



# Planning Committee (South)

Tuesday, 19th November, 2019 at 2.30 pm  
Conference Room, Parkside, Chart Way, Horsham

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

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 12
<p>To approve as correct the minutes of the meeting held on 17<sup>th</sup> September 2019.  <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i></p>	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

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

5. **Appeals** 13 - 16
- Applications for determination by Committee:
6. **DC/19/0295 - Land at Platts Roundabout, Newbridge Road, Billingshurst** 17 - 62  
Ward: Billingshurst  
Applicant: Arunway Ltd and Forelle Estates
7. **DC/19/1283 - Capons Hill Farm, Unit 3, Station Road, Cowfold** 63 - 74  
Ward: Cowfold, Shermanbury and West Grinstead  
Applicant: Mrs Dawn Richardson
8. **DC/19/1226 - Rambledown House, Common Hill, West Chiltington** 75 - 88  
Ward: West Chiltington, Thakenham and Ashington  
Applicant: Mr A Harrison
9. **DC18/2402 - Ryecroft Nursery, Fryern Road, Storrington** 89 - 102  
Ward: Storrington and Washington  
Applicant: Mrs P Godsmark
10. **DC/19/0591 - Land at Wiltshire Farm, Pickhurst Lane, Codmore Hill, Pulborough** 103 - 120  
Ward: Pulborough, Coldwaltham and Amberley  
Applicant: Sir John Ritblat
11. **DC/19/0209 - Mare Meadow, West Mare Lane, Pulborough** 121 - 134  
Ward: Pulborough, Coldwaltham and Amberley  
Applicant: Mr Graham
12. **Urgent Business**  
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Agenda Annex

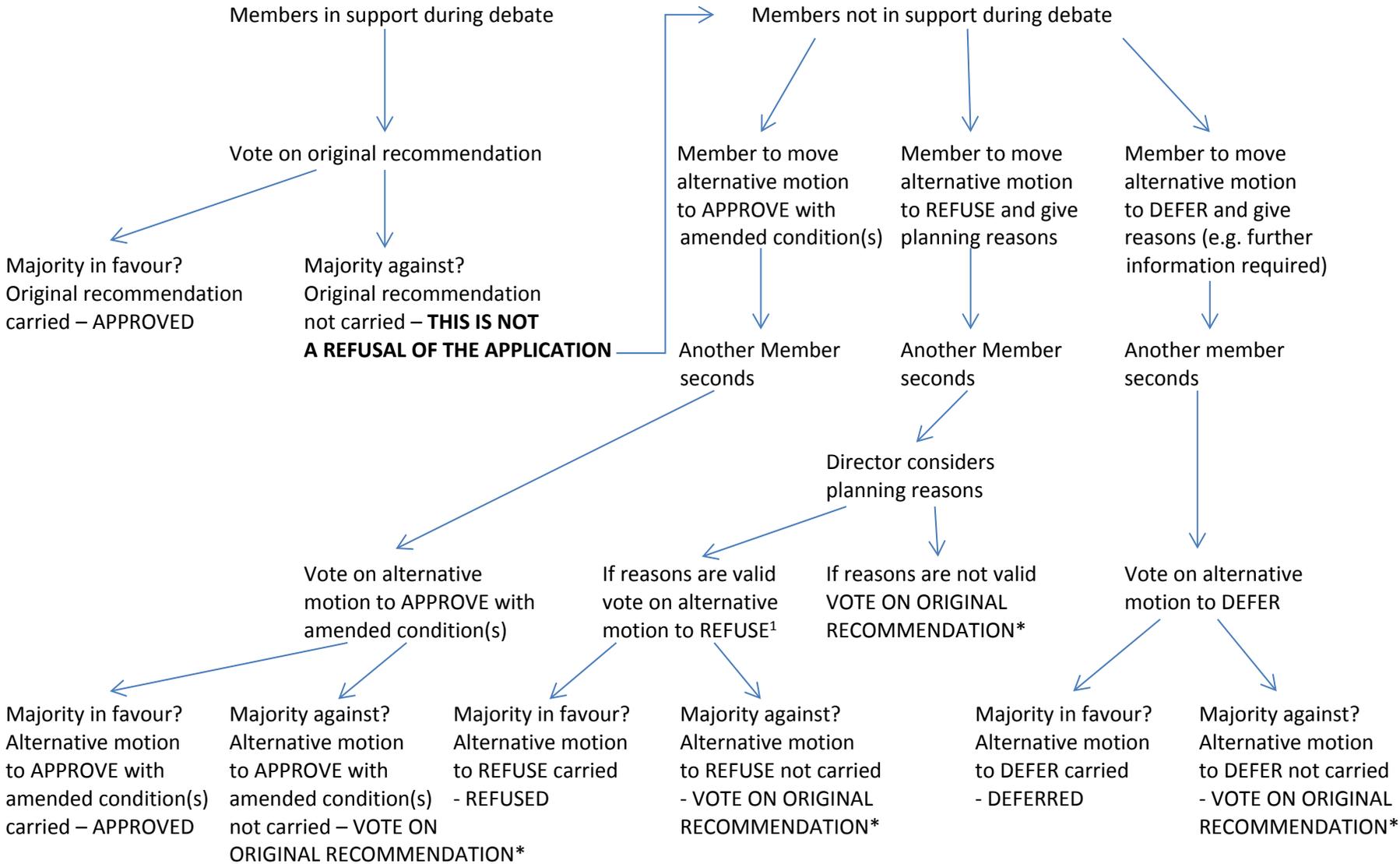
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

<b>Addressing the Committee</b>	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
<b>Declarations of Interest</b>	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
<b>Public Speaking on Agenda Items</b> (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed <b>5</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> <li>○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final.</li> <li>○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
<b>Alternative Motion to Refuse</b>	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
<b>Voting</b>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
<b>Vice-Chairman</b>	<p>In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> Subject to Director’s power to refer application to Full Council if cost implications are likely.

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (South)**  
**17 SEPTEMBER 2019**

Present: Councillors: Brian Donnelly (Chairman), Tim Lloyd (Vice-Chairman), John Blackall, Jonathan Chowen, Philip Circus, Michael Croker, Nigel Jupp, Lynn Lambert, Paul Marshall, Mike Morgan, Roger Noel, Bob Platt, Kate Rowbottom, Jack Saheid and Claire Vickers

Apologies: Councillors: Chris Brown, Karen Burgess, Paul Clarke, Ray Dawe, Josh Potts, Jim Sanson and Diana van der Klugt

PCS/29 **MINUTES**

The minutes of the meeting of the Committee held on 20<sup>th</sup> August 2019 were approved as a correct record and signed by the Chairman.

PCS/30 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCS/31 **ANNOUNCEMENTS**

RESOLVED

That the Planning South Committee extend their condolences to Councillor van der Klugt following her recent bereavement.

PCS/32 **APPEALS**

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

PCS/33 **DC/19/0845 - LAND AT JUNCTION OF HILL FARM LANE AND STANE STREET, HILL FARM LANE, CODMORE HILL, PULBOROUGH**

The Head of Development reported that this application sought permission for a change of use of land for the provision of two pitches for gypsies and travellers and the erection of a single storey shared day room.

The application site was located at the junction of Hill Farm Lane and Stane Street at Codmore Hill in Pulborough. The site was made up of hardstanding with soft landscaping to the edges. It was currently unoccupied and used for storage.

Pulborough Parish Council objected to the application. There had been 60 representations objecting to the application. Three members of the public

spoke in objection to the application. One local resident raised concerns regarding: the speed and volume of traffic on the A29 and its impact on road safety; the need for a traffic survey of Hill Farm Lane, which is increasingly busy; and the lack of pavement opposite the site and the likelihood of verge parking caused by increased use. The representative of Pulborough Parish Council spoke in objection to the application raising the following issues: the number of objections from local residents; the impact on the old village character of the locality; road safety and access; the Parish Council's reasons for objecting, as printed in the report, including concern that the Council already has sufficient Gypsy and Traveller pitches. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were:

- Principle of development
- Design, appearance and landscape impact
- Impact on listed buildings
- Impact on neighbouring amenity
- Highways and parking considerations and implications
- Impact on trees – there was a tree preservation order in place on a number of trees to the southern boundary of the site
- Ecology considerations
- The development's relationship with the existing established settlement of Codmore Hill.
- The Council could not currently meet the identified unmet gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF.
- The Planning Officer believed the site was sustainable and recommended it for approval

Members concluded that there was a need for gypsy and traveller accommodation in the district, that the location and impacts of the proposal were acceptable, and that there were no planning grounds for objecting to the application.

#### RESOLVED

That planning application DC/ 19/0845 be granted subject to the conditions as reported, with the condition 8 to be agreed in consultation with local members.

PCS/34 **DC/18/2739 - HEATHENTHORN FARM NORTH, HENFIELD ROAD, ALBOURNE**

The Head of Development reported that this application sought permission for the demolition of an existing farm building and the erection of a single storey three bedroom dwelling.

The application site was located at Heathenthorn Farm North, Henfield Road, Albourne. The application site was in open countryside, but comprised a group of farm, equestrian and residential dwellings that formerly fell under one agricultural property: Heathenthorn Farm. This farm had since been split into different functions and land holdings.

Woodmancote Parish Council raised no objections subject to conditions.

There were no other representations.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were:

- Principle of development
- Design and appearance
- Amenity impacts
- Ecology impacts
- Highways impacts

Members also noted the existing permission to convert the agricultural building on the site to a dwelling.

RESOLVED

That planning application DC/ 18/2739 be granted subject to the conditions as reported.

PCS/35 **SDNP/19/03041/FUL - BESLEY FARM, RIVER LANE, WATERSFIELD**

The Head of Development reported that this application sought permission 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.

Planning permission was additionally sought for the creation of an associated area of concrete hardstanding and access leading onto River Lane.

The application site was located approximately 100m south-east of the defined settlement boundary of Watersfield and 120m south-east of the closest dwelling of 'Silver Birches'. The site was non-contiguous with the historic farmyard for Besley farm, approximately 180m from the site and adjacent to the settlement boundary. The area in question was within the Dark Sky Core (Zone E0) classified as an area with significant sensitivity to light pollution.

The application site itself comprised open farmland bounded by hedgerows to the south-west and north-east with access onto River Lane.

No comments were received from Coldwaltham Parish Council. There had been no other representations received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were:

- Principle of development
- Landscape impact, character, design and appearance
- Amenity impacts
- Ecosystem services
- Dark night skies

Previous applications had been permitted for the erection of agricultural buildings on the site.

It was 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).

Members concluded that the location and impacts of the proposal were acceptable and there were no planning grounds for objecting to the application.

RESOLVED

That planning application SDNP/19/03041/FUL be granted subject to the conditions as reported.

PCS/36 **TPO/1521 - ASH WOOD, STAR ROAD, PARTRIDGE GREEN**

The Head of Development reported that this item sought to confirm Tree Preservation Order 1521 in the light of an objection to it.

The application site was located at Ash Wood, Star Road, Partridge Green.

There had been one representation objecting to the application.

The landowner spoke in objection to the serving of the Tree Preservation Order.

Members considered the officer's planning assessment and noted that Ash Wood was a tract of woodland of considerable age that was currently under-managed and in poor condition, but of high amenity value worthy of a Tree Preservation Order.

RESOLVED

That TPO/1521 be confirmed.

*The meeting closed at 15:34 having commenced at 14:30.*

CHAIRMAN

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## Planning Committee (SOUTH)

Date: 19<sup>th</sup> November 2019



Report on Appeals: 5/9/19 – 6/11/19

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/19/0121	Southlands Farm Southlands Lane West Chiltington Pulborough West Sussex RH20 2JU	05-Sep-19	Application Permitted	Application Permitted
DC/19/0428	Barn North of The Granary Hurston Place Farm Hurston Lane Storrington West Sussex RH20 2EW	30-Sep-19	Application Refused	N/A
DC/19/0459	Meadow House Billingshurst Road Ashington Pulborough West Sussex RH20 3AZ	04-Nov-19	Application Refused	N/A
DC/18/0661	Menzies Wood Farm Okehurst Lane Billingshurst West Sussex RH14 9HR	04-Nov-19	Application Permitted	Application Permitted

## 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/18/1543	Plot 3 Bramblefield Crays Lane Thakeham West Sussex	Informal Hearing	16-Sep-19	Application Permitted	Application Refused
DC/18/1488	Land East of Coolham Road West Chiltington West Sussex RH20	Written Representation	17-Sep-19	Application Permitted	Application Refused
DC/19/0428	Barn North of The Granary Hurston Place Farm Hurston Lane Storrington West Sussex RH20 2EW	Written Representation	01-Oct-19	Application Refused	N/A
DC/19/0121	Southlands Farm Southlands Lane West Chiltington Pulborough West Sussex RH20 2JU	Written Representation	15-Oct-19	Application Permitted	Application Permitted
EN/18/0135	Jack Dunkleys Birchfield Nursery Birchfield Nursery Kidders Lane Henfield West Sussex BN5 9AB	Written Representation	25-Oct-19	Notice served	N/A
DC/17/2820	Longmead Farm Marringdean Road Billingshurst West Sussex RH14 9HF	Written Representation	25-Oct-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
EN/16/0477	Woodpecker Orchard Coolham Road West Chiltington Pulborough West Sussex RH20 2LH	Written Representation	Part Permitted	Notice served	N/A
EN/16/0477	Woodpecker Orchard Coolham Road West Chiltington Pulborough West Sussex RH20 2LH	Written Representation	Appeal Dismissed	Notice served	N/A

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/2722	Tisserand Piggeries Stane Street Billingshurst West Sussex RH14 9AE	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1429	Burletts Clays Hill Bramber Steyning West Sussex BN44 3WD	Written Representation	Appeal Allowed	Application Refused	N/A
DC/19/0617	Wood Machine Repairs Workshop Tea Caddy Cottages Worthing Road West Grinstead Horsham West Sussex RH13 8LG	Written Representation	Appeal Allowed	Prior Approval Required and REFUSED	N/A
DC/18/2249	The Chardonnay Restaurant Old London Road Washington Pulborough West Sussex RH20 3BN	Written Representation	Appeal Allowed	Application Refused	N/A
DC/18/2181	29 Church Street Steyning West Sussex BN44 3YB	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/19/0698	The Milkyway Valewood Lane Barns Green Horsham West Sussex RH13 0QJ	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1810	37 High Street Steyning West Sussex BN44 3ZA	Written Representation	Appeal Dismissed	Application Permitted	Application Refused
DC/19/0272	Lock Farm Lock Partridge Green Horsham West Sussex RH13 8EG	Written Representation	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/18/0650	The Old Telephone Exchange High Street Partridge Green Horsham West Sussex RH13 8HR	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/2084	Fryern Park Farm Fryern Park Fryern Road Storrington Pulborough West Sussex RH20 4FF	Written Representation	Appeal Allowed	Application Permitted	Application Refused

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19<sup>th</sup> November 2019

**DEVELOPMENT:**

Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.

**SITE:**

Land at Platts Roundabout Newbridge Road Billingshurst West Sussex

**WARD:**

Billingshurst

**APPLICATION:**

DC/19/0295

**APPLICANT:**

**Name:** Arunway Ltd and Forelle Estates **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** (1) The application represents a departure from the development plan;

(2) By request of Local Ward Members;

(3) 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 delegate authority to the Head of Development to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement to secure a Highways Works Scheme and a Stage 2 and 3 Road Safety Audit; as well as a covenant to require the Phase 2 Employment Units to be offered to existing businesses within the District for a 12 month period.

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.

## 1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 The application has been submitted in hybrid form, and proposes a mixed-use commercial scheme comprising a petrol filling station (PFS), a convenience shop, a sandwich shop, employment floorspace totalling 4,627m<sup>2</sup> (B1b, B1c, B2 and B8), and a showroom and workshop for a motorcycle retailer.
- 1.3 Full planning permission is sought for the PFS and ancillary convenience shop / sandwich shop, as well as the motorcycle showroom and workshop. These elements would be located to the northern section of the site with a new vehicular access from the A272. The PFS would have 8 fuel pumps for cars, and another pump for HGVs. 25 parking spaces are shown on the proposed site plan. Two of the 25 parking spaces are shown for electric vehicle charging. A jet wash and car wash is also proposed to the rear of the shop.
- 1.4 The convenience shop would have a net sales area of 232m<sup>2</sup> and a back of house area of 92m<sup>2</sup>. The sandwich shop adjoins the convenience shop and would comprise of 116m<sup>2</sup>. The shopfronts would be glazed and surrounded by dark and light grey cladding. The roof of the shops would extend to create a curved roof to the PFS forecourt which would measure a maximum height of 8.2m. The proposed car wash would measure 3.7m in height.
- 1.5 There would be an external seating area outside the sandwich shop, and a cycle shelter. A service yard would be located to the rear of the shop for deliveries. The layout of the site would enable vehicles to enter and exit in a clockwise loop. A 1.8m high acoustic fence is proposed to the eastern side of the site, along the boundary of the A29. A 17m wide planted buffer zone is proposed to the north and east of the application site. Other tree and shrub planting is also proposed within the site - shown indicatively on the submitted plans.
- 1.6 The proposed motorcycle showroom and workshop buildings would be located to the north-west of the site. The showroom would comprise 710m<sup>2</sup> of floorspace, set over 2-storeys, and would measure a maximum height of 5.8m to eaves and 8.5m to ridge. The ground floor would comprise a sales area, staff room, WC facility, and service area including small workshop for services and MOT testing etc. The upstairs mezzanine would comprise a customer area and staff accommodation (offices, WC's, shower etc). The mezzanine would have views to the double-height showroom below. An external forecourt area is proposed to the north and east of the building for the display of motorcycles. External materials are proposed to include dark grey composite metal cladding panels, dark grey aluminium glazed curtain walls, dark grey framed glass windows and roof lights, and light grey roller shutter doors.
- 1.7 The proposed workshop building is located approximately 18m to the west of the showroom, and would comprise 202m<sup>2</sup> of floorspace for motorcycle servicing, repairs and MOT services (B2 use). The building would measure 3m to eaves and 5.5m to ridge, and is proposed to utilise the same external materials at the showroom building.
- 1.8 42 car parking spaces are proposed to serve these units (including 2x disables parking bays). Motorcycle parking for 6x bikes is also proposed. The naturally sloping nature of the land requires the existing ground levels to be levelled, which requires the use of retaining wall structures.

- 1.9 Outline planning permission is proposed for 14 commercial units, totalling 4,627m<sup>2</sup> of mixed B1b, B1c, B2 and B8 employment floorspace. The units would be located to the southern part of the application site, and are shown indicatively to comprise a range in unit size from 111m<sup>2</sup> and 511m<sup>2</sup> with the ability to co-join to suite occupier needs. Parking is shown indicatively, and proposes spaces for 70 cars, 8 motorcycles and 10 bicycles.

#### DESCRIPTION OF THE SITE

- 1.10 The application site comprises a 3.67Ha area of land located within a 4.5Ha field currently in agricultural use. The site is located to the west of Billingshurst, outside the built-up area boundary, and is bounded by the A29 to its east, the A272 to its north, and Newbridge Road to its south. Platts Roundabout is located to the north-east of the site which provides access into Billingshurst and to the northbound and southbound carriageways of the A29. A WSCC Household Waste Recycling facility and the Jubilee Fields Sports Pitches are located opposite the site to the north of the A272.
- 1.10 The land levels within the site range from a low of around 22m AOD at the northern boundary, to a high point of around 30m AOD towards the south-eastern section of the site. The rising land forms a ridge within the middle part of the site, with levels falling in all directions towards the site boundaries, particularly towards the north. The higher land at the eastern boundary places the site in an elevated position above the adjacent A29. The topography restricts views of the northern portion of the site to and from the dwellings along Newbridge Road on the southern boundary. There are no trees within the site itself.
- 1.11 Fencing and dense hedgerow and trees defines the northern and western boundaries which largely obscures views of the site from the adjacent roads. The southern boundary is defined by hawthorn hedgerow and fencing which offers some screening from the site. The eastern boundary is also defined by fencing and hedgerow. The character along Newbridge Road to the south of the site is rural and quiet, particularly at the eastern end. Higher noise levels are experienced at the western end of Newbridge Road due to the proximity to the A272. The northern and eastern parts of the site are more readily related to the urban character of Billingshurst by virtue of the proximity to the built-up area boundary and the busy road networks adjacent.
- 1.12 The site is located close to a pedestrian footbridge which spans the A29. This links Newbridge Road (to the south of the site) to the built up area of Billingshurst. The closest part of Billingshurst's built-up area boundary is located approximately 45m to the east of the site (Pond Close), separated by the A29. The rooftops of dwellings in this part of the village can be seen from the site, as can part of the spire of St Mary's Church in the distance. Dwellings in Holders Court (to the north-east of Platts Roundabout) are located around 90m from the site boundary and glimpses of these dwellings can be seen from the northern part of the site. Dwellings in Newbridge Road to the south of the site (Bridgewaters Farm and Cottage) and other dwellings to the western end of Newbridge Road are located over 100m from the application site and cannot be seen from the northern part of the proposed development.
- 1.13 The site is located approximately 900m to the east of the Upper Arun Site of Special Scientific Interest (SSSI), and approximately 4.2km to the east of The Mens SSSI and Special Area of Conservation (SAC). The site is also around 4.2km to the east of the nearest boundary of the South Downs National Park. There are various areas of designated Ancient Woodland in proximity to the site, but none closer than 500m. The site is included within a wider 'Bat Sustenance Zone' designation which covers the majority of the western half of the District. The site is not located within a designated Flood Risk Zone.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (2019)**

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres  
Policy 13 - Town Centre Uses  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 43 - Community Facilities, Leisure and Recreation

#### **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)  
Billingshurst Village Centre SPD (2017)  
Billingshurst Parish Design Statement SPD (2009)

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

Billingshurst Parish Council were formally designated as a Neighbourhood Development Plan area in December 2015. In August 2019, the Parish Council published a Regulation-14 draft plan for an 8-week period of consultation which ended on 29th September 2019. Despite the publication of the Regulation-14 draft neighbourhood plan, very limited weight can currently be given to the Neighbourhood Planning process in Billingshurst.

### 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

None

### 3. OUTCOME OF CONSULTATIONS

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

#### 3.1 INTERNAL CONSULTATIONS

##### **HDC Strategic Planning: Objection**

[Summary]: This proposal would contribute towards the district's identified employment needs, which in principle is welcomed. However, it is considered that the proposal would conflict with policies 1-4, 10, 12, 13 and 26 of the HDPF. The HDPF is currently addressing the employment needs identified for the period up to 2031. It is not therefore considered the employment needs are such as to justify a departure from the development plan.

The Local Plan Review is exploring the need for additional employment sites. However, it is considered that the proposals in the Issues and Options Paper (April 2018) carry limited weight. It is also considered that the employment needs are not such as to outweigh the conflict with adopted planning policies, which are key in the delivery of a genuinely plan led approach. The Economic Growth Assessment is currently being updated, completion expected summer 2019. It will take into account future housing needs and will inform the future allocations in the emerging Local Plan Review. It is therefore considered any potential uplift in need will be appropriately addressed through the plan review process.

There may be merit in the delivery of a petrol filling station within this countryside location at the junction of the A29 and A272, however, this would not justify the full extent of development proposed.

##### **HDC Landscape Architect: Comment**

[Summary of Final Comments]: The revised proposals show the visibility splays extended and the loss of hedgerow along the A272. Whilst this loss is regrettable, given its condition and the landscape mitigation strategy plan submitted, there is a clear approach on how the visual harm arising from the development can be mitigated and therefore the revised proposals do not change considerably the findings of the earlier report, and those comments still remain valid.

[Summary of Initial Comments:] The overall landscape value of the site is 'moderate', and the landscape sensitivity varies across the site. The northern boundary is less sensitive due to various factors such as road influence, lower land and stronger relationship of the site with the road network and edge of settlement position. At the southern boundary, the landscape sensitivity increases with the rising of the land, higher inter-visibility with the wider landscape, and increase in rural qualities of the site.

The site is generally well enclosed but due to the topography, development will be more exposed to views along the southern boundary. Users of the public footpaths in closer proximity to the site are likely to be adversely affected as these are considered sensitive receptors. Views from more distant footpaths, where available, will be less sensitive as they'll be seen partly oblique and in some instances with Billingshurst in the background.

The site has opportunity to accommodate development to its northern part without unacceptable harm to the landscape character and visual amenity of the wider landscape. However, with regards the southern part, there is visual harm identified, albeit considered adverse mostly in closer views rather than the wider landscape. The acceptability of the proposals will need to be carefully balanced with the benefits and need for this type of development in this area. As it stands the development is contrary to Policy 26.

**HDC Air Quality Officer: No Objection (subject to conditions)**

[Summary]: The conclusion of the Air Quality Assessment Report (May revision) are accepted. The damage cost calculation (£265,561) is also accepted. No objection is raised to the development subject to satisfactory mitigation scheme being proposed and implemented. Concern that no specific measures have been discussed or costed. The Travel Plan submitted in February 2019 lists a generic range of measures that have not been costed and are aimed at reducing the number of staff car drivers by 10%. There is no target for a reduction in the number of customer/visitor drivers. The main deficiencies of the plan are that it focuses on a limited number of generic measures such as 'cycle parking' (this has to be provided irrespective of air quality mitigation) and 'promotion of sustainable transport' (very broad, no certainty what will be implemented under this theme), it does not provide scheme valuation and it does not propose sound means of scheme evaluation. Regarding 'Type 3' mitigation, those have not been discussed in the air quality report and the justification given is that these measures will be determined during the detailed design stage.

**HDC Environmental Health: No Objection (subject to conditions)**

[Summary]: The issue of vehicle noise from the public highway falls outside of the remit of this Service. Concerns over such matters should be addressed to WSCC Highways or the Police. Suggested conditions include: (1) Hours of delivery and dispatch to be restricted to 0700 – 1800 Mon – Fri and 0700 -1300 Saturdays. With no operations on Sundays, Bank or Public Holidays; (2) Hours of work for the flexible employment space to be restricted to 0700 -2000 Mon – Fri and 0700 – 1800 Saturday. With no operations on Sundays, Bank or Public Holidays; (3) No activity/work (for the flexible employment space) save for delivery / dispatch to take place outside of the proposed units at any time; (4) Hours of operation for the Car wash / Jet wash to be restricted to 0700 – 2000 Mon – Saturday. With no operations on Sundays, Bank or Public Holidays; and (5) Extension of the acoustic barrier along the length of western boundary.

**HDC Economic Development: Support**

[Summary]: Allowing for the development of further modern fit for purpose commercial units is necessary to ensure future economic development within the District. By providing commercial property of various sizes, this will allow businesses room to expand, which will encourage them to stay in the District. This proposal will provide additional commercial space suitable for expanding businesses. There is currently not enough of a supply of large-scale employment floorspace in the District and so this proposal would go some way to improving upon the delivery of this much needed space. Commercial floorspace is key to economic growth across the District as it helps to support jobs within the local community. The development site in question is well placed in the District and has excellent potential road links to the rest of the area and further beyond. By approving this application, there would be considerable economic benefit to the District. Economic Development supports this application as it meets some of the priorities on the economic strategy.

**HDC Drainage Engineer: No Objection**

**HDC Waste Collections: No Objection**

3.2 OUTSIDE AGENCIES

**WSCC Highways: No Objection (subject to conditions)**

[Summary of Final Comments – 31 October 2019]:

No objection. The LHA have been in discussion with the applicant over the past 6 months to establish a way forward with the site access strategy. A Departure from Standard (DfS) application for visibility splays of 4.5m x 120m and 87m (based on the existing 60mph speed limit) has been submitted, and accepted by the LHA's Principal Engineer. A Design

Audit (DA) on the Right Turn Lane (RTL) has also been assessed by the Principal Engineer, and accepted. Elements on the proposal's network capacity, parking and accessibility aspects were all covered and agreed in the response from May 2019. The LHA are now in a position to support the application, subject to conditions including: (1) construction of access; (2) construction management plan; (3) vehicle parking and turning; (4) provision of visibility splays. In addition, the provision of a Highways Works Scheme and Stage 2 and 3 Road Safety Audit is required to be secured within a s106 agreement.

[Summary of Third Comments – 23 July 2019]:

More information required. The LHA advise that a 30mph Traffic Regulation Order (TRO) would not be supported. A revised Technical Note (TN05) has been submitted, and includes additional Speed Surveys for the west of the proposed access which show that the 85<sup>th</sup> percentile recorded speed is 36mph (previously it was recorded at 51mph). The LHA seek confirmation on the location of the counters given the varied results. LHA advises that the applicant may wish to explore a Departure from Standard (DfS) submission for the western splay as the proposed 120m splays fall short of the required 160m for the recorded 51mph average. The DfS would also need to include mitigation features (such as signage) to further reduce the average speeds in line with 40mph splays.

[Summary of Second Comments – 20 May 2019]:

More information required. Technical Note (TN03) has been submitted, as summarised below:

*Access:* TN03 demonstrates that 85<sup>th</sup> percentile speeds were recorded at 51mph, which converts to average speeds of 44mph. This is not slow enough to justify a speed reduction to 30mph, and the LHA cannot support this. However, submitted drawings show that the site can accommodate the required visibility splays for the current 60mph road speeds (which require 160m to the west, and 86m to the east), therefore the principle of an access in this location is acceptable without the need to lower the current speed limit. A Swept Path analysis shows that larger vehicles (including refuse and service/delivery vehicles, and petrol tankers) can access the site appropriately.

*Design Audit:* The submitted Design Audit requires updating as it has been based on the proposed 30mph speed reduction (which cannot be supported), not the current 60mph speed limit.

*Network Capacity:* The use of TRICS to assess trip rates associated with the proposed development is accepted. Modelling shows that around 271 additional vehicle trips in the AM period would be generated by the development, and an additional 266 vehicle trips in the PM period. The LHA accepts that the petrol station is unlikely to be a high trip generator in its own right, rather it will generate 'pass-by' or 'divert' type trips. The junction capacity modelling (using PICADY and ARCADY) demonstrates that the access junction currently operates within capacity, and will continue to operate within capacity in 2024 with the proposed development (and including DC/13/0735). The LHA confirm that there are no highway capacity issues associated with this development, and that the residual cumulative highway impacts of the development will not be 'severe' as per NPPF para 108.

*Parking/Layout:* The parking spaces provided allow for appropriate turning room within the site by cars and larger vehicles in a forward gear.

*Accessibility:* The site is well located, there are lit footways close to the site fronting residential streets and form part of the local pedestrian network. The nearest bus stops are located on West Street (around 6min walk / 500m) from the proposed development. The proposal includes an uncontrolled crossing facility on the southern arm of the Platts Roundabout and a new footway to connect this crossing to existing paths. This will extend the pedestrian network from the village to the site. No issues have been

identified with the proposed link by the Safety Auditor. An additional pedestrian link will also be provided to the existing footbridge over the A29.

[Summary of Initial Comments – 04 March 2019]:

More information required. The proposals are supported by a Transport Assessment, trip rate information (using TRICS), junction capacity modelling (using PICADY), and a Stage 1 Road Safety Audit (RSA). The RSA does not identify any problems with the proposed access arrangements. A dedicated right-turn lane (RTL) is provided into the site, and a speed reduction is proposed to 30mph along part of the A272. The proposed visibility splays have been based on Manual for Streets (MfS) guidance (for 43m which is acceptable for a 30mph road), but the LHA requests that the splays are demonstrated in accordance with the 85<sup>th</sup> percentile recorded road speeds from the Speed Survey undertaken. This is to enable the LHA to justify a speed reduction in this area. In addition, there is a need to consider what splays can be achieved if the speed limit cannot be reduced. A Design Audit is also required for the proposed RTL to be submitted for approval. The TA must be updated to reflect the information required.

**Ecology: No Objection (subject to conditions)**

[Summary:] The updated Ecology Appraisal, Final Dormouse Survey Report, and Natural England's latest comments (dated 30 July 2019) have been reviewed. The information submitted demonstrates that the proposal is acceptable subject to the conditions including: (1) development to be carried out in accordance with details contained in the Ecological Appraisal and Dormouse Survey Report; (2) submission of a Biodiversity Enhancement Strategy.

We have reviewed the final Dormouse survey report (WYG, July 2019) and note that no evidence of dormouse has been found on site, as such, no further surveys or mitigation is necessary.

The development site lies within a 'bat sustenance zone' for The Mens SAC (located 4km away). The bat surveys confirm that bats use the hedgerows on site, however the 'Report to Inform HRA' confirms that the impact on bats resulting from the proposed development, is low. The updated Ecological Appraisal shows that the site falls within the 'Impact Risk Zone' for nearby SSSI's, but as there are no ecological links, it is unlikely that the development would have any adverse impact on these areas. Although Local Wildlife Sites (LWS's) are located within 2km from the site, these areas are unlikely to be adversely impacted by the proposals.

With regard to air pollution resulting from the proposed development; the LPA agrees with the assessment provided in the 'Report to Inform HRA' and concludes that there would be no likely significant effect on The Mens SAC or Ebernoe Common SAC from air pollution either alone or in combination with other plans and projects.

We support the proposed biodiversity enhancements recommended in the Ecological Appraisal and Dormouse Survey Report to secure measurable net gains for biodiversity. These measures should be outlined within a Biodiversity Enhancement Strategy and secured by a condition of any consent.

Under the Habitat Regulations, it is necessary for the LPA to prepare a Stage 1: HRA Screening Report to consider any effects on The Mens SAC and Ebernoe Common SAC. In addition, as the development will result in loss and severance of hedgerows within the 'Impact Risk Zone' of the SACs, it is considered appropriate for this project to progress to Stage 2: HRA Appropriate Assessment. A Stage 1 and Stage 2 HRA Assessment has been prepared by the LPA which concludes that, with mitigation, adverse effects on site integrity of The Mens SAC or Ebernoe Common SAC, either alone or in combination with other plans and projects can be avoided and the project should be able to proceed.

**Archaeology: No objection (subject to condition)**

[Summary]: No objection subject to a condition to secure a programme of archaeological works in accordance with a Written Scheme of Investigation.

**Natural England: No Objection**

[Summary]: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Southern Water: No Objection (subject to conditions and informatives)**

**Environment Agency: No Objection**

**WSCC Flood Risk Management: No Objection**

**Billingshurst Parish Council: Support**

[Summary]: The Parish Council supports this application, subject to clarification regarding air quality mitigation, and access and lighting/opening hour's concerns being addressed.

**Chichester District Council: No Objection**

### 3.3 PUBLIC CONSULTATIONS

During the initial round of consultation, a total of 56 representations were received. 20 representations objected to the proposed development, 34 representations were in support of the proposed development, and 2 representations were neutral.

The following summarises the main reasons for objection:

- Lack of need for the proposed facilities (including petrol station)
- Overdevelopment
- Negative impact on rural landscape character
- Increase in traffic congestion and impact on road safety
- Noise concern from motorcycles on the road
- Impact on the high street (diversion of trade)
- Noise and light pollution, amenity impact
- Flooding problems, lack of sewer capacity
- Biodiversity impact
- Contrary to HDPF policies

The following summarises the main reasons for support:

- New petrol station is welcomed
- Opportunities for local businesses to grow
- The facilities are required to serve the growing population
- Contribution to landscape improvements
- Employment opportunities
- Will attract further investment
- Appropriate location for the PFS

A second round of consultation took place when revised plans were submitted on 16<sup>th</sup> July 2019. All parties who were initially consulted were re-consulted; as well as all households who submitted representations during the initial round of consultation. By the close of the second consultation period, 9 representations were received (8 objecting, and 1 in support). No new reasons for support or objection beyond the reasons listed above were raised.

### 3.4 MEMBER COMMENTS

Cllr Lindsey (previous ward Member) and Cllr Jupp (current ward Member) have requested that this application is heard before Planning Committee. Cllrs Jupp and Brown (current ward Members) have raised concerns with regard to the heights of the proposed commercial units on the raised southern part of the site, and concerns about the adequacy of the circulation space and parking provision.

## 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

The main considerations of this assessment are:

- The Principle of the Development
- Assessment of Need
- Retail Impact
- Landscape Impact
- Highways Impact
- Layout, Appearance and Amenity
- Other matters including: *Drainage and Flood Risk, Ecology, Archaeology and Heritage, Air Quality.*
- Planning Balance

### The Principle of the Development

- 6.1 The site is located outside a defined built up area boundary (BUAB), and is not allocated for development within the Horsham District Planning Framework (HDPF) or a 'Made' Neighbourhood Development Plan. Development in this location at this time therefore conflicts with the sustainable development principles set out in Policies 1 and 2 of the HDPF as well as with Settlement Expansion Policy 4; and as a result, is a departure from the approach for development as set out in the current adopted plan. In addition, by virtue of its location outside the BUAB of Billingshurst, the proposal would conflict with the HDPF's countryside protection policy (Policy 26) as the development is not strictly considered to be 'essential' to this countryside location. Accordingly, the grant of planning permission for development on this site would represent a departure from the Development Plan.
- 6.2 Paragraph 11 of the NPPF (2019) states that '*plans and decisions should apply a presumption in favour of sustainable development*', which for decision-taking means; '*approving development proposals that accord with an up-to-date development plan without delay*'. Whilst a review of the HDPF is currently underway; the Council considers that relevant policies for the supply of employment land remain up-to-date for the purpose of NPPF

paragraph 11, until such time as new evidence supporting the Local Plan Review indicates otherwise. It is acknowledged that the applicant has challenged the Council's effective delivery of employment floorspace, and this is discussed in more detail within this report.

- 6.3 Paragraph 12 of the NPPF also states that: *'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 6.4 This follows section 70(2) of the Town and Country Planning Act and the provisions of Paragraphs 2 and 47 of the NPPF which require that *'...applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.*
- 6.5 In the case of this current application at Platts Roundabout, and its location outside the defined BUAB of Billingshurst; the proposed development falls contrary to the key spatial policies of the HDPF (Policies 1, 2, 4 and 26) therefore when applying the above provisions of the NPPF, the application runs contrary to an up-to-date plan and should be refused. This conflict with the development plan is not explicitly disputed by the applicant, rather, the applicant considers that there are material considerations of such weight that justify a departure from the adopted development strategy as set out in the HDPF.
- 6.6 In this case, the applicant considers that material considerations should carry particularly strong weight since neither a Site Allocations DPD nor a made Neighbourhood Development Plan for Billingshurst have materialised. The applicant contends that the HDPF only provides a strategic policy framework for the District, and in the absence of more local or site-specific policies, fails to provide relevant and up-to-date policies to guide development that is needed locally. As such, the core part of the applicant's case asserts that HDPF Policy 7 has failed to bring forward a sufficient quantum of employment floorspace to meet local needs in Billingshurst; and as a result, consider that additional floorspace is justified. This is discussed in further detail at paragraphs 6.9 to 6.26 of this report.
- 6.7 In addition, whilst the applicant accepts that the proposed development is located outside the BUAB (and therefore in the countryside), it is contended that Policy 26 does not provide a blanket prohibition against development in these areas. As such, the applicant considers that the location of the proposed development (separated from the village by only a road, and being well-related to Billingshurst) justifies its acceptability in this location. It is also contended that the nature of the proposed development (particularly the petrol filling station and motorcycle showroom/workshop) necessitates a peripheral location such as this, and is therefore appropriate.
- 6.8 In summary, both section 70(2) of the Town and Country Planning Act and paragraphs 2, 12 and 47 of the NPPF afford significant weight to an adopted and up-to-date development plan (such as the HDPF) whilst allowing for departures from the development plan to be made in incidences where relevant materials considerations are considered significant and sufficient to warrant such a departure. As such, if on balance it is considered that the material planning considerations relevant to this case are sufficiently compelling to justify a departure from the HDPF development strategy, this would establish the principle of development on the site as being acceptable. If on the other hand, the material considerations presented are not considered to outweigh the primacy of the development plan, then the principle of the development would not be considered acceptable. An assessment of this follows in the following paragraphs, and an Officer view is presented in the Planning Balance section at paragraphs 6.92 to 6.100.

## Assessment of Need

### *District-Wide Employment Need*

- 6.9 The Outline part of this application proposes the development of 14 commercial units, totalling 4,627m<sup>2</sup> of mixed B1b, B1c, B2 and B8 employment floorspace. Given the unallocated nature of the application site, and subsequent conflict with HDPF Policy 26 (Countryside Protection); the proposed commercial units represent a departure from the development plan strategy. As such, it is important to understand whether there is an identified need for additional commercial floorspace, and if so, the extent to which the proposed floorspace is considered to be acceptable in the planning balance.
- 6.10 Paragraphs 80-82 of the NPPF set out the Government's policy for delivering economic growth, requiring that *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'*. Paragraph 80 states that *'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.
- 6.11 Paragraph 81 of the NPPF sets out criteria that planning policies should accommodate, including: (1) setting out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth; (2) setting criteria, or identifying strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; and (3) being flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances.
- 6.12 Chapter 5 of the HDPF sets out the local strategy for meeting the economic development needs of the District to 2031 and identifies a number of issues for the policies to address. These issues include:
- *An identified lack of employment land in the district with much of the business accommodation stock not meeting the requirements of existing businesses;*
  - *A scarce amount of freehold and leasehold employment land in the district with much of the business accommodation stock classified as low grade and not meeting the requirements of existing businesses;*
  - *A shortage of business floorspace in terms of both the types and sizes needed;*
  - *A need to provide suitable high quality space for business that wish to move into the district;*
  - *A lack of opportunities for existing businesses to grow, expand and change to meet modern business demands (e.g. design of industrial estates and offices).*
- 6.13 The overarching strategy to address these issues is set out in HDPF Policy 7. This policy seeks to achieve sustainable employment development by (amongst others):
- *Allocating land for a high quality business park at Land North of Horsham;*
  - *Redevelopment, regeneration, intensification and smart growth of existing employment sites;*
  - *The formation and development of small, start-up and move-on businesses, as well as home working, by encouraging provision of small units;*
  - *Retention of Key Employment Areas, for employment uses;*
  - *Encouraging sustainable local employment growth through Neighbourhood Development Plans;*
  - *Identifying additional employment areas to meet the need for appropriate new business activity.*
- 6.14 The Inspector's Report into the HDPF refers to the key background employment study undertaken at the time (the 2014 Economic Growth Assessment). The 2014 EGA identified inadequacies in the type and range of employment sites in the District, a shortage of modern employment property, the need for industrial floorspace, and a strong need for modern, high

quality business premises which are well located in relation to the strategic road network. The Inspector concluded that there '*appears to be enough sites for current foreseeable demand*' and that '*there is no indication that the Plan will suppress growth*'. Nevertheless, the Inspector determined that the early review of the Plan (i.e. to commence 3 years from its 2015 adoption) would be required to ensure that additional allocations could be considered to ensure employment growth is not constrained.

- 6.15 The early review of the Local Plan (Local Plan Review) is underway and the Council have instructed specialist consultants to undertake a comprehensive review of the Economic Growth Assessment, including analysis of the Council's position to date in terms of existing employment floorspace delivered and projected needs going forward (taking into account of updated population projections and the Government's new standardised housing calculation methodology to assess Horsham District's projected employment growth needs to 2036). A final report is due to be published in autumn 2019. When complete, the revised EGA will set out a robust and up-to-date assessment of employment growth needs going forward to 2036, which will be used to inform the development of an appropriate Local Plan Review strategy to seek to meet the identified need, including allocating sites for employment development where necessary. The Local Plan Review Issues and Options Paper (April 2018) was the first formal stage of the plan review, and recognises that new employment sites will be required to meet projected needs going forward into the next plan period. Table 5 of this paper highlights several potential employment sites for consideration as future employment allocations, but the application site at Platts Roundabout is not included in this list. The potential sites listed in Table 5 were selected from a desk-top analysis of sites within the Strategic Housing and Economic Land Availability Assessment (SHELAA) which at the time of writing in March 2018, concluded that whilst the site has potential as part of a broad location for strategic development of land to the west of Billingshurst, the Platts Roundabout site was '*Not Currently Developable*' owing to its small scale, disconnection with the built up area of Billingshurst, and access issues.
- 6.16 Whilst the preferred approach would be for any development at Platts Roundabout to come forward via allocation within the Local Plan Review, the review is not yet at a stage where weight can be attributed to its strategy for growth. Consequently Officers advise that the determination of this application must be made based on the status of current HDPF policies, balanced against any relevant supporting evidence.
- 6.17 Section 4.5 of the applicant's Planning Statement presents the argument that the Council's employment growth policies have failed to deliver a sufficient quantum of additional employment floorspace to meet the identified needs of the District to 2031 (as derived from the 2014 EGA and 2015 update). Whilst a fully comprehensive analysis of extant permissions, completions and losses in employment floorspace during the plan period to-date has not been provided; the applicant contends that a combination of the ineffectiveness of Policy 7, and the slow delivery of two key extant employment sites (Brinsbury Campus and Nowhurst Business Park) has led to '*a residual need for a substantial amount of B1c/B2/B8 floorspace*' (paragraph 4.5.11). The following paragraphs provide some background to Horsham's employment land requirements, as well as the current position of the Council in terms of delivery to date.
- 6.18 The HDPF does not itself set out a target quantum of employment floorspace to be delivered, however the employment strategy is based on the 2014 EGA baseline employment land needs figure of 38.1ha for the period 2011-2031 for all B-class uses. At present, the 38.1ha baseline figure represents the most up-to-date data to hand and is considered an appropriate point of reference to start from.
- 6.19 Strategic Planning Officers have calculated that this 38.1ha equates to a remaining B1c/B2/B8 floorspace need to 2031 of between 69,900 – 74,560m<sup>2</sup>. This figure has been arrived at by deducting 14.8ha of employment delivered as of March 2012 (the date of the EGA study, through existing allocations, vacant sites or sites with extant planning

permissions), deducting 20-25% of this for B1a/B1b use (as advised by the EGA), and converting the remaining employment land to employment floorspace using the methodology within the 2015 EGA update.

- 6.20 Data show that since the EGA baseline date (March 2012), approximately 22,974m<sup>2</sup> of new B1c/B2/B8 employment floorspace has been completed on the ground (i.e. built). In addition to this a further 8,491m<sup>2</sup> (including Hillands Farm Phase 1) has been approved via full planning permissions but is yet to be delivered. Adding in the Brinsbury (17,000m<sup>2</sup>), Nowhurst (25,000m<sup>2</sup>) and Hillands Farm Phase 2 (13,455m<sup>2</sup>) Outline permissions, this creates a total of 86,920m<sup>2</sup> of floorspace which either has extant permission (63,946m<sup>2</sup>) or has been completed (22,974m<sup>2</sup>). At face value this provides a strong indication that Policies 7 and 9 are working to effectively deliver a range of small, medium and large sites across the District in a sustainable manner, and (with the exception of Hillands Farm which was a departure from policy) in accordance with the adopted strategy.
- 6.21 However, losses in B1c/B2/B8 employment floorspace during this period are also relevant. Records show that losses within the plan period extend to a net total of 23,424m<sup>2</sup> across the District. A large proportion of this was the loss of 15,500m<sup>2</sup> B2 floorspace at the Paula Rosa site in Storrington to housing. Factoring in these losses results in the following permutations:
- Net floorspace completed since March 2012: -450m<sup>2</sup> (loss)
  - Net floorspace completed plus unbuilt developments with FULL extant planning permission: 8,491m<sup>2</sup>
  - Net floorspace completed plus unbuilt developments with FULL or OUTLINE extant planning permission: 63,496m<sup>2</sup>
  - Gross floorspace completed (i.e. excluding losses) plus unbuilt developments with full or outline extant planning permission: 86,920m<sup>2</sup>.
- 6.22 Taking into account the above data on completions, extant permissions and losses, the potential net gain in new employment floorspace currently sits at approximately **63,946m<sup>2</sup>**. This assumes that the Brinsbury, Nowhurst and Hilland Farm permissions are completed and built out in the coming years as these sites provide the bulk of this provision. This compares favourably when set against the net target figure of 69,900 – 74,560m<sup>2</sup> to 2031, with a remaining gap in unmet provision of around **8,734m<sup>2</sup>** (taken as an average) to be delivered in the remaining 12 years of the Plan period. Given the current plan period runs from 2011 to 2031, the potential net gain of circa 63,500m<sup>2</sup> can be reasonably argued to be proportionate to the current point in time seven years in, albeit the same data also concludes that at this point in time the majority of this net gain (some 55,500m<sup>2</sup> at Brinsbury, Nowhurst and Hillands Farm Phase 2) has yet to commence let alone be ready for occupation.
- 6.23 The applicant argues that whilst the Brinsbury and Nowhurst sites benefit from Outline planning permission, neither have progressed with detailed permissions, approval of conditions or actual commencement on the ground; and are therefore not working to effectively deliver much needed employment floorspace and associated jobs within Billingshurst or the Horsham District in the short term. Indeed, by excluding these yet to be delivered sites, their argument is essentially that net growth in employment floorspace has been negligible since 2011.
- 6.24 Officers are of the view that whilst the approved developments at Brinsbury and Nowhurst will contribute to meeting more than half of the District's forthcoming employment requirements (and will make a significant contribution towards quantitative and qualitative need through the provision of modern purpose built employment space); it is recognised that completed and occupied floorspace from these developments is not likely to come on stream in the short term given the remaining permissions required to enable their commencement. Consequently, delivery of the floorspace from these two developments will not be immediate and will likely take place over a number of years and leave a further shortfall of new employment floorspace in the short term at least.

- 6.25 The review of the Economic Growth Assessment that is due to be published in autumn 2019, will use projected employment growth figures (utilising updated population projections and the Government's new standardised housing calculation methodology) to set out an up-to-date assessment of Horsham's employment growth needs going forward to 2036. The findings of this updated assessment have not been published yet, but given the projected increase in population projections, as well as anecdotal evidence suggesting increased demand for new commercial floorspace; it is highly likely that employment floorspace needs going forward will increase.
- 6.26 As such, it is considered that the provision of an additional 4,627m<sup>2</sup> commercial floorspace will contribute to the shortfall in district-wide needs identified in the current plan period (i.e. the unmet provision of around 8,734m<sup>2</sup>), as well as needs that are likely to arise in the next plan period.

*Employment Need in Billingshurst*

- 6.27 Whilst the strategy for employment growth set out within the HDPF was found sound at Examination, the applicant considers that the policies and growth strategies contained within it are inadequate and ineffective in bringing forward the required quantum of employment floorspace, particularly in Billingshurst. The applicant makes reference to evidence undertaken by Crickmay Chartered Surveyors in their 2016 'Assessment of the Commercial Property Market' report (undertaken on behalf of HDC), which identified a general limitation in supply of floorspace, as well as the critical issue with ageing and poor quality stock in the south of the District. Officers do not dispute the findings by Crickmay, and accept that both the quantity and quality of employment floorspace provision in Billingshurst and wider District requires addressing.
- 6.28 The Council's Economic Development (ED) team have identified a lack of supply of modern fit-for-use commercial sites in the District, in terms of meeting the needs of both smaller and larger businesses. The ED team note that this lack of supply is evidenced by the poor performance of business rates growth, and the lack of opportunities provided for existing companies to expand. Enquiries from businesses across the District to the Council's ED team for more appropriate sites have recently increased. The ED team acknowledge that much of the District's existing stock is in need of updating in order to meet the needs of modern businesses, and that 69% of the current commercial properties in the District date from before 1980, highlighting the challenge businesses face in finding modern, flexible commercial space.
- 6.29 In response to the above criticisms relating to the poor quality of existing stock, as well as comments made by local people at Neighbourhood Plan workshops held in Billingshurst about the same issues; the applicant has sought to focus their proposal for additional commercial units at the local market to meet local needs (as opposed to strategic, district-wide needs which have been addressed to some extent by the recent approval of larger units at the Hilland Farm site to the north of Billingshurst). To better understand the business needs locally, the applicant instructed Colyer Commercial to undertake a study into local demand for new business premises, including the nature of the business and the size of unit required. A schedule of businesses has been provided (in Appendix 3 of the Planning Statement) showing that around 20 existing businesses in the local area (including 11 in Billingshurst) have expressed interest in occupying commercial units on the Platts Roundabout site. The majority of these businesses state that they would require smaller units, typically under 500m<sup>2</sup> in size. Of the businesses who have expressed interest in occupying units at Platts Roundabout, three have been named (with permission) by the applicant in the Planning Statement, and include: Jengers Bakery (who are seeking additional premises to grow the business further, but would retain the existing shop at Jengers Mead), Anthony Jackson Fine Furniture Design and Manufacture (seeking larger premises), and Hendrik Syringa UK Ltd (who are seeking new premises to remain in Billingshurst).

- 6.30 The analysis presented by the applicant demonstrates that there is a desire for existing local businesses to occupy new, modern and purpose-built employment floorspace in Billingshurst, with smaller units in typical demand. The proposed commercial units (whilst proposed in Outline therefore only shown indicatively at this stage) have been designed to meet the needs identified locally, by proposing smaller flexible units varying between 100 – 500m<sup>2</sup> in size. Whilst it is acknowledged that some local need will be addressed by the delivery of Phase 1 of the recently approved development at Land North of Hilland Farm; it is acknowledged that more floorspace is still required. The applicant has sought to demonstrate their commitment to supporting smaller-scale and local business needs, and as such, has proposed that a local connection clause is included in the s106 Legal Agreement to offer first refusal of the proposed units to local existing businesses. This commitment is welcomed by Officers, and wording is being drafted for inclusion in the s106 accordingly.
- 6.31 In general terms, Officers consider that without provision of additional and improved large and small-scale employment floorspace in Billingshurst (or elsewhere), there is a risk that growth could be frustrated, or that companies may move away from the local area if their aspirations to expand are constrained by limited opportunity to re-locate to suitable premises. In this regard, it is considered that considerable weight should be placed in favour of the proposed development as a material consideration, in terms of provision of smaller flexible floorspace to meet identified qualitative and quantitative demand, particularly to cater for local business needs in Billingshurst.

*Need for a Petrol Filling Station*

- 6.32 The Council are not required to undertake needs assessments for specific uses such as petrol filling stations (PFS's), and therefore do not have any robust evidence to suggest that a PFS is, or is not, required in any particular location. The Department for Transport have produced guidance (Circular 02/2013) on appropriate spacing between service areas and roadside facilities on motorways and trunk roads. This guidance recommends that maximum distances between service areas on trunk roads should be the equivalent of 30 minute driving time. The A29 Stane Street is not classified as a trunk road, so the DfT recommendations do not apply, but the Circular is useful to note given the lack of any other guidance.
- 6.33 Notwithstanding the recent Outline permission for a petrol station on land North of Hillands Farm (which now also has a Reserved Matters application pending consideration indicating its likelihood to be delivered in the short term), there are currently no petrol stations in Billingshurst itself. The nearest ones to the application site are a BP facility at Five Oaks (3km to the north of the application site), and a Local Fuels facility at North Heath (5.3km to the south). The nearest PFS on the 'east-west' route through Billingshurst is at the Buck Barn junction of the A272 and A24, approximately 10km (6.2 miles) to the east of the village.
- 6.34 Given the lack of formal guidance on the needs for a new PFS on roads other than trunk roads or motorways, the approval of another PFS in relatively close proximity to the application site does not lead to the conclusion that another facility should not be allowed or that it should be refused on grounds of need. Instead, it is considered reasonable to determine the acceptability of the proposed PFS on a review of wider needs arguments, including commercial and local desire; as well as consideration of the appropriateness of the proposed PFS in its location.
- 6.35 The hybrid planning application has been submitted jointly by the land owner and the petrol station operator (Forelle Estates). The petrol station proposal features in the Full Planning element of the application, and as such, full details of the facility are provided as part of the application. The applicant's Planning Statement notes in paragraph 4.3.5 that a contract is in place between the land owner and Forelle Estates to commence work on the filling station as soon as planning permission is granted. Given that the filling station is proposed in full, subject to the approval of any details reserved by condition, the commencement of development will be possible, and the petrol station facility could be operational in the short

term. This demonstrates that despite the approval of another petrol station facility in relatively close proximity, there is a strong commercial desire to progress this scheme.

- 6.36 It is acknowledged by Officers that there is a community desire in Billingshurst for a PFS, as well as the fact that the delivery of a PFS at Land North of Hilland Farm is being progressed by way of a Reserved Matters application. In preparation of the Billingshurst Neighbourhood Plan, the Neighbourhood Plan Steering Group (SG) have undertaken a series of consultations with the local community and stakeholder groups to understand the issues facing the village. The consultations highlighted the lack of a PFS and a desire for such a facility to be provided locally. It is accepted by Officers that there is a local desire amongst the community in Billingshurst for a PFS, and notwithstanding the recent approval for a similar facility at Hillands Farm, acknowledge that Billingshurst Parish Council have not objected to the application and have specifically noted that the proposal would benefit the wider community by including a petrol station.
- 6.37 Whilst it is recognised that a PFS in this location is likely to result in some impact on landscape and amenity (due to an increase in activity and external lighting) contrary to Policy 26, it is accepted that the nature of a PFS is often more appropriate in peripheral locations where access to strategic road networks is available (in this case, the site is conveniently located in a close proximity to the A272 and A29 which are two key road networks within the Horsham District). Furthermore, the positioning of the PFS facility at the north-east section of the site links it well to the existing roundabout and more urban surrounding character. In addition, as part of a wider commercial development, any harm would be muted by the presence of other buildings and structures, and by new planting.
- 6.38 In the absence of any policy or guidance on the assessment of need for petrol filling stations, it is considered that the demonstrable local and commercial desire to provide a new PFS in Billingshurst weighs in favour of the facility proposed. The assessment of need is therefore considered by Officers to be satisfied. The ultimate acceptability of the proposed petrol station facility in this location will need to be assessed in the planning balance, with a consideration of the extent of impact / harm that may result. A full assessment of this follows in this report.

#### *Need for Motorcycle Showroom / Workshop*

- 6.39 The Destination Triumph showroom and workshop (Sui-Generis and B2 Use Classes) is proposed in Full. Destination Triumph is an existing local business currently occupying premises close to the Washington Roundabout. Aspirations to grow the business has prompted the search for a new site to provide for a purpose-built facility more suited to the business' growing needs. The Platts Roundabout location is desirable to Destination Triumph due to its proximity to the businesses' established client base, and its convenient location for several existing employees who live in Billingshurst. It is anticipated that the relocation will increase the number of employees from 12 to 30.
- 6.40 The need for a new motorcycle showroom and workshop on this site is therefore driven by the commercial aspirations of Destination Triumph to expand their current operation. Policy 7 of the HDPF promotes the sustainable growth of employment developments within the District, and policy 10 (albeit focussing on the reuse of existing rural buildings) encourages sustainable rural economic development to generate new jobs and to provide economic, social and environmental benefits to local communities. As such, it is accepted by Officers that the employment polices contained within the HDPF have the potential to support the aspirations of Destination Triumph to relocate and expand the existing business, and to generate new employment opportunities. As with the petrol filling station, the assessment of need is therefore considered by Officers to be satisfied, but the ultimate acceptability of the proposed Triumph workshop and showroom in this location will need to be assessed in the planning balance, with a consideration of the extent of other impacts / harm that may result. A full assessment of this follows in this report.

### *Summary of Need*

- 6.41 In summary, the Council's current position with regard to employment floorspace delivery and loss reveals competing arguments. On the one hand, the delivery of 22,974m<sup>2</sup> of occupied floorspace and the extant permissions for a further 63,946m<sup>2</sup> can be argued to demonstrate that the HDPF strategy is working to meet the EGA estimated needs to 2031. On the other hand, taking into account losses (23,424m<sup>2</sup>) and the fact that 55,455m<sup>2</sup> of this approved floorspace has yet to gain the consents to enable commencement (Nowhurst, Brinsbury, and Hilland Farm Phase 2); the net floorspace delivered 7 years into the plan period stands at -450sqm, a fraction of the estimated need. Whilst a review of the employment needs for the District is underway (EGA review expected to be published in autumn 2019) in accordance with the HDPF Plan Inspector's recommendation, it is too early in this process for any meaningful data or future strategy to carry weight.
- 6.42 Given these factors, the Outline element of the proposed development (14 commercial units, totalling 4,627m<sup>2</sup>) would provide additional employment floorspace to meet the currently identified shortfall, as well as a likely need for additional employment floorspace in the plan period going forward. In addition to meeting a quantitative shortfall, the proposed commercial units would be purpose built to the requirements of future occupants, and would therefore seek to address a qualitative deficiency in overall stock. By meeting identified quantitative and qualitative needs in employments floorspace, the Outline element of the proposed development is afforded weight in favour. In addition, a commitment by the applicant to offer these units to existing local businesses in the first instance will afford opportunities for these businesses to grow, which is supported by HDPF policies, and is welcomed.
- 6.43 The Council's Economic Development team support the application for additional and modern commercial floorspace, and the Parish Council (and several local businesses) also recognise the benefit of new employment floorspace and PFS for the village. In Officer's view, these views should be afforded considerable weight in the determination of this application.
- 6.44 It is acknowledged that the proposal for a new petrol filling station and the relocation and expansion of the Destination Triumph business are developments that have been driven commercially, and have not been explicitly identified as a 'needed' within the HDPF. However, whilst no explicit 'need' has been identified within the HDPF for these developments, this does not mean that they would not be acceptable in planning terms. The positive wording and intent of the employment policies contained within the HDPF to facilitate the growth and expansion of existing businesses, offers the potential to support the expansion of these valued businesses as well as to create additional employment opportunities. As such, the accordance of the proposed development with HDPF employment policies 7 and 10 is afforded weight in the determination of this application.
- 6.45 The overall need for the three elements of the proposed development (the PFS, motorcycle showroom/workshop, and commercial units) has been assessed, and it is considered that the need for each is justified. The ultimate acceptability of the development as a whole, is however, dependent on the appropriateness of the proposal with regard to impact elsewhere. This impact assessment follows in the next sections of the report, with a final planning balance and recommendation given in paragraphs 6.92 to 6.100.

### **Retail Impact**

- 6.46 In addition to the proposed Petrol Filling Station (PFS), the development also proposes an ancillary 324m<sup>2</sup> (A1) retail offer, with a linked sandwich shop (A3) of 116m<sup>2</sup>. The applicant asserts that the convenience store and sandwich shop are integral parts of the petrol station proposal, and cannot be separated out. Policies 12 and 13 of the HDPF, Chapter 7

of the NPPF, and the Billingshurst Village Centre SPD (March 2017) all seek to protect the vitality and viability of the defined town and village centres and retail frontages. In order to ensure the protection of commercial centres, the NPPF and HDPF Policy 13 require a sequential test to be applied for out-of-centre proposals that seek main town centre uses.

- 6.47 Officers accept that a petrol station is not a main town centre use, but the linked A1 and A3 uses are (in their own right) recognised as main town centre uses. Whilst it is acknowledged that planning policy does not require mixed-use schemes to be disaggregated into separate components; given that main town centre uses proposed on this site, it is considered prudent to assess whether these elements are likely to have any impact on the existing village high street. As such, the applicant has undertaken a sequential test exercise to demonstrate the level of impact of the proposed uses on the vitality and viability of Billingshurst village centre.
- 6.48 The applicant's sequential test identifies that several units in the main shopping area of Billingshurst are vacant (as of April 2019). The applicant has assessed each site with regard to availability, suitability and viability. Of the vacant units, 3 of them have been assessed as 'available' (i.e. being marketed for let or sale). Despite the availability of units on the high street, the applicant concludes that none are suitable for the proposed PFS and ancillary retail/food uses by virtue of their inappropriate sizes, and locational sensitivities with regard to character and amenity. Officers accept this conclusion.
- 6.49 In summary, whilst the proposed A1 and A3 combined retail offer (which totals 440m<sup>2</sup>) is larger than the majority of units within the main shopping frontage of Billingshurst village centre; given these elements are proposed by the applicant as ancillary to the PFS (and therefore should be assessed as a whole), it is accepted that none of the available sites in Billingshurst's main shopping area would suitably accommodate this proposal. Consequently, Officers accept that the sequential test required by the NPPF and HDPF Policy 13 has been applied properly, and has been passed. In addition, given the proposal comprises less than 2,500m<sup>2</sup> of retail floorspace, a retail impact assessment is not required to be undertaken (NPPF 89). On this basis the proposed development would not have a detrimental impact on the vitality or viability of Billingshurst village centre, but rather, would provide additional facilities for future users of the site, as well as for existing and future residents.

### **Landscape Impact**

- 6.50 The landscape and countryside within the Horsham District plays an important role in influencing both the urban and rural character of the District and its settlements. In order to retain and protect the most sensitive and important landscape features (and subsequently, to protect the character of settlements such as Billingshurst), the Council have undertaken studies to help guide development most appropriately.
- 6.51 The 2003 Horsham District Landscape Character Assessment identifies the application site as falling within 'Character Area J1: Billingshurst and North Heath Farmlands', with an overall character described as gently undulating with semi-enclosed landscapes, and in good condition.
- 6.52 In 2014 the Horsham District Landscape Capacity Assessment was published as a background study to inform the (then emerging) Horsham District Planning Framework. In this capacity assessment, the application site is identified as lying within Landscape Character Area 52 (Land West of Billingshurst). The overall landscape capacity for large scale employment in this character area is considered as 'No/Low'. The study concludes that *'due to the area's moderate-high landscape and visual sensitivity (...) employment development is likely to be more visually prominent, and therefore there is not considered to be any capacity for this'*.

- 6.53 The Council's Landscape Architect (LA) has visited the site, and observes that whilst the site displays a rural character, these rural qualities vary across the site. The Landscape Architect notes that due to its location on the edge of the settlement of Billingshurst and bounded by the A272 to the north/west and A29 to the east; it feels '*somewhat detached from the settlement*' and also '*detached from the wider landscape*'. It is noted that the wider field enjoys some tranquillity at its southern part closer to Newbridge Road, but this tranquillity decreases towards the northern boundary where the land is at a lower level and the traffic noise detracts from the rural quality of the site.
- 6.54 The Landscape Architect observes that due to perimeter vegetation and the site's topography (which rises from the northern boundary to form a ridge at the southern boundary of the site), the level of visibility and inter-visibility varies across the site. No public rights of way (PROW) cross the site, but other PROW routes are in close proximity to the site (including ROW1327, ROW1668 and ROW1311). Occasional views of the site can be afforded from ROW1327 (located to the north of the site) where some scenic views beyond the site towards the South Downs can be experienced. In addition, long views of St Mary's Church spire can be experienced from the southern boundary (high point) of the site when looking east.
- 6.55 The Landscape Architect considers that the landscape value of the application site is moderate. The northern boundary is considered to be less sensitive due to various factors such as road influence, lower land and stronger relationships between the site and the adjacent urban character of Billingshurst. As the land rises towards the southern boundary of the application site, there is higher inter-visibility with the wider landscape, and an increase in rural qualities.
- 6.56 As such, it is considered that development proposed at the northern section of the site can be accommodated without unacceptable harm to the wider landscape character and visual amenity. However, with regards the southern part, which proposes to accommodate the flexible employment space (the Outline part of the application), the Landscape Architect identifies that there will be visual harm. This harm is considered only to be adverse in closer views rather than views from the wider landscape which are less harmful due to a dilution of rural setting. The Landscape Architect acknowledges that the development proposed towards the southern section of the site is made in Outline, and that it would be possible to further mitigate the harm by the use of soft landscaping and detailed design at Reserved Matters stage. However, despite mitigation that can be achieved at detailed design stage, the harm identified is contrary to HDPF Policy 26, therefore the acceptability of the proposals will need to be balanced with the benefits and need for this type of development in this area.

### **Highway / Access / Parking**

- 6.57 In support of the proposals, the applicant has submitted a Transport Assessment (TA), a Transport Technical Note, a plan showing Access Arrangements and Visibility Splays, a Road Design Audit, a Travel Plan, and a Highway General Arrangement plan.

### *Trip Generation / Network Capacity*

- 6.58 The TA includes data demonstrating current and projected trip generation which has been derived from the Trip Rate Information Computer System (TRICS). In addition, data relating to current and future junction capacity has been submitted, which is derived from industry standard modelling software systems (PICADY and ARCADY). The use of these software systems to model projected traffic impacts is accepted by WSCC as the Local Highways Authority (LHA).

- 6.59 TRICS data shows that the development site is projected to generate an additional 271 vehicle trips during the AM peak period (200 arriving, and 72 departing), and an additional 266 vehicle trips in the PM peak period (71 arriving, and 195 departing). The LHA accepts that the petrol station is unlikely to be a high trip generator in its own right, rather it will generate 'pass-by' or 'divert' type trips. The LHA accepts that the trip rate assessment undertaken in the applicant's TA is robust given it assumes all trips are new trips as opposed to pass-by or linked trips which is likely.
- 6.60 The junction capacity modelling (using PICADY and ARCADY) demonstrates that the existing junction and road network currently operates within capacity, and will continue to operate within capacity in 2024 with the proposed development (and including development at Land East of Billingshurst approved under DC/13/0735). The LHA has confirmed that there are no highway capacity issues associated with this development, and that the residual cumulative highway impacts of the development will not be 'severe' as per NPPF para 108.

#### *Access / Visibility*

- 6.61 Vehicular access to the site is proposed to be taken from the A272, along the site's northern boundary. Standard visibility splay measurements could not be achieved in this location based on the 60mph speed limit, therefore in order to achieve acceptable visibility splays, the applicant was required to apply to WSCC for a Departure from Standard (DfS). The DfS proposed visibility splays of 4.5m x 120m to the west, and 4.5m x 87m to the east. Based on the speed limit remaining at 60mph, and taking into account a package of mitigation measures to further reduce average speeds (including the implementation of vehicle activated signage on the westbound approach of the A272), the submitted DfS has been accepted by the Principal Engineer at WSCC. 160m forward visibility is also required to be achieved for the Right Turn Lane into the site. A Design Audit for the required forward visibility for the Right Turn Lane has been submitted, and this too has been accepted by the Principal Engineer. As such, WSCC have confirmed that the access arrangements and visibility proposed in this location is acceptable.

#### *Parking Provision*

- 6.62 The submitted TA has provided an assessment of parking for all modes of transport, as well as swept-path analysis drawings to demonstrate that turning within the site for large HGV's such as petrol tankers can be achieved appropriately. A total of 137 car parking spaces are shown across the site, which includes the following:
- 25 spaces associated with the PFS site (phase 1);
  - 42 spaces associated with the Triumph site (phase 1);
  - 70 spaces shown indicatively for the commercial units (phase 2).
- 6.63 The overall car parking provision within Phase 1 the site (67 spaces) is above the minimum requirements indicated with the 2019 WSCC Parking Standards document which specifies a need for 34 spaces for the A1 retail unit, the A3 food offer, and the B2 workshop building. The WSCC Parking Standards do not set parking requirements for Petrol Stations or for Sui-Generis uses (such as the Triumph showroom). As such, the parking provided for these elements is proposed as per the site's anticipated needs. In this regard the overall quantum and layout of car and cycle parking within phase 1 is considered to be appropriate to meet the needs of the Phase 1 uses.
- 6.64 The 2019 WSCC Parking Standards document notes in paragraph 4.16 that parking for disabled users should be provided at a minimum of 5% of the total number of parking spaces being provided on site. 5% of the 67 parking spaces within phase 1 of the development equates to 3.35 spaces, when rounded up to whole spaces, shows a requirement for 4 disabled bays within this phase. The submitted plans show 3x disabled bays within phase 1 (two bays at the Triumph showroom, and one at the PFS shop).

Whilst 3 disabled bays are welcomed, it is considered that a second disabled bay should be provided outside the PFS shop, which would result in a total number of 4 disabled bays thereby meeting the minimum requirements. A requirement to show the provision of 4 disabled parking bays will be secured by condition (see draft condition 19).

- 6.65 The 2019 WSCC Parking Standards document also provides a requirement for electric vehicle charging points to be included in all new developments, requiring that 24% of spaces in all new developments approved in 2019 should be provided with 'active' EV charging points. For phase 1 of this development, 24% of the 67 parking spaces equates to a need for 16 spaces to be for the charging of electric vehicles. Only 2 EV spaces are proposed within phase 1, which falls far short of these guidelines. In order to address this deficiency, condition 16 has been drafted which seeks the submission and approval of improved details relating to the provision of electric charging points within phase 1 to accord with the requirements of the 2019 WSCC Parking Standards and the Councils' own Air Quality Guidance document.
- 6.66 The parking provision within Phase 2 (including parking for disabled users, electric vehicles and bicycles) is only shown indicatively at this stage as this section of the development is proposed in Outline and not in detail. The proposed site plan shows that around 70 car parking spaces are provided in this section of the site. At present, the specific use of each unit is unknown, therefore it is difficult at this stage to judge whether the proposed parking is sufficient. Taking a worse-case scenario (i.e. if all the proposed floorspace was for B1 use) the parking requirement according to the 2019 WSCC Parking Guidance, would be 154 spaces. Conversely, taking a best-case scenario (i.e. if all the proposed floorspace was for B8 use) the parking requirement would be 46 spaces. In reality, it is likely that the floorspace proposed will be a mixture of B-uses, therefore the required parking provision will be somewhere in-between these figures. As such, the provision of 70 car parking spaces within Phase 2, at this stage is considered to be reasonable, particularly given the oversupply within Phase 1. Any future Reserved Matters application for Phase 2 will be expected to accord with the requirements of the 2019 WSCC Parking Standards document by including an appropriate quantum of parking for cars, disabled users, electric cars, larger vehicles, and bicycles, based on the specific uses proposed.
- 6.67 The overall parking provision and parking layout has been reviewed by WSCC Highways who has confirmed that the parking spaces allow for appropriate turning room within the site by cars and larger vehicles in a forward gear. It is considered therefore, that with conditions to secure details relating to phase 1 parking bays for disabled users and electric vehicles, as well as Reserved Matters details to be approved for phase 2; the parking provisions on site are acceptable for the uses proposed.

#### *Pedestrian Accessibility*

- 6.68 The site is located in close proximity to the existing village boundary. There are lit footways close to the site fronting residential streets which form part of the local pedestrian network. The nearest bus stops (serving routes 64 and 100) are located on West Street which is around 6min walk / 500m from the north-east corner of the proposed development. The proposal includes a new at-grade crossing facility on the southern arm of Platts Roundabout, and a new 2m footway to connect this new crossing to existing footpath network, and to the site access. This will extend the existing pedestrian network between the village and the site which is welcomed. In addition, a new pedestrian link is proposed along the eastern boundary of the site to link the development to the existing pedestrian footbridge over the A29. WSCC Highways have confirmed that the proposed pedestrian links have been subject to the Road Safety Audit process, which has not identified any safety issues.
- 6.69 Due to the nature of the proposed uses on the site, it is acknowledged that the majority of users are likely to arrive by motorised vehicle. However, given the site's close proximity to

the built-up area of Billingshurst (including many residential properties in Holders Close, Platts Meadow and beyond); the proposed pedestrian improvements will help to encourage safe links to the site for people travelling on foot from the village, and are welcomed. Pedestrian links to Jubilee Fields to the north of the site have not been proposed by the applicant. Officers queried the necessity of these links with WSCC Highways who confirmed that due to the low amount of pedestrian traffic that uses this crossing, additional links here are not likely to be required.

- 6.70 WSCC Highways have thoroughly assessed the application and have confirmed that the impact of the development on highway capacity would not be severe, and as a result, is acceptable. WSCC have also clarified that the proposed new vehicular access on the A272 is acceptable in principle and design; and that the internal access arrangements and parking provision for is appropriate. Finally, it is considered that the provision of new and extended cycle/pedestrian links to Billingshurst are welcomed, and would meet the requirements of the NPPF to promote sustainable modes of transport in new developments. Accordingly, and subject to conditions to secure the proposed works, the proposed development in highways terms is considered to meet the requirements of NPPF Chapter 9 and HDPF Policies 39, 40 and 41 to provide safe and sustainable access, and to avoid a severe impact on the existing road network.

### **Layout, Appearance and Amenity**

- 6.71 Given that the end users for both the petrol filling station and motorcycle showroom/workshop are known (Forelle Estates and Triumph, respectively); the layout of the proposed development has been designed to cater for the requirements of these users as well as other influences including ecology, landscape and amenity. The layout of the commercial units (subject to the Outline part of this application) is shown on the proposed masterplan, but is indicative at this stage and will require detailed permission at Reserved Matters stage.
- 6.72 The three elements that make up the development (PFS, Triumph site, and commercial units) have been designed to function with one another, with all three elements accessing the site from one shared access from the A272. The petrol filling station and ancillary retail/food offer is likely to generate the most movement and activity, therefore has been positioned towards the front of the site with a left-turn entrance off the main site access to allow easy access without the need to unnecessarily drive further into the site.
- 6.73 It is acknowledged that some concern has been raised about the location of the PFS/ancillary retail element and potential for traffic to queue back out onto the A272 during busy times. The Highways Authority have not objected to the location of the PFS, and have confirmed that information has been provided to satisfactorily demonstrate that appropriate access and turning space for cars and larger vehicles has been provided. It is understood that queuing onto surrounding roads occurs at the services at Buck Barn Crossroads (A24/A272), however, the Platts Roundabout site is around 400% larger than the site at Buck Barn (0.5Ha vs 2.5Ha) and includes a busy McDonalds drive-thru facility, so unlike at Buck Barn, it is considered that the internal road network, parking provision and turning space proposed within the wider site affords opportunity for vehicles to safely leave the A272 and be contained within the site, even if parking/pumps are not immediately available during busy times.
- 6.74 The layout of the petrol station element enables vehicles to enter the site, use the filling pumps or parking facilities, and exit following a clockwise loop. The proposed car wash facilities are located to the rear of the convenience store, and can be accessed by vehicles following this one-way loop (the same applies to delivery vehicles). The layout shown is considered to be functional and suitable for the uses proposed. The appearance of the PFS

and shop/food building is typical of a modern facility (with curved canopy feature and grey external materials) and is considered to be acceptable for its proposed location.

- 6.75 The petrol filling station element is separated from the closest neighbouring residential dwellings in Pond Close (to the east) by around 50m, and by around 100m from residents in Holders Close (to the north). Neighbouring residents in other nearby streets (including dwellings within the village to the east of the A29, and dwellings along Newbridge Road to the south and south-west of the site) have also been considered. The site is separated from these nearest residential dwellings by other existing noise generating features such as the A29 and Platts Roundabout itself. As such, whilst the presence of the proposed development is likely to be felt by residents in closest proximity to the site; given the context of the immediate surrounds, significant harm to the amenities of these residents (with regard to noise and light intrusion) is considered to be minimal. The applicant has submitted a noise assessment in support of the application, which concludes that with the inclusion of a 1.8m high acoustic fence along the eastern boundary of the PFS site; worse-case noise levels will be around or below existing background noise levels. As such, a 1.8m fence has been proposed in this location, and its installation will be secured by condition.
- 6.76 A Lighting Assessment has also been submitted, which assesses the existing lighting conditions in the vicinity of the site, the impacts associated with lighting at the proposed development, and any required mitigation to reduce lighting impacts on both residential and ecological receptors. Existing street lighting from the A272, A29, Platts Roundabout and local residential streets dominates existing conditions; in addition to light from car headlights during hours of darkness. The report concludes that the risk of the proposed lighting design scheme at the development resulting in an exceedance of the post-curfew levels at local residential receptors is low. In addition, ecological habitats are not predicted to experience light trespass in excess of 1 lux which is not likely to harm foraging and commuting routes of bats. The Council's Ecologist has verified this. As such, whilst lighting from the proposed development will add to the overall light levels in the local vicinity, in the context of the site's location (in close proximity to existing artificial street lighting, and separation from nearby residential receptors by busy 'A' roads), the additional light associated with the development is not likely to cause unacceptable amenity harm. Conditions to control the hours of external lighting on site have nevertheless been suggested at the end of this report (see suggested Conditions 27 and 47) to ensure the impact is proportionate.
- 6.77 The location of the proposed Triumph buildings and parking area is set back from the A272 and is shown to retain the majority of existing boundary hedgerow as well as proposed additional planting and landscape amenity space. The ample area of landscaping and open space to the north and west of the proposed Triumph buildings is likely to screen the development from the A272 and beyond, and is welcomed from both an amenity and landscape character perspective. In addition, due to variances in the natural land levels, the main showroom building is proposed to split-level, and to be set into the ground thereby reducing its prominence within the wider landscape. As such, the layout of this part of the site is considered to have been designed appropriately, and is unlikely to cause significant amenity harm to neighbouring occupiers. The design of the main showroom building is based on a rural agricultural shed (basic construction with pitched roof and gable ends), but the proposed glazing and overhang feature at the north-facing gable end gives it a modern appearance, considered suitable for its use as a sales showroom. The associated workshop building is a similarly designed (albeit much smaller and no glazing features) and is more typical of an agricultural building found in countryside locations within the District.
- 6.78 The layout of the proposed commercial units at the southern end of the site is shown indicatively and if permitted, would require detailed permission at a later stage. Whilst the precise details of the buildings themselves are unknown at this stage, they are shown to be located on the southern boundary of the application site, therefore coinciding with the site's

high point (around 30m AOD). Commercial buildings of this nature are typically around 8-10m in overall height, therefore this, combined with the location on high land; leads to concerns about the visual prominence of these buildings, and the overall appropriateness of this location for the buildings proposed. The Landscape Architect also raised concerns about this with regard to landscape character. However, in line with the Landscape Architect's comments, it is considered by Officers that the layout of the proposed commercial units can be considered more carefully at Reserved Matters stage, to explore opportunities to re-orientate and/or re-position the units to reduce impact, and to design them to include shallow pitched roofs and materials appropriate to the setting. On this basis it is considered that the concerns about the commercial units in this location can be addressed to some extent, but the overall consideration of acceptability has to be taken in the balance with a view on the extent of need and benefit that the additional employment floorspace would bring. Officers consider that with careful design of this part of the site at RM stage, on balance, the need for the commercial units would outweigh the harm.

### **Other Matters:**

#### *Drainage and Flood Risk*

- 6.79 In support of the planning application, the applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy. The FRA assesses whether the proposed development has appropriately considered the risk of flooding from all potential sources, and produces a Drainage Strategy that details how the proposed development will not result in an increase in surface water that could cause flood risk to both the development and the neighbouring sites.
- 6.80 The Environment Agency Flood Map shows that the application site is located within Flood Zone 1, indicating that it is at a very low risk from tidal or river flooding. The main risk of flooding on this site is therefore from surface water, which, at the northern boundary where the land levels are lower, is currently identified as being at high risk. As such, and due to the increase in hard surfaces that are proposed as part of the development, the proposal will require suitable surface water management strategies to be implemented.
- 6.81 The outline drainage strategy proposes that surface water will be attenuated using permeable paving and above and below ground storage features including pond attenuation areas and cellular storage tanks. These features have been designed to manage all rainfall events up to and including a 1:100 storm event plus a 40% allowance for climate change. The strategy has been designed to mimic the existing Greenfield Run-Off rates associated with the undeveloped agricultural land, and will maintain current flow rates by restricting discharge rates for each area of the development by using a weir overflow feature along the west/north boundaries for drainage into the existing boundary field ditches. The foul water from the site is proposed to be conveyed, via a pump station/gravity network, to an existing local sewer.
- 6.82 In accordance with the NPPF, commercial development is classed as a 'Less Vulnerable' land use, and as such the proposed development is considered to be acceptably located within Flood Zone 1. The proposed drainage strategy has been reviewed by the Council's Drainage Engineer who has confirmed that it is acceptable. WSCC's Flood Risk Management Team have also reviewed the strategy, and they agree that it would acceptably drain the development without causing additional risk to areas outside of the site. Conditions have been suggested by both specialists to ensure full details are submitted for the disposal of foul and surface water, and for the ongoing maintenance of the SuDS systems. Officers agree that these conditions would be reasonable to ensure the development complies with the provisions of the NPPF, and Policy 38 of the HDPF.

### Ecology

- 6.83 In support of the application an Ecological Appraisal and a 'Report to Inform Habitats Regulation Assessment (HRA)' have been submitted. These studies indicate that the proposed development has potential to impact foraging bats and dormice, therefore additional activity surveys and mitigation strategies for these species have also been submitted.
- 6.84 The site falls within a 'bat sustenance zone' for Barbastelle bats from the Special Area of Conservation at The Mens which is located approximately 4km west of the site. The site is also within 9km of the Ebernoe Common Special Area of Conservation, which also lists Barbastelle bats as a qualifying feature. The Habitats Directive requires that a Habitats Regulations Assessment (HRA) screening is carried out in relation to any plan or project which is likely to have a significant effect on European Habitats sites (which include Special Areas of Conservation).
- 6.85 Accordingly, the Council's Ecologist has undertaken a Stage 1 HRA screening which concludes: '*as the development will result in the loss and severance of hedgerows within the Impact Risk Zone of the SACs, it is anticipated that likely significant effects are possible at The Mens SAC and Ebernow Common SAC as a result of impacts on habitat connectivity and availability for foraging and commuting Barbastelle bats*'. As such, the HRA assessment was required to proceed to 'Stage 2: Appropriate Assessment' to consider the impacts of the fragmentation of commuting routes for Barbastelle bats on the nearby SACs. The conclusion of the Stage 2 assessment was that, with mitigation '*the project will not have an adverse effect on the integrity of the habitats sites listed in the assessment*'. In addition, Natural England have confirmed that they do not object to the proposed development.
- 6.86 The Council's Ecologist has reviewed all supporting information in relation to this application (including the submitted bat and dormouse surveys) and has confirmed that the biodiversity enhancement measures recommended in the Ecology Appraisal are supported and will secure a measurable net gain for biodiversity in line with paragraph 170(d) of the NPPF and Policy 31 of the HDPF. The Ecologist considers that the information submitted provides certainty for the Council that (with appropriate mitigation and compensation measures secured), the development can be made acceptable and can proceed. Conditions have been recommended to secure the required measures, and have been drafted within the list of conditions at the end of this report.

### Archaeology and Heritage

- 6.87 The application site is not located within proximity to any listed buildings or scheduled monuments. The nearest listed buildings are located over 0.5km from the application site. Due to the distance, changing land levels and intervening built and natural features; no listed building (with the exception of the spire of St Mary's Church) can be seen from the application site. Whilst glimpses of St Mary's Church spire are visible from the application site, the site would not be readily visible from the Church itself, therefore it is not considered that the proposed development will harm the setting of this important heritage asset. Therefore it is considered that the proposed development would have a negligible impact on the setting of any designated heritage asset and would accord with the principles of HDPF Policy 34.
- 6.88 The application site is not located within an Archaeological Notification Area, but the Council's consultant archaeologist has advised that Historic Environment Records show that the site lies within a sensitive area of heritage assets comprising known archaeology. Excavations north of the site have previously identified surviving archaeological features. The archaeologist advised that the area's topography and its existence as a high point in the landscape may also indicate the potential for medieval or earlier archaeological

remains which are both fragile and finite. As such, whilst the archaeologist raises no objection to the application, a condition is recommended to secure a programme of archaeological work in accordance with a Written Scheme of Investigation prior to the commencement of any development. Officers agree that this condition would be reasonable in order to ensure the development is acceptable and in accordance with paragraph 187 of the NPPF and Policy 34 of the HDPF. The condition has been drafted accordingly.

### Air Quality

- 6.89 Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The application site is not located within either of the District's two Air Quality Management Areas (AQMA's), but due to the most common source of air pollution coming from vehicle emission, developments which have the potential for traffic increases are required to make reasonable endeavours to minimise emissions.
- 6.90 Accordingly, the applicant has submitted an Air Quality Assessment which seeks to assess the potential local air quality impacts associated with the proposed development. The Council's Air Quality Officer has reviewed the assessment, and has not objected to the development subject to the submission, approval and implementation of a satisfactory mitigation scheme. Although there is no AQMA in Billingshurst, the proposed development will increase traffic flows in the area and, as such, the development fits within the 'Major' development category set out in the Air Quality and Emissions Reduction Guidance (2014), therefore a damage cost calculation is required to be completed. The Air Quality Officer has confirmed that the proposed damage cost calculation is accepted (circa £265,561), but has expressed concern that no specific mitigation measures have been proposed or costed.
- 6.91 As such, in order to ensure that the proposed development is acceptable in terms of its impact on air quality, further site-specific mitigation measures are required to be proposed. These measures must be costed and shown to amount to the damage cost calculation of circa £265,561. Officers consider that this mitigation can be suitably sought by condition (via the submission of a detailed Air Quality Management Plan), which has been drafted.

### **Planning Balance**

- 6.92 In determining whether the proposed development is acceptable in planning terms, the NPPF clearly states that for decision-making, the starting point in the determination of any application is the statutory status of the development plan. In this regard, the application is considered to be contrary to the development strategy of the HDPF as detailed in Policies 1, 2 and 4 owing to its location on an unallocated site outside of a defined settlement boundary. This conflict weighs significantly against the grant of planning permission.
- 6.93 Whilst planning law and the NPPF requires decision to be made in accordance with the development plan; it also allows departures from this where material considerations are considered sufficient to justify such a departure. In the case of this application, a number of factors are considered to be material to its determination, which include a range of economic and social benefits that are considered to weigh in favour of the scheme in the planning balance, as follows:
- Delivery of 4,627m<sup>2</sup> flexible employment floorspace to address local, short-term employment needs;
  - A commitment to offer new commercial units to local businesses in the first instance to provide opportunity for local enterprises to realise growth ambitions;
  - Provision of attractive, modern and purpose-built facilities to address qualitative and quantitative needs in Billingshurst and the wider district;

- Provision of a new showroom facility and workshop to enable an existing motorcycle retailer to realise ambitions to grow and to remain within the District;
- Provision of a petrol station in a key strategic location, and to fulfil local desire;
- Anticipated provision of a range of skilled jobs (up to 140) within convenient walking distance of Billingshurst centre;
- Complementary development to the large-scale housing growth already approved in Billingshurst;
- Receipt of CIL monies for the proposed retail element;
- No identified impact to the vitality of Billingshurst High Street;
- Fostering of economic growth as per the priorities in the Council's Economic Strategy;
- Support from the Parish Council;
- Support from HDC's Economic Development Team;
- Whilst there is no guarantee, the development has the potential to enable and facilitate the re-location of existing businesses in Billingshurst, thereby freeing up existing employment sites in the village for alternative, more appropriate uses.

- 6.94 The key material consideration in the assessment of this application is the net shortfall in employment floorspace completions identified so far during the HDPF plan period. This amounts to some -450m<sup>2</sup> against a target estimate of between 69,900 – 74,560m<sup>2</sup>. Despite this, 63,496m<sup>2</sup> (net, including losses) of new floorspace has been granted planning permission in recent years, but not yet commenced or completed. Whilst a converse argument that completions, extant permissions and losses provide for circa 63,500m<sup>2</sup> of new employment floorspace (comparing favourably against the target), a large proportion of this is to be delivered via three large Outline sites that still have substantial work to be undertaken to enable commencement. Officer's view is that the net completion figure of -450m<sup>2</sup> to date is compelling in demonstrating that, notwithstanding the extant permissions, there is an immediate need for employment floorspace, in particular around Billingshurst that the applicant has demonstrated can be delivered.
- 6.95 In addition, this analysis highlights that even if all extant permissions to date are considered; the net gain in employment floorspace still falls short of the EGA target for this plan period (taken as an average) by around 8,700m<sup>2</sup>. The 4,627m<sup>2</sup> of employment floorspace proposed, therefore, is considered to meet an identified need.
- 6.96 Whilst Officers do not agree with the applicant that Policy 7 is necessarily failing to work to effectively deliver additional employment floorspace; it is accepted that that the current unmet needs brought about by the large quantum of losses, coupled with the probable rise in demand going forward, is likely to result in the need for additional sites to be developed for employment development in the longer term. The current net shortfall in employment floorspace and likely additional need going forward (coupled with a lack of allocated sites for employment development in the HDPF), is considered to be a material consideration of significant importance that weighs heavily in favour of granting planning permission of this site.
- 6.97 By virtue of the location of the 14x commercial units which are proposed on rising land and are thereby more exposed; landscape harm has been identified in relation to the outline elements of the proposed development. The Landscape Architect has advised that this harm can be mitigated to some extent during the detailed design stage (by careful design and layout of the buildings and inclusion of substantial landscaping buffers etc), and considers that the overall acceptability should be weight against the needs and benefits of the resulting development. Given the above conclusions with regard to the District's employment floorspace needs now and going forward into the next plan period, Officers consider that the harm identified can be mitigated to such an extent that it would be outweighed by the benefits provided by the additional floorspace.

- 6.98 Whilst it is accepted that the proposed development for employment floorspace in this location is a departure from the adopted development strategy; significant material considerations with regard to needs and benefits have been shown to outweigh this conflicts, and Officers are of the view that on balance, the development should be approved. Similarly, whilst landscape harm has been identified in relation to the commercial units (the outline element), mitigation can be achieved to reduce this harm, and Officers consider that the balance against need and benefit weighs in favour of the development as a whole and would not warrant a reason to refuse. Officers consider that there are no other constraints on the site that would prevent development coming forward. Highways impact can be suitably mitigated with the proposed access arrangements and footpath links into the village, whilst the drainage, ecological, archaeological, air quality and amenity impacts can also be suitable managed via condition. It is also acknowledged that aside from a number of letters of objection submitted to the Council; Billingshurst Parish Council has supported this application indicating that there is local support for the development, whilst the Council's Economic Development team have also expressed support. This too weighs in favour of the proposed development.
- 6.99 In coming to a conclusion, the determination of this proposal is considered by Officers to be very finely balanced, and largely rests on the significant weight that is afforded to the conflict with the HDPF development strategy against the material considerations presented by the applicant which are largely undisputed and which present a compelling case in favour of employment development on this site. Whilst the primacy of the adopted development plan and its conflict with the proposed development carries significant weight in the overall acceptability of this development, the material considerations that demonstrate the acute need for additional and high quality employment floorspace in Billingshurst and the wider District are compelling. This argument is in full acknowledgement of the recently approved employment floorspace at Hilland Farm, which has addressed identified need to some degree, but still leaves a gap in provision. Given the evidence presented by the applicant demonstrating how this development would help to address this immediate gap, coupled with local support for the development from the Parish Council, and other technical concerns that can satisfactorily be controlled by condition; it is considered on balance that the benefits offered by the proposed scheme would outweigh the conflict with the plan-led approach.
- 6.100 For this reason, Officers consider that in accordance with section 70(2) of the Town and Country Planning Act and NPPF Paragraphs 2 and 47, the material considerations presented in this case, on balance, justify a departure from the adopted development plan. Officers therefore recommend to Members that the application is approved, subject to the completion of a legal agreement and appropriate conditions as suggested below.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
Large Format Retail	348	0	348
		<b>Total Gain</b>	
		<b>Total Demolition</b>	<b>0</b>

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

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

## 7. RECOMMENDATIONS

- 7.1 To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions and the completion of a s106 legal agreement to secure a Highways Works Scheme, and a covenant to require the Phase 2 Employment Units to be offered to existing businesses within the District for a 12 month period.

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.

### Conditions

#### 1. List of approved plans

2. **Regulatory (Time) Condition:** The development of Phase 1 of the development hereby permitted as shown on the submitted Phasing Plan [WYG-A101561-01A], shall be begun before the expiration of 3 years from the date of this permission.

*Reason: To ensure the early delivery of the employment floorspace in Phase 1, and to comply with Section 91 of the Town and Country Planning Act 1990.*

#### 3. **Regulatory (Time) Condition:**

- (a) Approval of details relating to Phase 2 of the development as shown on the submitted Phasing Plan [WYG-A101561-01A], including details relating to the scale and appearance of each building, access within the site, and landscaping of the development (hereinafter called “the Reserved Matters”); shall be obtained from the Local Planning Authority in writing before any development of this phase is commenced.
- (b) Plans and particulars of the Reserved Matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
- (d) The development of Phase 2 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

*Reason: To enable the Local Planning Authority to control the development of the Outline element in detail and to comply with Section 92 of the Town and Country Planning Act 1990.*

## Phase 1 Conditions

4. **Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted, including any ground clearance or site levelling, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document covering the development of this part of the site, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
  - iv. Site working hours and a named person for residents to contact;
  - v. Detailed site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. The anticipated number, frequency and types of vehicles used during construction;
  - viii. Details of construction traffic routing, including site access;
  - ix. Details of any construction-related floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination;
  - x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
  - xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - xii. Communication procedures with the local community regarding key construction issues – newsletters, fliers etc.
  - xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
  - xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works.

*Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).*

5. **Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for this part of the site, and a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) have been submitted to and approved in writing by the Local Planning Authority. The drainage designs shall show full coordination with a detailed landscape scheme, and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

- 6. Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal within this part of the site 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).*

**7. Pre-Commencement Condition:**

- (i) No development within Phase 1 of the development hereby permitted shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (ii) Phase 1 of the development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part [i] of this condition, and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

*Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).*

- 8. Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted, including any ground clearance or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:

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

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

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

The 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).*

- 9. Pre-Commencement Condition:** No site levelling works within Phase 1 of the development hereby permitted shall take place until full details of the final land levels and finished floor levels to be provided for development within that phase (in relation to nearby datum points) have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building within Phase 1.

*Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 10. Pre-Commencement Condition:** No development within Phase 1 of the development hereby permitted, including ground clearance pursuant to the permission granted, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

- All hedgerows, trees and vegetation on the site shown for retention on Landscape Mitigation strategy reference [A101561-1 LA10 Rev A.dwg], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

*Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 11. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 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 and recommendations set out within the Ecological Appraisal (Rev 3, July 2019) and Dormouse Survey Report (Rev 3, July 2019).

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

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

- 12. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, details of the proposed acoustic fence (including location and appearance) shall have been submitted to and approved in writing by the Local Planning Authority. No use hereby permitted shall commence until the acoustic fence has been implemented as approved. The acoustic fence shall thereafter be maintained in accordance with the approved details.

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

- 13. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, a Landscape and SuDS Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas and SuDS infrastructure (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

*Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).*

- 14. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

*Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

- 15. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, a post-completion noise assessment shall be undertaken to confirm that each building performs in accordance with the conclusions of the Noise Assessment prepared by WYG and dated January 2019. Any additional steps required to

mitigate noise shall be detailed and implemented, as necessary. The post-completion noise assessment shall be submitted to and approved in writing by the Local Planning Authority, and the details as approved shall thereafter be permanently retained.

*Reason: As this matter is fundamental in the interest of the amenity of nearby residents, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 16. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, a scheme of air quality mitigation (including the provision for the charging of electric vehicles by way of both fast and rapid charging points) shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019).

*Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).*

- 17. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority, and shall include details to mitigate impacts on air quality as set out in Chapter 5 of the Council's Air Quality and Emissions Reduction Guidance (2014), as well as provisions contained within West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019). The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the travel plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

*Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*

- 18. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, details for the provision and storage of refuse and recycling bins shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the size of bins, their location, means of enclosure and the details of the proposed refuse collector. These facilities shall thereafter be retained for use at all times in accordance with the approved details.

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

- 19. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, the vehicle parking and turning spaces shown on approved masterplan [CHQ.18.15646-PL03D] shall have been constructed and made available for use. The vehicle parking spaces shall show a minimum of 4x disable parking bays within Phase 1 of the site. The vehicle parking spaces shall thereafter be retained at all times for their designated use.

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

- 20. Pre-Occupation Condition:** Prior to the first use of any part of Phase 1 of the development hereby permitted, details of secure and covered cycle parking facilities for each part of the phase shall have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall implemented in accordance with the approved details, and thereafter be retained at all times for their designated use.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, and to ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).*
- 21. Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the vehicular access, Right Turn Lane, and VMS signage serving the development shall have been constructed in accordance with the details shown on the drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2].
- Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).*
- 22. Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the proposed footway and pedestrian at-grade crossing at the north-east of the site (linking the development to the existing footpath network) shall have been implemented in accordance with the approved details.
- Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*
- 23. Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, visibility splays of 4.5 meters by 120 and 87 meters shall have been provided at the proposed site vehicular access onto the A272 in accordance with the approved planning drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2]. 160 metre forward visibility splays shall also have been provided onto the A272 in accordance with the approved planning drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2]. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level, or as otherwise agreed.
- Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).*
- 24. Regulatory Condition:** All works within Phase 1 of the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the following documents: Ecological Appraisal [WYG Version 3, submitted 16<sup>th</sup> July 2019], Bat Activity Report [WYG Version 2, submitted 16 July 2019], and Final Dormouse Survey Report [WYG Version 3, submitted 16 July 2019].
- Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*
- 25. Regulatory Condition:** No deliveries or dispatches (excluding deliveries of fuel) shall take place within Phase 1 of the development hereby permitted, except between the hours of 06:00 to 23:00 Monday to Saturday, and 07:00 to 20:00 on Sundays and public holidays.
- Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 26. Regulatory Condition:** No manufacturing processes shall take place in connection with the B2 Workshop building within Phase 1 shown on the site masterplan [ref: CHQ.18.15464-PL03D], except between the hours of 07:00 to 23:00 Monday to Sunday.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 27. Regulatory Condition:** The car wash and jet wash facilities shown on the site masterplan [ref: CHQ.18.15464-PL03D] hereby permitted, shall not be operated except between the hours of 07:00 to 22:00 Monday to Sunday.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 28. Regulatory Condition:** No external lighting or floodlighting shall be installed within Phase 1 of the development hereby permitted other than that shown on the plan named 'Figure 5: Simplified Lighting Scheme' contained within the approved Lighting Assessment [WYG, received 07 February 2019]. All such lighting shall be maintained in accordance with the details contained within the Lighting Assessment.

*Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 29. Regulatory Condition:** No externally located plant or equipment within Phase 1 shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

- 30. Regulatory Condition:** No external storage of any materials or waste shall take place at any time within Phase 1.

*Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).*

- 31. Regulatory Condition:** No works for the implementation of Phase 1 of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

### **Phase 2 Conditions**

- 32. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted, including any ground clearance or site levelling, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall accord with the details contained within the Phase 1 CEMP, and shall be a single document covering

the development of this phase, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. The anticipated number, frequency and types of vehicles used during construction;
- viii. Details of construction traffic routing, including site access;
- ix. Details of any construction-related floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination;
- x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- xii. Communication procedures with the local community regarding key construction issues – newsletters, fliers etc.
- xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works.

*Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).*

**33. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All hedgerows, trees and vegetation on the site shown for retention on Landscape Mitigation strategy reference [A101561-1 LA10 Rev A.dwg], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

*Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 34. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for this phase, and a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) have been submitted to and approved in writing by the Local Planning Authority. The drainage designs shall show full coordination with a detailed landscape scheme, and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

- 35. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal within this phase 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).*

- 36. Pre-Commencement Condition:**

- (i) No development within Phase 2 of the development hereby permitted shall take place until a programme of archaeological work for this phase has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (ii) Phase 2 of the development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part [i] of this condition, and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

*Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).*

- 37. Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted, including any ground clearance or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination within this phase, (including asbestos contamination), has been submitted to and approved in writing, by the Local Planning Authority:

- (a) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;

- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

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

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

The 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).*

- 38. Pre-Commencement Condition:** No site levelling works within Phase 2 of the development hereby permitted shall take place until full details of the existing and final land levels and finished floor levels to be provided for development within that phase (in relation to nearby datum points) have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building within Phase 2.

*Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 39. Pre-Occupation Condition:** The use within Phase 2 hereby permitted shall not commence until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority, the Noise Management Plan shall be reviewed. Any changes to the Noise Management Plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

*Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).*

- 40. Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 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 and recommendations set out within the Ecological Appraisal (Rev 3, July 2019).

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).*

- 41. Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, a Landscape and SuDS Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas and SuDS infrastructure (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

*Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).*

- 42. Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

*Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

- 43. Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, a scheme of air quality mitigation (including the provision for the charging of electric vehicles by way of both fast and rapid charging points) shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction

Guidance document, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019).

*Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).*

- 44. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority, and shall include details to mitigate impacts on air quality as set out in Chapter 5 of the Council's Air Quality and Emissions Reduction Guidance (2014). The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the travel plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

*Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*

- 45. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, full details of the proposed footpath link along the eastern boundary to the existing footbridge as shown on approved masterplan reference [CHQ.18.15646-PL03D] shall have been submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details prior to the first occupation (or use) of any part of Phase 2, and maintained as such thereafter.

*Reason: To encourage and promote sustainable travel options to the site, and in the interests of visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).*

- 46. Regulatory Condition:** All works within Phase 2 of the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the following documents: Ecological Appraisal [WYG Version 3, submitted 16<sup>th</sup> July 2019], Bat Activity Report [WYG Version 2, submitted 16 July 2019], and Final Dormouse Survey Report [WYG Version 3, submitted 16 July 2019].

*Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*

- 47. Regulatory Condition:** No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within Phase 2 of the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 48. Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Phase 2 between the hours of 23:00 to 06:00 hours the

following day on Mondays to Fridays, 23:00 to 07:00 hours the following day on Saturdays, and 20:00 to 06:00 hours the following day on Sundays and public holidays.

*Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

- 49. Regulatory Condition:** No externally located plant or equipment within Phase 2 shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

- 50. Regulatory Condition:** Following first occupation of each unit within Phase 2 of the development hereby approved, no mezzanine or additional floor levels (other than those identified on the approved drawings listed in Condition 1) shall be constructed within any unit without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).*

- 51. Regulatory Condition:** No external storage of any materials or waste shall take place at any time within Phase 2 of the development hereby permitted without the prior approval in writing of the Local Planning Authority.

*Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).*

- 52. Regulatory Condition:** No works for the implementation of Phase 2 of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 53. 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 F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of buildings within Phase 2 the development hereby permitted, without express planning consent from the Local Planning Authority first being obtained.

*Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).*

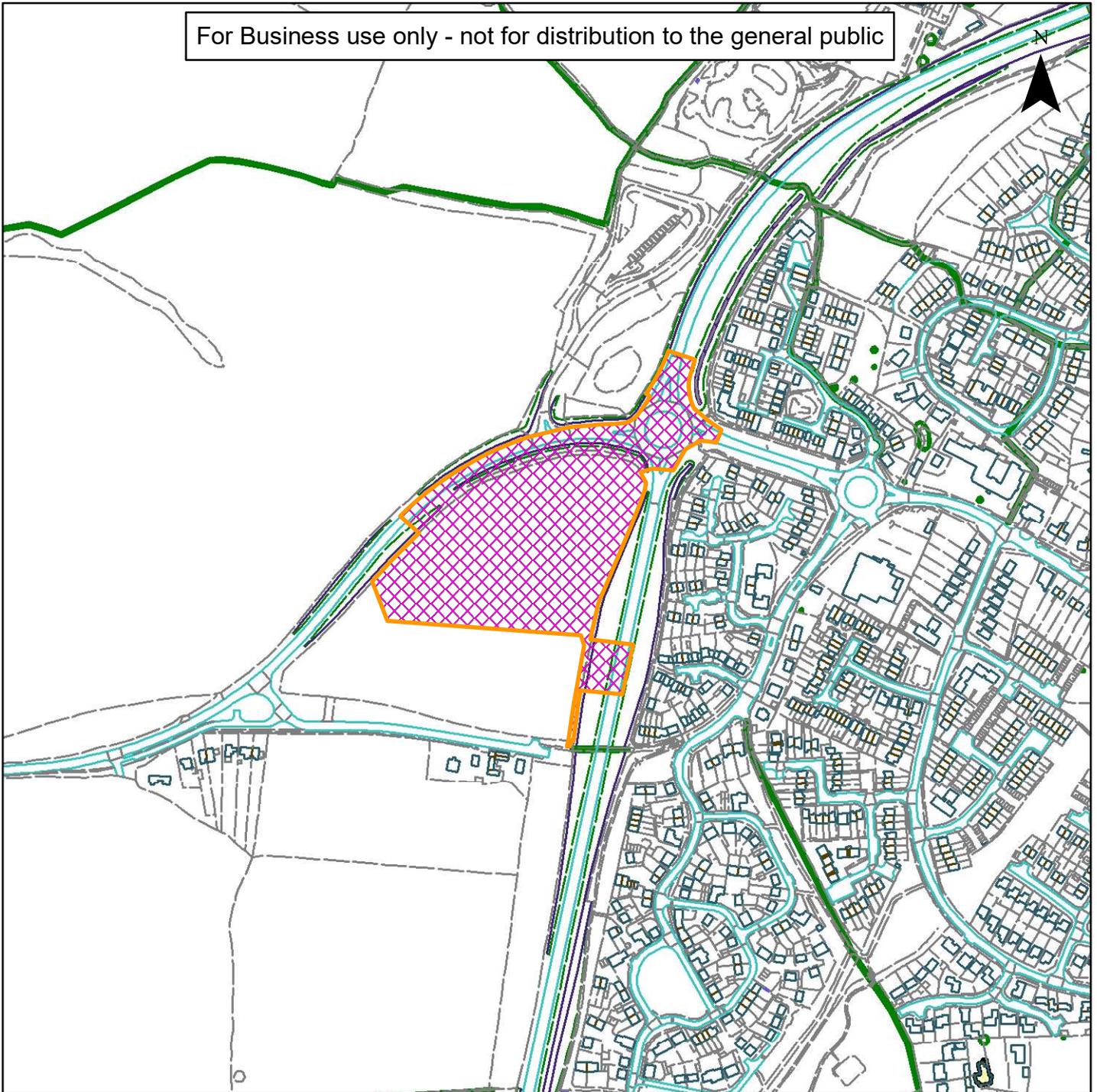
- 54. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no change of use of the units within Phase 2 of the development hereby permitted from the uses granted for that unit by this permission shall take place without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the development remains in employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).*

Background Papers:  
DC/19/0295



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Scale: 1:5,000

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Organisation	Horsham District Council
Department	
Comments	
Date	08/11/2019
ISA Number	100023865

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**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 November 2019

**DEVELOPMENT:** Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts

**SITE:** Capons Hill Farm Unit 3 Station Road Cowfold West Sussex RH13 8DE

**WARD:** Cowfold, Shermanbury and West Grinstead

**APPLICATION:** DC/19/1283

**APPLICANT:** **Name:** Mrs Dawn Richardson **Address:** BackUp Oakwood Football Club Tinsley Lane Three Bridges Crawley RH10 8AT

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

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

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the change of use of part of a modern barn to provide a Martial Arts Studio under Use Class D2.

1.3 The unit has been internally fitted to provide matted floor area, 2no. changing rooms, store room, and kitchen area. A door has been inserted within the western elevation, with no other external alterations proposed.

1.4 The works have all been undertaken, and as such the application is retrospective.

DESCRIPTION OF THE SITE

1.5 The application site comprises a single unit within a small rural industrial/agricultural estate approximately 330m west of the built up area boundary of Cowfold. The site is accessed via a track to the north side of Station Road (A272).

1.6 The wider site comprises a number of existing and former agricultural units set behind the residential dwelling known as Capons Hill Farm (outside of the ownership of the site). Several

of these units are currently in B1 use. A large area of hardstanding is located to the north and south of the building, and within the yard area directly to the front/west of the unit.

- 1.7 The wider area is characterised by open agricultural fields and countryside, with sporadic residential development along the public highway, including Capons Hill Farm which shares the access track off Station Road (A272).

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Cowfold Parish is a designated Neighbourhood Plan area. The initial Regulation 14 draft plan has been subject to public consultation however at this early stage the draft policies carry little weight in the determination of planning application.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 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](http://www.horsham.gov.uk)

## INTERNAL CONSULTATIONS

### 3.2 **HDC Environmental Health:** No Objection

## OUTSIDE AGENCIES

### 3.3 **WSCC Highways:** No Objection

(Summary) It is not anticipated that the proposal would result in a material increase in traffic movements based upon the information submitted. If the existing visibility can be improved, through the re-siting of the Parish Council signage further back from the carriageway, then a positive mitigation measure against any additional movements could be made. In conclusion, it is not considered that the proposal would have a “severe” impact on the public highway network. A condition is recommended to secure a plan showing the provision of visibility splays at the site entrance.

## PUBLIC CONSULTATIONS

### 3.4 **Cowfold Parish Council:** No comments to make, but note that the proposal would provide additional facilities for young people.

### 3.5 19 letters of objection were received, and these can be summarised as follows:

- Intensity of use
- Impact on traffic
- Safety of access entrance
- Unsustainable location – no walking or cycling links
- Poorly maintained site
- Noise impacts
- Invasion of privacy
- Impact on birds
- Asbestos in building
- Urbanisation
- Unneighbourly hours of use
- Submitted visibility splays in adequate

### 3.6 111 letters of support were received, and these can be summarised as follows:

- Beneficial community facility
- Provides social and community benefits
- Adequate site parking provided

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

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

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks full planning permission for the conversion of the existing unit to a D2 use to provide Martial Arts Studio.

### Background

- 6.2 The application site comprises a former agricultural barn and stable building which have been previously subdivided to comprise a number of B1 units, with the wider land providing areas for associated car parking and open storage.
- 6.3 There have been no formal planning permissions for the use of the buildings as B1 premises, and it is unclear the length of time these units have been in their current use. Earlier applications on the site indicate that permission was sought and refused for extensions to and use of the building for B8 use in 1993, with no applications after this date to change the use of the buildings from agricultural.
- 6.4 Previous compliance investigations into the use of the buildings dating from 2007 and 2010 suggest that the buildings have been in B1c (Light Industrial) use for a considerable period of time, with photographs from the 2010 investigation showing B1 occupation of the application unit in May 2010. This latter investigation concluded that it was not expedient to take action given the period of time the units had been in use for B1 purposes. It is also noted that the units on the site are registered for business rates as “workshop and premises”, with evidence indicating that these have been registered from at least 2011. Given the evidence described above, which provides certainty that B1 use was taking place some 9.5 years ago at least, it is considered on the balance of probabilities that the buildings have been in B1 use for a period of 10 years or longer and as such are immune from enforcement action in respect of their use.

### **Principle of Development**

- 6.5 Policy 9 of the Horsham District Planning Framework (HDPF) states that the redevelopment of employment sites must demonstrate that the site/premises is no longer needed and/or viable for employment use. Policy 10 states, in part, that sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle, with a preference for such acceptable uses to be contained within existing buildings or within the boundaries of an existing industrial estate.
- 6.6 Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location, and should increase the range, or improve the quality of accommodation, attraction, or experiences for tourists, day visitors, business visitors and residents in the District. In addition, Policy 43 of the HDPF states that the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of green infrastructure. Sites located outside of built-up areas will be supported where this is the only practicable option, and where a suitable site well-related to an existing settlement exists.
- 6.7 In addition, Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs will be encouraged and supported. Particular account will be taken on the need to address the requirements stemming from, among other, the coordination of services to fulfil the needs of young people.

- 6.8 Policy 26 of the HDPF seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.
- 6.9 The draft Cowfold Neighbourhood Plan carries little weight at this early stage of preparation. It is noted that draft Policy 6 of the Plan states that development proposals that bring redundant buildings back into use for the benefit of the community will be supported, whilst draft Policy 7 states that proposals to enhance or provide new facilities for the benefit of young people, including but not limited to, children's play areas, sporting facilities and youth club activities, will be supported.
- 6.10 The Martial Arts Studio sits within part of a modern barn complex within a small rural industrial estate. Horsham Martial Arts Academy was formed in May 2019 and encompasses a number of martial arts disciplines under the organisation. Initially Brazilian Ju Jitsu coaching was undertaken from a small room at The Pavillions, where the facilities were not large enough to allow enough space for more than a few students. Having been informed of the development at Broadbridge Heath Leisure Centre, coaching was undertaken from a larger room in this premises for just over a year, but due to restrictions on the availability of the room, and the requirement for a fully matter floor, a purpose built training area has been sought. While searching for appropriate facilities, it was also considered that additional martial arts disciplines could be provided, with a number of existing members now providing coaching in Judo, Boxing, and Muay Thai. The formation of Horsham Martial Arts Academy has resulted in the amalgamation of a number of individual coaches into one organisation, with the application building having been leased solely for use as a mixed martial arts studio.
- 6.11 The development retains employment use of the building to comply with Policy 9 and in addition offers leisure and recreational facilities for both adults and children. The proposal caters for 10 individuals within each class, which is considered to be of a scale that would be appropriate to the countryside location. The proposed use would increase the range, attraction, and experiences for residents and visitors in the District, and would provide social benefits to the local community.
- 6.12 Accordingly the use is considered to contribute to the sustainable economic development of the rural area, providing both social and economic benefit. The use is located within an existing building and within the boundaries of an established commercial site, and would improve the leisure and sport offer within the District. The site is a short distance from the built-up area of Cowfold, and would provide social benefits to the community, and improve the facilities within the District. Furthermore, the use provides sporting facilities for young people within a formerly underused building.
- 6.13 For these reasons, the proposed use is considered acceptable in principle, subject to all other material considerations.

### **Design and Appearance**

- 6.14 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.
- 6.15 The only external alteration is the insertion of a door. The development otherwise retains the rural utilitarian character and appearance of the building, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

## **Amenity Impacts**

- 6.16 Policy 33 of the HDOF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.17 A number of objections have been received which have raised concern with potential amenity issues arising from the level of activity at the site, and the resulting noise and disturbance.
- 6.18 The application site is positioned at a distance from the sporadic residential properties located along Station Road and Brownings Hill. The application site is though located to the rear of the residential dwelling known as Capons Hill Farm, which is positioned approximately 95m to the south of the site. The access track to the site runs directly beside Capons Hill Farm, which is oriented to face west with its associated amenity space positioned to the north. Capons Hill Farm is therefore the dwelling that would be most impacted from traffic movements and noise from the use of the unit.
- 6.19 The supporting information outlines that the premises would operate between the hours of 12pm and 8pm on Mondays; 4.30pm to 8.30pm Tuesdays; 5pm to 9pm Wednesdays; 9.15am and 9pm Thursdays; 12pm to 8pm Fridays; 09.30am to 2pm Saturdays; and 9.30am and 2pm on Saturdays. The classes provide for both adult and child classes, comprising Brazilian Ju-Jitsu (Grab and No-Grab), Judo, Thai Boxing, Mixed Martial Arts, Boxing, and Strength and Conditioning. Each class would be limited to approximately 10 individuals.
- 6.20 Whilst it is acknowledged that the proposal would result in additional activity and visitors to the site, the class sizes and associated activity and movements is relatively modest such that a refusal based on increased activity at the site and disturbance from increased use of the track by vehicles would be difficult to evidence or sustain. Indeed any such disturbance from traffic would be experienced in the context of the existing traffic and noise from the busy Station Road (A272). On this basis it is not considered that the use of the site would jeopardise the enjoyment and amenity of the nearby neighbouring properties.
- 6.21 Following consultation with the Environmental Health Officer, no objections have been raised to the proposal. It is however, considered reasonable and necessary to impose conditions in respect of hours of operation, number of attendees, and restrictions on amplified music and sound. These are considered necessary to protect the amenities or neighbouring properties, and ensure that the use operates in a reasonable manner, as the application has been assessed on the limited number of persons that would be onsite at any one time.
- 6.22 Subject to the conditions, it is considered that the proposal would not result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

## **Highways Impacts**

- 6.23 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.24 It is proposed to utilise the existing access track from Station Road (A272), with the existing area of hardstanding utilised for parking. The Applicant has provided a Parking Layout Plan indicating that a minimum of 20no. parking spaces would be available on the site.
- 6.25 It is noted that a number of objections have been received in respect of the safety of the access and the intensity and frequency of traffic movements entering and exiting the site.
- 6.26 The WSCC Highways Authority do not consider the impact of the development would result in a sever highway impact or highway safety issues. The latest comments from the Highways

officer does not anticipate a material increase in traffic movements generally, although officers recognise that movements at the start and end of classes may be greater than currently experienced from the previous use of the site.

- 6.27 The Highways officer considers that the existing access is functional, and that suitable visibility splays are achievable. It is noted that there is an existing low level parish entrance sign close to the site entrance that will need to be moved by 0.5m to achieve the optimum visibility splay and a requirement to manage this is recommended by condition.
- 6.28 In addition, it is considered that the number of vehicle spaces provided would be acceptable for the intended use. On this basis, it is considered that the site benefits from an acceptable access, with the continued use of this access not considered to result in harm to the function or safety of the highway network.
- 6.29 The proposal is therefore considered to provide safe and adequate access, suitable for all users, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

### **Conclusion**

- 6.30 The proposed use is considered to contribute to the sustainable economic development of the rural area, providing both social and economic benefit. The use would be located within an existing building and within the boundaries of an established commercial site, and would improve the leisure and sport offer within the District. The site is relatively well-connected to the built-up area of Cowfold, and would provide social benefits to the community and improve the facilities for young people within the District.
- 6.31 Subject to conditions as listed in Section 7, the proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties or users of land. In addition, it is considered that the existing access is suitable for the intended use, with the available car parking considered adequate.
- 6.32 It is therefore considered that the proposal accords with all relevant local and national planning policy.

## **7. RECOMMENDATIONS**

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

### Conditions:

- 1 **Approved Plans**
- 2 **Regulatory Condition:** Within 3 months of the date of the approval hereby given, a Noise Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to management responsibilities during all operating hours, and measures to control noise from all activities and operations at the site (including the operation of any amplified sound equipment). The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use.  
  
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).
- 3 **Regulatory Condition:** Within 3 months of the date of this planning consent, maximum visibility splays shall be provided at the site access onto the A272 (Station

Road) in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety, and in accordance with Policy 41 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The use hereby approved shall be for a Mixed Martial Arts Studio (Use Class D1) and for no other purpose with Class D1 of the Use Classes Order 1987.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the countryside location and the proximity to the neighbouring properties under Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 09:00 and 21:00 Monday to Friday and 09:30 and 14:00 on Saturdays and Sundays.

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

- 6 **Regulatory Condition:** At no time shall the number of participants exceed more than 10 individuals and 1 instructor.

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

- 7 **Regulatory Condition:** No amplified music or public address system shall be played within the building except between the approved business hours, and shall at no times be played outside of the building.

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

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

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

#### NOTE TO APPLICANT

The Applicant is advised that the existing Parish Council signage on public highway land may require re-siting to achieve the appropriate visibility splay. The re-siting of the sign will need to be agreed with the Parish Council as it is their sign and the applicant is likely to have to fund the re-siting of the sign. To undertake the works a Street Works Permit would also be required from West Sussex County Council Highways.

Background Papers: DC/19/1283



## AGENDA ITEM 02 – DC/19/1283

Unit 3, Capons Hill Farm, Station Road, Cowfold

### **Parish Council Response:**

The Parish Council response has been incorrectly summarised with the Committee Report, and refers to now superseded comments made by the Parish Council. An updated consultation response from Cowfold Parish Council was received on 10 September 2019, and this can be summarised as follows:

*The Parish Council raises objections in respect of road access and egress from and to the A272. It is noted that previous planning applications have been rejected by Horsham District Council on these grounds.*

*In addition, health and safety considerations relating to light pollution, on-site parking control, and current state of the building are matters of significant concern.*

### **Previous Planning Applications:**

It is noted that the Parish Council have stated that previous planning applications at the site have been refused on the grounds of highways access.

The site was subject of an earlier application under planning reference CF/40/92 for “Alterations and extension to building to change use from agricultural to distribution and storage of vegetables and fruit”. This proposal involved the demolition of the stable buildings and the change of use of the agricultural building to provide storage and distribution of home grown vegetables and purchased fruit and vegetables. As part of this proposal, the retained building would be extended, with alterations to the access and hardstanding to provide parking for cars and lorries also proposed.

The application was considered at Committee where it was resolved to refuse the application for the following reasons:

- 1. The proposed use would affect adversely the rural character of the locality and amenities of adjoining residents by virtue of the nature and level of traffic and activity generated together with the proposed operating hours of the business contrary to established Structure and Local Plan policies.*
- 2. The conversion of the existing agricultural buildings to allow for the B8 storage and distribution use would result in the erection of an additional building to serve the holding contrary to established Structure and Local Plan policies which aim to restrict the amount of new development in the countryside.*

Following the refusal of the above application, a later application under planning reference CF/27/93 was submitted for the same development. This application was subsequently refused at Committee for the same reasons as the earlier application.

The application under reference CF/40/92 was considered at appeal, where the Inspector considered that the main issues were whether the development would seriously harm the appearance and character of the surrounding rural area, and whether the development would harm unacceptably the amenities of local residents through noise and disturbance.

On the matters of noise and disturbance, the Inspector outlined that the wholesale business would operate on a 24 hour basis, with heavy goods vehicles arriving and departing from the site during the night and early morning. However, the Inspector considered that given the status of the A272 road, and the volume of traffic which travels along it, it was unlikely that the amount of noise and disturbance generated in the night would be so great as to readily distinguish from that caused by existing traffic movements. While the Inspector noted that some noise would be created by lorries braking and turning into the site, it was not considered that this would be so great as to cause an unreasonable level of disturbance to the occupants of the nearest group of residential properties on the south side of the A272 road. As the proposed development would be located at a considerable distance from the nearest residential properties, it was also considered that the noise and activity created through the loading and unloading of vehicles would not be unduly intrusive. The Inspector thereby concluded that the amenities of local residents would not be unacceptably harmed through noise and disturbance.

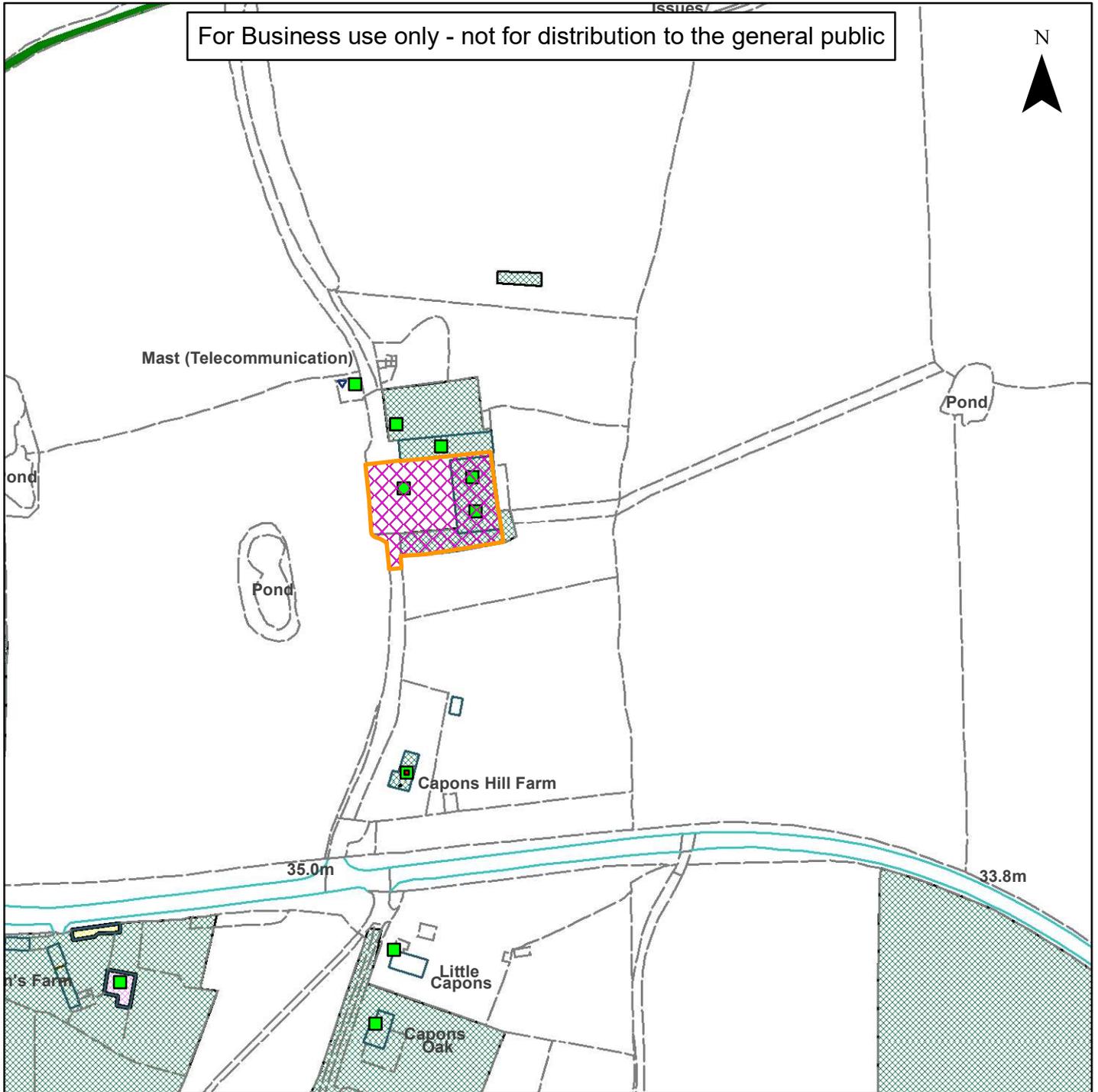
The appeal was dismissed on the grounds of harm to the appearance and character of the rural area (due to the proposed extension to the building and associated lorry parking), as well as the need for the development in a countryside location. It was considered that the development conflicted with policy on these two grounds. However, the Inspector did not consider that the proposed development would result in harm to the amenities of nearby residents, with no suggestion that the access situation was inadequate.

While the dismissed appeal is of note, the reasons for the dismissal relate to the effect the development would have on the appearance and character of the rural area, and the essential need for the development within the countryside location. It was considered that the scale of the extension and associated operational development would far exceed what would be expected within a countryside location, with questions as to whether the development as proposed was essential to the countryside locality.

The current application is notably different. The proposal seeks to re-use a building within its current footprint, with the level of activity far lower than the anticipated movements generated by a wholesale business. While noted that the appeal was dismissed on the grounds of an essential need in the countryside, it is recognised that the planning policy context has changed since this decision. Local plan policies support the re-use of buildings for rural economic development and leisure facilities, and there is considered to be policy support in this regard. In addition, the planning context of the site has changed since this decision, with the likely lawful use of the site now for B1 purposes. Therefore, while the previous appeal decision is of note, it is not considered to be of such significance to alter the recommendation.



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Organisation	Horsham District Council
Department	
Comments	
Date	08/11/2019
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19th November 2019

**DEVELOPMENT:** Erection of a two storey building to provide 8.No. apartments, erection of extension to existing building to create additional dwelling, provision of new access and parking to serve existing and proposed dwellings and erection of bin/cycle store.

**SITE:** Rambledown House Common Hill West Chiltington West Sussex RH20 2NL

**WARD:** West Chiltington, Thakeham and Ashington

**APPLICATION:** DC/19/1226

**APPLICANT:** **Name:** Mr A Harrison **Address:** 104 Alinora Crescent Goring-by-Sea BN12 4HJ

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

**RECOMMENDATION:** To refuse planning permission.

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

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

This application seeks planning permission for the provision of 9 no. new residential units on this site formed by the erection of a new building on land to the south of Rambledown House to provide 8 x 2 bedroom apartments, and the extension of the existing building (currently containing 3 no. dwellings) to create 1 additional apartment. A total of 12 x 2 bedroom apartments would be provided on site (3 of which already currently sit within Rambledown House).

A new vehicular access would be created from Common Hill to the east and a new central access drive would be formed across the length of the site with 16 parking spaces provided within the site. The existing garages that currently front onto Common Hill would be demolished.

The new apartment building would incorporate a Gross External Area of 426sq.m, with a larger footprint at the eastern end of the building narrowing to a smaller footprint at the western end. The building would have a total length of 28m and a maximum depth of 17m.

The two storey building would measure 5.3m to the eaves level and 9.3m at its maximum ridge height.

The proposed extension to Rambledown House would be formed at the western end of the existing building. This would involve the demolition of an existing conservatory and the erection of a replacement two storey extension on the western side of the existing building. The extension would measure 3.5 in length, 4.4m in depth and 7.3m in ridge height. The extension has been designed to mimic the height and pitched roof form of the existing building.

Amended plans have been received during the consideration of this application which have reduced the western part of the new apartment block, stepping it in and down 0.8m in height from the larger part of the building. The design of the new apartment building has been amended so the overall appearance is less symmetrical and balconies have been removed from the northern elevation. The access road has been narrowed to 3.8m and re-aligned. The car parking spaces in front of Rambledown House have been reduced to 3 spaces with one re-located to the rear with the pergola removed.

The originally proposed cycle/bin store has been reduced in size and would be only for storage of bikes and mobility scooters. The bin storage areas are now proposed in two separate locations, adjacent to the proposed cycle store for Rambledown House and towards the southern frontage of the site for the new apartment building.

## DESCRIPTION OF THE SITE

The application site is located on the western side of Common Hill and comprises an area of approximately 0.4ha. The topography of the site falls from north to south with a difference of around 3m across the site.

The site is currently occupied by a large building, known as Rambledown House, which is located close to the northern boundary of the site with a large expanse of formal shared garden space to the south. The existing building is sub-divided into three apartments, comprising 1 x 2 bedroom apartment and 2 x 2 bedroom apartments.

The only existing vehicular access and driveway to the site is from Rambledown Lane to the west of the site where there is a single garage and timber building close to the entrance. There are two large flat roofed garages on the frontage of Common Hill which are accessed from the public highway.

The site includes an overgrown area of land to the south of the rear access drive, which was formerly part of the garden to the neighbouring property, Hideaway, but now forms part of the curtilage to Rambledown House. Trees and mature shrubs bound the perimeters of the site, the most prominent being the large oak tree on the frontage of the site which is the subject of tree preservation order, TPO/0541. Several other trees on the northern boundary are also protected by tree preservation order, TPO/0397.

Part of the front boundary of the site, adjacent to Common Hill, has close boarded fencing. The remainder of the sites frontage is set back behind a paved area with the existing garages forming the frontage with stone walling in between them and an arched pedestrian entrance.

The surrounding area of West Chilmington Common is characterised by its tree lined lanes and semi-rural character, dominated by low density housing comprising sizable detached properties set within a mix of large and medium sized plots. The development pattern is generally informal served by private roads off the main highway. Residential properties are

typically set back from the road, and are mostly screened from the street scene perspective by a landscaped or fenced frontages.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

#### 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 37 - Sustainable Construction  
Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

West Chiltington Parish submitted their Submission Draft Neighbourhood Plan to Horsham District Council on 19 November 2018. In accordance with legislation, the Council is in the process of considering whether the plan meets the Basic Conditions and can progress to Regulation 16 consultation and formal examination.

As the Draft Neighbourhood Plan is not yet 'made', the relevant policies listed below hold limited weight in the consideration of this application.

- Policy H2 Quality of Design
- Policy H3 Housing Mix
- Policy H4 Housing Density
- Policy H6 Windfall Sites
- Policy H7 Outdoor Space
- Policy H8 Attention to Detail
- EH1 Built up Area Boundary
- EH5 Protection of Trees & Hedgerows
- GA3 Parking & New Development

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/10/0280	Erection of 1 x 4-bed dwelling on land to the south of Rambledown House (Approval of Reserved Matters)	Application Permitted on 02.06.2010
DC/07/0970	Erection of 1 dwelling on land to the south of Rambledown House (Approval of Reserved Matters)	Application Permitted on 27.07.2007
DC/04/0291	Erection of 1 dwelling on land to the south of Rambledown House (Outline)	Application Permitted on 21.03.2005
WC/49/92	Renewal of un-implemented permission to erect 1 dwelling & garage (outline)	Application Permitted on 21.08.1992
WC/75/89	Erection of 1 dwelling and garage on land to the south of Rambledown House	Application Permitted on 01.08.1989
WC/50/86	Erection of a dwelling and garage on land to the south of Rambledown House	Application Permitted on 30.07.1986
WC/17/86	Erection of a dwelling and garage on land to the south of Rambledown House	Application Refused on 24.04.1986

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATION

**HDC Landscape Architect:** No Objection.

A lack of amenity space has been left around the block of flats which seems a little cramped. Recommended that footprint of new building reduced. Scale of the building in relation to the settlement pattern is satisfactory and the addition of biodiversity enhancements is welcomed.

**HDC Arboricultural Officer:** No Objection.

The footprint of the proposed apartment block registers some small encroachment into the root protection area of the protected Oak tree. However, the degree of encroachment appears reasonable and minor, and in compliance with BS 5837. Some additional encroachment is shown in regard to the creation of a new access off Common Hill, though within the northern quadrant of the root protection area of the tree there is an abundance of hard surfacing, walls, and ancillary buildings. Hence the creation of this new access does not represent a problem to the tree.

The submitted details regarding the protection of retained trees on the site through the development process is also in compliance with BS 5837 and is satisfactory.

**HDC Drainage Engineer:** No Objection.

Condition recommended to secure foul and surface water drainage.

## OUTSIDE AGENCIES

### **WSCC Highways:** Comment.

[Summary of Initial Comments]: The proposed development is forecasted to generate a small increase in the number of vehicular movements than has been generated historically by the site. These movements will be spread across the day, with peaks of approximately 30 vehicle movements occurring during the hours of 0800-0900 and 1700-1800. A review of the proposed access Common Hill junction indicates that, while visibility is restricted, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the restricted visibility has been detrimental to highway safety. Based on an assessment of the TS the LHA does not consider that the proposed would have 'severe' impact on the operation of the highway network. Recommends conditions to secure access prior to occupation and visibility splays of 2.4 metres by 54 metres to the north and 52 metres to the south.

[Summary of Subsequent Comments]: There has been some small changes to parking arrangements but these changes would not result in any highway related concerns.

### **Ecology Consultant:** Comment.

[Summary of Initial Comments]: Emergence surveys relating to bats are required to be submitted. In addition, clarification on the rating of Building 2 as Low is required. Further survey and assessment of all trees to be removed is also required as there is potential for them to support roosting bats. Confirmation of the mitigation for the 'important linear corridor' for bats is also required prior to determination and this should include a buffer as well as lighting restrictions.

[Summary of Subsequent Comments]: The ecological information to be sufficient to assess impacts on protected species and habitats, in particular bats. Recommends conditions to secure ecological appraisal mitigation and enhancement measures, reptile mitigation strategy, wildlife sensitive lighting scheme and biodiversity enhancement layout.

**Southern Water:** No Objection

**West Chiltington Parish Council:** No objection

[Summary of Initial Comments]: Objection

- Further ecological studies should be completed
- The first-floor balconies overlook surrounding single storey properties
- Concerns over the bin storage location and the operation of the collection system
- Inadequate number of parking spaces
- Concerned with the watercourse and drainage
- The vehicle access drive is in close proximity to the existing and proposed new buildings

[Summary of Subsequent Comments]: Support  
The Parish Council raises no objection.

## PUBLIC CONSULTATIONS

A total of 60 representations have been received in connection with this application.

20 representations object to the proposed development. 37 representations support the proposed development and 2 representations neither objecting nor supporting the application.

The following summarises the main reasons for objection:

- Highway safety concerns relating to new access and additional traffic
- Out of keeping with the character and appearance of the area
- Overdevelopment
- Insufficient parking provision for no. of flats
- Impact on wildlife and trees
- Inadequate surface water drainage
- No affordable housing provision

The following summarises the main reasons for support:

- Need for smaller dwellings in the village for older people downsizing and for younger people
- Well-designed development, fits in well with landscape
- Sustainable location, well placed for local amenities
- Highway safety and parking improvements
- Removal of unattractive garaging to site frontage

The following summarises the additional comments made by letters of representation neither objecting nor supporting the application:

- Proposed vehicular access should be formed prior to construction of apartment building and construction traffic should use Common Hill access and not existing Rambledown Lane access
- Adequate surface water drainage should be provided

#### **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**

Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built up areas. Any infilling will be required to demonstrate that it is of appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

The application site lies within the defined built up area boundary of West Chiltington Common, which is categorised as a 'medium village' within policy 3 of the HDPF. These are settlements with a moderate range of services and facilities, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.

Given the location of the site within the defined built up area boundary, it is considered that the principal of infill development would be acceptable in terms of its sustainable location. It is also acknowledged that planning permission has previously been granted under several different applications for the subdivision of the existing plot to provide one additional detached dwelling on land to the south of Rambledown House. Taking into account the planning history of the site and the large expanse of land to the south of Rambledown House, it is considered that the site is capable of accommodating a level of infill development.

## **Housing Need**

The Applicant states within the Supporting Statement that the proposed scheme responds to the locally identified housing needs within West Chiltington and considers that this should weigh heavily in favour of the current proposal.

The Draft Submission West Chiltington Neighbourhood Plan is at the Regulation 15 stage and has been submitted to Horsham District Council (HDC) for further consultation ahead of independent examination. As the Draft Neighbourhood Plan is not yet 'made', the relevant policies listed below hold limited weight in the consideration of this application. The Draft Neighbourhood Plan however provides useful information relating to the housing aspirations of the Parish in response to an evidence base of documents. The primary document relates to a Local Housing Needs Survey commissioned by the Parish of West Chiltington and undertaken by Action in Rural Sussex (AIRS) in April 2014. This study identified a need for affordable houses in the Parish and a need for smaller units to enable older people to downsize.

The Draft Neighbourhood Plan considers the Parish's strengths and weaknesses and its existing community profile to assist in ensuring that its Plan meets the needs of its residents in the future. It shows that just over a third of the population in the Parish is over 65 and that housing stock is mostly detached dwellings (85%) with only 4% comprising a flat or maisonette.

One of the main objectives of the Draft Neighbourhood Plan is that housing should be well designed to meet local needs and respects the current character, local distinctiveness and cultural heritage of the Parish. Policy H1.1 of the Draft Neighbourhood Plan reiterates the findings of the 2014 housing needs study which identifies a need in the Parish for a range of affordable housing, mid-range housing and downsizing housing for the elderly.

The proposal would provide 9 additional 2 bedroom apartments on the site which would provide additional housing provision for local people to downsize from larger detached dwellings which dominate the Parish. It is however noted that no provisions have been put forward by the Applicant within this proposal to state that the units would be exclusively restricted to local people living within the Parish. It is therefore presumed that the proposed apartments would be available for sale on the open market.

The provision of 9 additional 2 bed apartments would contribute towards meeting a local housing need within the Parish, and this needs to be considered carefully within the planning balance in relation to other planning considerations such as the retention of the unique character and local distinctiveness of West Chiltington Common and all other material planning considerations.

## **Design, Layout and Appearance:**

Policy 32 and 33 promote development which is of high quality design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the natural and built environment, making efficient use of land, and prioritise the use of previously developed land and buildings whilst respecting any

constraints that existing. The scale, massing and appearance of development should be of a high standard of design and layout which relates sympathetically with the built surroundings, open spaces and routes within and adjoining the site.

The proposed development would be located in an area which is characterised by its tree lined lanes and semi-rural character. West Chiltington Common is dominated by low density housing comprising sizable detached properties set within a mix of large and medium sized plots. The existing building on the site benefits from a large expanse of communal garden space to the south and there is considered to be some scope for infill residential development to the south of the existing building.

The proposal seeks permission for a two storey extension to the existing building and a new apartment building to the south of the existing building. The proposed apartment building would be substantial in size, measuring 28m in length, 17m in depth, and with a maximum ridge height of 9.3m. A new access driveway would also be formed between the existing building and the proposed apartment building which would extend the entire length of the site with groupings of parking spaces located adjacent to the access driveway. The combination of the scale of the apartment building, extension to the existing building and associated vehicular and parking infrastructure to serve the proposed 9 additional apartments would create a cramped form of development which would significantly reduce the spacing around the existing building, Rambledown House.

The amended plans submitted have sought to increase the spacing around the existing building and proposed apartment building by re-aligning and reducing the width of the access driveway and reducing the scale of part of the new apartment building. However, these would provide relatively minor changes to the overall spacing and layout of the proposed development, which is considered to appear cramped in comparison to the character and spaciousness of the nearby surrounding housing.

The proposed apartment building would comprise a substantial building that would comprise 8 apartments and a footprint of 426sq.m. The scale, massing and design of the proposed building comprises that of an substantial apartment building which does not reflect the proportions of a large detached dwelling set within spacious surroundings which typically characterises the area. It is acknowledged that the submitted amended plans have sought to address Officers concerns in this respect, by staggering the western part of the apartment building back from the larger part of the building so that it appears as a smaller addition to a large dwelling when viewed from Common Hill. It is noted that features of the building's built form reflects that of a rural vernacular and improvements have been made to break up the massing of the building. It is however, considered that the new apartment building would still incorporate a considerable scale, bulk and mass, which would not reflect the distinctive semi-rural spacious character of residential development within the area. This impact would be compounded by the significant areas of hardstanding required to form the access drive and necessary parking bays, such that the site would appear predominantly one of built structures and hardstanding rather than the open largely green environment that characterises the area.

The topography of the site is set down from the road level to the west and this would minimise some of the perceived bulk and scale of the apartment building when viewed from Common Hill. The Oak tree to the eastern road frontage and planting along the eastern and southern boundaries of the site would also provide screening of the proposed development. The bulk and scale of the apartment building would however still be apparent from the street scene perspective when viewed through the new access driveway that serves the development.

The proposed scheme would comprise overdevelopment of this infill site and a cramped layout of the development that would be at variance to the prevailing verdant open

character and pattern of the surrounding development. The proposal is considered to conflict with policies 32 and 33 of the HDPF.

### **Amenity Impact**

Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The submitted Tree Surveys and Planting Masterplan show that most of the existing planting to the southern and western boundaries would be retained with additional planting strengthening the coverage to these boundaries. This would predominantly screen the apartment building from the neighbouring properties which surround the application site. The first floor windows within the southern elevation of the apartment building would be distanced 7.6m to the rear garden of Little Rambles and 26m to the north facing windows within this neighbouring property. To the west the first floor windows within the apartment building would be distanced 11m to the rear garden of Glenmore and 28m to the nearest rear facing windows within this neighbouring property.

The first floor balcony on the south-west corner of the apartment building would be located 21m to the neighbouring property to the south-west, Heronscroft. The first floor balcony on the south-west corner of the apartment building has also been carefully positioned within an area of denser planting to avoid any loss of amenity to the neighbouring properties to the south-west. Taking into account the separation distances between the proposed apartment building and the neighbouring properties, together with proposed landscaping scheme submitted, it is considered that the proposed apartment building would not cause any harmful loss of amenity to the occupiers of existing neighbouring properties to the south and west.

To the north, the proposed two storey extension to Rambledown House would be predominantly screened to the neighbouring property, Red Gables, 1 Chilmington Close by the existing trees within the neighbour's rear garden. One new first floor window would be inserted in the northern elevation of Rambledown House. As this window would serve a bathroom, if other aspects of the development were considered to be acceptable this window could be required by condition to be obscure glazed to avoid any loss of amenity to the neighbouring property to the north.

The creation of the 9 additional apartments, a new access driveway and 16 formal parking spaces would create an increase in general activity and vehicular movements within the site. The Transport Statement estimates that the proposed development would create 28 additional movements within a 12 hour day period. This would create a considerable increase in noise, activity and vehicular movements in what is currently a quiet and tranquil backland garden environment. It is considered that this would create a harmful degree of activity and noise disturbance to the neighbouring properties that surround the site, out of character with the peaceful backland garden character of the immediate area. The proposal falls contrary to Policy 33 on this basis.

### **Highways**

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The application would be accessed via a new bellmouth arrangement onto Common Hill which proposes a 4.8m width with kerb radii of 6m. A Transport Statement has been submitted with this application which provides details of the achievable visibility splays, an indication of the number of vehicle trips associated with the proposed development and a speed survey to ascertain 85th percentile road speeds at the proposed point of access onto Common Hill.

The County Council Highways Authority have advised that the visibility splays for the proposed vehicular crossover onto Common Hill should be taken from a position 2.4m back from the centre of the access and to a point north and south of the access to an appropriate offset to from the kerb line, which is typically the nearside running line of the carriageway. The submitted plans show visibility to the south of the access is achievable to 52.5m to a 1m offset. Visibility to the north, due to the location of a brick pillar, is achievable to 54.7m to a 2.7m offset. The visibility splays recommended by the Highways Authority would not therefore be achieved.

The Highways Authority considers that the proposed access would provide a significant improvement to the current access arrangement which does not provide any turn on site facility. As the proposed vehicular access would only comprise a slight reduction in the recommended visibility splays and would provide a considerable improvement in relation to the existing access which requires vehicles to reverse onto Common Hill, it is considered that the achievable visibility splays would be acceptable in this instance.

The site provides a total of 16 parking spaces on site, including two disabled bays. One space is allocated per unit, with 4 unallocated spaces provided for additional resident and visitor parking. Secure cycle parking would be provided within the cycle store outbuilding adjacent to the frontage of the site. At present, car parking to serve the existing 3 flats appears to be informal with approximately 5 spaces provided within the two garages and hardstanding fronting the Common Hill and some parking capacity on the access driveway from Rambledown Lane to the west. The proposed development meets the requirement of 16 car parking spaces as set out within the County Council's Parking Demand for new developments (updated August 2019) and exceeds the cycle parking space requirements.

### **Landscape & Trees**

An Arboricultural Survey accompanies the application which identifies all the trees on the site, their categories in accordance with BS5837 2012 and their root protection zones. The Arboricultural Impact Assessment and Arboricultural Method Statement considers the impact of the development on the trees and the measures required to protect them during the course of construction.

The large Oak tree is covered by Tree Preservation Order 0541 and comprises a prominent tree within the street scene when viewed from Common Hill. Just beyond the northern site boundary are a range of trees protected under Tree Preservation Order 0397. Eleven individual trees and one small group of small Lawson's cypress are proposed for removal and of these trees, only 3 meet the category of 'C', as set out in BS 5837 'Trees in relation to design, demolition, and construction - Recommendations' (2012). None of the trees to be removed are considered to be of any especial merit, nor of exceptional amenity value.

The footprint of the proposed apartment block encroaches slightly into the root protection area of the protected Oak tree along the sites roadside frontage. The Council's Arboricultural Officer considers this degree of encroachment to be minor and acceptable. Some additional encroachment is shown in regard to the creation of a new access off Common Hill, though within the northern quadrant of the root protection area of the tree there is currently an abundance of hard surfacing, walls, and ancillary buildings. It is therefore considered that the creation of this new access would not cause harm to the health of the preserved tree.

The proposed two storey extension to the western end of Rambledown House would replace an existing conservatory of a similar footprint. As the proposed two storey extension would not extend any further to the north than the existing extensions, it is considered that the proposed addition would cause no harm to the preserved trees to the north of the site.

A submitted landscape design strategy and planting masterplan sets out the intentions for the soft landscaping of the site. The loss of trees will be mitigated with new planting and the landscape design strategy proposes 11 no. new trees.

## **Ecology**

A Preliminary Ecological Appraisal, Phase 1 Habitat Survey and Bat Roost Assessment have been provided along with further Bat Emergence Surveys as requested by the Council's Ecological Consultant.

Based on the results of the Preliminary Bat Roost Assessment, three of the existing buildings on the site were considered to provide low potential for roosting bats and one building was considered to provide moderate potential for roosting bats. The Bat Emergence Surveys confirmed that no bat roosts were found within any of the buildings at the time of the assessments and so the likely absence of any bat roosts was confirmed. A moderate level of bat activity was however recorded on the site during the dusk emergence and activity surveys and a low level of activity was recorded during the dawn re-entry survey. The report therefore recommends precautionary working practices and habitat enhancements relating to bats. The Council's Ecological Consultant has confirmed the submitted Ecological Assessments provide certainty of likely impacts on protected species and with appropriate mitigation measures, the development can be made acceptable.

The Ecological Appraisal recommend a number of mitigation and enhancement measures which have been incorporated within the proposed development scheme. A wildlife pond is proposed within the western part of the site which would feature native aquatic and marginal planting. The proposal includes soft landscaping chosen to attract birds and insects and the measures proposed for bird boxes, bat boxes, bee bricks and wood piles, are aimed at enhancing ecology and biodiversity on the site. The biodiversity enhancements would therefore deliver a measurable net gain for biodiversity.

## **Conclusion**

The proposed development is in a sustainable location and would provide 9 additional 2 bedroom apartments on the site capable for local people to downsize to from larger detached dwellings which currently dominate the settlement. This would contribute to meeting an identified local housing need within the Parish, and needs to be considered carefully within the planning balance in particular relation to the retention of the unique character and local distinctiveness of West Chiltington Common. It is though noted that the applicants have not offered to secure these apartments for local occupiers in the first instance therefore any weigh to be attributed to this benefit is limited.

Notwithstanding this benefit, the combination of the scale of the apartment building, extension to the existing building, vehicular driveway and parking infrastructure to serve the proposed 9 additional apartments would create a cramped layout and form of development which would significantly reduce the spacing around the existing and proposed buildings within the site. The proposed development would not reflect the distinctive semi-rural spacious character of residential development within the area of West Chiltington Common. The creation of the 9 additional apartments, a new access driveway and 16 formal parking spaces would also generate a considerable increase in general activity and vehicular movements in a currently quiet and tranquil garden environment. It is considered that this would create a harmful degree of activity and noise disturbance to the neighbouring properties that surround the site.

Whilst it is appreciated that amendments have been made to the scheme which seek to address the issues raised by Officers, it is not considered that in this instance that the revisions overcome the harm caused to neighbouring amenity, the character and

appearance of the area, and the conflict with policies 32 and 33 of the Horsham District Planning Framework.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
	905	525	380

**Total Gain**  
**Total Demolition**

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

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

## **7. RECOMMENDATIONS**

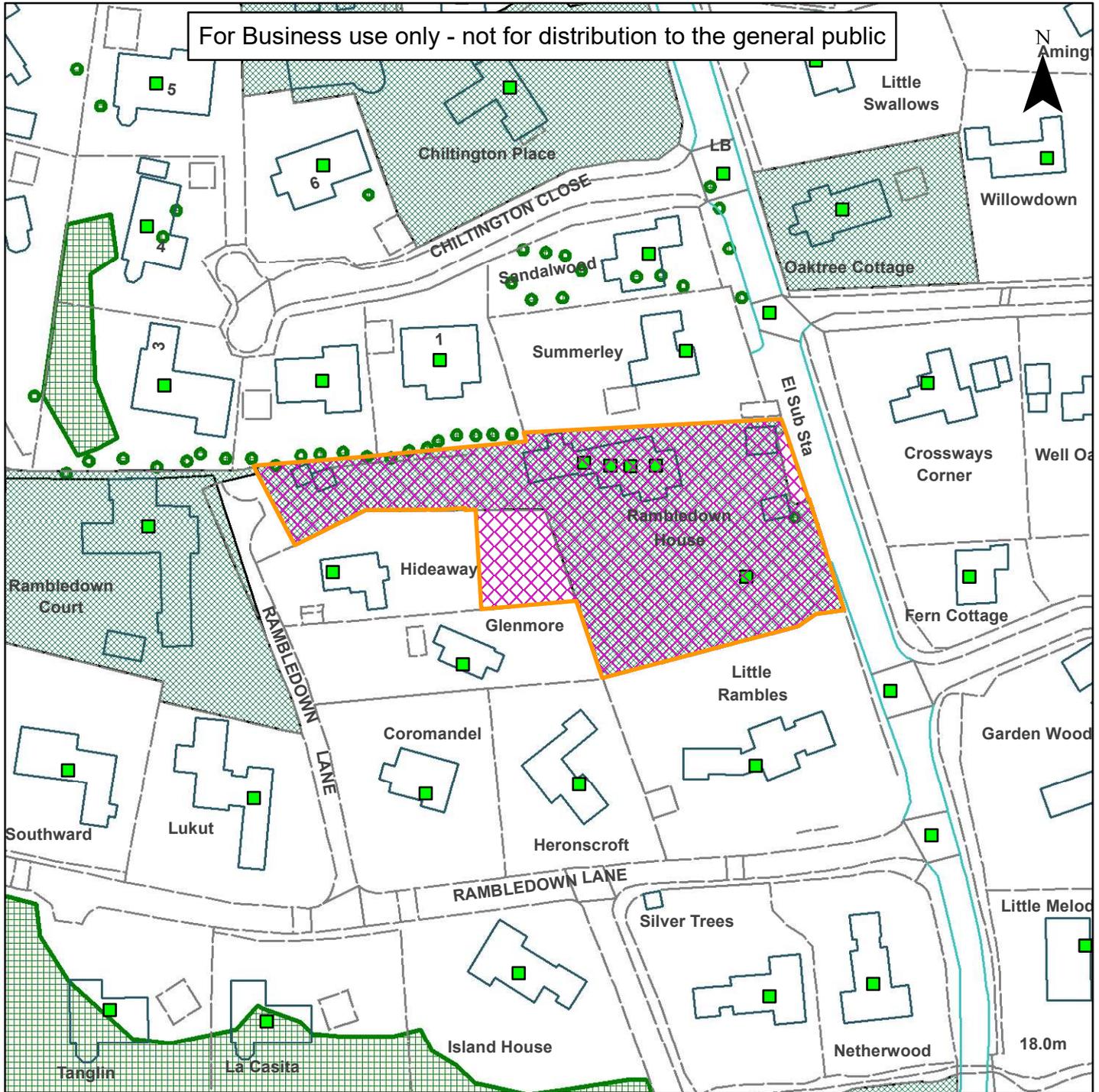
7.1 To refuse planning permission for the following reasons:

1. The combination of the scale of the apartment building, extension to the existing building, vehicular driveway and parking infrastructure to serve the proposed 9 additional apartments would create a cramped layout and form of development which would significantly reduce the spacing around the existing and proposed buildings within the site. The proposed development would not reflect the distinctive semi-rural spacious character of residential development within the area of West Chiltington Common and would conflict with policies 32 and 33 of the Horsham District Planning Framework (2015).
2. The proposal would create a considerable increase in general noise activity and vehicular movements in a currently quiet and tranquil backland garden environment. This would cause a harmful and unacceptable degree of noise disturbance to the neighbouring properties that surround the site and would conflict with policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/1226



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**Scale:** 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	08/11/2019
SA Number	100023865

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**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19<sup>th</sup> November 2019

**DEVELOPMENT:** Erection of an agricultural workers dwelling.

**SITE:** Ryecroft Nursery Fryern Road Storrington West Sussex

**WARD:** Storrington and Washington

**APPLICATION:** DC/18/2402

**APPLICANT:** **Name:** Mr P Godsmark **Address:** c/o Agent Storrington RH20 4BJ

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

**RECOMMENDATION:** To refuse planning permission

#### 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks to erect a detached chalet-style dwelling on the south eastern corner of the site to provide a rural workers dwelling for the nursery owner and family.
- 1.2 The dwelling would have a broadly rectangular footprint, some 18m x 12m at its widest, with a ridge some 6.7m in height. Elevationally, the dwelling would be provided with generous windows and two dormers in the western roof-slope. Internally, the dwelling would provide for three bedrooms, two of which would be within the roof-space, a modest amount of living accommodation and a home office, amounting to some 170sq.m.
- 1.3 The proposed new dwelling would provide the applicants / owners with permanent on-site accommodation in order to support the nursery site, Ryecroft Nurseries, which are stated as being the largest growers of Dahlia's in the UK. In 2006, the applicant purchased an adjacent field at Fryern Road, as more space was required for increasing the collection.
- 1.4 The business has four income streams:
  1. Growing dahlias for sale and cultivation of new varieties
  2. Raising and looking after chickens for egg production (currently some 450 on site)

3. Production of fresh garden produce for sale through our farm shop
  4. Raising turkeys for Christmas (currently awaiting some 100 pullets for this year)
- 1.5 New varieties are produced at the nursery. The seeds are collected in the autumn and then dried and stored over the winter. In April, the seeds are sown in trays and then pricked out into individual pots. The aim is to plant 5000 seedlings out into the field. As the seedlings grow and flower they are assessed for their quality. Only the best are kept. Over the next 4-5 years they continue to be trialled with only a small number making the grade before release to the public. Over the years, Ryecroft Nursery has created between 100-150 new dahlia varieties, including the first scented variety.
  - 1.6 The applicants currently reside some 1.5km away in Storrington, and state that the growing dahlias is hard, physical work. Every October, before the cold and damp set in, over 8000 tubers are dug up by hand, cleaned, and labelled before being stored in dry boxes under cover. For security over the winter, many of the tubers are transported for storage area at their current home.
  - 1.7 Living on site would provide security against theft of hens and turkeys, dahlia plants and equipment that contribute to the applicant's livelihood. The applicant is the last breeder of dahlia's in Britain, so living on site would enable the continuation of breeding and growing new varieties, whilst providing safety and well-being of the livestock in order to provide an on-going livelihood.
  - 1.8 Recent night-time thefts have resulted in the loss of an entire new variety of dahlia, equipment, as well as livestock. Additionally, the applicant suffers from a spinal injury, so having the potential for accommodation at one level and on site would sustain the growing business and assist with theft prevention, whilst also leading to health benefits.
  - 1.9 The application is accompanied by 9 letters offering support, from nearby residents and customers, as well as from the Show Chairman, Vice Chair and General Secretary of the National Dahlia Society.
  - 1.10 Additional information has been received regarding the financial viability of the business, following officer requests.

#### DESCRIPTION OF THE SITE

- 1.11 The application site comprises a site in use for horticultural purposes, producing and breeding Dahlias, incorporating an element of a produce growing which is sold on the nursery site shop.
- 1.12 The site is located off the western side of Fryern Road and is not subject to any designations apart from being situated in a rural area, some 480m south of West Chiltonington BUA boundary and some 550m north of the Storrington BUA boundary. The nursery site lies some 80m south of a designated Flood Zone.
- 1.13 Aerial views show the site and its wider environs having been sub-divided from the larger agricultural field patterns over the last twenty years to form smaller fields, land holdings and paddocks. The adjacent land holding to the south of the application site was development some 8 years ago to provide a stable building and tack room to support the horse paddocks on the land. The existing Dahlia nursery has been active on site for some 12 years.
- 1.14 The site of the proposed new dwelling itself is separated from the eastern growing field by an established hedgerow, and a hedgerow forming the southern boundary to the site. The

existing built development within the site, forming a timber barn and poly-tunnels, is clustered along the western side of the hedgerow, set some 97m back from Fryern Road.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 20 - Rural Workers Accommodation  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 27 - Settlement Coalescence  
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

#### Supplementary Planning Guidance:

- 2.3 Community Infrastructure Levy (CIL) Charging Schedule (2017)

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Storrington, Sullington and Washington Neighbourhood Plan has now been formally 'Made' (adopted Sept 2019)  
Policy 1: Spatial Plan for the Parish  
Policy 8: Countryside Protection  
Policy 9: Green Gaps  
Policy 14: Design  
Policy 17: Traffic and Transport

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/09/1281	Polythene Tunnel	Permitted 08.09.2009
DC/07/1210	Glasshouse	Permitted 13.07.2007
DC/06/0422	Erection of polytunnel and agricultural store	Permitted 13.04.2006
DC/05/1686	Erection of polytunnel and tractor shed	Withdrawn 05.09.2005

### 3. OUTCOME OF CONSULTATIONS

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

#### OUTSIDE AGENCIES

- 3.2 **Agricultural Consultant:** Objection

Background (summarised in parts):

- The applicant operates Ryecroft Dahlias which has been operating from the land at Fryern Road since 2006 when it was purchased. The holding appears to extend to some 1.5 hectares (3.8 acres), and according to the business plan, the soil has been improved over the years with 3,500 tonnes of soil enrichment compost and manure, and by 2011 the crop yields have increased producing over 8,000 dahlia tubers a year as well as sweet peas, zinnias and gladioli. (The submitted Rural Workers Justification (Set 2019) details the site covering approx. 6 acres, but submitted plans (Nov 2018) only extend to some 3.8 acres)
- The applicant also grows vegetables (runner beans, French beans, spinach, carrots and leeks), fruit trees and has diversified in to chickens for egg production and turkeys for meat. As per Sept 2019, the applicant has purchased some 450 chickens and is awaiting the arrival of some 100 turkey pullets.
- Note has been taken of the nature of propagation involved in producing new varieties of prize-winning Dahlias, with over 8000 tubers hug up each year and most moved to the applicant's home, some 1.5miles away. Ryecroft Nurseries aims to plant some 5000 seedlings per year. Over the years Ryecroft Nursey has created between 100-150 new dahlia varieties which are sold around the world.

Functional Need:

- The applicant details that they have security issues at the site with the theft of many varieties of dahlias, and as every new variety starts with one plant it cannot be replaced and the whole process must start again. The applicant also had turkeys stolen in 2016 which results in a loss on the gross income for the business. No details of Police incident reports or Crime Reference Numbers were submitted as part of the application.
- I understand there is a need to constantly create new varieties as once sold anyone can make a cutting and sell the variety on. An example is given of a polytunnel at the site being broken into and all seeds and seedlings being sold and therefore all

new stock and potential new varieties being lost. Security of the site, tubers and seeds is claimed to be of utmost most importance to the applicant.

- The applicant detailed to the Council that his son is interested in taking over the business, however this has not been stated in any of the submitted documents.
- There are no automatic failsafe systems at Ryecroft Nursery and therefore all emergencies must be dealt with by the applicant who currently lives away from site in Storrington, located 1.5miles from the application site.
- It is considered that the essential need for a worker to be on-site at a nursery arises from the sowing, growing and caring of the plants which due to weather conditions require the manual heating and operation of any ventilation systems.
- The documents submitted do not detail whether the applicant has any manual or automatic irrigation, heating or ventilation systems.
- A failure of any oil fired central heating boiler system over the winter months (generally November to April) could jeopardise young plants in a heated glasshouses. A failure of maintaining temperature from the heaters can delay the growth of plants, in particular those plants which are susceptible to sudden changes in temperatures. This will have implications for maintaining stock levels, quality of product, meeting existing orders and could result in financial losses. The lack of water being supplied from any part of an extensive irrigation system, due to a burst or fractured pipe to those plants requiring a constant and regular water supply could also, potentially, reduce or stunt growth causing financial losses. There is no evidence of any such system at the application site.
- Adverse weather conditions which include sudden unpredicted frosts in the spring and early summer could damage plants that have recently been moved outside, or susceptible plants within unheated polytunnels need to be covered with frost covers. High winds and snow falls can lead to damage to the polytunnels or glasshouses, exposing susceptible plants to the elements. There is no evidence of any such issue or concern at the application site.
- It is accepted that there are alarm systems that are available that could be fitted to warn the applicant of any boiler failures or sudden drops in temperature. They only provide a warning and do not rectify the problem. The time taken to react to any alarm, drive to the nursery and rectify the problem could be considerable with inevitable loss of susceptible plants.
- The applicant stores Dahlia tubers in plastic crates in greenhouses at their property in Storrington, which has electricity and heating blankets. There is no electricity at Ryecroft Nursery which means limited ability to overwinter the tubers and propagate on site. The application does not detail that there is an intention to supply and connect electricity to the site which would be required.
- The Planning, Design and Access Statement and Business Plan detail that the primary need for the dwelling is for the security of the site. There is a brief mention of the welfare of the livestock however the application documents do not provide details of how many chickens or turkeys they keep. For reference each bird has a labour requirement of 0.03 SMDs (Agricultural Budgeting & Costing Book November 2018), the equivalent of 24 minutes labour per bird per year.
- As noted above, the guidance in revoked PPS7 included an example of workers being on site to deal quickly with emergencies to prevent serious loss of crops. It is considered that security of the site in itself is not sufficient justification for the siting of a permanent rural workers dwelling.
- The Business Plan details that the applicant is not able to travel the 1.5mile distance from home to the site quick enough to deter thieves, nor can they afford stronger or higher security barriers around the property. There is mention of sensors, alarms and lighting however this is also dismissed.
- The applicant detailed to the Council that Dummy CCTV cameras have been installed but these are knocked or smashed. No Police Incident Reports or Crime Reference Numbers have been submitted as part of the application.

- Overall, it is not considered that there is a proven established functional need for the dwelling in accordance with Policy 20 of the Local Plan. Whilst it supports the established business use, the applicant has been able to operate from the site for the past 10 years with reduction in gross income due to the applicant's health and additionally the theft of turkeys in one year.
- The applicant has detailed that his son is interested in taking over the business, but this has not been stated in any of the submitted supporting documents, nor his current experience of involvement in the business.

#### Financial Viability and Sustainability:

- The NPPF deals with the concept of sustainable development at a strategic rather than an individual enterprise level. In terms of economic development, it is concerned with contributing to and building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. HDPF Policy 20 requires evidence to demonstrate the viability of the rural business for which the housing is required.
- The applicant does not have trading profit and loss accounts either as a sole trader or as a limited company. The applicant detailed to the council that all book keeping is done on paper and therefore nothing was easily or readily supplied for assessment as part of the application
- A summary of accounts for the years 2008 – 2012 and 2016 – 2017 have been provided in the submitted Rural Workers Justification doc (Sept 2019). Details of expenses and income, and what they can be attributed to are not included, furthermore, personal expenses have not been detailed in the submitted document, so it is therefore not known how these relate to the business costs.
- The Financial accounts shows a loss for years 2008 – 2009 and 2010 – 2012 with a small profit in the years 2009 – 2010 and 2016 – 2017.
- Whilst it is accepted that the horticultural business has been established for a number of years, the net profit is not able to support the notional costs, such as unpaid labour or build costs, and is not considered to be a viable and sustainable business.
- No details are provided on whether the chickens are used for meat or egg production and what facilities are available for their housing. Figures have been used for comparison (Agricultural Budgeting and Costing Book 88<sup>th</sup> Ed. – May 2019), but It is accepted that the net margin may differ for small scale, independent and free range poultry but these figures will not be able to support a full-time worker. It is considered that the number of poultry on site will **not** increase the overall level of net profit to a point that meets the notional costs previously noted.
- In conclusion, the summary of accounts provided in September 2019, and the projected gross income as part of the November 2018 submission, do not demonstrate that the business is financially viable and sustainable now and in the long term. RAC do not consider the application to be in compliance with the NPPF and Policy 20 of the Horsham District Planning Framework.

#### Alternative Dwellings:

- A search of Rightmove displays 52 dwellings available for sale within 1/2 mile of the application site ranging from £435,000 for a three-bed house to £1million for a five bed house, which are generally considered to be beyond the means of an agricultural worker.
- The applicant currently lives 1.5miles from the site, within Storrington and has been able to meet the needs of the holding for the previous 10 years.

#### Conclusion:

- The application proposes the erection of a three-bed chalet bungalow to provide residential accommodation for a full-time worker at Ryecroft Nursery. The

applicant would reside in the proposed dwelling and as such the property would be occupied by persons employed in the horticultural business.

- From the details available, it is not considered that it has been demonstrated that there is a proven essential need for an on-site dwelling at Ryecroft Nursery in order to meet the general management and protect the growth of plants. The application documents details that the need for a dwelling relates to the security of the site, which in itself and alone, it not a suitable justification for a rural workers dwelling.
- The summary of income and expenses for the years 2008 – 2012 and 2016 – 2017 provided in the Rural Workers Justification (Sept 2019), together with the projected gross income in the Agricultural Workers' Business Plan for not demonstrate that the business is financially viable and sustainable now and in the long term.
- Overall, the proposed erection of a rural workers dwelling is not in compliance with the NPPF or Policy 20 of the Horsham District Planning Framework.

### 3.3 **WSCC Highways:** Comment

- No alterations to the existing access onto Fryern Road are proposed. Vehicular visibility in the leading direction appears sufficient for the anticipated road speeds. Visibility in the trailing direction appears restricted. However, the access has been operating for some time at this location and an inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely or that the addition of an agricultural workers dwelling would exacerbate an existing safety concern. The addition of a single workers dwelling is not anticipated to generate a significant increase in vehicle movements to or from the site over the potential of the existing agricultural use.
- With applications such as this the provision of workers' accommodation can be seen as a benefit in highways terms as it limits the number of vehicular movements associated with commuting to the site. No highways concerns would be raised the provision of the workers' accommodation. It would be asked that its use is linked to the agricultural use by way of a suitably worded planning condition.
- The plans indicate that two parking spaces will be provided on site. This parking provision is anticipated to be sufficient for a dwelling of this size and location. The proposed spaces meet the minimum specifications of 2.4m x 4.8m as set out in Manual for Streets (MfS). There also appears to be sufficient space on site for vehicles to turn on site and exit onto the publically maintained highway in a forward gear.
- The LHA does not consider that the proposal for a single agricultural workers dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- If the LPA are minded to approve the application, a condition securing car parking and a suitably worded planning condition securing the use of the dwelling in relation to the agricultural use of the site would be recommended.

### 3.5 **Southern Water:** No objection

### 3.6 PUBLIC CONSULTATIONS

To date, 11 letters of representation have been received in response to the application, all expressing SUPPORT for the proposal on the following grounds:

- good local business
- local produce being sold is good quality and should be supported

- theft over the last few years has had financial burden / impact on the applicant - one year losing all Christmas order turkeys a few days before Christmas - living on site would be able to prevent such instances
- scale and design of the proposed new dwelling would not be visible and is some way off road

3.7 **Storrington and Sullington Parish Council:** No Objection

- Valued Local business that has been subject to theft
- No Objections to proposals providing there is an agricultural occupancy condition attached

**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 The key considerations in the determination of this application is the impact of the proposal on its countryside location, whether the proposal is suitable in the countryside location, and if there is a justifiable need for the proposed development.

6.2 In this instance, the application site lies within the countryside and so Policy 26 of the Horsham District Planning Framework (2015) would be relevant. This requires development outside the built-up area boundaries to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must meet one of the following criteria:

- 1) Support the needs of agriculture or forestry
- 2) Enable the extraction of minerals or the disposal of waste
- 3) Provide for quite informal recreational uses, or
- 4) Enable the sustainable development of rural areas

6.3 Furthermore, Policy 26 requires that development does not lead, cumulatively or individually, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances the key features and characteristics of the landscape character in which it is located.

6.4 HDPF Policy 20 provides support for new rural workers accommodation, outside the built-up area, provided there is a functional need for the dwelling and the occupation thereof would be in support of an established business, and provided that evidence is submitted which demonstrates the viability of the rural business for which the housing is required.

6.5 The application site is noted to be an established horticultural business, which falls under the definition of agriculture.

### **Justification of Need**

- 6.6 Paragraph 79 of the NPPF as noted above, recognises the need for new dwellings in the countryside in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This guidance is reflected in policy 20 of the HDPF which states; "Outside the defined built-up area new housing for rural workers will be supported provided that;
- a) There is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.
  - b) Evidence is submitted to demonstrate the viability of the rural business for which the housing is required."
- Parts a and b of the policy are required to ensure that only development which can justify a countryside location may be permitted in order to protect the character and appearance of the countryside.
- 6.7 In order to demonstrate that there is an essential need for a worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night to deal with emergencies that may occur out-of-hours and to potentially rectify a problem
- 6.8 It is generally held that new permanent rural dwellings should only be allowed to support existing agricultural / rural activities on well-established agricultural / rural units, and where the unit and rural activity should have been established for at least three years and have been profitable for at least one of them, along with being financially sound and having a clear prospect of remaining so.
- 6.9 Policy 20 states that evidence must also be submitted to demonstrate the viability of the rural business for which the housing is required.
- 6.10 In this instance, it is recognised that the nature of the Dahlia nursery requires intensive work to propagate new varieties, with tubers having to be dug up by hand each autumn, cleaned, labelled, stored and maintained at a gentle heated temperature until planting time. Seedlings need to be raised and planted and nurtured, with each new variety taking up to 5 years to develop. The applicant's undertake this work themselves, and transport the majority of the tubers to their home, some 1.5miles away. The site does not have electricity to heat the polytunnels, and currently, there are gas-fired heaters which keep the tubers at a gentle heat over winter.
- 6.11 In addition to the Dahlia nursery, which has produced a number of prize-winning varieties over the years and Ryecroft Nurseries take part in most of the annual Horticultural shows in the UK, and even in the USA, there is a small on-site farm-shop where produce is grown on site. Currently, hens also produce eggs for sale and the nursery has also reared Christmas Turkeys, and is anticipating doing so this year again. A number of years ago, the nursery suffered a break-in and the flock of Christmas Turkeys were all stolen, a series of other break-ins have resulted in new varieties of Dahlia tubers being stolen, as well as equipment being taken.
- 6.12 The site visit took in all the aspects of the nursery and the site, and the scale of the Dahlia cultivation was acknowledged.
- 6.13 Following a request for more detailed financial information to be submitted and accordingly assessed, it is considered that the rural business is not currently financially viable or sustainable now or in the long term. As such, it is not considered that the proposal would meet the criteria of HDPF 20 and HDPF 26.

### **Design and Appearance**

- 6.14 Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district', '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.
- 6.15 The creation of a new permanent rural workers dwelling on this site is submitted to be in support of the existing horticultural nursery. Although the physical proximity of the proposed dwelling could be said to be linked to the ongoing operations of the existing nursery business, with the location set away from the public highway and separated by intervening agricultural land, thus maintaining, to an extent, the overall perception of the rural character.
- 6.16 However, for any development to be considered acceptable in principle to its countryside location, it must first fulfil the criteria set out under HDPF policy 26, as well as be assessed in line with HDPF policy 20, in order to establish an essential / functional need for new agricultural workers dwellings. In this instance, the proposal has not been adequately demonstrated as being associated with a rural business that is financially viable or sustainable in the long term.
- 6.17 It is therefore considered that as the proposal is fundamentally harmful to the countryside by its very location, where new development continues to be strictly controlled, there would be no mitigating circumstances to offset the harm that a new permanent dwelling, along with the associated residential paraphernalia, would cause in this instance.
- 6.18 The proposed development therefore fails to comply with policies 2, 25, 27, 32 and 33 of the HDPF.

### **Trees and Landscaping**

- 6.19 No adverse impacts are envisaged as part of the proposal and all works should be possible to be carried out without loss of the boundary hedge to the site's eastern boundary. The development site itself currently forms part of the productive agricultural holding, currently used as part of the rotational chicken coops.

### **Amenity Impacts**

- 6.20 Policy 33 of the HDPF (2015) also seeks to avoid unacceptable harm to neighbouring amenity. The application site lies some distance off any residential properties and their curtilages and would therefore not give rise to any associated impacts on neighbouring residential amenities.
- 6.21 The proposal is therefore considered to meet the criteria of HDPF policy 33.

### **Highways Impacts**

- 6.22 The LHA notes the existing access to the wider site off the publically maintained highway, which is an existing and established vehicular access to the site. Therefore, the creation of a new staff dwelling would not lead to a material intensification of the access and use, as the applicant's currently have to carry out a number of car-borne trips daily to / from the site.
- 6.23 Overall, the proposal would not lead to a 'severe' impact on the operation of the Highway network which would be contrary to the NPPF or local planning policies. Accordingly, a planning condition is recommended to secure the provision of parking and turning space as indicated on the submitted plans.

6.24 The proposed on-site staff dwelling would lead to the applicant's being on site as part of the business, and would therefore likely lead to a reduction in car-based trips to and from the site to their current residence, where Dahlia tubers are stored over winter.

**Conclusion**

6.25 In conclusion, the site lies in the countryside where the rural policies of restraint apply, and where sustainable growth patterns are sought. It is noted that the Development Plan policies do provide support for new dwellings only in exceptional circumstance, such as where there is an essential need for rural workers to live on or near their place of work. In order for these exceptional circumstances to apply, there has to be robust evidence to demonstrate that the rural business is viable and can financially support the costs of the proposed new dwelling, as well as being functionally required in order to support the established business.

6.26 In this instance, Officers acknowledge the existence of the established and well-known local business, renowned in the horticultural industry for prize-winning Dahlia cultivation. Furthermore, it is anecdotally understood that the business has previously suffered as a result of criminal damage and theft, which leads to the practice of removing the Dahlia tubers from site at the end of each growing season to store off-site, before returning them to site at the start of the new year. The provision of an on-site dwelling, and the ability for the applicants to live on site, would alleviate the need for this off-site storage and associated work involved, and is also seen as providing on-site security and a deterrent against potential future criminal activities and theft. Officers are also sympathetic to the applicants desire to be closer to their business, which is noted to be physically demanding, as well as emotionally and financially detrimental when theft occurs, such as the theft of the turkey pullets some years ago, and the theft of a new Dahlia cultivar.

6.27 However, the HDPF policies seek to ensure that any new rural housing serves its purpose, and can be retained as such to support an ongoing viable rural business. Although a modestly proportioned 3-bed chalet bungalow is proposed, set within the agricultural holding and therefore potentially physically and visually linked with the nursery operations, there has been insufficient information provided to demonstrate that the proposal would meet the financial and sustainable tests that need to be satisfied for such exceptions to policy. Furthermore, whilst there may be a desire to live on site in order to provide some on-site security, this in itself is insufficient justification to fulfil an essential and functional need for a new workers dwelling.

6.28 Accordingly, the proposal to erect a new agricultural workers dwelling on the site would not be considered to meet the requirements of the rural exceptions policies, and would therefore be contrary to local and national planning policies.

6.29 The application is accordingly recommended for refusal.

**COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	170.00	0	170.00

<b>Total Gain</b>	<b>170.00</b>
<b>Total Demolition</b>	<b>0.00</b>

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

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

## **7. RECOMMENDATIONS**

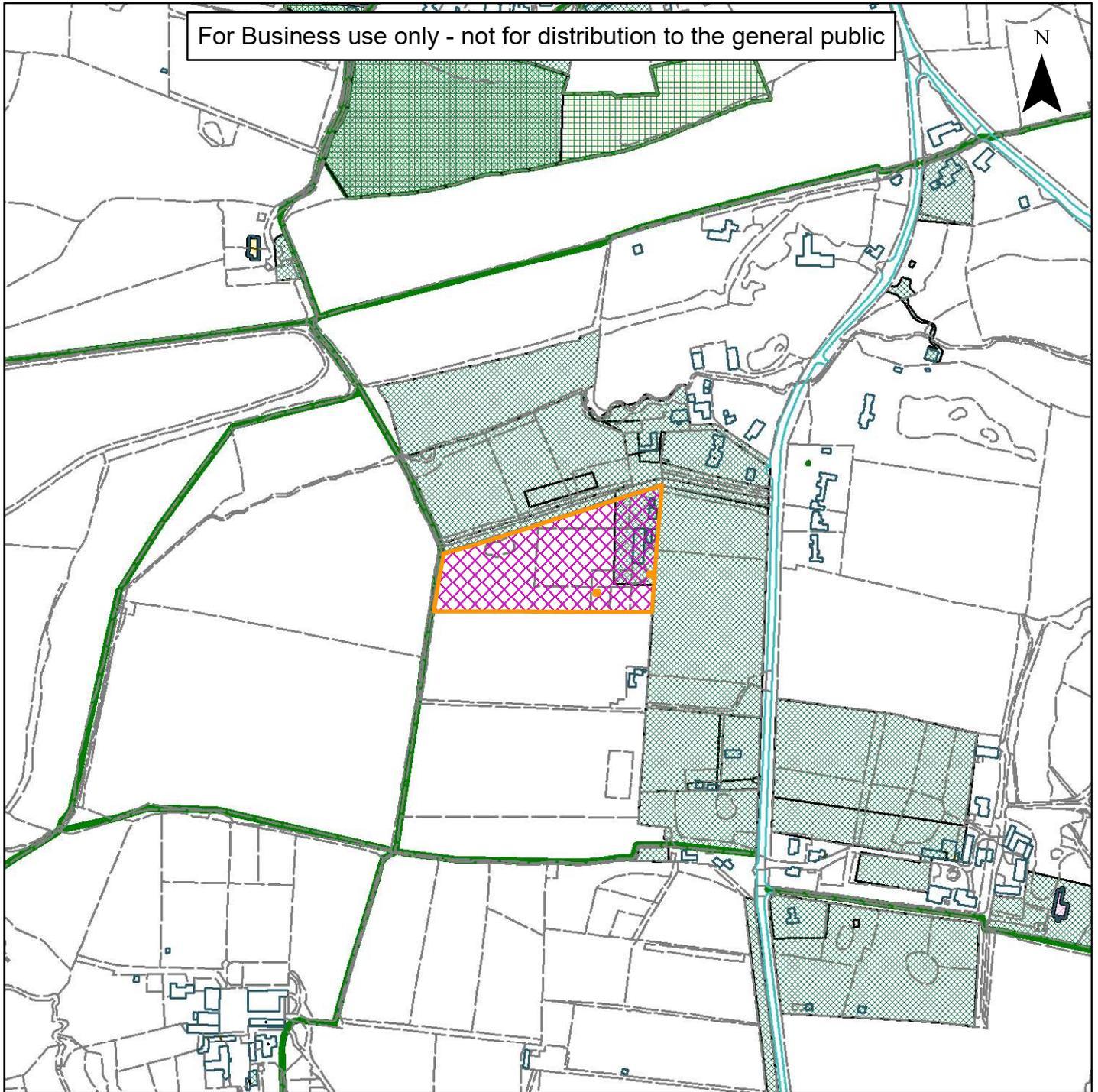
7.1 It is recommended that the application is Refused for the following reason

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that a permanent agricultural workers dwelling on the site is financially viable or functionally required, and in this respect the proposed dwelling represents housing development in the open countryside, contrary to Policies 1, 2, 20, 26 and 40 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework 2019.

Background Papers: DC/18/2402



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Organisation	Horsham District Council
Department	
Comments	
Date	08/11/2019
104A Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 November 2019

**DEVELOPMENT:** Demolition of an agricultural building and erection of a detached dwelling with associated access and landscaping

**SITE:** Land at Wiltshire Farm Pickhurst Lane Codmore Hill Pulborough

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/19/0591

**APPLICANT:** **Name:** Sir John Ritblat **Address:** c/o Batcheller Monkhouse

**REASON FOR INCLUSION ON THE AGENDA:** The recommendation of the Head of Development would represent a departure to the development plan;

At the request of the Parish Council.

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

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of the existing agricultural building on site and erection of 1no detached single storey dwelling, incorporating associated curtilage land, new access and driveway. The existing building is a large single storey agricultural building and is constructed with timber clad and concrete walls, steel pillars, a concrete floor and corrugated roof sheeting. The building has open sides to the east and west and appears to have been in use for the sheltering of livestock.
- 1.2 Conversion of the agricultural building was granted under Prior Approval application ref: DC/17/0963, under Class Q of the General Permitted Development Order 2015 (GPDO). This prior approval established that the existing agricultural building can be converted into 1no five-bed detached dwelling. This current planning application seeks the demolition of the existing agricultural building and the erection of a replacement single storey five-bed detached dwelling as an alternative to the permitted development conversion of the existing agricultural building in a re-positioned location. The proposed dwelling would be located to the north of the existing agricultural building, approximately 25m away, and would be located approximately 25m away from the wooded area to the north of the site.

- 1.3 The proposed dwelling would utilise a part 'L' shaped configuration and given its location with regards to the existing building to be removed, would be located within the north-eastern corner area of the existing field making up the wider site. The proposed dwelling would measure 4.9m in height which would be similar to the existing height of the agricultural building to be removed. The proposed bungalow type dwelling would utilise a pitched gabled roof design with multiple double pitches. The principle elevation and main entrance would be to the northern elevation of the building which would also incorporate a basement area for parking, storage and plant.
- 1.4 The proposed dwelling would utilise a contemporary design, however one which would introduce more natural materials such as brick, Horsham stone and timber cladding to the external walls, natural slate and metal sheeting to the roofs and aluminium to the windows and doors. The proposed gabled elements to the building would take its cues from the existing building in terms of the roof design and pitch angle. The overall GIA to be created would measure 588sqm, including the basement (457sqm at ground floor level). The existing agricultural building measures 343sqm in terms of its GIA.
- 1.5 The proposed dwellinghouse would be served by the creation of a new access point from Pickhurst Lane to the east. A dedicated residential curtilage as well as landscaping proposals have also been submitted as part of the proposals for the site.

## DESCRIPTION OF THE SITE

- 1.5 The application site relates to an agricultural building and an area of land located at Wiltshire Farm, Pickhurst Lane, Pulborough. The site is located to the west of Stane Street (A29) and is not located within any defined built up areas. The site is therefore considered to be situated within the countryside. The site is considered to be very rural in nature with sporadic development within the surrounding area with dwellings located a considerable distance away to the north, east and west. The existing agricultural building on site has benefitted from Prior Approval for a conversion to a residential dwelling under Class Q of the GPDO, granted under planning reference DC/17/0963. The principle of the creation of a dwelling on this site has therefore been established.
- 1.6 Looking at the wider site, the proposed dwelling which is the subject of this application, would be located to the north of the existing agricultural building within an area of grassland. The northern boundary of the site is screened by mature soft landscaping and it is noted that the boundary of the South Downs National Park Authority (SDNPA) is located amongst this area of trees to the north. It is also noted that there is an area of Ancient Woodland located to the east of the application on the eastern side of Pickhurst Lane. A Public Right of Way (PROW) runs along the east of the site which provides existing access to the site.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- Policy 30 - Protected Landscapes
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

Supplementary Planning Guidance:

2.4 Rudgwick Parish Design Statement

RELEVANT NEIGHBOURHOOD PLAN

2.5 Status – Pulborough Parish has been designated as a Neighbourhood Development Area as of February 2014.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0963	Prior Approval for a proposed change of use of agricultural building to a dwellinghouse	Prior Approval Required and PERMITTED on 23.06.2017
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**3. OUTCOME OF CONSULTATIONS**

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection  
Supported on landscape grounds with landscape conditions imposed.

The barn, in its current location has consent for conversion into a dwelling. This is the fall-back position. The proposed replacement development is to be located to the North of the site with new access bringing it to approximately 25 metres of the SDNP boundary. However, this boundary lies within woodland and I do not believe that this would be perceived as having a negative effect on the setting of the National Park – given the screening afforded by the existing and proposed planting.

This new planting also assists in lessening the effect of the dwelling on the amenity of walkers using the footpath ROW1983 which runs north south behind the hedgerow which forms the eastern boundary of the site.

The amended and simplified design submitted with this proposal has addressed the majority of the concerns raised at pre-application. The design is much reduced and the appearance much more agricultural, the materials are also considered appropriate.

However, I still have concerns about the extent of glazing which in Para 5.9 of the Planning statement dated March 2019 states is minimal and sympathetic. The southern western

elevation of the building has extensive glazing – care would have to be taken to ensure that any glazing does not reflect sunlight and create glare towards ROW 1989 – as well as ensuring that the night time light spill is controlled – especially in the winter months when the hedgerow leaf cover is reduced. The effect on the SDNP Dark Skies should also be considered.

The issue of light pollution would still be relevant if DC/17/0963 was implemented. The field boundary (within applicant ownership but outside the curtilage) to the south should be bolstered with additional tree planting in order to assist in reducing any potential glare and increase the biodiversity net gain of the development. This can be reviewed as part of the discharge of landscape conditions.

**Recommendation:**

The location and appearance of the dwelling are acceptable in landscape terms and will be further enhanced by the additional planting suggested above, providing steps are taken to ensure no negative effects on the landscape are created by the glazing and lightspill.

**3.3 HDC Tree Officer:** No Objection (Verbal comments)

**OUTSIDE AGENCIES**

**3.4 WSCC Highways:** Comment

It is considered that the movements associated with the residential use would lessen over that generated by an agricultural use. There are no highways safety concerns with the proposal, for more detailed comments relating to the access within the PROW, please refer to the comments of the PROW Officer sent 27 March 2019.

**3.5 Southern Water:** No Objection

**3.6 WSCC Public Rights of Way:** Comment

Additional information should be provided if planning consent is granted to ensure that use and access to the Public Right of Way is not affected.

**3.7 South Downs National Park Authority (SDNPA):** The SDNPA maintains and reiterates its comments and concerns about the as outlined in the response dated 22nd March 2019, as follows:

'It is noted that 'Prior Approval for a proposed change of use of agricultural building to a dwellinghouse at Codmore Hill Farm Barn, adjacent to Wiltshire Farm Pickhurst Lane Pulborough, was permitted on 23rd June 2017 and is extant until 23rd June 2020. The dwelling approved under Class Q is stated as 347sqm and is on a smaller red site area than that proposed under the above full application. The submitted Design and Access statement further states that this new "...application seeks to increase this area by 104sqm to 451sqm."

Notwithstanding the weight of the 'fallback' position (as a material consideration) of the 5 bedrooomed house permitted by Class Q of the GPDO, the SDNPA has concerns about the proposed new dwelling as applied for under the above application on a separate larger footprint and site area, much closer to the boundary of the National Park. The introduction of the new larger dwellinghouse closer to the boundary of the National Park is considered to have significant adverse impacts on the special qualities and rural setting of the close South Downs National Park. It is likely to have an enhanced residential presence, use, living facilities and domestic paraphernalia, together with the general noise and activity normally associated with new dwellings; this would not be conducive to the special qualities, tranquilly and dark skies of the designated National Park.'

In the event Horsham District Council are minded to approve the scheme, given that the South Downs National Park is an International Dark Sky Reserve (IDSR), careful regard should be had to the advice and recommendations of the submitted Lighting Strategy, including the advice and suggested mitigation relating to "...interior light emitted from windows..." that could "...affect the night time environment." and how such mitigation can be controlled by Horsham DC.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park; this document can be found at: <http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Horsham District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at: <http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)

The SDNPA trust that the above comments are helpful to Horsham District Council in the appraisal and determination of this planning application, in consideration of the setting and special qualities of the South Downs National Park.

**3.8 Natural England:** No Objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**3.9 Ecologist:** No Objection

We have reviewed the submitted Preliminary Ecology Appraisal (PEA) document (Ecosa Ltd, Feb 2019) as well as the newly submitted Ecological Impact Assessment (EclA) also by Ecosa Ltd dated July 2019.

We understand that evidence of roosting Brown long-eared bats was recorded within the barn during the PEA and that pipistrelle species were recorded during the follow-up emergence surveys in 2019. The information provided regarding roosting bats is considered sufficient for determination, and the mitigation / compensation measures of an EPS licence, installation of two bat boxes on trees on site and installation of two bat boxes incorporated into the buildings as well as post-development monitoring of the boxes is supported and will form a condition of any granted consent.

The following avoidance, mitigation and enhancement measures have been embedded within the development and will be secured as part of any planning consent:

- Protective fencing will be installed around the development site to prevent accidental damage to retained trees and hedgerows;
- Reduce the impacts of lighting on site lighting will comprise hooded luminaires directed away from vegetation, particularly the boundary habitats and the off-site woodland to the north-west;
- New native tree and shrub planting will be planted to along the eastern boundary of the site to reinforce the retained hedgerow.

- Enhancement of habitats to include new native tree and shrub planting will be greater than the amount of hedgerow habitat lost and,
- The installation of two bat boxes installed on suitable trees on site and two integral bat boxes incorporated into the building for loss of bat roost in the barn.

The likely impacts from this development have been considered within the HRA Appropriate Assessment prepared by the LPA which concludes that, with mitigation, adverse effects on site integrity of The Mens SAC or Ebernoe Common SAC, either alone or in combination with other plans and projects can be avoided and the project should be able to proceed. As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment is in line with the People over Wind CJEU Court ruling.

Survey information provided for Badger is considered sufficient for determination, and with no badger activity found on site, the precautionary mitigation measures identified will need to be implemented in full. A badger survey should be undertaken at least six months prior to works commencing, to check the status of badger activity at the site and to allow sufficient time for mitigation measures to be put in place if necessary.

The PEA and EclA recommends further survey for Barn Owl immediately prior to works commencing to check the status of Barn Owl activity within the barn. This will form a condition of any granted consent and appropriate mitigation should be provided in the event the roost is active again.

The EclA found a small population of Grass Snake to be present in the wider area around the site. The mitigation measures proposed will need to be implemented in full as part of any granted consent.

We are therefore satisfied that there is currently sufficient ecological information available for determination. In line with para 170d of the Planning Policy Framework 2019, a Biodiversity Enhancement Strategy will be secured as a condition of any consent to provide details of measures to deliver measurable net gain for biodiversity.

This is needed to provide certainty of likely impacts on protected species (particularly bats) and Priority habitats and species, and appropriate mitigation measures which can be secured. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

## PUBLIC CONSULTATIONS

- 3.10 **Parish Council Consultation:** Objection  
Due to over-development of this area and this could set a precedent for further development within adjoining fields. Members would like to request that this application goes before the Planning Committee.
- 3.11 2 letters of objection have been received for this application. The nature of the objection can be summarised as follows –
- Highways concerns and use of public right of way during development by heavy vehicles
  - Loss of agricultural land and building current used for livestock
- 3.12 1 letter of support has been received for this application. The nature of the support letter can be summarised as follows –

- The proposal would aid in improving the surrounding area

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

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

- The principal of development in this location
- The character of the dwelling and the visual amenities of the countryside
- The amenities of the occupiers of adjoining properties
- The quality of the resulting residential environment for future occupiers
- The highways impacts of the proposal

##### **Principle**

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 79 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 HDPF Policy 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either a Local Plan and there is currently no Neighbourhood Plan for the Parish of Pulborough and thus the application proposals directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.
- 6.5 Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 79 which would allow such developments is as follows –

'e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- development which 'would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area' will be supported

- 6.6 The application is not being justified against the above criteria, and while the design (which is considered in detail later in this report) would represent an enhancement when compared to the existing utilitarian barn building it would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.
- 6.7 Notwithstanding the above, it is noted that the conversion of the existing agricultural building on the site to form 1no residential dwelling has Prior Approval under Class Q of the GPDO (DC/17/0963, dated 23 June 2017) and is permitted development. This Prior Approval consent also permits building operations reasonably necessary to convert the building to a C3 residential use, including new walls, roofs and windows. This is a material consideration in the determination of this current planning application.
- 6.8 The presence of a prior approval for 1no residential dwelling, which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of a residential unit on the site.
- 6.9 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 4 and 26 of the HDPF would not be warranted and would not prevent a dwellinghouse from being created on the site. On this basis the principle of development is considered acceptable, subject to any permission requiring the demolition of the existing agricultural building (to avoid both developments being carried out) and other relevant detailed considerations.

### **Character and appearance**

- 6.10 With regards to design, Paragraph 131 of the National Planning Policy Framework (NPPF) states that - "great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area".
- 6.11 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.12 The proposal would involve the creation of 1no dwelling located in close proximity to an existing agricultural barn to be demolished and removed from site. The proposed dwellinghouse would have a single storey design and would have a similar built form to the agricultural building to be removed in terms of gabled roof design and pitch angle. The proposed replacement bungalow would utilise a predominantly 'L' shaped configuration with design features which would break up the uniform profile, including a number of pitched roofs and a mixture of materials. The proposed dwelling would be made up of predominantly natural materials including brick, Horsham Stone and timber cladding making up the external walls, natural slate tiles and metal sheeting to the roof, including large areas of glazing and rooflights.
- 6.13 The design and appearance of the existing agricultural building to be removed is not considered to be of any architectural merit or value and from a case officer site visit it was evident that some elements had fallen into a bad state of repair. Following its demolition, the area of land which the existing building currently occupies would be restored to grassland

and field to match the surrounding field area with the provision of additional planting also proposed.

- 6.11 The proposed design, consisting of a single storey with basement and elements taken from the form of agricultural buildings seen with the countryside, as well as the proposed materials pallet to be used for the dwelling are considered to be appropriate for this setting following consultation with HDC's Landscape Architect, subject to additional planting which is proposed and would be controlled via a suitable condition. It is considered that the design of the proposed dwelling would represent an enhancement to the site when compared to the existing building. The existing building, whilst it has permission under current permitted development rights to be converted to a dwelling, would be limited in terms of the design considerations that can be given. Whilst it is acknowledged that the proposed dwellinghouse would occupy a larger footprint, it is considered that its design would relate more sympathetically with the landscape, given its location and materials to be used and would serve to enhance the countryside location, introducing a building of architectural merit and interest.
- 6.12 The proposed dwellinghouse would be located approximately 20-30m away from the wooded area to the north of the site which contains the boundary line to the SDNP. It is noted that concerns have been raised by the SDNPA authority in their consultation response to the Council regarding the location of the proposed dwellinghouse and the proposed impact on the SDNP. Notwithstanding the points raised by the SDNPA, it is considered that although the proposed dwellinghouse would be located in closer proximity to the SDNPA boundary, (approximately 25m when compared to the existing agricultural building), given that this area consists of woodland, it would not have a detrimental impact on the wider landscape or character of the National Park. The proposed wooded area would maintain a buffer to the SDNP and given the short distance between the existing and proposed buildings on site, it is not considered that the proposal would result in additional harm to be caused beyond that of the existing building.
- 6.13 Additional concerns have been raised by the SDNPA in terms of light spillage and impact on dark skies. However, it must be noted that these concerns would be relevant in the case with the extant Prior Approval Application for the conversion of the agricultural building to a dwelling. With regards to this application, the Council is able to control potential light pollution and impact on dark skies via suitable conditions, however this is not the case under the Prior Approval procedure. As such, whilst it is acknowledged that the proposed dwellinghouse would be located in closer proximity to the SDNPA boundary, the Council have the capacity to exercise more stringent control over the details within this application to ensure that the proposals would not be harmful to the setting of the SDNP. These include a condition pertaining to the proposed external materials and the exact specification of the glazing to be used for the development.
- 6.14 The application includes the provision of a new access point providing vehicular access to the property from Pickhurst Lane to the east. In order to facilitate the proposed drive, a category C grade tree and an area of unmaintained hedges and verge would be removed. The proposed access would be similar to the existing access in terms of its width and positioning. It is noted that the existing access would be retained to provide access to the agricultural field to the west.
- 6.15 In addition, it is noted that a Public Right of Way runs to the east of the site from north to south and provides the main access to the site. The existing agricultural barn is located in close proximity to the eastern boundary of the site and is clearly visible from the PROW. Given the proposed dwellinghouse would be set further back from the access track and would have a similar height when compared to the existing building to be removed, it is considered that the proposed dwellinghouse would not have a detrimental impact on the surroundings in terms of views along the PROW and would not appear anymore prominent from this vantage point than when compared to the existing building.

- 6.16 Following consultation with HDC's Landscape Architect and Tree Officer who have raised no objections to the proposals with regards to matters discussed in paragraphs 6.14 and 6.15 above, it is considered that the proposals would have a neutral impact on the character of the area and would be acceptable from these standpoints.
- 6.17 Whilst it is acknowledged that the proposed dwelling would represent an overall increase in footprint when compared to the existing agricultural barn on site, it is considered that the overall design in terms of build form, character and the pallet of materials to be used would result in a markedly improved dwellinghouse when compared to the existing situation on site. The resulting design would result in an enhancement on the converted agricultural building which would result from implementation of the existing prior approval and an enhancement of the overall setting of the countryside location. Although located closer to the SDNPA boundary, matters such as the makeup of the site, the existing buffer in place and the fact that this current application gives greater control over the eventual development of the site, particularly in respect of detailed design, landscaping matters and dark skies/lighting weigh in favour of supporting the current scheme. As a consequence of the circumstances described above, it is considered that the proposals would accord with Policies 26, 30, 32 and 33 of the HDPF as well as Paragraph 131 of the NPPF.

#### **Impact on neighbouring amenity**

- 6.18 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. The proposed location of the relocated proposed dwelling would not be too dissimilar to the existing agricultural barn which has permission to be converted. Taking into account the single storey design of the proposal and considerable distances maintained, it is considered that the proposed building would not have a detrimental impact on neighbouring amenity and is considered to be acceptable in this regard.

#### **The highways impacts of the proposal**

- 6.19 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposals include the creation of a new access into the site to the north of the existing site and new driveway running from east to west. Underground parking with the provision of 6 spaces would be provided at basement level to the dwelling. Following consultation with WSCC Highways who have raised no objections, the proposals are considered to be acceptable on highway and transport grounds, subject to appropriate conditions to be attached.
- 6.20 It also must be noted that the existing access serving the agricultural barn to be removed would be retained to allow for access to the existing agricultural fields to the west of the site and this is considered to be acceptable.

#### **Ecology Considerations**

- 6.21 Policy 31 of the HDPF 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.
- 6.22 An Ecological Impact Assessment has been provided with this application which identifies that whilst the site is considered to be of low ecological value, there is a presence of bats and barn owls. A Habitats Regulations Assessment (HRA) has also been produced on behalf of the Council which concludes that "the project will not have an adverse effect on the integrity

of the habitats sites listed in this assessment, either alone or in combination with other plan and projects”.

- 6.23 The Council’s ecology consultant has not raised any objections to the proposals following submission of additional information and the HRA. Suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place. 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, in accordance with Policy 31 of the HDPF.

**Conclusion**

- 6.24 The site is within a countryside location and has not been allocated for residential development, whilst the proposal does not represent a use essential to this countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of Prior Approval for the conversion of the existing agricultural building on the site to form 1no dwellinghouse. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide 1no purpose built dwellinghouse, matching the result from implementation of the prior approval scheme and would represent an improved appearance to the site and landscape compared to the development that could otherwise come forward on the site under the Prior Approval consent.

- 6.25 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, neighbouring amenity or highway safety or the SDNP. These benefits compared to the fall-back position provided by the extant Prior Approval consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.

- 6.26 Conditions are suggested to ensure; adequate boundary treatments, detailed use of materials to be provided, a landscaping scheme to confirm all hard and soft landscaping details, the removal of the existing building on site, the definition of the residential curtilage to serve the proposed dwelling and details in relation to potential light pollution.

6.27 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	588	343	245
		<b>Total Gain</b>	<b>245</b>
		<b>Total Demolition</b>	<b>343</b>

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

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

## 7. RECOMMENDATIONS

7.1 It is recommended that planning permission is permitted 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 Condition:** Prior to the commencement of relevant works for the erection of the dwelling hereby approved, the existing agricultural building, as shown on drawing no. 0119 REV B, received 20 June 2019, indicated on the plan as 'Demolished Dwelling' shall be fully demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

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

- 6 **Pre-Commencement Condition:** Further supplementary ecological surveys for Barn Owl shall be undertaken to inform the preparation and implementation of corresponding ecological mitigation measures required through Condition 13. The supplementary surveys shall be of an appropriate type for the above Barn Owl and survey methods shall follow national good practice guidelines.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, roofs and doors 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).

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall take place until details of the glazing, including the rooflights, to be installed to the hereby approved dwelling have been submitted to and approved in writing by the Local Planning Authority. These details shall include measures and / or specifications for low transmittance or tinted glass to reduce light pollution. The glazing shall be installed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the potential adverse impact of light pollution is mitigated in accordance with Policy 30 of the Horsham District Planning Framework (2015).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall 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).

- 10 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

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

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

- 12 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse 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/residential curtilage treatments
- Details of any external lighting

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).

- 13 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Ecosa Ltd, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 14 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

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

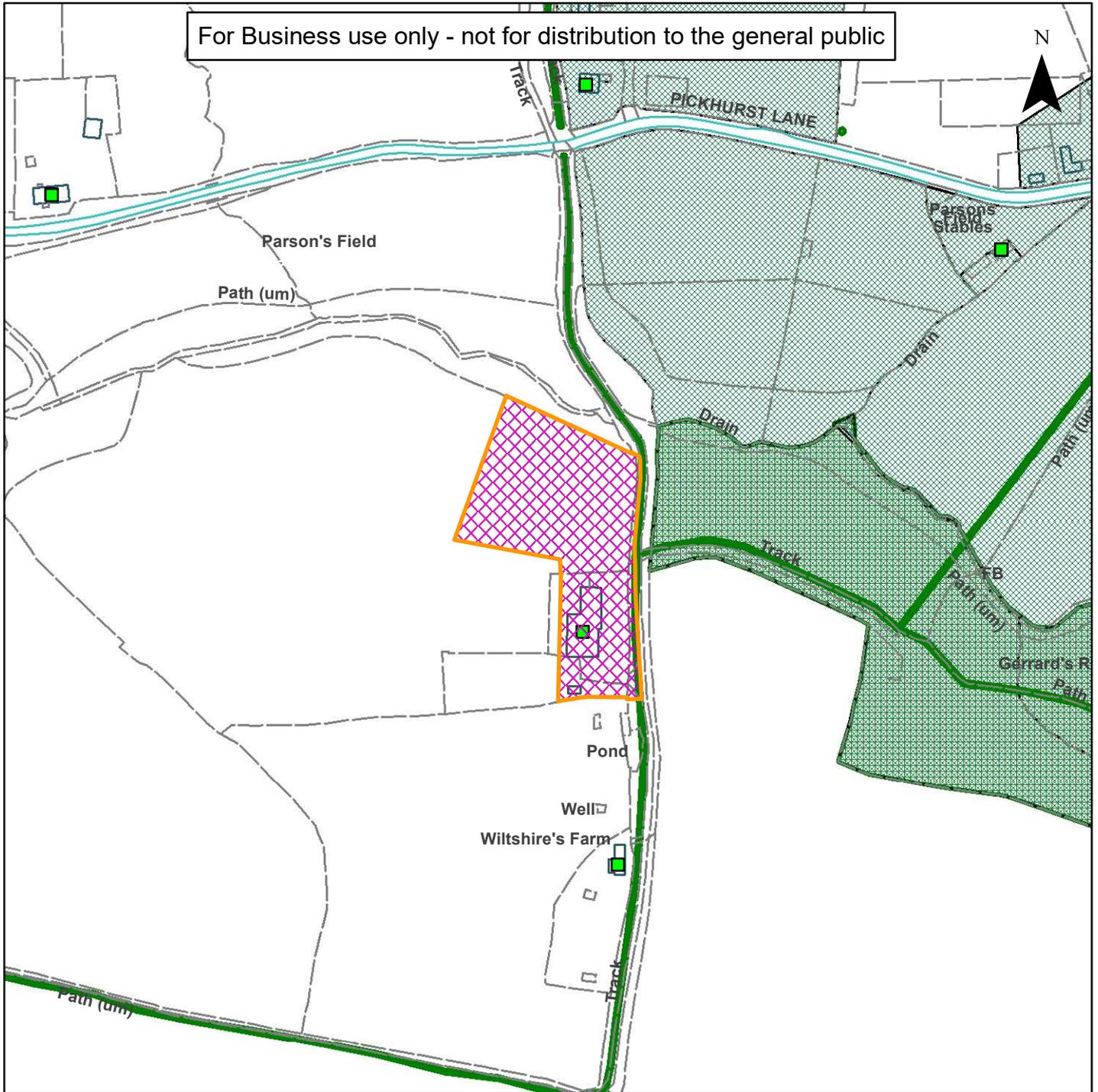
Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0591  
DC/17/0963

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Organisation	Horsham District Council
Department	
Comments	
Date	08/11/2019
Reference Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (South)

**BY:** Head of Development

**DATE:** 19 November 2019

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

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

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/19/0209

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

**REASON FOR INCLUSION ON THE AGENDA:** To update Members following the resolution of the Committee at its meeting on 16 July 2019

**RECOMMENDATION:** To approve planning permission subject to the conditions set out in the Officer's report of 16 July 2019.

### **1. INTRODUCTION**

1.1 Members will recall that planning application DC/19/0209, for the change of use of an existing building used as ancillary accommodation to a residential dwelling, was presented to Planning Committee (South) at its meeting in July 2019. At this meeting it was resolved that the application be deferred to allow for:

- (i) A site visit with Planning Committee South members; and
- (ii) A site visit with the Chairman, Cabinet Member for Planning & Development, Local Members and WSCC Highways Authority officer;

to consider the safety of the junction of Batts Lane with Mare Hill Road (A283). This followed concerns raised by local residents and Pulborough Parish Council in respect of the suitability of the junction of Batts Lane with the A283.

1.2 A site visit was undertaken with Councillor Paul Clarke, Councillor Brian Donnelly and representatives of West Sussex County Council's highway department on 22 August 2019. A further site visit was undertaken on 26 September 2019 with a number of Members of Planning Committee (South) to view the Batts Lane/Mare Hill Road access.

1.3 Since the drafting of the Officer's report which was considered by Members at the July meeting of Planning Committee (South), a further 10 letters/emails of objection have been received from 8 households. These can be summarised as raising the following issues:

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

- The proposed development would be dangerous in transport terms (an appeal decision for a nearby site is quoted).
- The development would set a precedent for similar developments 'garden grabbing'.
- A new access into the site has already been constructed.

## **2. PLANNING ASSESSMENTS**

- 2.1 At the site visit on 22 August 2019, the Chair and Vice-Chair of Planning Committee (South) discussed with the WSCC Highways officers the concerns raised by Members over the suitability of the access from Batts Lane onto Mare Hill Road. It was noted that the National Planning Policy Framework (NPPF) sets out at Paragraph 109 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.'*
- 2.2 The WSCC Highways officers acknowledged that the access onto Mare Hill Road is a historic access and appreciate that it is substandard. The WSCC Highways officers were however of the view that the application for the conversion of an existing annexe to a single dwellinghouse was not anticipated to result in a material intensification of use over the existing potential of the annexe. It was also noted that there had been no recorded injury accidents within the vicinity of the junction in the last five years and therefore, despite the concerns raised by local residents, there is no evidence to suggest that the junction is operating unsafely. The WSCC Highways officers remained of the view that they are unable to substantiate an objection on the basis of substandard visibility at an existing junction which currently serves a number of dwellings, when there is not anticipated to be an intensification of use and no evidence of safety concern within recent history.
- 2.3 The concerns raised by local residents in the additional letters/emails received largely reflect those considered within the Officer report of 16 July 2019 which is appended to this report for Members information. Whilst concerns have been raised in respect of the design not being appropriate to the surrounding area, the proposal relates to the change of use of an existing building with no alterations proposed to the exterior of the building. With regards to the granting of permission setting a precedent for similar 'garden grabbing' proposals, Members will be aware that each application is considered on its own merits, with proposals considered against national guidance and local policies and taking into account material planning considerations and advice received from statutory consultees. In respect of comments raised about a new access into the site already been created, the Council's Planning Compliance team have investigated this issue and, as West Mare Lane is a private road, permission for the new access is not required. Notwithstanding this, the approved block plan relating to application DC/08/0808, which granted permission on appeal for the change of use of the log cabin from ancillary use to accommodation for dependant parents, showed a new gated access off Mare Hill Lane.

## **CONCLUSION**

- 3.1 Concerns have been raised in relation to highway safety, with particular reference to a historic planning application for a new dwelling directly opposite the site which was dismissed on appeal in 1996 on the grounds that the access point between Batts Lane and Mare Hill Road was considered unsafe to accommodate any extra dwelling. The application included an objection from the Highways Authority on these grounds.
- 3.2 WSCC as the Local Highway Authority have been consulted on the current application for the change of use of the existing ancillary accommodation to a dwelling at Mare Meadow. Having visited the site they have confirmed that there are no highway safety issues resulting from the access and that as such there are no objections to the application.

- 3.3 It is acknowledged that a planning application for the erection of a single dwelling adjacent to Brambles, Batts Lane was refused by Horsham District Council, following concerns raised by WSCC Highways, and dismissed at appeal on the grounds of highway safety under application PL/28/95. However it should be noted that the National Planning Policy and highways technical guidance has changed since this time, with the introduction of the NPPF in 2011 (revised in 2019) and Manual for Streets (MfS) in 2007.
- 3.4 On the basis of the advice received, and given that the application site is currently in ancillary residential use, the proposed development is deemed to be in accordance with policies 40 and 41 of the Horsham District Planning Framework and the application is recommended for approval subject to the conditions set out in the Officer's report of 16 July 2019.
- 3.5 The officer recommendation is therefore to approve planning permission with the imposition of conditions as set out within Appendix 1, and as details below for your reference.

Conditions:

- 1 Plans condition
- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.  
  
Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 4 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.  
  
Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 5 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.  
  
Reason: In the interest of visual and neighbouring amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 16<sup>th</sup> July 2019

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

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

**WARD:** Pulborough and Coldwaltham (Historic)

**APPLICATION:** DC/19/0209

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

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

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

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

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

### DESCRIPTION OF THE SITE

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

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

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

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

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

#### Supplementary Planning Guidance:

- 2.3 Pulborough Parish Design Statement (2013)

### RELEVANT NEIGHBOURHOOD PLAN

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

### PLANNING HISTORY AND RELEVANT APPLICATIONS

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

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

### 3. OUTCOME OF CONSULTATIONS

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

#### CONSULTATIONS

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

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

#### Subsequent comments:

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

Paragraph 109 of the NPPF states that: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* This application is for the conversion of an existing annexe to a single dwellinghouse in its own right – this is not anticipated to result in a material intensification of use over the existing potential of the annexe accommodation. In addition, as stated within the LHA's previous response, there have been no recorded injury accidents within the vicinity of the junction and therefore there is no evidence to suggest that the junction is operating safely.

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

- 3.3 **Southern Water: Comment.**

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

#### PUBLIC CONSULTATIONS

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

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

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

#### PARISH COUNCIL COMMENTS

#### 3.5 **Pulborough Parish Council: Objection.**

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

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

6.1 The main considerations material to this application relate to:

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

##### Principle of Development

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

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

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

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

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

Design and Appearance

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

Amenities of the occupiers of neighbouring properties

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

Parking and traffic conditions

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

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

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.19 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.20 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
Residential	106	106	0
		<b>Total Gain</b>	<b>0</b>
		<b>Total Demolition</b>	<b>0</b>

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

Conclusion

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

**7. RECOMMENDATIONS**

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

Conditions:

1 Plans condition

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

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

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

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

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

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

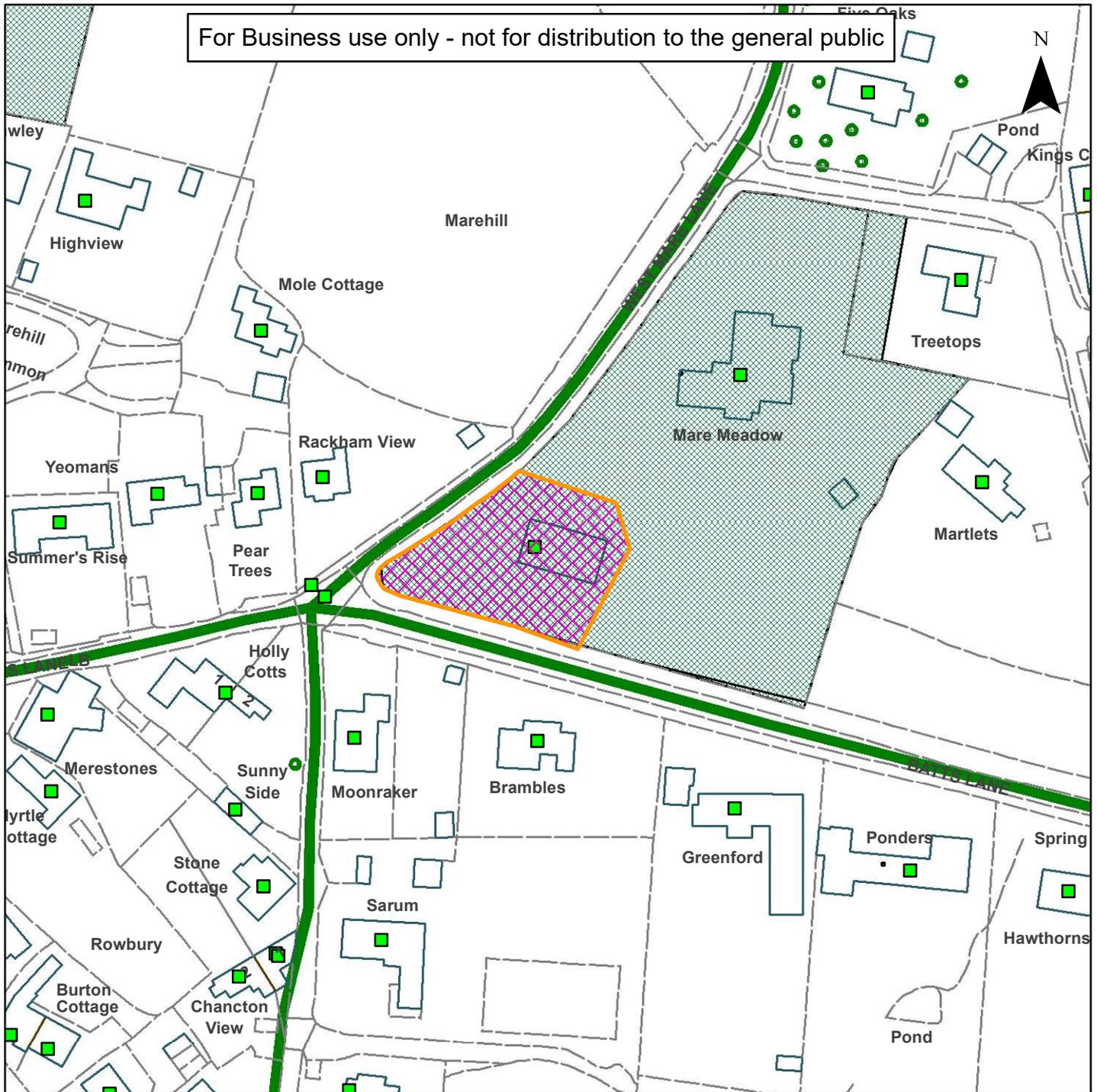
5 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B or E of Part 1 of Schedule 2 of the order shall be erected,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

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

Background Papers: DC/19/0209



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Organisation	Horsham District Council
Department	
Comments	
Date	08/11/2019
MA Number	100023865

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