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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

INTERNAL CONSULTATIONS

3.2 HDC Environmental Health: Comment

- There is insufficient information to determine this application as commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hard standings.
- A recent site visit found a variety of materials and equipment stored in and around the buildings. During these visit/s it was noted that the building proposed for demolition is roofed with suspected asbestos cement sheeting and other asbestos containing materials may be present in the structure
- To ensure the application is properly determined a preliminary contamination risk assessment should be provided together with a copy of the asbestos register for the building.
- There is also evidence of made ground and deposition of potentially contaminative material on the site and evidence of burning was noted within the proposed curtilage.
- However, if you are minded to approve the application it is necessary to limit the future liability of the council and to ensure the site is suitable for the residential use.

Accordingly the following conditions should therefore be applied to cover Land contamination - Preliminary Risk Assessment, hours of building / demolition and CEMP and the ability to control subsequent external lighting to the building. Consideration should also be given to the provision of an electric vehicle charging point

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection.

- The site is accessed via a private access road from Henfield Road, a 'B' class road with a speed limit of 40mph in this location, with no intentions to alter the existing shared access from Henfield Road. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the junction between the private access road and Henfield Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.
- The applicant has not shown the location of the parking for the new dwelling. However, the Local Highway Authority (LHA) anticipates that there would be sufficient space within the site to provide the 3 car parking spaces stated on the application form.
- The LHA would not anticipate the proposal to have a 'severe' impact on the highway and there would be no transport grounds to resist the proposal. If the Local Planning Authority are minded to approve the application the LHA would recommend securing condition to ensure the car parking space is constructed in accordance with plans to be submitted to and approved by the LPA prior to occupation

3.4 **Ecology Consultant:** No Objection

- Additional information has been received relating to the likely impacts on Protected Species (Great Crested Newts and Bats) - Protected Species Survey Report (Corylus Ecology, July 2019) to include a dusk emergence survey
- Demolition of the existing building will result in the loss of both identified bat roosts requiring a mitigation licence from Natural England to lawfully complete the works
- It is therefore considered that there is sufficient certainty of likely impacts on bats from demolition of the farm building in line with Natural England's licensing policy 4. It is recommended that a copy of the bat mitigation licence is secured under a condition of any consent to be provided to the LPA prior to commencement
- The Protected Species report states that the eDNA test result for pond P1 (85m to the north) was negative, indicating likely absence of GCN during the 2019 breeding season. The Natural England licence risk assessment tool was run as part of the PEA report (Corylus Ecology, November 2018) and the following conclusion was made: "If the licence risk assessment is run assuming that GCN are absent from P1 but are present in Pond P2, there would be loss of 0.08ha of terrestrial habitat within 100-250m and the risk of committing an offence is 'Green' or 'Offence Highly Unlikely.'"
- It is noted that the above statement is still applicable and agree that the impacts on GCN are considered negligible. It is therefore not considered necessary to survey pond P2 as an offence is highly unlikely even if GCN are present. However, avoidance measures and recommendations were also provided in the PEA report and these will still need to be applied, to avoid creation of habitats and avoid injury to small mammals, amphibians and reptiles.
- It is considered that these non-licensed avoidance measures are appropriate and that there is now sufficient certainty of likely impacts on GCN, and therefore recommend that the above GCN mitigation measures are secured by a condition of any consent.

- The Protected Species Report now provides certainty for the LPA of the likely impacts on Protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- The proposed reasonable biodiversity enhancements are also supported, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006

3.5 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.6 **Woodmancote Parish Council:** No Objections but would ask that:

- All drainage and parking matters are dealt with
- No external floodlights are added
- The environmental assessment is positive

3.7 No neighbour representations have been received.

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

6.1 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages that have defined built-up areas, with any infilling and redevelopment required to be of an appropriate nature and scale to maintain characteristics and function of the settlement. Policy 4 of the HDPF states that outside built-up area boundaries the expansion of settlements will be supported where; the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services; the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

6.2 In addition, paragraph 79 of the National Planning Policy Framework states 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. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need to for an agricultural worker to live at or near the site; where such development would represent the optimal viable use of a heritage asset; where the development would re-use redundant

or disused buildings and lead to enhancement of the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Consistent with this, Policy 26 of the HDPF states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas.

- 6.3 Although the buildings lie within a rural area, poorly served by public transport options and public footpaths to local services and community facilities, it is noted that there is a degree of residential accommodation immediately around the application site, and the site is located just off the busy B2118. Therefore, the site is not considered to be 'isolated' in its context in relation to paragraph 79 of the NPPF.
- 6.4 Since the adoption of the Horsham District Planning Framework in November 2015, the Council is able to demonstrate a full 5-year housing land supply to meet the needs of the District to 2031. The policies within the development plan set out the spatial strategy for sustainable development within the District by establishing a development hierarchy, and setting out policies that allow settlements to grow and expand over the lifetime of the plan.
- 6.5 As stated within Policy 4 of the Horsham District Planning Framework, development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan. The application site is not allocated for development in the Local Plan. The Woodmancote Neighbourhood Plan has been formally 'Made' but does not designate the site for housing.
- 6.6 Therefore, it is considered that the principle of the proposed development within the countryside is contrary to the overarching spatial strategy and principles of the National Planning Policy Framework and Local Development Plan.
- 6.7 However, of material reference is the Prior Notification on the site that exists for the conversion of the existing agricultural storage building and farm office to form a residential property (most recently under DC/18/1125). Whilst there is no apparent evidence of material work having been commenced on site to implement the Prior Approval, beyond general repair work to the building, the recent re-confirmation of the Prior Approval consent is considered sufficient to show a clear intent to implement a dwelling on this site.
- 6.9 This extant Prior Approval consent expires on 19 July 2021 and is a material planning consideration in the context of this current full planning application, notwithstanding the overall policy conflict with the HDPF. This extant permission represents a viable and likely fall-back position for the applicant and as such it forms a material consideration that weighs heavily in favour of the proposed development as it establishes a precedent on the site for residential use. The weight to be attributed to this fallback position is therefore significant, but only on the basis that the agricultural barn subject to the prior approval under DC/18/1125 is demolished as it would not occupy the same position as the proposed dwelling and could therefore continue to be implemented alongside this proposal. A condition to this effect is included in the recommendation.

Design and Appearance:

- 6.10 HDPF policy 25 requires development to protect, conserve and enhance the landscape and townscape characters across the District, taking account of settlement characteristics and settlement separation. Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district' and 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'. Policy 33 requires developments to relate sympathetically with the built surroundings.

- 6.11 The overall mass and scale of the proposed dwelling would be comparable to the existing building that adjoins the neighbouring property and barns (The Flat), and would represent a reduction in floor area compared with the barn to be demolished, albeit with an increased ridge height. Whilst the proposed dwelling would be detached, repositioned and re-orientated from the existing building, the resulting scale and location of the proposed development would be visible only as part of the cluster of existing barns and dwellings on the site, and is therefore judged to respect the rural character of the site. The current application would give greater control to the eventual development of the site, particularly in respect of detailed design and landscaping matters by way of condition. This weighs in favour of supporting the current scheme, which is considered to accord with Policies 25, 32 and 33 of the HDPF.
- 6.12 The resulting size of the curtilage to the new dwelling would adjoin the wider area of farmland which lies within the wider land ownership of the applicant, and would retain a vehicular right of access through to the southern neighbouring property and land at Heathenthorn Farm Cottage. The curtilage proposed is considered commensurate to the size of the dwelling and the character of the cluster of buildings at the site.
- 6.13 Furthermore, future development within the curtilage could be controlled, to an extent, by way of permitted development (PD) rights. To ensure that any subsequent development within the plot remains suitable to the rural location of the site, it is considered that a planning condition would be appropriate to remove PD rights for extensions, roof alterations and all other structures within the curtilage.
- 6.14 In summary, the proposal is of a scale, massing and appearance which relates sympathetically to the built surroundings, open space and prevailing landscape pattern when compared to the existing buildings on and adjacent to the site and their permitted conversion to residential use. As such, it would not unduly erode the rural character of the area and the appearance of the countryside, and would maintain the overall character and appearance of the countryside, in accordance with local policies 25, 32 and 33.

Amenity Impacts:

- 6.15 Policy 33 of the HDPF (2015) states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.16 The proposal is considered to lie sufficiently distanced from the neighbouring residential elements of adjoining properties and land uses. However, the proposal does involve the demolition of an existing building which appears to share a party wall with The Flat to the south. No details have been provided as part of this current application for how this is to be managed, and so it is suggested that a planning condition be included to secure 'making good' details of this party wall. This would not free the applicant or developer of their obligations under the Party Wall Act.

Ecology Impacts:

- 6.17 The HDPF policy 31 requires development to consider the likely impacts on existing biodiversity. Where any likely impacts cannot be suitably addressed by way of mitigation and enhancement measures, then permission should be refused. This stance is echoed by the NPPF.
- 6.18 The submitted Ecological Appraisal and subsequent Protected Species Report and dusk emergence survey take account of the buildings and habitats present on the site, including the nearby ponds, recognising that the existing building on the site would be demolished as

part of the proposal. A low number of bats were discovered, using parts of the barn as a roost, although it is unlikely this is used as a maternity roost. Accordingly, mitigation measures are advised and a bat mitigation license will be required before works commence on site. This approach has the support of the Council's Ecology Consultant.

- 6.19 Accordingly, there are conditions which are advised to secure the advised mitigation measures, and to seek an element of control over the development and any effects of artificial lighting.

Highways Impacts:

- 6.20 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. Chapter 4 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.21 The Local Highways Authority has assessed the proposal as not having an adverse material increase in vehicular activity at the site compared to the extant permission, with all access to be via the existing site access point. For this reason no objection is raised to the proposed development, which is considered to accord with policies 40 and 41.

Conclusions:

- 6.22 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, 3, 4 and 26 of the Horsham District Planning Framework (2015).
- 6.23 Although contrary to the above policies, there is an existing extant permission for the conversion of the existing barn / farm office to be demolished, into residential dwellings under Class Q of Schedule 2, Part 3 of the General Permitted Development Order 2015, which has established the principle of residential use on the site. This current proposal seeks the demolition of this existing building and the erection of a new-build dwelling of a largely identical scale and form as an alternative to the extant permission, albeit relocated within the site. The extant permission for the conversion of the existing building to form a new dwelling on the site represents a viable fall-back position for the applicant and a material consideration that weighs heavily in favour of development.
- 6.24 The proposed development is considered to be of an appropriate scale, design and separation which would not have a detrimental impact upon neighbouring amenity or the prevailing countryside character of the area. Therefore, having regard the fall-back position afforded by the extant permission, this current application to reposition the permitted dwelling, along with associated curtilage creations and associated parking areas within the site is considered to be acceptable as a departure from local and national planning policy. Furthermore, the proposal is also considered to secure a higher quality of development on this site, taking account of the ecological implications and requirement to secure the necessary bat mitigation licenses from Natural England.
- 6.25 On this basis, the application is recommended for approval as a departure from the development plan.

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	100		100
		Total Gain	
		Total Demolition	124

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 Approve the application subject to the following conditions:

1 Approved Plans Condition

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

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

3 Pre-Commencement 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, including the potential for asbestos containing materials
- 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 take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities
 - iii. the arrangements for public consultation and liaison during the construction works;
 - iv. measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - v. the parking of vehicles of site operatives and visitors;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved details shall be adhered to throughout the construction period.

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

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

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

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

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in the Preliminary Ecological Appraisal (Corylus Ecology, Nov 2018) and Protected Species Survey Report (Corylus Ecology, July 2019). (This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details)

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), and to conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Development Framework (2015).

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

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 9 **Post-Occupation Condition:** Upon the occupation of the dwelling hereby permitted the existing building indicated on plan 1837/02 rev A shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter such existing building shall be demolished (including the removal of foundations) all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority prior to demolition works commencing.

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

- 10 **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. No dwelling hereby permitted shall be occupied or use hereby permitted commenced 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)

- 11 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal (Corylus Ecology, Nov 2018) and Protected Species Survey Report (Corylus Ecology, July 2019).

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Development Framework (2015).

- 12 **Regulatory Condition:** No demolition of the existing building indicated on plan 1837/02 rev A shall commence until the applicant has obtained and complied fully with either:
- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: As this matter is fundamental to conserve Protected and Priority species, allowing the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998, and in accordance with Policy 31 of the Horsham District Development Framework (2015).

- 13 **Regulatory Condition:** The materials and finishes of the new external surfaces used in the 'making good' of the exposed walls, soffits and roofing to the adjoining building known as The Flat, following demolition of the existing barn, 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).

- 14 **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 and E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development 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 rural location of the property in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

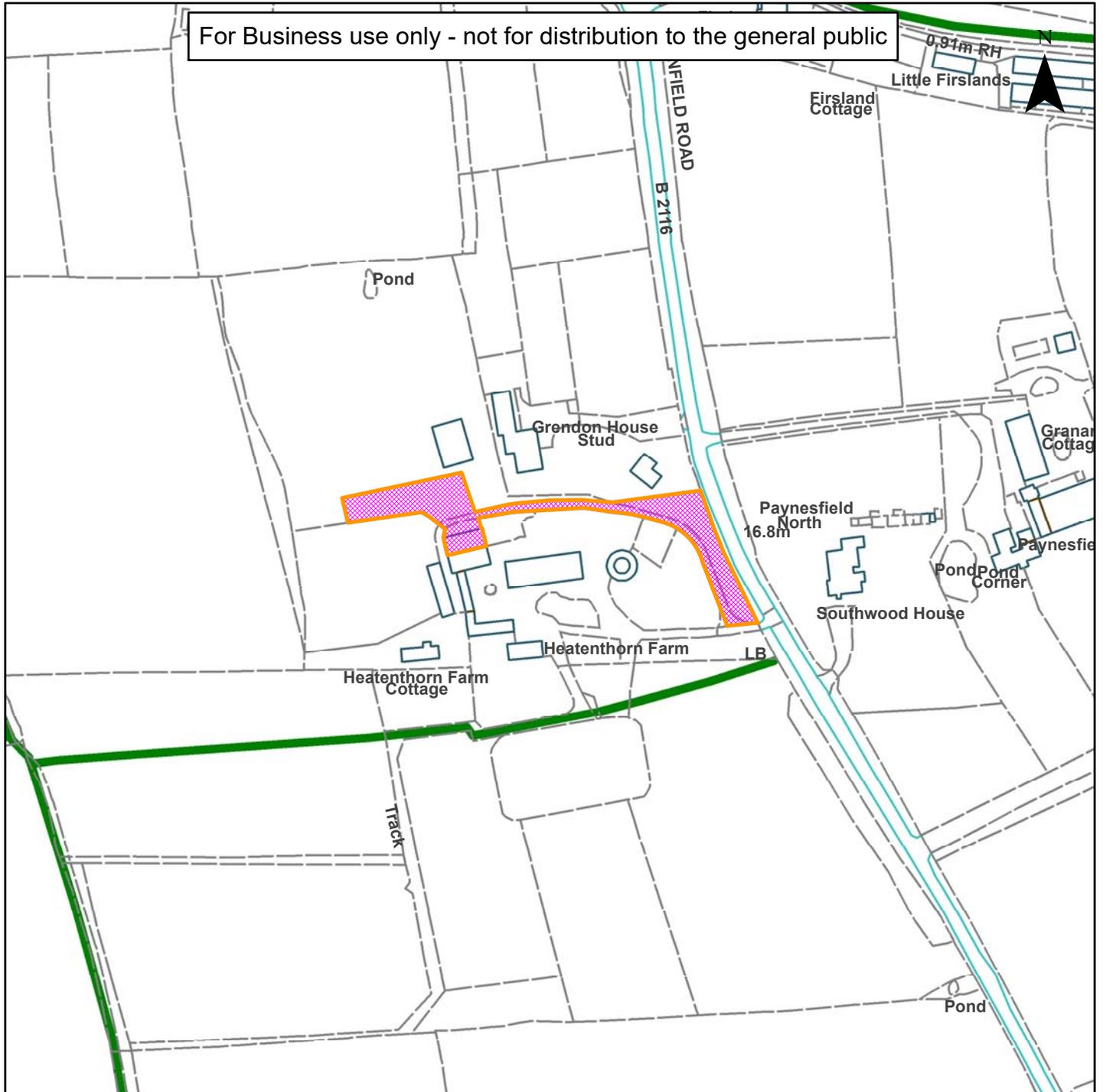
Background Papers: DC/18/2739

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Heathenthorn Farm, Henfield Road, Albourne

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Organisation	Horsham District Council
Department	
Comments	
Date	05/09/2019
MSA Number	100023865

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Report to	Planning Committee South
Date	17 September 2019
By	Director of Planning
Local Authority	Horsham District Council
Application Number	SDNP/19/03041/FUL
Applicant	Besley Farm Buildings
Application	Erection of two agricultural buildings
Address	Besley Farm River Lane Watersfield West Sussex

Recommendation: That the application be approved subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

This application is considered at committee due to the applicant being a Member of the South Downs National Park Authority.

1 Site Description

- 1.1 The application site comprises of a 1.7km² parcel of land situated approximately 100m south-east of the defined settlement boundary of Watersfield and 120m south-east of the closest dwelling of 'Silver Birches'. The site is non-contiguous with the historic farmyard for Besley farm, found approximately 180m in distance from the site and adjacent to the settlement boundary.
- 1.2 The application site itself comprises of open farmland bounded by hedgerows to the south-west and north-east and benefits from a pre-existing field access onto River Lane. The site is undeveloped and forms part of the wider field/development pattern to the south-east of Watersfield, characterised by gradually undulating fields interspaced by hedgerows and bounded by sporadic woodland to the north and east. The site itself its level, however, land gradually slopes upwards to the south opposite on River Lane.
- 1.3 The site is located within the South Downs National Park and beyond any defined settlement boundary. The site is not affected by any further statutory landscape, environmental or heritage designations.

2 Proposal

- 2.1 Planning permission is sought for the erection of two agricultural steel frame portal barns that would measure 18m in length, 9m in depth and incorporate dual-pitched roofs erected to an overall height of 6.8m and eave height of 5.5m. Both buildings would comprise of a concrete

panel/blockwork base with metal sheet cladding and fibre cement roofing. Both proposed barns would incorporate an open inward facing elevation.

- 2.2 Planning permission is additionally sought for the creation of an associated area of concrete hardstand that would extend 25m north-east of barn B and 25m south-east of barn A, with a 7.1m wide access leading onto River Lane.

3 Relevant Planning History

SDNP/16/02398/FUL	Erection of two new agricultural buildings	Application 10.08.2016	permitted
SDNP/13/02311/TIME	Application for a new planning permission to replace extant permission DC/10/0836 (2 new agricultural buildings) in order to extend the time limit for implementation	Application 09.07.2013	permitted
DC/10/0836	2 new agricultural buildings	Application 15.07.2010	permitted

4 Consultations

- 4.1 **Coldwaltham Parish Council:** No comments received

5 Representations

None Received

6 Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033 (2019)** and any relevant minerals and waste plans.

- 6.2 The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

- 6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

- 6.4 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect in 2018. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF2 – Achieving Sustainable Development
- NPPF6 – Building a strong, competitive economy
- NPPF7 – Requiring Good Design
- NPPF15 – Conserving and enhancing the natural environment

Partnership Management Plan

7.3 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.4 The following Policies and Outcomes are of particular relevance to this case:

- Outcome 1 – The landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced
- Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting
- Policy 50 – Housing and other development in the National Park should be closely matched to the social and economic needs of local people, and should be of high design and energy efficiency standards

The South Downs Local Plan 2014-2033

7.5 The South Downs Local Plan was formally adopted following full Council resolution on 02.07.2019. This constitutes the statutory development plan for the National Park and replaces the previous Horsham District Local Development Framework Core Strategy (2007) and Horsham District Local Development Framework General Development Control Policies (2007) for development located both within the National Park and Horsham District. The policies of the Horsham District Local Development Framework no longer carry material weight.

7.6 The following policies of the South Downs Local Plan (2019) are relevant to this application:

- SD1: Sustainable Development
- SD2: Ecosystem Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD12: Historic Environment
- SD19: Transport and Accessibility
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD39: Agriculture and Forestry

8 Planning Assessment

Principle of Development:

8.1 Paragraph 83 of the NPPF provides that planning decisions should enable the sustainable growth and expansion of all types of business in all areas, both through conversion of existing buildings

and well-designed new buildings and seek to support the development and diversification of agricultural and other land-based rural businesses.

- 8.2 Paragraph 84 of the NPPF provides that planning policies and decisions should recognise that development of sites beyond existing settlements, and in locations not well served by public transport, may be necessary to meet local business or community needs. In such circumstances the sensitivity of the landscape to development, impacts of development on local roads and improvements to access constitute significant considerations. Paragraph 84, further, supports the use of previously developed land and sites physically well-related to existing settlements.
- 8.3 Policy SD39 of the South Downs Local Plan (2019) provides that development proposals for new agricultural buildings or structures will be permitted where:
- a.) There is an agricultural need for development within the National Park can be demonstrated, and the scale of development is commensurate with that need.
 - b.) The development occupies the site best suited to conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. Wherever possible, development should re-use or be on the footprint of an existing agricultural building, otherwise it should be related physically and functionally to existing buildings associated with the enterprise, unless there are exceptional circumstances relating to agricultural or forestry necessitating a more isolated location.
 - c.) The buildings are in keeping with local character and of a design that reflects the proposed agricultural or forestry use;
 - d.) The proposals include structure planning to integrate the development into the existing local landscape framework;
 - e.) A building has not been disposed of or converted to an alternative use at the holding in the past three years, which could have met the need of the development proposed; and
 - f.) Existing redundant buildings within the application site, that impact negatively on landscape character, are removed where appropriate.
- 8.4 This application is of an identical nature to permission granted originally under DC/10/0836 and subsequently renewed under SDNP/13/02311/TIME and SDNP/16/02398/FUL. Permission granted by SDNP/16/02398/FUL has now expired.
- 8.5 The adoption of the South Downs Local Plan (2019) and publication of the latest NPPF (2019) constitutes a material change in policy since permission granted under SDNP/16/02398/FUL, however, the planning history of the site remains a material consideration in the determination of this application.
- 8.6 The proposed agricultural buildings would serve localised agricultural hay/straw storage and livestock housing functions in support of Besley Farm as an organic dairy farm constituent of the wider Barlavington Estate. The agricultural holding occupies an area of 372 hectares and supports between 550-600 cattle.
- 8.7 Besley Farm, found a short distance north-east of the application site, comprises of a historic farmhouse and several former agricultural outbuildings now converted to three residential units pursuant to application CW/29/03 (permitted 17.12.2003). Whilst these buildings remain in the ownership of the applicant, there are presently no agricultural activities undertaken within the former farmyard, nor any additional buildings capable of supporting such a use. The main farmyard for the Barlavington Estate is found at Crouch Farm, approximately 5.8km west of the application site and to the south of Petworth.
- 8.8 The evidence provided in support of the application, inclusive of the asserted agricultural need, is identical to evidence previously submitted in support of application SDNP/16/02398/FUL. The Council's agricultural consultants, in response to SDNP/16/02398/FUL and the evidence provided in support, responded to advise that the buildings are required for agricultural purposes in support of the applicant's dairying business. Given that the proposal is of an identical nature to previous applications, and there has been no change in the nature or scale of dairying activities, it is considered that there is sufficient evidence of an agricultural need for the proposed buildings in this instance, and for these to be deemed acceptable in principle.

- 8.9 It is, however, deemed appropriate to recommend a condition requiring the use of these buildings solely for agricultural purposes as development unessential to this location would be not considered compliant with the spatial strategy of the Development Plan.

Landscape Impact, Character, Design and Appearance:

- 8.10 Policy SD4 of the SDLP (2019) provides that development will only be permitted that conserves and enhances landscape character through the retention and enhancement of existing landscape features, positive design, layout and scale that reinforces distinctive landscape characteristics and the evolution of the landscape and by safeguarding the amenity and experiential qualities of the landscape
- 8.11 Policy SD5 of the SDLP (2019) requires a landscape led approach to design, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of an area. Development *inter alia*, will be required to complement landscape character, contribute to local distinctiveness and incorporate architectural design appropriate to its setting in terms of height, massing, density, roof form and relevant detailing.
- 8.12 In respect of the location of new agricultural buildings, criterion b) of policy SD39 encourages new agricultural buildings in proximity to, or in replacement of existing structures, and where best suited to conserving the natural beauty, wildlife and cultural heritage of the National Park. Policy SD39 discourages isolated agricultural buildings in the absence of exceptional circumstances. In this regard, the requirements of policy SD39 are more stringent than the previous requirements of policy DC23 of the Horsham District Local Development Framework, General Development Control Policies (2007).
- 8.13 In this instance the proposed buildings are not contiguous with the historic Besley farmyard and are sited in a mainly open field setting some 100m to the south-east of Watersfield. As such their location does not strictly accord with the requirements of Policy SD39 b). Nevertheless it is considered that the location for the building in this instance is acceptable for a number of reasons.
- 8.14 Firstly, the former Besley farmyard, 180m to the north-west, is constrained in heritage terms by virtue of the Grade II listed status of Besley Farmhouse, adjacency to the Watersfield Conservation Area and siting within a designated archaeological notification area. It is considered, therefore, that opportunities to introduce further agricultural development, especially of a modern commercial scale, in proximity to the historic farmyard would be limited without potentially resulting in harm to the special interest of these designated heritage assets.
- 8.15 Secondly, as Besley farmyard has been converted to residential use, it is considered that the siting of an agricultural building for the housing of livestock in proximity to such uses may give rise to greater amenity impacts in terms of noise/smell disturbance.
- 8.16 Finally, the proposal is in reasonable proximity to the nearest buildings in Watersfield (some 100m to the north-west) and constitutes a relatively modest addition in the context of the wider landscape, identical to the previous acceptable proposals. As such it would not materially influence the local field pattern or the legibility of this. The proposal would be reflective of its proposed agricultural use in design terms and would preserve existing hedgerows to the south and west of the site, and would not be considered to adversely affect any individual landscape elements significant to the local landscape character. It is anticipated that the proposal will be visible within public perspectives on River Lane, however, there are no public-rights of way in the vicinity of the application site and it is not expected that the proposal will be visible to the south owing to the rising nature of land.
- 8.17 The use of facilities at Crouch Farm (5.8km from the application site) is not considered a practical alternative to the use of proposed buildings for the housing of livestock and associated storage connected with the use of the surrounding fields within this part of the holding given its considerable distance. Some material weight must furthermore, be assigned to the planning history of the site and previous permissions granted for buildings in this location. Despite a semi-

isolated siting, therefore, it is considered that agricultural buildings in this location can be justified as an exceptional circumstance under policy SD39.

- 8.18 The proposed buildings are considered to possess a simple utilitarian character, deemed typical of modern agricultural development and appropriate to the proposed commercial agricultural uses. No specific details of intended colours or finishes have been provided in support of this application, however, subject to a condition requiring the submission of a schedule of materials, colours and finishes, it is considered that the use of appropriate colours/finishes could be secured, such as the use of green tinted/painted metal cladding and green/darkened roofing. In addition a condition requiring the submission of details of hard/soft landscaping has further been recommended in order to facilitate an assessment of secondary landscape impacts (for example arising from additional fencing) and to enable the incorporation of additional planting.
- 8.19 The proposed hardstand is considered proportionate to the scale of proposed buildings, and would not encroach onto surrounding field-land to an extent considered to be detrimental to the visual amenities of the National Park.
- 8.20 Subject to the recommended conditions it is not considered that the proposed agricultural buildings would appear inappropriate within views on River Lane, nor would prove detrimental to the local landscape character or the public understanding of this.
- 8.21 On balance, therefore, it is considered that the siting, scale and appearance of the proposed buildings would suitably preserve the natural beauty and cultural heritage of the National Park in accordance with Policies SD4, 5 and 39 of the South Downs Local Plan (2019).

Amenity Impacts:

- 8.22 Policy SD5 of the SDLP (2019) *inter alia* provides that development must have regard to avoiding harmful impacts upon any surrounding uses or amenities.
- 8.23 The application site is some notable distance removed from nearby dwellings, at or in excess of 120m. By virtue of this significant intervening distance it is not considered that the proposal would result in any reasonably established detriment to the amenities of nearby occupiers in terms of overbearingness, overshadowing or loss of privacy.
- 8.24 As the proposed buildings would involve the housing of livestock it is acknowledged that some noise/smell disturbance would be expected to arise from the proposal. It is not anticipated, however, that any harm would prove significant to nearby occupiers, given the intervening distance, nor that some degree of noise/smell disturbance arising from agricultural activity would be unexpected of a rural location. As reasoned above, it is further recognised that the proposed siting of the buildings away from the settlement boundary reduces the potential for conflict between agricultural/residential uses. On balance, whilst some noise/smell impact would be anticipated, it is not considered that this would exceed a threshold of unacceptable harm sufficient to warrant a justifiable refusal of planning permission.
- 8.25 Notwithstanding the above, in order to secure the appropriate disposal of waste, a condition has been recommended requiring the submission and implementation of a plan for the disposal of waste in order to avoid any exceptional impacts in respect of smell disturbance.

Ecosystem Services:

- 8.26 Policy SD2 of the SDLP (2019) provides that development will be permitted that secures an overall positive impact on the ability of natural environment to contribute goods and services. Development should incorporate high quality design and deliver opportunities to sustainably manage the use of resources, mitigate/increase resilience to the impacts of climate change, improve public health and improve habitats and biodiversity.
- 8.27 The proposal would involve the loss of a minor amount of managed farmland, considered to possess limited biodiversity significance. As theorised under figure 1.3 of the SDLP (2019), a

separate aspect of the National Parks ecosystem offer is the provisioning services that it provides, inclusive of food production. As the proposal would support the continued operation of Besley Farm as a viable commercial agricultural enterprise it is considered that the proposal would broadly prove supportive of these objectives and the positive goods and services provided by agricultural activity. Whilst no further measures would be deemed necessary to secure a positive ecosystem services gain in this instance, it is considered that further potential to introduce native planting to reinforce local habitats is available through the recommended landscaping condition.

Dark Night Skies:

- 8.28 Policy SD8 of the SDLP (2019) provides that development will be permitted that conserves and enhances the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Development must demonstrate that all opportunities to reduce light pollution have been taken, including the avoidance of unnecessary lighting and appropriate mitigation where unavoidable.
- 8.29 The application site is situated within the Dark Sky Core (Zone E0) classified as an area with significant sensitivity to light pollution arising from external lighting and/or light-spill from interior lighting.
- 8.30 The application makes no reference to the installation of external lighting and/or floodlighting in association with the proposed buildings. By virtue of the separation between the site and nearby dwellings, and the absence of any on-site accommodation, it is accepted that some need for lighting may arise for purposes of security. In order to enable control over the amount of eventual lighting, and to secure the use of lighting designed to limit sky glow, glare and unnecessary light spill, it is deemed necessary and appropriate to recommend a condition restricting the installation of external lighting/floodlighting without the formal approval of the Authority in order to preserve the intrinsic quality of the Dark Skies Core.

Other Matters:

- 8.31 The proposal would utilise an existing 6m field-access onto River Lane, and does not propose any alterations to the existing access arrangement. The introduction of two agricultural buildings would not be considered a significant intensification of use within the context of the public highway network. There are not considered to be any unacceptable implications in terms of highway safety, or severe impacts in terms of highway operation, arising from the proposed works.

9 Conclusion

- 9.1 It is considered that there is sufficient evidence of an agricultural need for the proposed buildings in this instance. Whilst it is accepted that the application site is not contiguous with the historic Besley farmyard, the siting of the proposed buildings would not be considered detrimental to the local landscape character of the National Park and would avoid potential conflict with residential occupiers and on heritage grounds arising from a siting in closer adjacency to Besley Farm. The use of facilities at Crouch Farm, in excess of 5km from the application site, is not considered a practicable alternative for the proposed storage and livestock housing functions the proposed buildings would serve, as such, it is considered that these factors together constitute an exceptional circumstance warranting a more isolated location in this instance.
- 9.2 The design of proposed buildings is deemed appropriate to the proposed agricultural functions, and subject to conditions requiring the submission of a schedule of materials, colours and finishes in addition to details of soft/hard landscaping would be considered to maintain the visual amenities of the public realm. Some disturbance to nearby occupiers in terms of noise and smell disturbance may arise from the proposal, however, such harm would not be deemed significant nor to exceed a threshold of disturbance expected from agricultural development in a rural location.
- 9.3 The proposal would support agricultural enterprise as a provisioning service significant to the ecosystem services offer of the National Park, and subject to conditions regulating the installation

of external lighting/floodlighting would not be considered harmful to the intrinsic quality of the Dark Sky Core.

- 9.4 It is considered that the proposal satisfies the relevant policies of the Development Plan and is recommended for approval accordingly.

10 **Conditions:**

It is recommended that the application be Approved for the reasons set out above and subject to the conditions set out below.

1. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy SD5 of the South Downs Local Plan (2019).

4. **Pre-Commencement (Slab Level) Condition:** No works or development above ground floor slab level shall take place until full details of all hard and soft landscaping works, inclusive of existing trees and hedgerows proposed to be retained have been submitted to and approved in writing by the Local Planning Authority. All such works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development in the interests of amenity and to reinforce local landscape character in accordance with policies SD4, SD5 and SD39 of the South Downs Local Plan (2019).

5. **Pre-Occupation Condition:** The buildings hereby approved shall not be used for the housing of livestock, or storage of animal waste, slurry or manure, until precise details for the disposal of such waste has been submitted to and approved by the Local Planning Authority. Waste shall thereafter be disposed of in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve the amenities of nearby occupiers and in accordance with Policy SD5 of the South Downs Local Plan (2019).

6. **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 and to preserve the intrinsic quality of the Dark Sky Core in accordance with Policy SD8 of the South Downs Local Plan (2019).

7. **Regulatory Condition:** No burning of materials or waste shall take place within the application site.

Reason: To preserve the amenity of nearby occupiers and in accordance with Policy SD5 of the South Downs Local Plan (2019).

8. **Regulatory Condition:** The buildings hereby approved shall be used solely for the purposes of agriculture, as defined under Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose whatsoever.

Reason: The site is located outside of a defined settlement boundary, where development unessential to this location would not be deemed acceptable in relation to the spatial strategy of the Development Plan set out under Policy SD25 of the South Downs Local Plan (2019).

11. **Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. **Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. **Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. **Proactive Working**

14.1 Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Giles Holbrook

Tel: 01403 215436

email: Giles.Holbrook@horsham.gov.uk

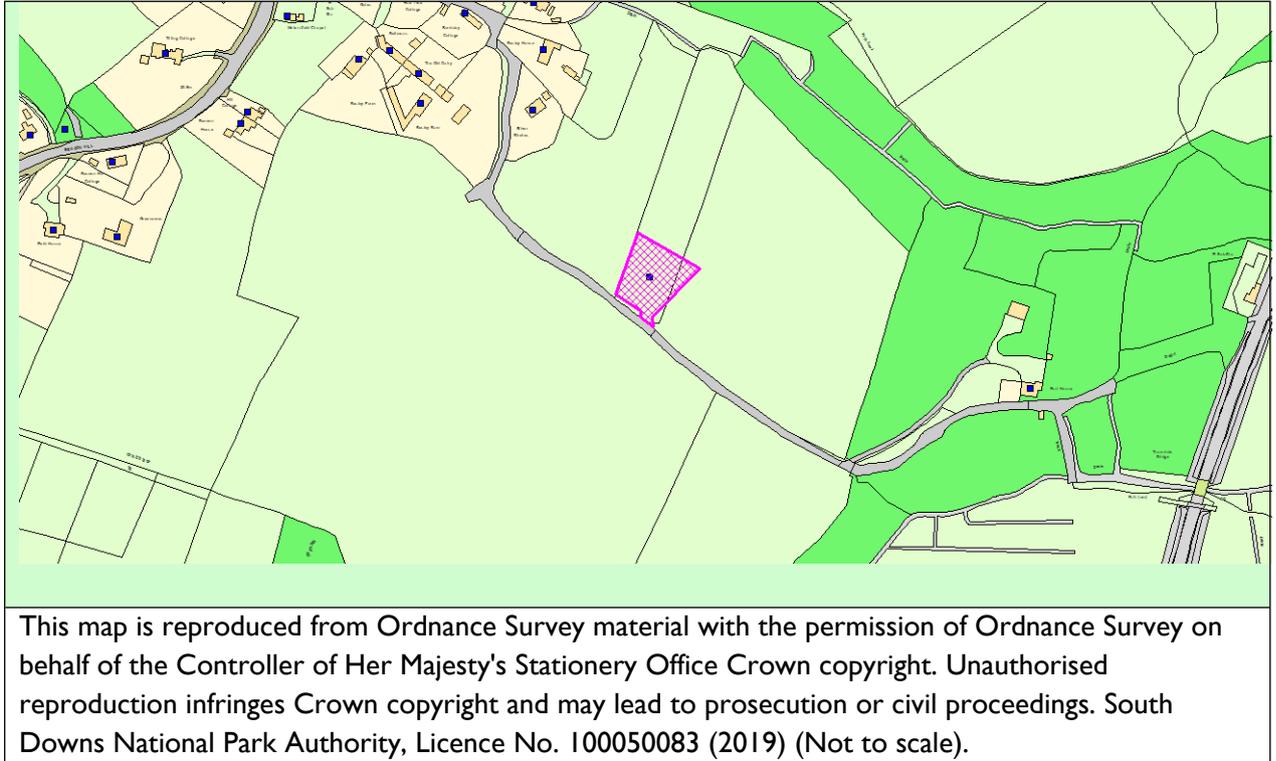
Appendices

Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

Appendix I

Site Location Map



Appendix 2 – Plans Referred to in Consideration of this Application

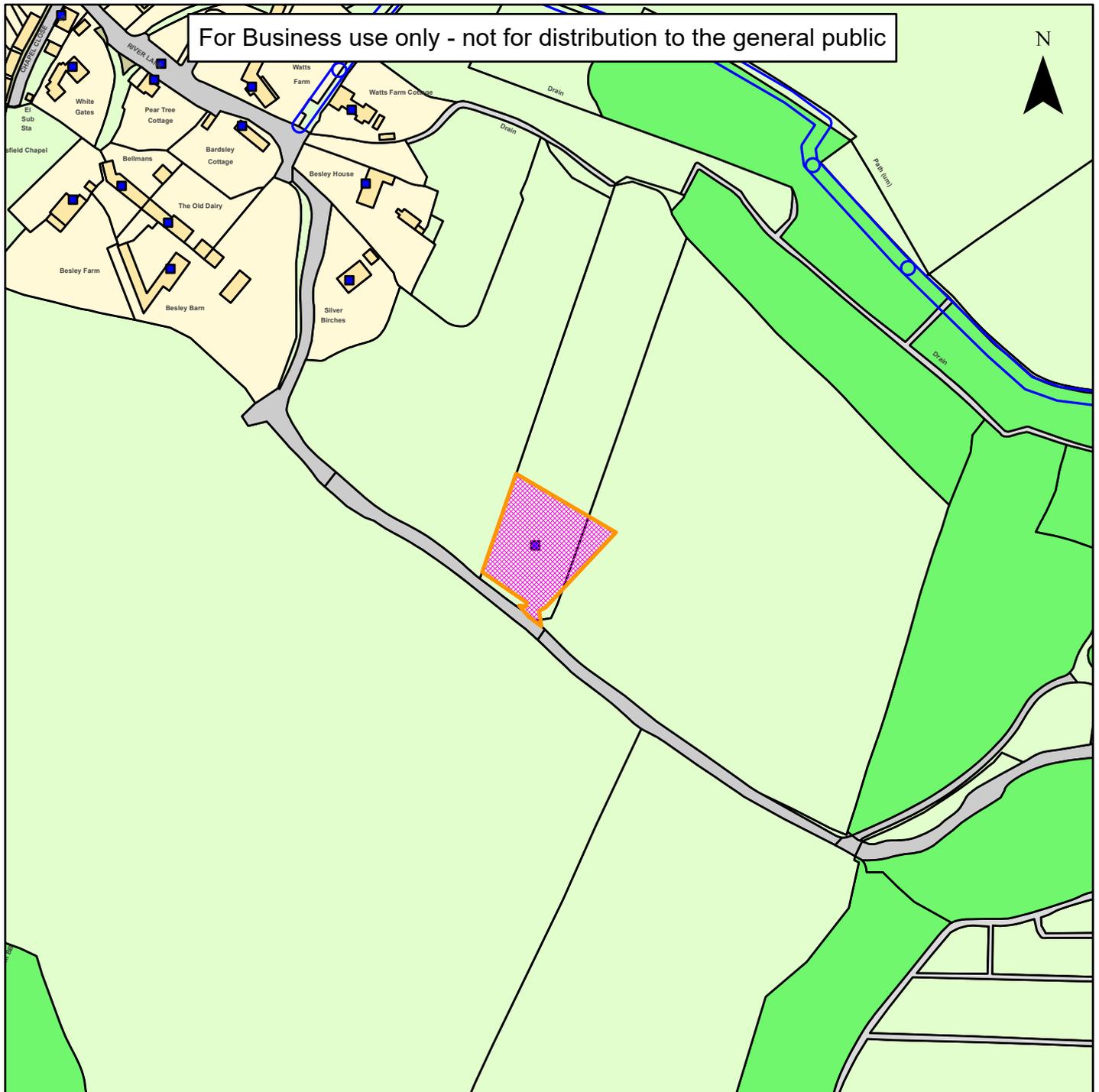
The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location and Layout Plan	576/02	REV A	02.07.2019	Approved
Plans - Proposed Floor, Roof and Elevations	576/01		25.06.2019	Approved
Reports - Design and Access Statement and Noise Impact Assessment	NONE		25.06.2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.



Besley Farm, River Land, Watersfield



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Department	Not Set
Comments	Not Set
Date	05/09/2019
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Horsham
District
Council

**PLANNING
COMMITTEE
REPORT**

TO: Planning Committee South
BY: Head of Development
DATE: 17th September, 2019
SITE: Ash Wood, Star Road, Partridge Green.
WARD: Cowfold, Shermanbury and West Grinstead.
APPLICATION: Tree Preservation Order No. 1521.

REASON FOR INCLUSION ON AGENDA: Objection to a Tree Preservation Order.

RECOMMENDATION: To confirm Tree Preservation Order 1521 as served.

1. **THE PURPOSE OF THIS REPORT**

To consider whether Tree Preservation Order 1521 should be confirmed, as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional tree preservation order 1521, Ash Wood, Star Road, Partridge Green, was served on the 28th March 2019 on woodland under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the trees forming the woodland benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The woodland is sited to the south-east of the village of Partridge Green, to the east of the Star Road industrial estate and south of the residential area of South Street and Hazelwood Road. The wood is roughly rectangular in shape, and almost 3 acres in square area.

2. **INTRODUCTION**

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on local planning authorities to make a TPO if it appears to them to be "*expedient in the*

interests of amenity to make provision for the preservation of trees or woodlands in their area”.

- 2.2 TPO’s made in the past included the use of now outdated ‘area’ type orders. In respect of these, the Government’s publication **Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas (2014)** states at para. 2.10 that Local Planning Authorities “*are encouraged to resurvey existing Orders which include the area category*”.

PLANNING HISTORY

- 2.3 On 7th November 1988 TPO/0632 was served upon two peripheral strips of Ash Wood along its western and northern boundaries. These strips, around 20m in width, were protected using the ‘area’ classification, protecting solely such trees as were present within the designated areas at that time. Under this type of order, no newly planted or recently self-established trees are protected. The two areas in question represented 32% of the woodland whole.
- 2.4 In January 2010 the woodland was formally included within the **Revision of the Ancient Woodland Inventory for West Sussex**.
- 2.5 The woodland has been included within a large parcel of land to the south-east of the village within the **SHELAA** (*Strategic Housing and Employment Land Availability Assessment*), registered under reference: SA063, and last re-assessed in January 2019. At this stage the overall parcel of land has been classified as ‘developable’, the definition of this being stated by the Council as “*Reasonable prospect of development within 6 to 10 or 11 to 15 years (coloured yellow on the Parish Report maps)*”.
- 2.6 On 20th November 2018 an application was received for surgery works to 3 large trees on the northern boundary of the site. This was refused on 8th March 2019 as the works were considered to represent poor arboricultural practice.
- 2.7 On 28th March 2019, TPO/0632 was formally revoked on the same day as the serving of the TPO the subject of this report.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of **objection** to the order has been received from an agent representing the owners of the woodland. The grounds stated in the objection are:
- i. That the woodland is not ‘of high merit’, as claimed:
 - a. the wood is an entirely typical example of an indifferent and under-managed mixed oak/ash woodland, with a variable hazel and Field maple understorey and patchy ground flora;
 - b. it has been adversely affected in quality by human activities within and around its boundaries;
 - c. notwithstanding its formal designation as Ancient Woodland, there is no evidence set out by the Council to substantiate the claim that the woodland is ‘of high merit’, or that this assessment has been reached in a structured or consistent way.

- ii. That the TPO represents an “*unnecessary additional layer of protection*”:
 - a. the imposition of the TPO on the wood confers no additional protection in planning terms beyond that from which it currently benefits as an Ancient Woodland site within the NPPF (National Planning Policy Framework);
 - b. as a ‘licensable’ site, the wood already benefits from protection afforded by the normal requirements for a Felling Licence under the Forestry Act 1967 (as amended);
 - c. the owners have no intention to propose development on or within the wood, the Council being unable to point to any evidence to the contrary;
 - d. the Government’s encouragement for local authorities to update old area TPO’s does not justify the expansion of the area protected under the original order to include the entire woodland.

- iii. That the TPO represents “*unnecessary additional obstruction to management*”:
 - a. the Government’s guidance advises that a woodland TPO “*should not hinder beneficial woodland management*”.
 - b. in conflict with this, the site owner will require engagement with, and in most cases approval from, the Council before they can proceed;
 - c. this makes the TPO unjustified, an additional obstruction to the landowner, to no obvious or demonstrable public purpose or benefit;
 - d. the landowner is concerned at the degree of risk he might be exposed to in regard to actions taken within the wood without authorisation by persons not within his control.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the assessment below.

5. **ASSESSMENT**

- 5.1 Ash Wood is a tract of woodland of considerable age. Present on every edition of the Ordnance Survey back as far as 1875, it has been registered within the Revision of the Ancient Woodland Inventory for West Sussex (January 2010) as an area that is strongly likely to have been continuously wooded since 1600AD, this being the definition used by Natural England for inclusion within the register.

- 5.2 The majority of the trees on the site are young and semi-mature, together with a high number of older oaks suggesting deliberate stock planting around the end of the nineteenth century; there is a range of lapsed hazel coppice that looks to date from this era, also. No ancient or veteran trees have been found on the site, though this does not call into question the veneration of the soil structure and particular localised biosphere noted to be an “*irreplaceable habitat*” (Government guidance). Despite the name of the wood, ash is not the dominant species; and what ash there is appears to be infected by Chalara dieback.

- 5.3 The woodland finds itself at this time as under-managed and in poor condition. Natural regeneration levels are compromised, given the generally closed high canopy restricting light to the woodland floor; this is restricting and/or preventing the growth of the seed bank of woodland ground flora likely to be present within the soils. This is encouraging the growth of undesirable plants that are able to cope with the

low light levels, such as brambles and ivy, together with invasive plants – in particular laurel – which are causing further deterioration of the woodland.

- 5.4 Nonetheless, the area remains an important tract of woodland of ancient provenance, which management could readily improve, increasing the ecological habitat and the biodiversity in the locality. Providing a distinct transition between the village of Partridge Green to the north-west, and the open countryside to the south and east, it provides a background of green infrastructure in this otherwise heavily developed corner of the village. As well as being visible from the Star Road Industrial Estate to the immediate west, it is also visible from the residential areas to the north, of South Street and Hazelwood Road; it has a number of unofficial footpaths running through and across it, and a number of officially designated footpaths to its east and south.
- 5.5 The objector accedes that the woodland is “*undeniably visible*” from public viewpoints in its vicinity, but attests that this is in itself insufficient justification for a TPO; that little account appears to have been taken of its silvicultural composition or condition; and that there is no evidence that the Council has considered the merit of the woodland “*in a structured and consistent way*”.
- 5.6 Whilst accepting that the woodland is, at present, in poor condition, it remains not only of high amenity value to the public, but also most desirable to retain as a tract of ancient woodland. An assessment under **TEMPO** (*Tree Evaluation Method for Preservation Orders*) has been completed, and, despite the known deficiencies in this tool, a ‘score’ is arrived at from the survey data of 12, suggesting that the TPO is ‘defensible’.
- 5.7 The objector attests that, as formally registered Ancient Woodland, the area benefits from robust protection under the recently revised **NPPF** (*National Planning Policy Framework*). It is also pointed out that, as the area is defined as ‘licensable’, it is protected also by the requirement for a felling licence from the Forestry Commission. It is concluded from this that the imposition of a TPO on the wood “*confers no additional protection in planning terms*”.
- 5.8 However, whilst these assertions are correct, the conclusion does not take into account matters over and above the planning process. Although the Ancient Woodland status is a designation, it is not a constraint. The provisions in regard to ancient woodland have certainly been strengthened within the February 2019 edition of the NPPF, but these are only pertinent to planning matters – they have no effect on the retention or protection of an ancient woodland prior to the submission of any application for planning permission within, or adjacent to, such a site.
- 5.9 Despite the requirement to seek a licence for the felling of trees within the woodland, this ‘protection’ also offers a very low level of legal restriction upon it. Five cubic meters of timber may be removed under exemption every calendar quarter; a licence is only required for trees with a diameter at 1.3m from the ground in excess of 8cm (or 10cm in respect of thinnings); and no licence is required for any work save felling – lopping and topping are exempt.
- 5.10 It is attested that the Council “*has neither advanced, nor can point to, any evidence*” contrary to the assertion that the landowner has “*no intention to proposed development on or within Ash Wood*”. However, as noted in para. 2.5, above, the woodland has been included within the SHELAA assessment, and is presently classified as ‘developable’. Although this provides no compelling evidence that the site will be developed, it shows that this is within the contemplation of the landowner. Notwithstanding the objector’s assertion that this would likely be “*automatically*

refused” in regard to the restrictions on Ancient Woodland within the NPPF, this takes no account of the likelihood of the woodland being under threat from irresistible post development pressures following development of adjacent land – notwithstanding the requirement for a 15m buffer strip around the woodland periphery.

- 5.11 Following the Council’s consideration as to the updating of the original TPO on part of the site (dating from 1988), and the subsequent inclusion of the woodland in its entirety within the Revision of the Ancient Woodland Inventory for West Sussex, it is considered entirely reasonable to protect the woodland as a whole. Although it is true to attest that there is little perception of threat upon the wood at this time, TPO’s are commonly served and confirmed on a precautionary basis, in line with the ‘expediency’ test as set out within para. 10 of the government’s guidance at **Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas (2014)**.
- 5.12 It is claimed also that the TPO is unjustified as being an additional obstruction to the landowner, requiring him to engage with, and seek consent from, the Council on all matters to do with the management of the woodland. It is true that under the government’s guidance a woodland TPO should “*not hinder beneficial woodland management*” – as the objector points out. However, under the same guidance, it is also stated that “*authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by making a single application for regularly repeated operations*”. Members are also reminded that applications for works to protected trees and woodlands are free of charge.
- 5.13 It is also stated that the landowner is concerned at the degree of risk he might be exposed to in regard to actions taken within the wood without authorisation by persons not within his control. Whilst acknowledging these concerns – in particular regard to the presence of unauthorised footpaths through the wood regularly used by local people – it is not considered that this is reasonable justification not to confirm an order upon a woodland of high merit.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1521, Ash Wood, Star Road, Partridge Green, is confirmed as served.

Background Papers:

- Tree Preservation Order: 1521.

Contact Officer: **Will Jones**.

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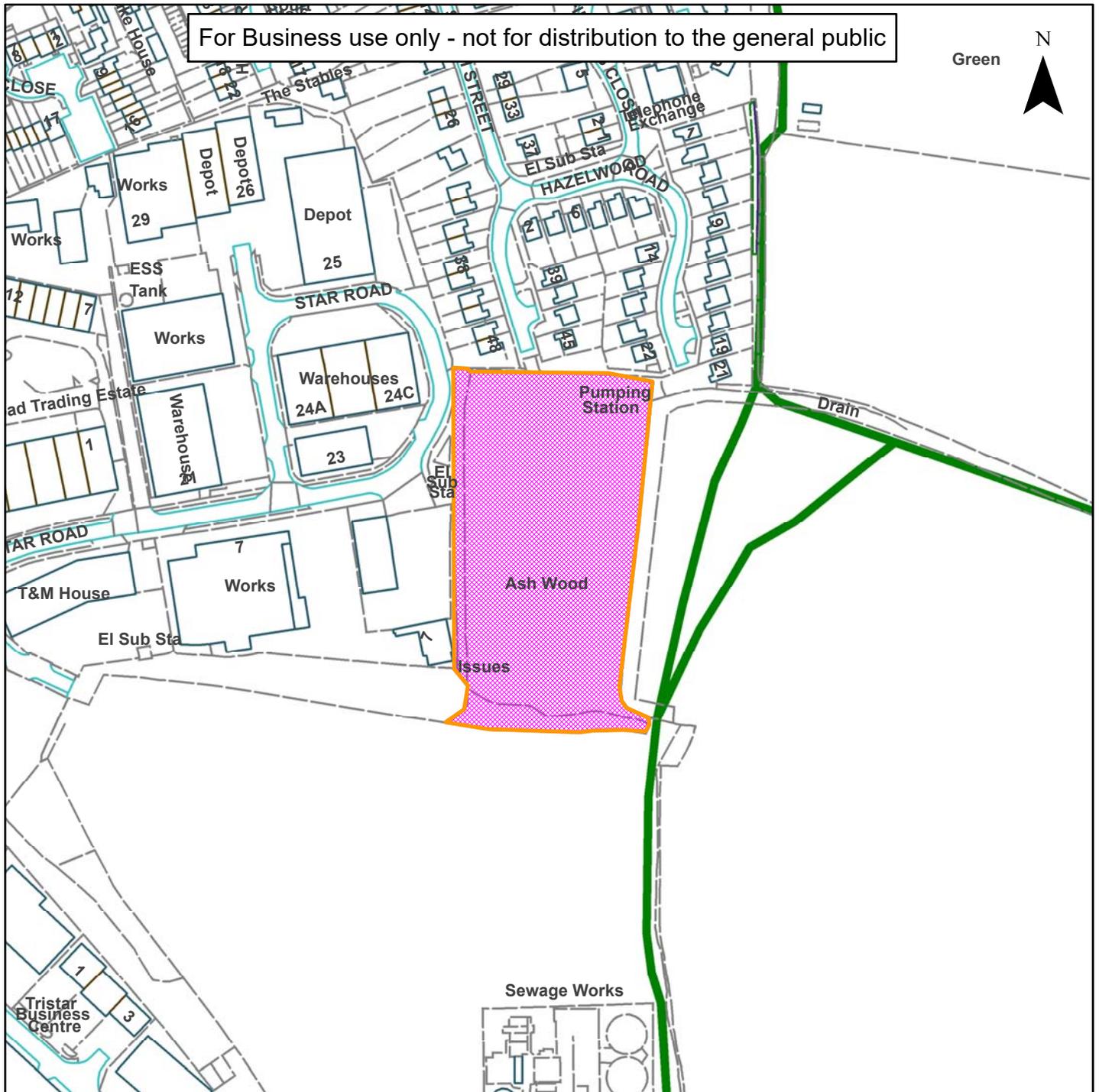
A09) TPO/1521



**Horsham
District
Council**

Ash Wood, Star Road, Partridge Green

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