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# Development Management (South) Committee

Tuesday, 15th November, 2016 at 2.30 pm

Main Conference Room, Parkside, Chart Way, Horsham

Councillors:	Brian O'Connell (Chairman)	
	Paul Clarke (Vice-Chairman)	
	John Blackall	Gordon Lindsay
	Jonathan Chowen	Tim Lloyd
	Philip Circus	Paul Marshall
	Roger Clarke	Mike Morgan
	David Coldwell	Kate Rowbottom
	Ray Dawe	Jim Sanson
	Brian Donnelly	Ben Staines
	David Jenkins	Claire Vickers
	Nigel Jupp	Michael Willett
	Liz Kitchen	

You are summoned to the meeting to transact the following business

## Agenda

	Page No.
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	3 - 12
To approve as correct the minutes of the meeting held on 18 <sup>th</sup> October 2016	
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	
<b>To consider the following reports of the Development Manager and to take such action thereon as may be necessary:</b>	
5. <b>Appeals</b>	13 - 14

Applications for determination by Committee:

- |     |   |          |
|-----|---|----------|
| 6.  | <b>DC/16/2064 - Land North of The Rosary, Partridge Green (Ward: Cowfold, Shermanbury &amp; West Grinstead) Applicant: Mrs Elizabeth Tompkins</b> | 15 - 34  |
| 7.  | <b>DC/16/1974 - Vine Cottage, Coolham Road, Coolham (Ward: Billingshurst &amp; Shipley) Applicant: Mr Jamie Coad</b>                              | 35 - 54  |
| 8.  | <b>DC/16/1963 - High Chaparral, London Road, Washington (Ward: Chantry) Applicant: Mr S Page</b>  | 55 - 64  |
| 9.  | <b>DC/16/1895 - Spear Hill, Spear Hill, Ashington, Pulborough (Ward: Chanctonbury) Applicant: Mr Alastair Barnfield</b>                           | 65 - 74  |
| 10. | <b>DC/16/1908 - Longbury Hill House, Veras Walk, Storrington (Ward: Chantry) Applicant: Mr Tim Drake</b>  | 75 - 88  |
| 11. | <b>DC/16/1930 - High Croft, Hampers Lane, Storrington (Ward: Chantry) Applicant: Sala Newport</b>   | 89 - 96  |
| 12. | <b>DC/16/2127 - Henfield Funeral Services Ltd, The Old Bell, High Street, Henfield (Ward: Henfield) Applicant: Karen Jordon</b>                   | 97 - 104 |
| 13. | <b>Urgent Business</b>  |          |

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

**Development Management (South) Committee**  
**18 OCTOBER 2016**

Present: Councillors: Brian O'Connell (Chairman), Paul Clarke (Vice-Chairman), Jonathan Chowen, Philip Circus, Roger Clarke, David Coldwell, Brian Donnelly, David Jenkins, Nigel Jupp, Tim Lloyd, Paul Marshall, Mike Morgan, Jim Sanson, Ben Staines, Claire Vickers and Michael Willett

Apologies: Councillors: John Blackall, Ray Dawe, Liz Kitchen, Gordon Lindsay and Kate Rowbottom

DMS/51 **MINUTES**

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

DMS/52 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

DMS/53 **ANNOUNCEMENTS**

There were no announcements.

DMS/54 **APPEALS**

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

DMS/55 **DC/16/0731 - LAND NORTH EAST OF GLEBELANDS, PULBOROUGH (WARD: PULBOROUGH & COLDWALTHAM) APPLICANT: MR DAVID MORRIS**

The Development Manager reported that this application sought permission for the development of up to 100 dwellings, new internal access road (including the re-alignment of Drovers Lane) and associated infrastructure. Matters for consideration under this outline application were the principle of the development and access from Glebelands, with all other matters reserved for future determination. The scheme would make provision for policy compliant levels of affordable housing.

The applicant had indicated a number of housing parcels around the access roads interspersed with three landscaping belts to separate four different character areas. Existing planting to the east would be retained, there would be

a new hedgerow along the northern boundary, and a line of mature poplars within the site would be removed.

A majority of buildings would be two and a half storeys, with some two storey buildings near the southern boundary. Attenuation basins to the south providing green open space between the development and existing dwellings were proposed. There would be a pedestrian route along the southern boundary linking with the public footpath on the western side of the site, together with a children's play area close to the western boundary.

The application site was located outside the built-up area on the northern edge of Pulborough, north of Drovers Lane. Woodland and planting to the west screened a public right of way. New Place Nursery, adjacent to the eastern and northern boundaries, used the site for storing and growing plants. Pulborough railway station was approximately 1.9 kilometres to the south-west.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. There was no planning history relevant to the site.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council objected to the application, but raised no objection to the principle of developing up to 50 dwellings on the site. Fifty-two letters of objection had been received. Three members of the public spoke in objection to the application and the applicant and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design; impact on the landscape; noise; highways; drainage; infrastructure; neighbour amenities; ecology; and housing.

Members concluded that the proposal would lead to unsustainable development in the countryside, contrary to policies within the National Planning Policy Framework and the Horsham District Planning Framework.

#### RESOLVED

That planning application DC/16/0731 be refused for the following reasons:

- 01 The proposed development is located in the countryside, outside the defined built-up area boundary of Pulborough on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. This scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the

main settlements. Furthermore the proposed development is not essential to its countryside location. Consequently it represents unsustainable development contrary to Policies 1, 2, 3, 4, 5, 25 and 26 of the Horsham District Planning Framework (2015) and paragraphs 7, 14, and 64 of the National Planning Policy Framework (2012).

- 02 The NPPF and Policy 16 require the provision of affordable housing on sites such as this, whilst Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), paragraph 50 of the NPPF, and the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document.

DMS/56 **DC/16/0543 - HOMELANDS NURSING HOME, HORSHAM ROAD, COWFOLD (WARD: COWFOLD, SHERMANBURY & WEST GRINSTEAD) APPLICANT: MEDICREST LIMITED**

The Development Manager reported that this application sought permission for the construction of a dementia care home for 32 residents within the grounds of Homelands Nursing Home. This would replace an annex used as a specialist dementia care unit for 15 residents that would be demolished. The two storey building would have 32 en-suite rooms and a number of communal facilities. There would be two conservatories, and large windows on all elevations. A new service road and parking was also proposed.

The application site was located outside the built-up area and comprised Homelands Nursing Home set in eleven acres of grounds. The home accommodated 35 residents plus the 15 residents in the annex. The site was about one kilometre north of Cowfold and was accessed from the A281 along a drive that was shared with five properties.

The boundaries to the north and east were well screened by trees and vegetation, with open fields and countryside beyond the site. The High Weald AONB was approximately one kilometre to the east.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council raised no objection to the application. One letter of support had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development in this location; design; its impact on the character of the surrounding area and landscape; amenity of nearby residents; access and parking; and drainage.

Whilst Members considered that additional dementia care facilities would benefit the District, they were mindful that the applicant had not supplied any justification or proven need for additional residential care in this location. It was also considered that the external appearance of the proposal was not in keeping with its countryside setting.

Members concluded that the proposal should be deferred to give the applicant the opportunity to provide justification for the proposal, and to amend the appearance of the building.

RESOLVED

That planning application DC/16/0543 be deferred to allow for additional information to be submitted to justify the need for the facility in this location, and to allow for improvements to the design of the proposed building.

DMS/57 **DC/16/1252 - LITTLE THATCH, VERAS WALK, STORRINGTON (WARD: CHANTRY) APPLICANT: MR WATTS-WILLIAMS**

The Development Manager reported that this application sought permission for the erection of one single storey 3-bedroom dwelling on land that comprised the garden of Little Thatch, with a new vehicular access from Veras Walk. The new access would be shared with the host property. The dwelling would be L-shaped with habitable openings facing south and east over its own garden area.

The host property's existing garage would be demolished to allow for the driveway to the new dwelling along the western boundary, and a replacement garage to the front of Little Thatch was proposed. The proposal had been amended to move the parking area back from the front of the new dwelling and to include a planting strip alongside the new driveway.

The application site was located to the east of Veras Walk (a dead-end lane off Sanctuary Lane) which was characterised by detached houses in irregular shaped plots. There was a variety of architectural styles and buildings including bungalows and two-storey houses in a range of sizes. The front boundaries in the vicinity ranged from dense boundary planting to open, unplanted and paved boundaries. Little Thatch was a post-war thatched bungalow in a garden of irregular shape. The site's current driveway was shared with the adjacent dwelling Pinehurst.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

Councillor Brian O'Connell advised the Committee that, whilst he lived on the same road as the applicant, he was not well acquainted with him and had no personal or prejudicial interest in the application.

It was confirmed at the meeting that Washington Parish Council (not Storrington Parish Council as printed in the report) objected to the application. Twenty-nine letters of objection (not 209 as printed in the report) had been received, and the Heath Common Residents Association had also objected to the scheme. Three members of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its impact on the setting of the area; neighbouring amenity; and highways considerations.

Members considered aspects of the proposal, including the unique character of the Heath Common area, design, the amenity of nearby residents; how the proposed plot related to the adjoining plots, and traffic.

After careful consideration Members concluded that the proposal would have a detrimental impact on the character and setting of the area of Heath Common and was therefore unacceptable.

#### RESOLVED

That planning application DC/16/1252 be determined by the Development Manager with a view to refusing permission, on the grounds that the proposal would have a detrimental impact on the setting and character of the area.

DMS/58 **DC/16/1564 - LAND WEST OF NUTBOURNE LANE, NUTBOURNE LANE, NUTBOURNE (WARD: PULBOROUGH & COLDWALTHAM) APPLICANT: MRS TICEHURST**

The Development Manager reported that this application sought permission for the creation of a new gated vehicular access, off Nutbourne Lane, to a vineyard located in the north-western corner of the site. The proposal would provide improved vehicular access to the site with enhanced visibility for vehicles. The development would require a small area of the raised bank bounding the field to be excavated. The existing gated access to the north-eastern corner of the site,

which formed part of a public right of way, would remain accessible to pedestrians only.

The application site was located outside the built-up area approximately one kilometre north of Nutbourne, surrounded by open countryside and a separate vineyard to the north. The site comprised a 1.2 acre vineyard in an eleven acre plot. There was thick foliage on the western boundary.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory external consultees, as contained within the report, were considered by the Committee.

The Parish Council objected to the application. Five letters of objection had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: its visual impact on the countryside; highway safety; and rural economic development.

Members considered the siting of the new access in the context of road safety and the rural setting and concluded that the proposal was acceptable.

#### RESOLVED

That planning application DC/16/1564 be granted subject to the conditions and reasons as reported.

DMS/59 **DC/16/1147 - BANAVIE, LORDINGS LANE, WEST CHILTINGTON (WARD: CHANCTONBURY) APPLICANT: MR MICHAEL MASON**

The Development Manager reported that this application sought permission for alterations and extensions to the roof of a bungalow to form a two-storey chalet bungalow with integral garage. The proposal would increase the ridge height by 1.3 metres, and the alterations included barn end and hipped extensions, dormer windows, and the installation of rooflights. A side conservatory would be removed.

The proposal included the demolition of a detached garage to the side of the property and its replacement with a side extension and canopy, creating a loggia. A pitched roof porch canopy over the existing main entrance was proposed. The application had been amended in response to officer concerns regarding the scale and bulk of the proposal and potential impact on neighbouring properties.

The application site was located in the built-up area of West Chiltington Common on the south-western side of Lordings Lane, which was a private road accessed from Haglands Lane to the north and Smock Alley to the south. The



surrounding area included detached bungalows and dwellings in a variety of styles and positions within their plots.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The Parish Council objected to the application. Objections had been received from ten separate households: nine letters had been received in response to the initial consultation, and a further seven letters had been received objecting to the amended plans. Two members of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the character of the dwelling and its impact on the visual amenities of the area; and the amenities of the occupiers of adjacent properties. It was noted that concerns regarding the proximity of the garage doors to the neighbouring boundary would be addressed through Condition 4, which required hard and soft landscaping details to be approved prior to commencement of the development.

#### RESOLVED

That planning application DC/16/1147 be granted subject to the conditions and reasons as reported.

DMS/60 **DC/16/1803 - SHAW COTTAGE, BLACKSTONE LANE, BLACKSTONE, HENFIELD (WARD: BRAMBER, UPPER BEEDING & WOODMANCOTE) APPLICANT: MR KEITH TOOGOOD**

The Development Manager reported that this application sought permission for the erection of a two-storey rear extension to a later barn edition, which would form a kitchen and living space with bedroom above. Internal alterations to alter the layout of a ground floor bedroom and provide a shower room on the first floor were also proposed. The extension would incorporate a two storey element to the east and flat roof addition to the south.

The extension would incorporate a full height glazed link to separate the main structure from the barn, and include a half-hipped roof extending to an overall height of 7.4 metres. A single storey flat roof addition, extending from the two storey extension, was also proposed.

The application site was located outside the built-up area to the east of Blackstone Lane and was a Grade II Listed Building with an attached Sussex barn which was re-located to the site from elsewhere in the District approximately 16 years ago.

The dwelling was in a relatively large site bound by mature hedging to the south and west, and post and rail fencing open to the surrounding countryside to the

north. The neighbouring properties to the south were approximately 30 metres away and were separated from the site with mature hedging.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The consultation response from the Design and Conservation Officer, which referred to this application and Listed Building application DC/16/1804, as contained within the report, was considered by the Committee.

The Parish Council raised no objection to this application or Listed Building application DC/16/1804. Eight letters supporting both applications had been received. Both the applicant's agent and the architect spoke in support of the applications and the applicant also addressed the Committee in their support.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: its impact on the character, appearance and significance of the Listed Building; and the impact on the amenity of neighbouring occupants.

Members considered the scale and design of the proposal and noted that the site was hardly visible from the public highway. Members discussed the previous barn extension, that they considered to be a sympathetic addition to the original building, and concluded that the proposal, by way of its modern and glazed design, would not present a pastiche of the original design, but stand as a distinctive addition that would not have an overbearing or harmful impact upon the special character and distinctiveness of the listed building.

#### RESOLVED

That planning application DC/16/1803 be determined by the Development Manager to allow for the framing of conditions. The view of the Committee was that the application should be granted.

DMS/61 **DC/16/1804 - SHAW COTTAGE, BLACKSTONE LANE, BLACKSTONE, HENFIELD (WARD: BRAMBER, UPPER BEEDING & WOODMANCOTE) APPLICANT: MR KEITH TOOGOOD**

The Development Manager reported that this application sought Listed Building Consent for the erection of a two-storey rear extension to a later barn edition, which would form a kitchen and living space with bedroom above. Details of the proposal and its location were set out under Household Planning Application DC/16/1803, which was also considered by the Committee.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee

The consultation response from the Design and Conservation Officer, which referred to this application and Householder application DC/16/1803, as

contained within the report, was considered by the Committee. One member of the public spoke in support of both applications and the applicant and the applicant's agent addressed the Committee in their support.

The Parish Council raised no objection to this application or Householder application DC/16/1803. Eight letters supporting both applications had been received. Both the applicant's agent and the architect spoke in support of the applications and the applicant also addressed the Committee in their support.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was the impact of the proposal on the character, appearance and significance of the Listed Building.

Members considered the scale and design of the proposal and noted that the site was hardly visible from the public highway. Members discussed the previous barn extension, that they considered to be a sympathetic addition to the original building, and concluded that the proposal, by way of its modern and glazed design, would not present a pastiche of the original design, but stand as a distinctive addition that would not have an overbearing or harmful impact upon the special character and distinctiveness of the listed building.

#### RESOLVED

That planning application DC/16/1804 be determined by the Development Manager to allow for the framing of conditions. The view of the Committee was that the application should be granted.

*The meeting closed at 5.02 pm having commenced at 2.30 pm*

CHAIRMAN

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## Development Management Committee (South)

Date: 15<sup>th</sup> November 2016



**Horsham  
District  
Council**

Report by the Development Manager: APPEALS  
Report run from 6/10/16 to 2/11/16

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/16/1463	Hillyards Sunset Lane West Chiltington Pulborough West Sussex RH20 2PB	20 <sup>th</sup> October 2016	Refuse	
DC/16/1464	Hillyards Sunset Lane West Chiltington Pulborough West Sussex RH20 2PB	20 <sup>th</sup> October 2016	Refuse	
DC/16/1091	Land Adjacent To Buckmans Stane Street Five Oaks West Sussex RH14 9BA	2 <sup>nd</sup> November 2016	Refuse	Refuse

### 2. Live Appeals

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

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/16/0625	23 Montpelier Gardens Washington Pulborough West Sussex RH20 3BW	Fast Track	19 <sup>th</sup> October 2016	Refuse	
DC/16/1456	St Andrews Lodge Coolham Road Brooks Green Horsham West Sussex RH13 0JW	Fast Track	19 <sup>th</sup> October 2016	Refuse	
DC/16/1573	Abbots Barn Washington Road Storrington Pulborough West Sussex RH20 4AF	Fast Track	19 <sup>th</sup> October 2016	Refuse	

DC/16/0291	Blackthorne Barn Marringdean Road Billingshurst West Sussex RH14 9HD	Informal Hearing	28 <sup>th</sup> October 2016	Refuse	Refuse
DC/15/2706	Land at Harbolets Road West Chiltington West Sussex	Written Reps	26 <sup>th</sup> October 2016	Refuse	
DC/16/0752	Oakwood Farm Hooklands Lane Shipley Horsham West Sussex RH13 8PY	Written Reps	31 <sup>st</sup> October 2016	Refuse Prior Approval	

### 3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/16/0444	3 Fairfield Cottages Cowfold Horsham West Sussex RH13 8BL	Written Reps	Dismissed	Refuse	
DC/15/1389	Land West of Smock Alley Haglands Lane West Chiltington West Sussex	Informal Hearing	Dismissed	Refuse	Refuse
DC/16/0272	Bramble Barn The Street Thakeham West Sussex	Written Reps	Allowed	Refuse Prior Approval	
DC/15/2647	Morlands Farm Wheatsheaf Road Henfield West Sussex BN5 9AT	Written Reps	Allowed	Refuse Prior Approval	
DC/16/0959	18 Chestnut Walk Pulborough West Sussex RH20 1AW	Fast Track	Allowed	Refuse	
DC/15/2353	Woodfords Shipley Road Southwater Horsham West Sussex RH13 9BQ	Written Reps	Allowed	Refuse	



**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Development of 101 dwellings, with associated access, parking and landscaping (outline application with all matters reserved except access)

**SITE:** Land North of The Rosary Partridge Green West Sussex

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

**APPLICATION:** DC/16/2064

**APPLICANT:** Mrs Elizabeth Tompkins

**REASON FOR INCLUSION ON THE AGENDA:** - The development, if permitted, would represent a Departure from the adopted Development Plan

**RECOMMENDATION:** To refuse the application

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes the development of 101 dwellings on a site of approximately 4.8 hectares. Access is for consideration at this stage, with matters of layout, scale, appearance and landscaping reserved for later consideration.

1.3 The proposed access arrangements are shown on drawing number 3657/SK/214 Rev E, within the Transport Statement. This shows a single new access point onto Church Road, opposite the existing dwellings Hookshile and Rivendale. A separate pedestrian access is proposed at the south-eastern corner of the site, where a new pedestrian crossing point is proposed, to link to the existing footway on the eastern side of Church Road. A new link to the Downs Link public footpath is proposed at the south-west corner of the site.

1.4 The application includes an indicative site plan, which demonstrates how the proposed 101 dwellings could be accommodated within the site. This shows the retention of most boundary vegetation and indicative locations for surface water attenuation ponds, play areas and dwellings. The dwellings are shown as predominantly semi-detached, with some detached and short terraces of dwellings and three buildings comprising flats. The semi-detached and detached dwellings would be served by on-plot parking, while the other dwellings would be served by shared parking courts. The indicative scale parameters show mainly two storey dwellings, with the flats being 2.5 storeys.

## ITEM A01 - 2

- 1.5 The application forms state that the housing mix will provide a total of 61 market units and 40 social rented units (equating to 39% affordable units). The Planning Statement submitted with the application provides a slightly different indicative mix, but also 39%, with 61 market units, 25 affordable rented units and 15 shared ownership units.
- 1.6 A number of supporting documents have been submitted with the application, including:
- Design and Access Statement
  - Planning Statement
  - Landscape and Visual Impact Assessment
  - Transport Assessment and draft Travel Plan
  - Flood Risk Assessment
  - Surface Water Drainage Strategy
  - Tree Survey and Arboricultural Report
  - Archaeological Desk-Based Assessment and Written Scheme of Investigation
  - Ecological Appraisal

### DESCRIPTION OF THE SITE

- 1.7 The site lies outside of the built-up area boundary, but adjoins it to the south (dwellings on The Rosary) and the dwellings on the opposite side of Church Road also lie within the built-up area boundary. The western boundary of the site is the Downs Link footpath, which is separated from the site by trees and vegetation. The northern boundary of the site is demarked by a stream. The boundaries with Church Road and The Rosary are also vegetated.
- 1.8 The site comprises two fields that slope down from the south-east to the north-west. There is a small wooden shelter to the south-west corner of the site. A number of the existing trees are subject of Tree Preservation Orders. There is no access onto a highway from the site. Access is currently taken from a gate to the Downs Link at the southwestern corner of the site.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10, 11 and 12.

### RELEVANT COUNCIL POLICY

- 2.3 The Development Plan consists of the Horsham District Planning Framework (November 2015) (HDPF).
- 2.4 The relevant Policies of the HDPF are 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 4 (Settlement Expansion), 15 (Housing Provision), 16 (Meeting Local Housing Needs), 24 (Environmental Protection), 25 (The Natural Environment and Landscape Character), 26 (Countryside Protection), 27 (Settlement Coalescence), 31 (Green Infrastructure), 32 (The Quality of New Development), 33 (Development Principles), 34 (Cultural and Heritage Assets), 35 (Climate Change), 36 (Appropriate Energy Use), 37 (Sustainable Construction), 38 (Flooding), 39 (Infrastructure Provision), 40 (Sustainable Transport) and 41 (Parking).



## RELEVANT NEIGHBOURHOOD PLAN

- 2.5 West Grinstead Parish has been designated as a Neighbourhood Plan Area. No draft plan has been published yet.

## PLANNING HISTORY

WG/29/87	Erection of 72 houses and garages	Refused
WG/29/88	Residential development 51 houses	Refused
DC/14/0820	Outline development of a mix of 129 private and affordable housing units, with associated access, parking and additional landscaping on land to the west of Church Road	Refused

## 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 Environmental Health Officer (summary): No Objection subject to Conditions
- A Construction Environmental Management Plan will be necessary to minimise adverse impacts on nearby residents during the construction period.
  - It will be necessary to demonstrate that there are no contaminants in the soil that could pose risks to future occupants, as a result of the historic use of this land for farming.
  - As a result of the predicted future trip generation resulting from this development, an appropriate assessment of the air quality impacts and any proposed mitigation should be provided.
  - The requirements above can be secured by conditions.
- 3.3 HDC Community and Leisure (summary): Comment
- Financial contributions are requested towards community infrastructure improvements, including the provision of multi-sport courts at the village recreation ground.
  - Note that two LEAPs are proposed, but a single LEAP would be preferable.
  - The full details of the LEAP will be necessary at the detailed application stage. The design should ensure that the play area integrates well with the local context (i.e. the indicative square shape would not be suitable).
  - The applicant should note the requirements for a buffer zone around play areas- the edge of the activity zone must be a minimum of 20m from the nearest property boundary.
  - There is sufficient natural and amenity space.
  - Full details of the SuDS features are necessary to ensure these blend with the landscape and are safely accessible with no gradients exceeding 1 in 3.
  - Attenuation ponds should not be expected to be under water for more than 48 hours after heavy rain.
- 3.4 HDC Ecology Consultant (summary): Objection
- The submitted Preliminary Ecological Appraisal recommends further survey work in relation to bats, dormouse, common species of reptile and great crested newt to support any planning application and fully assess the potential impacts of the proposed development.
  - No reports of these further surveys have been submitted with the application.

## ITEM A01 - 4

- The current level of information submitted is therefore insufficient to allow adequate assessment of the ecological impacts of the development upon protected species against relevant planning policies.
- The presence of a protected species within a site is a material consideration in assessment of a planning application that, if implemented, would be likely to result in harm to the species or its habitat.
- Therefore, it is essential that the presence or otherwise of protected species, and the extent that they might be affected by the proposed application, is established before any permission is granted.
- These surveys should be carried out by a suitably qualified ecologist who is recognised by a relevant professional body in accordance with current guidelines, and their report should determine whether these species may be impacted, and if so, the measures that will be required to avoid, mitigate or compensate for these impacts.

### 3.5 Drainage Engineer (summary):

- No objections, subject to conditions requiring details of sustainable drainage strategy.

### 3.6 Strategic Planning (summary): Objection

- The principle of residential development on this site outside the built-up area boundary and in the countryside is unacceptable.
- The site is not allocated for development in the HDPF or in a made Neighbourhood Plan, and the Council has a 5-year supply of housing land.
- The proposed development is not in accordance with Policy 4 in particular.

### 3.7 Landscape Architect (summary): Objection

- Some development could be accommodated within the site without detriment to landscape character, but 101 dwellings would give rise to an adverse urbanising effect on the character of the site.
- The illustrative drawing demonstrates that it is not possible to deliver a layout for 101 dwellings that relates sympathetically to the surroundings and allows for a sensitive design transition to Jolesfield and the wider countryside.
- Terraced units at north eastern corner are in close proximity to boundary vegetation. The dense nature of this development becomes intrusive in views from Church Road, exacerbating the urbanising effect and change in character along Church Road.
- There is no transition or reduction in scale and density towards the northern boundary to respond to adjacent character.
- Parking clusters create a stark, urbanised environment, out of character for countryside and suburban character of the village.
- Play areas have a poor relationship with the dwellings- failing to provide natural surveillance.
- No arrival points for the play areas/open space along the western boundary.
- Development turns its back on open amenity space.
- Better relationship should be created between the LEAPs and the ponds to increase the amenity of the open space and play value.
- Additional planting to the south boundary would create a more robust buffer between the development and The Rosary.
- An outline landscape management and maintenance plan should be provided to clarify how the existing boundary vegetation long term retention and management would be secured.
- Location of surface water drainage features, particularly attenuation ponds, are in close proximity of mature trees and could present a threat to the collective contribution made by the existing trees to landscape character.
- The proposal does not protect, enhance or conserve landscape and townscape character.
- Some concerns previously raised (DC/14/0820) have been addressed, but the number of units should be further reduced to enable the proposed development to sit comfortably

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within the site, relate sympathetically to its surroundings and enable a sensitive transition to the dispersed settlement character of Jolesfield and the wider countryside.

### OUTSIDE AGENCIES

#### 3.8 West Sussex County Rights of Way (summary): Comment

- Consideration should be given to a pedestrian access and crossing point at the north eastern corner of the development, to provide a link to pfp1840, to Jolesfield CofE Primary School.
- Clarification is required as to whether the access to the Downs Link in the south-west corner of the site is to be dedicated as a bridleway. If so, it will need to meet WSCC standards for width, surfacing and visibility splays.
- Surface water run-off should not be discharged to drainage ditches running alongside the Downs Link.
- A financial contribution of £76,000 is requested to improve public rights of way in the vicinity of the site, to encourage sustainable transport choices.

#### 3.9 West Sussex County Highway Authority (summary): Objection

- Development would result in increased risk to road users as a result of the proposed site access.
- There is an absence of proposals to improve National Cycle Route 223 in the vicinity of the site and lack of detail of connection from the site to the route.
- The application lacks a framework green travel plan.
- The site is on the margins of sustainability, as while there is employment in the village, most residents are likely to work outside of Partridge Green and any shopping other than minor items will need a trip to a larger settlement.
- The principle of better pedestrian access to the site is supported, but the proposal for an additional crossing on Church Road has not been assessed.
- The Road Safety Audit highlights an increased risk of collisions and recommends that the access design not be introduced.
- Concern that a 30mph speed limit would not be kept to.

#### 3.10 West Sussex County Strategic Planning (summary):

- No objection, subject to financial contributions to education, libraries, fire and rescue and transport.

#### 3.11 West Sussex Flood Risk Management (summary): Comment

- Low surface water flood risk for majority of the site
- North and north west sections of the site are at high risk from surface water flooding.
- Low risk of ground water flooding.
- Drainage Strategy proposes sustainable drainage methods.
- Some properties are shown to be within the area of high surface water flood risk. Consideration of this should be taken into account in the detailed drainage designs.
- Development should not commence until details of drainage have been approved.

#### 3.12 Horsham and West Sussex Clinical Commissioning Group (summary): Comment

- Cowfold Surgery operate a branch surgery in Partridge Green.
- Improvements of internal infrastructure for patients are necessary to accommodate more patients.
- A contribution towards these improvements is necessary.

### PUBLIC CONSULTATIONS

#### 3.13 West Grinstead Parish Council (summary): Objection

- Strong objection.

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- Concerned that the Applicant's Highway Consultant's comments conclude that they are uncomfortable with the proposed new junction/pedestrian crossing.
- Sight lines are not sufficient for the stopping distances necessary for vehicles travelling on the B2135.
- The proposed pedestrian crossing is not well located. Pedestrians will want to cross by Church Close, which is the shortest route to Jolesfield School.
- Traffic roundels will have little impact on vehicle speeds.
- Neighbourhood Plan consultation responses show overwhelming local support for redevelopment of brownfield sites over green field sites for housing.
- Neighbourhood Planning is the best way for Partridge Green to develop. Proposals of this size will undermine the local strategy and the wishes of the local community.
- This scale of development is inappropriate to the settlement characteristics.
- This development would cause coalescence of Partridge Green and Jolesfield.
- This area has the highest level of sensitivity to development
- Existing sewage treatment plant is already inadequate to cope with the needs of existing properties.
- Partridge Green has problems of rainwater runoff in heavy rain. The northwestern corner of the site is prone to flooding and the development would exacerbate this.

3.14 The Council has received nine letters of objection, which include the following points:

- Previous applications here have been refused and the reasons for refusal remain applicable.
- Proposed site access is at a dangerous point.
- The speed limit in the vicinity of the site is regularly exceeded.
- Additional vehicle movements increase the risk of a serious accident.
- The junction of the B2135 and A24 (north) is hazardous and this would add to the use of that junction.
- The B2135 (Church Road) is used as a rat-run to avoid the A27.
- Partridge Green does not have sufficient infrastructure to provide for additional residents (schools, GPs, public transport, shopping, parking etc).
- The sewer system in the area has inadequate capacity.
- The application is pre-emptive of the Neighbourhood Plan process.
- Public consultation for the Neighbourhood Plan shows a strong preference for development on brownfield sites.
- There are alternative brownfield sites that would be more appropriate for development.
- The development is contrary to the Horsham District Planning Framework.
- Only small scale developments are acceptable in a category 2 settlement.
- The development is a significant increase in housing in Partridge Green and not appropriate for the size of the village, the road network and amenities.
- The development would urbanise the western part of Partridge Green.
- Development would impact on the unique areas of Jolesfield and Littleworth.
- Development would destroy the green space between Partridge Green and Jolesfield.
- This site is visible from many areas in the vicinity.

## **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**

Introduction and Principle of Development

- 6.1 The starting point for assessment of a planning application is whether the proposal complies with the relevant Policies of the Development Plan, with regard to any other material considerations. The HDPF is the Adopted Development Plan for this area. Recent appeal decisions (i.e. post-adoption of the HDPF) have confirmed that the District can demonstrate a 5-year supply of housing land (see the May 2016 housing trajectory monitoring update for full details of housing land supply). Although one appeal decision (Cisswood House Hotel, ref DC/15/0589) suggested that the built-up area boundaries shown on the HDPF Policies Map were out of date, as these could be amended through the Neighbourhood Plan making process, the Council did not agree with that Inspector's interpretation and has continued to treat these boundaries as up-to-date. A more recent appeal decision (Old Claytons Kennels, DC/14/0921) confirmed that the built-up area boundaries are in fact up to date, despite there being the opportunity for revisions through Neighbourhood Planning and other programmed work such as a Site Allocations SPD. It is therefore considered that the HDPF is sound and up to date and as such, it is the starting point for assessment of any planning application within the District, outside of the South Downs National Park.
- 6.2 In this case, the application site lies outside of the defined built-up area boundary of Partridge Green and is not allocated for development in the Local Plan or in a Neighbourhood Plan. The strategy for growth in the HDPF seeks to direct new development to the most sustainable areas, balancing the need to deliver new dwellings against the potential environmental, economic and social impacts that can arise through poorly located development. This strategy requires new residential development to come forward through the redevelopment of sites in built-up areas in accordance with Policy 3 and outside of built-up areas where the proposal complies with Policy 4 (i.e. where allocated in a Local Plan or Neighbourhood Plan) or in accordance with Policy 26 (i.e. where the development is essential to the countryside location). In addition, Policy 17 allows for the release of greenfield land for schemes of 100% affordable housing, subject to compliance with a number of detailed criteria
- 6.3 In this case, the site is located outside of the built-up area boundaries and is not the subject of an allocation (either in the Local Plan or a Neighbourhood Plan), nor is it essential to the countryside location. The principle of development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the HDPF. This conflict with the strategy for growth set out in the Development Plan carries significant weight against the proposal.
- 6.4 It is noted that the application follows the refusal of DC/14/0820 for 129 units, and that no objection was raised to the principle of development at that time. However, at the time of the Council's consideration of that application, the 2007 Core Strategy could not demonstrate a 5-year housing land supply and the Council was using the Facilitating Appropriate Development SPD to assess the suitability of proposals for housing development outside of built-up areas. The Policy context has since changed significantly, and as set out above the Council is now in a strong position with regards housing land supply following the recent Adoption of the HDPF. The possibility of such a change in policy position was highlighted to the Applicant in an informative attached to the decision of DC/14/0820: *"The applicant is advised that at the point of determination of this application the principle of residential development on this site has not been objected, this position is*

*likely to change upon the increased weight given to the Horsham District Planning Framework as it gets closer to adoption. Specifically, when the Local Planning Authority has identified a 5 Year Housing Land Supply and it has been agreed by the Examination Inspector, it is likely that the principle of residential development upon this site would be unacceptable, in accordance with Policy 3 of the Horsham District Planning Framework”.*

- 6.5 While consideration must therefore be given to whether the current proposal addresses the previous reasons for refusal, the policy context against which the application is assessed is now materially different, warranting a fresh assessment of the proposal in light of the recently adopted Policies. Before moving on to consider whether there are any other material considerations which would warrant permitting this development as a Departure to the Development Plan, it is necessary to consider the proposal in terms of other relevant Policies of the HDPF, and identify whether any other harm or benefits arise.

Landscape

- 6.6 The first reason for refusal of the previous application included reference to a harmful urbanising impact on the rural landscape character of the site and as it had not been demonstrated that the proposed quantum of development (129 units) could be accommodated without harm to the visual amenities and character of the area and future pressure on protected and other trees around the site to be harmfully pruned or felled. The third reason for refusal included reference to erosion of existing planting, to the detriment of the rural landscape character and setting of the site.
- 6.7 In comparison to the previously refused scheme, the current application reduces the quantum of development by 28 units, to 101. This has resulted in the indicative layout showing wider buffer areas between the developed part of the site and the site boundaries. The previous indicative layout showed a number of private gardens (mainly along the Church Road frontage) tightly abutting the retained landscaping to this boundary, and an L-shaped building of flats within metres of the southern boundary with The Rosary. The revised indicative layout re-orientates the dwellings so that most of the boundary vegetation is outside of residential gardens, and contained within public areas. The large L-shaped building has also been removed, allowing a greater landscaped buffer to the south-western corner of the site.
- 6.8 The comments of the HDC Landscape Architect in respect of the previously refused scheme identified several areas of concern in addition to the urbanisation of the site and the harmful impact of the large L-shaped building. These included the illustrative layout not responding well to the topography of the site and cutting across the contours, areas of open space not being faced by development presenting a ‘secured by design’ problem and lack of transition to the lower density development to the north. The illustrative layout submitted with this application does not sufficiently address many of these concerns. The illustrative layout locates two LEAPs in areas behind residential gardens/parking areas, resulting in poorly overlooked spaces. Although the L-shaped building has been removed and no longer results in the same harmful impact when viewed from the Downs Link, the revised scheme shows three 2.5 storey buildings comprising flats towards the centre of the site, with the eastern most of these on higher ground and in a prominent location close to the proposed site access. The illustrative layout therefore provides for a urbanising impact when viewed from Church Road.
- 6.9 The illustrative layout does not make provision for a reduction in density towards the northern boundary, in order to provide a transition to the development to the north which is very sparse and rural in character. The 2001 Partridge Green and Dial Post Design Statement SPG provides an assessment of the characteristics of settlements in the area. It identifies Jolesfield as a separate hamlet to the north of Partridge Green, the focal point of which was the Green Man pub. Section 6a of the Design Statement SPG advises that open spaces are an essential part of the landscape and an integral part of the rural

character of the area, providing important buffers between areas of different uses and character, which it states is “*especially true of the...areas of remaining open countryside that separate Partridge Green, Jolesfield and Littleworth Lane*”. It goes on to state that “*The retention of the open areas between Littleworth and Jolesfield and Partridge Green, centred around Jolesfield Common...is considered of key importance by the local communities*”. While development at Staples Hill has encroached on the gap between Partridge Green and Jolesfield to a degree, the proposed development would add to the cumulative impact of development in this gap, by developing on the western side of Church Road. The guidance in the SPG adds weight to the need to ensure that any development of this site achieves a suitable transition from Partridge Green to Jolesfield, which maintains the distinction between the two areas and protects the more rural character and setting of Jolesfield. The HDC Landscape Architect highlights the importance of any development at this site maintaining the separate characters of these two areas, and providing a suitable transition in any new development. The consultation response refers to the inclusion of a cluster of terraced units in the north eastern corner adding to the urbanising impact when viewed from Church Road, and the inability of the site to accommodate 101 dwellings while providing a suitable transition. This results in conflict with Policy 27, which seeks to protect landscapes from development which would result in the coalescence of settlements and maintain the identity of places and settlements.

6.10 While the illustrative layout provided therefore represents an improvement in comparison to the previously refused scheme, there are still a number of concerns arising. The submitted illustrative layout does not demonstrate that the proposed quantum of development can be delivered in an acceptable way.

6.11 While the reduction in the quantum of development proposed has resulted in wider landscaped buffer strips, and reduces the likelihood of pressure for felling the retained boundary trees, the proposal for 101 dwellings still represents the harmful urbanisation of this currently undeveloped site, to the detriment of the rural character of the site and locality. The spatial strategy of the HDPF seeks to direct development to those sites which are considered to be most sustainable, and this includes consideration of landscape impacts. Policy 2 sets out that the spatial strategy seeks to maintain the District’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth. It states that the spatial strategy includes managing development around the edges of existing settlements in order to protect the rural character and landscape and to retain and enhance natural environmental resources, including landscapes and landscape character. Policy 25 sets out that the Council will support development which protects, conserves and enhances landscape and townscape character. Policy 26 sets out that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Given the urbanisation of the site arising from the proposed development, the proposal would not enhance or conserve the key features and characteristics of the landscape and rural character of the area.

#### Townscape

6.12 The previous reasons for refusal of DC/14/0820 included reference to the cramped and congested layout of the development being out of keeping with the visual amenities and character of the area. The existing development in the northern part of Partridge Green is predominantly residential. The older residential properties within the settlement are generally set in fairly substantial plots, but more recent development in the vicinity of the site such as Staples Hill, Cambria Close and The Rosary/Bedford Square have been developed at a higher density, with more closely spaced dwellings in smaller plots than older properties on Church Road. The existing urban grain is therefore fairly varied. Existing developments vary in density from around 24 dwellings per hectare (Staples Hill) to 14 dwellings per hectare (Downlands). The proposal would provide 101 dwellings on a site of about 4.8ha, resulting in a density of about 21 dwellings per hectare, and is

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therefore comparable in density to the developed area of Partridge Green, but does not reflect that of the hamlet of Jolesfield to the north (about 24 dwellings over an area of about 5ha, equating to a density in the region of 4.8dph).

- 6.13 In comparison to the previously refused scheme, the reduction in the number of dwellings proposed would allow a more spacious development to come forward, with the illustrative site plan showing most of the pairs of semis now separated by single storey garage sections, replacement of the large L-shaped flats building with three separate smaller scale blocks of flats and the introduction of a number of areas of landscaping/play areas breaking up the northern and southern parts of the development. However, as set out above, the illustrative layout lacks provision for a transition in density across the site, to reflect the rural grain of the Jolesfield area to the north. If the 101 units were re-arranged to reduce the density in the northern part of the site which reflects the layout and density of the Jolesfield area, the knock-on effect would be an uncharacteristically high density development in the southern part of the site, which does not reflect the existing density and pattern of development adjoining the site within Partridge Green. As such, the illustrative layout does not demonstrate that the proposed quantum of development can be delivered in a layout that integrates well with the existing townscape and pattern of development in the vicinity of the site.
- 6.14 Concern was also raised in the previous Officers' report in respect of the proposed scale of development, mainly as a result of the large L-shaped 2.5 storey block of flats on the south western corner of the site. However, residential development in the area is generally one to two storeys in height, and there are no prominent examples of 2.5 storey development in the immediate vicinity of the site. While the flats are now broken up into three blocks, and relocated so that their impact on views from the Downs Link is reduced, the illustrative layout shows that these buildings of uncharacteristic scale would still be prominent in the Church Road street scene, particularly due to the proximity of the easternmost of the flats to Church Road and its location on high ground within the site. The applicant's illustrative layout is based on provision of flats over three floors within these buildings, and reducing their height to reflect the two storey scale of buildings in the locality would necessitate an increase in the footprint of built form in comparison to the submitted illustrative layout. The submitted illustrative layout therefore does not demonstrate that the proposed quantum of development can be delivered in a way which integrates well with the scale of surrounding development.
- 6.15 The illustrative site plan shows two areas of extensive hardsurfacing- one to serve the terraced dwellings in the north-eastern corner of the site and one to the rear of two of the blocks of flats in the approximate centre of the site. Such expansive areas of hardsurfacing generally result in a poor appearance, providing an urban layout which is not reflective of the semi-rural character of this small settlement. Lack of integration of parking areas into a development layout resulting in large areas of hardsurfacing are not indicative of the high quality of design sought for new developments by the NPPF and HDPF. Furthermore, the northernmost terrace of dwellings and the westernmost block of flats are fairly distant from any parking areas, as shown on the illustrative site plan. It is also of concern that the parking court adjacent to the two blocks of flats on the eastern side of the access road is shown on the illustrative site plan as providing only 12 parking spaces, whereas the application forms indicate the provision of nine 1-bedroom flats and fifteen 2-bedroom flats. It is therefore not clear that a layout can come forward providing sufficient parking in a convenient location, while still providing a suitably spacious layout and retention of existing landscaping features.
- 6.16 In light of the proposed quantum of development and the illustrative site plan which provides an indication of the Applicant's expectations for how the proposed 101 dwellings could be delivered, it is not clear that the quantum of development plus necessary ancillary facilities such as car parking and play areas can be provided in an acceptable way that



does not result in harm to landscape and townscape. The proposal is therefore contrary to Policies 2, 4, 25, 27, 32 and 33 of the HDPF and NPPF's requirement for development to be of a high standard of design.

Amenity of Future Occupiers

- 6.17 The previous reasons for refusal included reference to the quantum of development proposed (129 dwellings) giving rise to a poor quality residential environment. As discussed above, the illustrative site plan demonstrates that the reduction in unit numbers allows for a more spacious layout to come forward, and residential gardens are not so constrained by retained trees as shown on the previous illustrative site plan. Overall, the garden depths shown on the illustrative site plan are fairly short, at between 7.5-9m. Although the illustrative site plan shows a good level of public open space, including equipped play areas, and a link to the Downs Link right of way to provide access to the wider countryside for recreation. The LEAPs should incorporate a 20m buffer from the activity area to the nearest residential property. These buffers are necessary to minimise disturbance to adjacent residents through activity at the play areas. The buffer areas have not been incorporated into the illustrative layout. Therefore, it is not clear that there is sufficient space within the site to incorporate these play areas plus the necessary buffers and the 101 dwellings proposed, in an acceptable layout which integrates satisfactorily in terms of landscape and townscape.
- 6.18 As set out above, the illustrative site plan shows the location of parking courts to serve the flats and terraced dwellings, some of which are not conveniently located to serve those dwellings. This is contrary to Policy 33, which requires the incorporation of convenient, safe and visually attractive areas for the parking of vehicles and cycles, and would not result in a good level of amenity for future occupiers.

Amenity of Existing Residents

- 6.19 The previous reasons for refusal included reference to harm to the amenities of occupiers of neighbouring properties. As set out above, the previous illustrative site plan included a large 2.5 storey L-shaped building comprising flats in the south west corner of the site, in very close proximity to the boundary with properties on The Rosary. The revised illustrative layout shows smaller scale buildings to be sited further from the boundary with the existing adjacent properties, and separated by a landscaped buffer area and rear gardens. As such, the illustrative layout demonstrates that the proposed quantum of development could be delivered without harm to the amenity of existing neighbouring residents. Other neighbouring dwellings are set a sufficient distance from the site to prevent harm to their privacy and amenity.

Highways and Parking

- 6.20 The previous reasons for refusal included reference to the development resulting in an unacceptable and severe impact to highway and pedestrian safety, as it had not been demonstrated that adequate visibility could be achieved between the site and Church Road for either vehicles or pedestrians.
- 6.19 WSCC Highway Authority object to the proposal. Their consultation response identifies three main areas of concern- increased risk to road users as a result of the proposed site access junction, the absence of proposals to improve National Cycle Route 223 and lack of detail on the proposed connection from the site to the route, and absence of a framework green travel plan. The Highway Authority advise that the Road Safety Audit highlights an increased risk of collisions as a result of the proposed site access junction. Section 8.2 of the Road Safety Audit raises concern regarding the available inter-visibility of vehicles, and that reduced visibility as a result of the location of the access on a bend and near the brow of a hill, will cause turning vehicle collisions. The RSA recommendation is "Do not introduce scheme as designed". Section 8.3 draws a similar conclusion in respect of vehicles exiting the site. The Designer's Response in the RSA sets out the view that

visibility is appropriate for the recorded speed limits, making reference to the uphill gradient on the southbound approach reducing braking distance and allowing a reduction in stopping sight distance, exceedance of emergency stopping sight distances for the speed limit here and the low volume of traffic using the junction. The Highway Engineer however does not support the proposed access design, citing a concern that the speed limit would not be kept to and that the length of the slope of the road would not necessarily reduce the braking distance for vehicles, given their likely momentum. It therefore has not been demonstrated that the proposed access would serve the development with safety and convenience, as required by the NPPF and Policy 40 of the HDPF.

- 6.20 The County Rights of Way team have advised that there is potential for improved connectivity to existing public rights of way as part of this proposal, namely a pedestrian crossing point at the north-eastern corner of the site to link to the existing footpath leading to Jolesfield Primary school. Without details of the proposed crossing point however, the Highway Authority have not been able to assess the safety of this potential pedestrian link.
- 6.21 The illustrative site plan also shows a connection to the Downs Link bridleway to the south-west corner of the site. The Rights of Way team have advised that this should meet their relevant standards, if it is to be dedicated as a bridleway. The Highway Authority note that there is a lack of information regarding improvement of the Downs Link as a cycle route (National Cycle Network 223), as it is currently poorly surfaced and recommended only for use by mountain bikes.
- 6.22 Although the WSCC Highways consultation response refers to the absence of a framework travel plan to demonstrate a commitment from the developer to carry out measures to encourage residents to use sustainable means of transport, one has been submitted and a full travel plan could be required by condition.

#### Flooding and Drainage

- 6.23 A Surface Water Drainage Strategy has been submitted with this application. This states that post-development runoff will be restricted to the site greenfield runoff rates for the up to 1:100 year plus climate change allowance rates, and that this will be achieved by the use of a sustainable drainage system using features such as attenuation ponds and flow control devices to discharge to the watercourse to the north of the site. The application drawings show the indicative location of attenuation ponds towards the western side of the site. The Council's Drainage Engineer raises no objection to the proposal, subject to conditions to secure full details and implementation of the drainage strategy.

#### Ecology and Arboriculture

- 6.24 A Preliminary Ecological Appraisal Report has been submitted with the application. This identifies that there are habitats within the site with potential to support bats, dormice, common reptiles, great crested newts and breeding birds. Although the site is assessed as being of low ecological value overall, the boundary vegetation is identified as being of relatively greater ecological importance. The Applicant's Report recommends that further survey work is carried out to confirm the presence/absence of a number of protected species in order for the proposals to be fully assessed. The Council's Ecology Consultant concurs with this view, stating that these surveys and reports are necessary to determine whether biodiversity, including protected species, may be impacted by the development, and if so, the measures that will be required to avoid, mitigate or compensate for these impacts.
- 6.25 Although the impact of the development on ecology and protected species did not form part of the previous reasons for refusal, the Planning Practice Guidance and current professional guidance for Ecologists is clear that the relevant surveys are necessary in advance of determining a planning application. The Council must ensure that, in determining a planning application, sufficient regard is had for the impact on protected

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species in order to fulfil the duty under the Conservation of Habitats and Species Regulations 2010. In this case, since the information submitted with the application identifies the need for further investigation with regard to protected species, it is necessary for any planning decision to be informed by this information. As such, the proposal in its current form has not demonstrated that the development will not result in harm to protected species and that biodiversity will be enhanced. This is contrary to Policy 31 of the HDPF.

- 6.26 The previous reasons for refusal referred to pressure for future works to protected and other trees within the site. The illustrative site plan now includes an indication of the areas likely to be overshadowed by retained trees. This demonstrates that the Applicant has sought to locate gardens and dwellings in areas unaffected by shading, thereby reducing the likelihood of future pressure to fell trees. The Council's Arboricultural Officer has not provided a written consultation response, but the application has been discussed with him, and he advises that the proposed layout would not result in the same level of post-development pressure for works to protected trees as the previous layout, and therefore he raises no objection in this respect.
- 6.27 The proposed attenuation ponds are shown to encroach into the root protection areas of the retained vegetation to the western site boundary, however this area is not covered by TPOs, which are limited to trees on the Church Road boundary and on the boundary between the northern and southern fields. Therefore, although the Landscape Architect raises concern regarding the landscape impacts arising from the location of the attenuation ponds and the potential associated loss of vegetation, the Arboricultural Officer does not raise objection in terms of the impact on retained trees.

### Sustainability

- 6.28 The HDPF requires consideration of sustainable construction methods, climate change, water conservation and energy use within the development. However, these are matters which are best addressed at the reserved matters stage, when the detailed design and layout of the scheme are for consideration. No objection is therefore raised in respect of these matters at the outline stage.
- 6.29 In terms of the sustainability of the location of the site, Partridge Green is listed as a 'Medium Village' in the settlement hierarchy in Policy 3. These are defined as settlements that "have a modest level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements". Although the WSCC Highways consultation response comments that the site is on the margins of sustainability, as there are limited shopping facilities in the village and residents are likely to work outside of Partridge Green. The site is within walking distance from the village centre, with shops and a public house, as well as employment areas to the south of the village, and for longer journeys, the No.17 bus service linking Horsham and Brighton runs long Church Road and provides an hourly service. This provides a convenient link to Henfield, which has a much wider range of shops and services. As such, it is considered that the site is suitably located to encourage journeys by modes other than the private car.

### Infrastructure and Affordable Housing

- 6.30 The previous reasons for refusal referred to the absence of a Legal Agreement to secure affordable housing provision and financial contributions to infrastructure provision. The application forms indicate the provision of 40 affordable units, which on this development of 101 dwellings equate to about 39%, which is greater than the 35% required by Policy 16. Although the application forms indicate the provision of 40 social rented units, the Planning Statement refers to provision of 25 affordable rented units and 15 shared ownership units. This equates to 60% affordable rented, whereas the HDPF requires 70% affordable rented.

However, in light of this application proposing to provide more than 35% of the units as affordable, it is considered that the tenure split is acceptable in this case.

- 6.31 The Applicant's Planning Statement refers to the involvement of a housing association in working up the design of the development to demonstrate housing types and distribution of the units. Although the Applicant refers to securing the affordable units by condition at the full application stage, this needs to be secured by a Legal Agreement at the outline stage.
- 6.32 Policy 39 states that the release of land for development will be dependent on there being sufficient capacity in existing local infrastructure to meet the additional requirements arising from the new development. In terms of provision of play areas, the illustrative site plan shows two LEAPs (Local Equipped Area for Play) within the scheme. The Council's Community and Leisure team advise that a single consolidated play area would be preferable, and that this should meet relevant standards including a buffer of at least 20m between the activity area and the nearest residential property. The illustrative layout does not allow for these buffer areas, and therefore it is not clear that a development of 101 dwellings plus a LEAP with suitable buffer area can come forward at the reserved matters stage, even if the LEAPs are consolidated into a single play area as suggested by the Community and Leisure team. Furthermore, the two illustrative LEAP locations are both set to the rear of residential properties, with little overlooking and natural surveillance. As such, it has not been demonstrated that an acceptable layout could be achieved that makes suitable provision for outdoor play while still accommodating 101 dwellings.
- 6.33 The site is not of a size that can reasonably accommodate other community infrastructure such as youth facilities and community halls/buildings. It would therefore be necessary for the developer to make a contribution to off-site provision of such facilities to ensure that these are available and adequate to serve the needs of future occupiers. In particular, there is a need to provide additional facilities at the recreation ground in Partridge Green and to provide financial contributions to education, libraries, fire and rescue services and transport. These financial contributions would need to be secured by way of a Legal Agreement.
- 6.34 At the time of drafting this report, there was no completed Legal Agreement in place to secure affordable housing provision and infrastructure contributions. As such, the proposal is contrary to Policies 16 (meeting local housing need) and 39 (infrastructure provision) of the HDPF.

Other Material Considerations and the NPPF Presumption in Favour of Sustainable Development

- 6.35 Notwithstanding the above, it is necessary to review the Applicant's evidence in support of the proposal in considering whether there are sufficient benefits coming forward to justify permitting the development as a Departure from the Development Plan. It has been established through appeal decisions that housing targets (in this case the 16,000 dwellings to be delivered by the HDPF in the plan period, equating to 800 per annum) are not ceiling figures and can be exceeded. However, any dwellings delivered over the 800 per annum target should still be in accordance with the Development Plan (i.e. on allocated sites or windfalls that accord with Policies 3 or 4), or justified as a Departure from the Development Plan on the basis of strong material considerations to outweigh the harm arising.
- 6.36 The Applicant's Planning Statement (paragraph 6.3.5) suggests that the inclusion of the site in the SHELAA (Strategic Housing and Economic Land Availability Assessment) equates to the allocation of the site as referred to in Policy 4. However, this is not the case, as the SHELAA is not a site allocations document. A SHELAA is the technical exercise of gathering together information to create a portfolio of sites which may be considered for future planning purposes (for example in a Site Allocations SPD or a Neighbourhood Plan)

and forms part of the evidence base for the HDPF. It is a fairly broad-brush, desk-based, technical exercise to provide an assessment of potential housing and economic land capacity, and is not subject to any public consultation. An adopted development plan document such as a Local Plan, a Supplementary Planning Document or a Neighbourhood Plan may include site allocations, but these documents go through a rigorous and transparent process of public consultation and examination, which is quite different to the SHELAA. The SHELAA page on the Council's website includes the clear caveat that "*the assessment of sites for new housing in the SHELAA does not mean that a site will be granted planning permission or allocated for development in any future plans. Any planning proposals on sites identified in the SHELAA will be judged on their merits against relevant planning policies and any other material considerations*". As such, the site is not allocated for development in any Local Plan or Neighbourhood Plan, and the SHELAA holds very limited weight in decision making.

- 6.37 As the Applicant's position is that the site is allocated for development, they do not put forward a case in support of permitting the application as a departure from the Development Plan. However, the Applicant's Planning Statement also focuses on the contribution that the site would make to meeting housing need, and refers to slow 'build starts' in the area. As set out above, the HDPF provides for a 5-year housing land supply, and the latest completions figures for the District indicate over 1,200 units completed in the 2015/16 financial year. This is a healthy completions rate in comparison to the annual target of 800 per annum set out in the HDPF.
- 6.38 Delivery of housing is a benefit of the proposal, but the location of the site being in conflict with the strategy for growth set out in the HDPF and therefore contrary to the plan-led system carries significant weight against the proposal. The provision of housing is not considered to be a benefit of sufficient weight to balance this harm. It is accepted that the provision of affordable housing is a benefit of the development, particularly if the final tenure mix provides a significant proportion of affordable rented accommodation. This benefit can be afforded substantial weight in decision-making. However, it is not considered that this alone is a sufficient benefit to warrant granting permission for this proposal as a Departure from the Development Plan.
- 6.39 The NPPF states that Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. The NPPF states that there are three dimensions to sustainable development- economic, social and environmental- and that these three roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, the NPPF states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In this case, a social gain is provided in terms of provision of affordable housing. Although the development would secure financial contributions to local infrastructure provision, this is intended to mitigate the impacts of development and not provide a gain. In addition, there is environmental harm arising as a result of the concern set out above regarding protected species and landscape harm. The proposal therefore does not simultaneously generate social, environmental and economic gains and is not sustainable development for the purposes of the NPPF.

Planning Balance and Conclusion

- 6.30 Although a five year housing land supply can be demonstrated within Horsham District, appeal decisions have established that housing targets are not to be taken as a ceiling figure. The provision of up to 61 market and 40 affordable dwellings would contribute to the NPPF's requirement for a significant boost in housing and attracts weight as a material consideration in determination of this application. Notwithstanding that benefit, the development would conflict with the Council's recently adopted spatial strategy, which is a material consideration of substantial weight in assessment of this application. It would also

cause a detrimental impact on highway safety and biodiversity. Overall, it is considered that the totality of the harm identified would outweigh the benefits, and that the proposal is not sustainable development within the meaning in the NPPF, and is contrary to Policies 1, 2, 3, 4, 15, 16, 25, 26, 27, 31, 32, 33, 39 and 40 of the Horsham District Planning Framework (Adopted November 2015).

## **7. RECOMMENDATIONS**

7.1 To refuse the application for the following reasons:

1. The proposed development is located in the open countryside, outside of any defined Built Up Area Boundary, on a site not allocated for development within the Horsham District Planning Framework, or a 'Made' Neighbourhood Development Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development that is contrary to the aims and objectives of the NPPF and Policies 1, 2, 3, 4, 15, 25 & 26 of the Horsham District Planning Framework (2015).
2. It has not been demonstrated that the proposed quantum of development can be accommodated within the site without resulting in: a significant urbanising impact on the rural landscape character of the site and locality; a poor quality residential environment for future occupiers; and, a poor integration of the new development with the layout and pattern of adjacent development in Partridge Green and Jolesfield. The proposal would therefore result in harm to landscape, townscape and the amenity of future occupiers and is contrary to the NPPF and to Policies 2, 4, 25, 26, 27, 32 and 33 of the Horsham District Planning Framework (2015).
3. It has not been demonstrated that the site can be accessed without resulting in increased risks to road users and increased risk of collisions as a result of the site access junction. In addition, the application does not make provision for improvements to the National Cycle Network route 223, to provide links to the north and south and take pedestrians and cyclists away from the potential risks of Church Road. The proposal is therefore contrary to the NPPF and to Policies 32, 33 and 40 of the Horsham District Planning Framework (2015).
4. Policy 31 seeks to ensure that development includes measures to enhance the biodiversity of the District and should create and manage new habitats where appropriate. In this case, there are habitat features within the site that have the potential to be of biodiversity value, and there is a lack of investigation into the ecological features of the site. Therefore, it is not possible to determine whether the site is suitable for the amount of development proposed, and what the appropriate level of mitigation and/or compensation for the development may be, as required by Paragraphs 117-119 of the NPPF. The proposal is therefore contrary to the NPPF and to Policies 2, 25, 31 of the Horsham District Planning Framework (2015).
5. Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015).

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Notes to Applicant

- a. The reason for refusal (above) in respect of affordable housing provision and infrastructure contributions could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

Background Papers: DC/16/2064

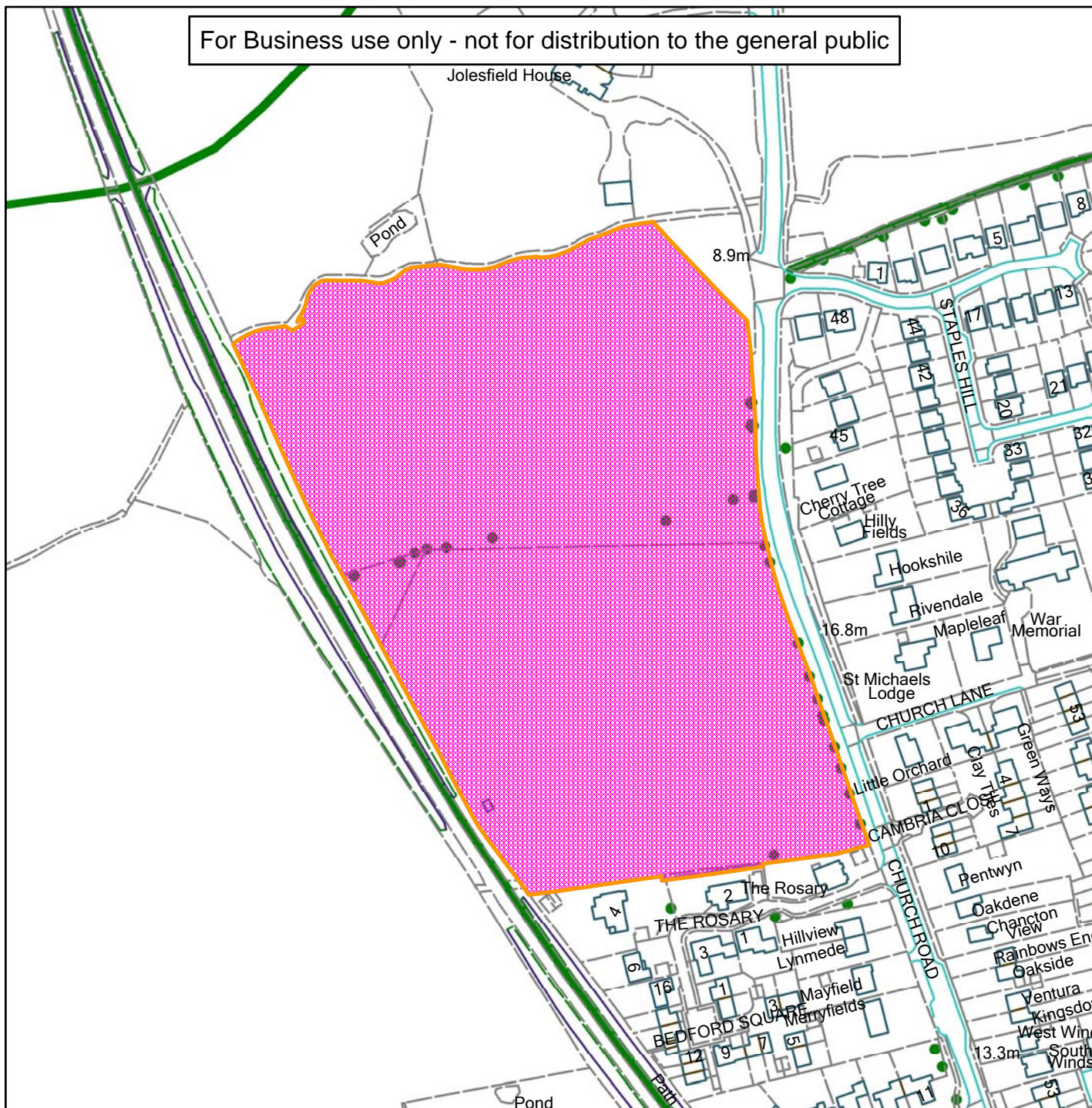
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Land North of The Rosary

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Organisation	Horsham District Council
Department	
Comments	
Date	01/11/2016
SA Number	100023865

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**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Erection of 14 x residential units and erection of B1 building to the north of Vine Cottage

**SITE:** Vine Cottage Coolham Road Coolham Horsham

**WARD:** Billingshurst and Shipley

**APPLICATION:** DC/16/1974

**APPLICANT:** Mr Jamie Coad

**REASON FOR INCLUSION ON THE AGENDA:**

- More than five persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the Head of Service's recommendation.
- The application, if approved, would represent a departure from the Development Plan.

**RECOMMENDATION:** To refuse planning permission.

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for mixed use scheme for 14 residential units and a block of four industrial units with parking, a new access from Coolham Road, cycle and bin storage and landscaping throughout. The scheme also includes a children's play area, a wildlife pond and a bus stop.

1.3 The residential units are proposed to the south east and north west sections of the site. The new industrial units are proposed in a building in the north east corner of the site. The proposed residential units would comprise the following:

- Two pairs of semi-detached two-storey houses (two x 3 bedroom houses and two x 2 bedroom houses). These units would be market housing.
- Two single-storey blocks (four x 1 bedroom flats and two x 2 bedrooms flats). The intention is that these units would be market housing and would be first made available for locals who wish to 'downsize'. The applicant has referred to these units as 'intermediate' housing.

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- A two-storey building to provide 4 flats (two x 1 bedroom flats and two x 2 bedroom flats). These units would be affordable accommodation and would be offered to a Housing Association.
- 1.4 The two pairs of semi-detached houses and the two-storey building of four flats would all front Coolham Road set behind a new access way. The new access would be set behind a retained hedge and tree boundary. This access would be mainly used for pedestrian access to these units. The scheme indicates that there would be no access from Coolham Road to this access except in emergencies. Removal bollards are proposed to stop vehicle access to this road. Each of these units is shown with its own front and rear garden. The scheme includes four pitched roof garages for the market houses and cycle stores for the four flats of affordable accommodation. Nine parking spaces and two visitor parking spaces are also indicated for the block of flats. The houses and block of flats would have a traditional design with gable ends, pitched roofs and a mix of materials.
- 1.5 The two blocks of single-storey smaller residential units would be located in the south east corner of the site and would partly replace the existing rear garden of Vine Cottage. The buildings would have pitched roofs and would have facing brick. The buildings would face each other over a courtyard area. The courtyard area would include a proposed pergola building which would house a bin store. Each unit would benefit from its own private garden area. The Design and Access Statement states that these two buildings would have the appearance of converted agricultural buildings. The proposal includes 14 parking spaces for these units and 3 visitor spaces. The parking area is located north of the units. A lynch gate is proposed for the entrance to these units from the parking area.
- 1.6 The new industrial building is proposed in the north east corner of the site and would also have a converted agricultural building appearance. This building would have a 'C' shaped layout and would be part single-storey and part two-storeys. The building would include two first floor additions with pitched roofs which would allow additional space for two of the proposed units. The proposal states that these units would be for commercial use under Class B1. A total of 300 square metres of floorspace is proposed. The proposal includes 14 parking spaces for these units and separate bin storage and cycle racks.
- 1.7 The scheme would maintain the existing two-storey dwelling on site in the south west corner, known as Vine Cottage. The cottage would retain a reduced garden area. It is also proposed to retain an existing pitched roof garage on site for storage adjacent to Vine Cottage. The existing access to the site from Coolham Road is in between the cottage and the garage and would be stopped up. A new access would be formed to the north of the existing garage. The new access would require the removal of existing sheds on site and some boundary hedges. This would form the main vehicle access to the site from Coolham Road. The proposed pairs of semi-detached houses and block of four flats would be to the north of this access.
- 1.8 In summary, the proposal would provide the following:
- 6 x one bed units (2 for affordable housing)
  - 6 x two bed units (2 for affordable housing)
  - 2 x three bed units
  - A total of 36 residential car parking spaces, including 4 garages;
  - 4 x B1 units;
  - A total of 14 commercial car parking spaces.
  - Retention of Vine Cottage

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### DESCRIPTION OF THE SITE

- 1.8 The application relates to a square piece of land measuring 1.26 hectares which is used partly for a dwelling and partly for a business, both under the same ownership. The dwelling, known as Vine Cottage, and a garage are located in the south-west corner of the site. Vine Cottage is part of a pair of semi-detached properties and includes a large rear garden stretching back to the eastern boundary of the site. The existing access to the site is in between the garage and dwelling. The access leads to a small area for parking. North of the garage are some small outbuildings used for commercial storage. The area further north along the western boundary is also used for open storage as a builder's yard. In the north west corner of the site is a large storage building. The builder's yard and storage building are used in connection with the business on site. The applicant has stated that the existing business is for ground works and landscaping. The business is operated by the applicant who lives at Vine Cottage.
- 1.9 The remainder of the site is mainly open fields with scattered animal shelters and a pond. The west and south boundaries of the site are comprised of a substantial hedgerow and small trees. The north and eastern boundaries of the site comprise open wooden fences. With the exception of some small trees in the garden of Vine Cottage and trees along the western boundary, there are no other trees within the site. Along with the surrounding fields, the site has a predominantly level surface. In the north east corner of the site is a separate vehicular access from Coolham Road. This allows access to the site via a gate and also allows access to a separate agricultural building to the immediate north. The location plan indicates that this access is within the ownership of the applicant.
- 1.10 The area to the east of the site comprises open fields used for grazing. The area to the west of the site, across Coolham Road (B2139), is also mainly comprised of open fields and countryside. To the south of the site is a small ribbon of five properties that front Coolham Road with a few more scattered dwellings further south. To the immediate south of the site is Elm Cottage Stud. This equestrian use includes stables, a sand school and a unit of residential accommodation.
- 1.11 To the north of the site are two dwellings, an agricultural building and a garage. A farm lies to the north west of the west across Coolham Road. As existing, the site is partially contained from the road by a line of hedgerows and very exposed from the public footpaths nos.1965 and 1966. Public footpath no.1965 abuts the site on its north-eastern corner and continues towards the east away from the site. Public footpath no.1966 sits about 200m from the site's north eastern boundary and runs parallel to 1965. From these paths, characteristic views of open grassland fields bounded by hedgerows, woods, small copses, grazing sheep and horses are available. In this context the site is very rural in nature.
- 1.12 The site lies approximately 500 metres south of Coolham crossroads around which is the main part of Coolham village. This includes a development of about 40 properties with a school, village hall and public house. There are further sporadic developments along the four roads leading off from that crossroads.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

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- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10, 11 and 12.
- 2.3 Planning Practice Guidance (March 2014).

RELEVANT COUNCIL POLICY

- 2.4 The following policies in the HDPF are considered to be relevant:

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 15: Strategic Policy: Housing Provision  
Policy 16: Strategic Policy: Meeting Local Housing Needs  
Policy 17: Exceptions Housing Schemes  
Policy 24: Strategic Policy: Environmental Protection  
Policy 25: Strategic Policy: The Natural Environment and Landscape Character  
Policy 26: Strategic Policy: Countryside Protection  
Policy 31: Green Infrastructure and Biodiversity  
Policy 32: Strategic Policy: The Quality of New Development  
Policy 33: Development Principles  
Policy 35: Strategic Policy: Climate Change  
Policy 36: Strategic Policy: Appropriate Energy Use  
Policy 37: Sustainable Construction  
Policy 38: Strategic Policy: Flooding  
Policy 39: Strategic Policy: Infrastructure Provision  
Policy 40: Sustainable Transport  
Policy 41: Parking  
Policy 42: Strategic Policy: Inclusive Communities

- 2.5 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The site is within the Parish of Shipley. An amended neighbourhood designation area was approved on the 16<sup>th</sup> May 2016. To date, a draft neighbourhood plan has not been produced.

PLANNING HISTORY

DC/04/0234	Replacement outbuilding	Permitted 29/06/2004
DC/06/1564	New vehicular access and erection of gates	Refused 20/10/2006

### 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 – Housing (summarised):** Comment. The applicant proposes 29% affordable homes (4 units). The scheme is in compliance with Policy 16 of the HDPF which requires the provision of 20% on sites providing between 5 and 14 dwellings. The applicant proposes six units of ‘intermediate’ accommodation which are small open market bungalows. These units are not considered as part of the calculation of deliverable affordable accommodation.
- 3.3 **HDC - Strategic Planning (Summarised):** Objection. This proposal is principally for residential development in the countryside, on land outside of any designated built-up area boundary that is currently used for employment and is therefore contrary to the adopted strategy and is not planned growth within the Development Plan. Additionally, this development is not required in order for the District to meet its current 5-year housing land supply. The proposed development is not in accordance with the Development Plan and should therefore be recommended for refusal.
- 3.4 **HDC – Technical Services (Drainage):** Comment. No drainage information has been submitted to make any appropriate comments or observations.
- 3.5 **HDC – Refuse Collections Supervisor (summarised):** Comment. Further information is required regarding access to the site for refuse vehicles, the capacity of the shared road surface for refuse vehicles and the size and location of domestic and commercial bin provision.
- 3.6 **HDC – Environmental Health (summarised):** Comment. The proposed development comprises residential properties with gardens. This use is vulnerable to the presence of contamination through the current use or historic uses. As a minimum a phase one desk study should be submitted prior to any further consideration of this application.
- 3.7 **HDC – Parks & Countryside:** No objection.
- 3.8 **HDC – Ecology Consultant (summarised):** Objection. The scheme lacks a supporting baseline ecological survey. The lack of a survey means that they are unable to complete an adequate assessment of existing ecological features within the site and potential ecological impacts against relevant planning policies.
- 3.9 **HDC – Economic Development Manager (summarised):** Comment. In terms of employment land, there is a lack of supply of commercial sites in the District. The proposal would provide small units suitable for B1 use and would be a valuable addition to the overall supply. However, concern is raised over the loss of the existing builder’s yard and the proximity of the proposed industrial unit to residential uses.
- 3.10 **HDC – Landscape Officer (summarised):** Objection. The scheme would adversely impact on the landscape character and visual amenity of the area. The scheme is not supported on landscape grounds.

#### OUTSIDE AGENCIES

- 3.11 **West Sussex County Council – Flood Risk Management Consultant (summarised):** Comment. Current mapping shows that the majority of the proposed site is primarily at ‘low

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risk' from surface water flooding and 'high/moderate risk' from ground water flooding. No Flood Risk Assessment/Drainage Strategy has been provided so there is insufficient information with regards to the drainage and flood risk proposals.

- 3.12 **West Sussex County Council - Highways (summarised)**: Objection. Crucial information is missing in order to make a full assessment of the highways impacts of the proposal. This includes a road safety audit, swept path diagrams and car parking allocations in line with WSCC car parking standards.
- 3.13 **West Sussex County Council – Section 106 (summarised)**: Comment. Contributions are required in relation to School Infrastructure (Primary, Secondary and 6<sup>th</sup> Form), Library Infrastructure, Transport and Fire & Rescue Service Infrastructure.
- 3.14 **NHS Coastal West Sussex Clinical Commissioning Group**: No comments received.
- 3.15 **Southern Water (Summarised)**: No objection subject to the following:
- The exact position of foul sewers must be determined on site by the applicant before the layout of the development is finalised.
  - The applicant is to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
  - A condition is recommended requiring details of proposed means of foul and surface water sewerage disposal to be submitted to and approved by the Local Planning Authority prior to commencement of works.
- 3.16 **Environment Agency (summarised)**: No objection.
- 3.17 **Natural England (summarised)**: No comment. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 3.18 **Sussex Police**: Comment. The scheme includes active frontage with Coolham Road. Consideration should be given to natural surveillance across the development.

## PUBLIC CONSULTATIONS

- 3.19 **Shipley Parish Council**: Objection. Without a local plan in place and detailed knowledge of the community needs and wishes, members felt that it was difficult to support a development of this size in the Parish.
- 3.20 **Coolham Village Hall Management Committee**. Comment. It is noted in the submission that reference is made to 'heating at Coolham Village Hall' and a 'village shop at Coolham Hall'. The Trustees would like it noted that this does not infer support of the proposal from the management committee and that no proposals have been presented to the Trustees.
- 3.21 **16** letters of support have been received. The grounds of support are as follows:
- The rural parish needs more housing. The scheme would be a positive addition to the area and provide much needed housing.
  - The scheme would widen diversity of people living in the area and strengthen the village infrastructure, services, schools and local commerce.
  - The removal of the builder's yard and associated storage facilities on this brown field site would enhance its immediate setting and improve the environment of the adjoining properties. The existing tree line with the proposed additional planting will minimise the visual impact of this low density design.
  - This is a well balanced application.
  - The scheme is within easy walking distance of local facilities.



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- The proposal will help older people downsize to a rural location. It would also allow for a mix of housing which will enable the development to cater for different age groups and add to the rural community.
- The commercial units will help Coolham increase its sustainability and generate employment.
- Access to the site is excellent with adequate sight lines out of the property.
- The proposal would generate more children for the local nursery.

3.22 **24** letters of objection have been received from local residents. The grounds of objection are as follows:

- The site opens up onto Coolham Road where the speed limit is 60mph. This is already a dangerous piece of road. It is already dangerous to exit neighbouring properties onto this road. The addition of 14 residential units and a commercial unit would cause concern for highway safety as there would be a severe increase in traffic. The proposal would result in noise disturbance, loss of privacy and pollution from traffic flow.
- The number of properties is not compatible and out of keeping with the rest of the village and this rural area. The scale of development is inappropriate for this area. The proposal would put a small housing estate in the middle of a field.
- The local school in Coolham does not have any additional capacity for additional pupils.
- The proposal was put forward as a potential site in the Strategic Housing Land Assessment and was considered non developable. This is not an allocated site and the principle of development is unacceptable in accordance with the HDPF.
- To describe this site as brownfield is misleading. A small proportion of the land is used for storing building materials. However, the majority of the land is garden or green open space which has been used for the keeping of livestock. The proposal does not meet the NPPF definition of brownfield land suitable for development.
- It is inaccurate to say that the adjoining sites are also brownfield. The site to the south is purely equestrian in nature.
- It is inaccurate to say there are limited employment opportunities in Coolham village. There is an excess of 25 business developments within the Shipley Parish.
- With respect to the five year housing land supply, the scheme does not take into account the meaningful and large scale developments taking place around Southwater and the District as a whole.
- A smaller development would be more appropriate which could be considered as part of the Shipley Neighbourhood Plan.
- The proposal would compromise the appearance of the landscape through the loss of trees and hedges. The scheme would impact on the appearance of this small hamlet and result in the erosion of the rural character of the area. The scheme is therefore contrary to Policies 25 and 26 of the HDPF.
- The proposal would result in a loss of privacy and light pollution given the proximity of units to adjacent properties. This is in direct conflict with this rural location.
- The Design and Access Statement comments that the site offers no natural habitat for barn owls and bats. Being in such a rural countryside location there is already thriving populations of different species of owl (including barn owls) as well as bats and various bird species to be seen on a daily basis around adjacent properties in their natural habitat. A housing estate next door is not required to bring wildlife to the area.
- There is a covenant on Vine Cottage which prohibits development.
- There is no footpath here to allow access from the site to the school at Coolham. This would lead to extra vehicles seeking parking outside the village school which is already a problem.

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- The development is not sustainable in the long term especially as there are industrial units in the near area which are currently vacant. This does not support the fact that there is a short fall of accommodation for local businesses.
- It is also unsustainable as there are inadequate local services to support this development. The site is in an isolated location with no shops in Coolham, a limited bus service and no nearby railway station. This will make residents mainly reliant on private cars.
- There have been 5 reported incidences of pollution to a local water course within the last 3 years as a result of the drains not being able to cope with the sewage coming from the current residences adjacent to the proposed development. This proposed development will more than double the number of houses using the sewage system in this part of the village as well as introducing the possibility of contaminants from the industrial units.
- In the wider picture, the proposal to lay a footpath from the development to Coolham Crossroads would need the removal of mature hedging and would change the character of the area. This would also require the compulsory purchase of land.
- Allowing this proposal would set a precedent for further development in this rural area.
- The applicant is a parish councillor. This is a conflict of interest.
- None of the letters of support for this application are from local residents.
- The proposal would have a detrimental impact on St Cuthberts Retreat Centre located to the north east of the application site.
- It is unclear if the existing use as a builder yard is lawful.

### **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 This application is assessed against the relevant policies of the HDPF and the national planning policies contained in the National Planning Policy Framework (NPPF).
- 6.2 The main issues for the Local Planning Authority to consider in the determination of this application for planning permission are the principle of the proposed development in land use terms; the impact on the character and visual amenity of the landscape and locality; the impact of the development on the amenity of prospective and neighbouring occupiers; whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety; whether appropriate provision can be made for car and cycle parking, refuse storage/collection, drainage/flooding and; whether the development can be delivered without harming the interests of nature conservation, flooding and land contamination.

Principle of Development: Housing

- 6.3 In terms of housing supply, the Council can demonstrate that there is adequate housing land available to provide the required 800 dwellings per annum for a 5 year period. Policy 3 of the HDPF, confirms that development should be focused within Built-Up Area Boundaries. In addition to Built-Up Areas, it is recognised that, in order for some communities to be able to grow and develop, it will be necessary for them to expand beyond their current built form. Accordingly, Policies 3 and 4 note that, by allocating sites in the Local Plan or Neighbourhood Plans, it will be possible to meet the identified local needs of these settlements and provide an appropriate level of market and affordable housing, as well as maintaining the viability of smaller villages and towns. The Policy notes the importance of retaining the rural character of the District beyond these settlements. In this instance, the proposed site is well beyond any Built-Up-Area and is in a countryside location. The nearest built-up-area is over 3km away at Billingshurst. The nearest village at Coolham does not have a defined built-up-area in accordance with the HDPF. As such, Coolham falls within the category as an ‘unclassified settlement’ as outlined in Policy 3 of the HDPF. The Policy states that unclassified settlements are ‘settlements with few or no facilities or social networks and limited accessibility, that are reliant on other villages and towns to meet the needs of residents.’
- 6.4 The HDPF outlines the settlement hierarchy for the District, which ensures that the most sustainable approach to delivering housing is taken. New development should be focused in the larger settlements of Horsham, Southwater and Billingshurst, with limited new development elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.5 The application site is not allocated within a Made Neighbourhood Plan. An amended neighbourhood designation area was approved on the 16<sup>th</sup> May 2016 for Shipley Parish. As yet, there is no draft plan for the Parish. As the development site is outside a built-up-area, not allocated in a Neighbourhood Plan and not within a strategic development site, the principle of residential development in this location is, therefore, contrary to Policies 1, 2, 3 and 4 of the HDPF.
- 6.6 Whilst the site includes a dwelling and business with a garage and large storage building, the majority of the site is grassed. Additionally, whilst there are some dwellings and agricultural buildings to the north and south of the site, this location is clearly within a countryside setting being largely surrounded by open fields.
- 6.7 In this countryside location, the site is also considered against ‘Countryside Protection’ Policy 26 which protects the countryside against inappropriate development unless it is considered to be appropriate in scale and essential to its countryside location and must also meet one of the four criteria.
- Support the needs of agriculture or forestry;
  - Enable the extraction of minerals or the disposal of waste;
  - Provide for quiet informal recreational use; or
  - Enable the sustainable development of rural areas.
- 6.8 The proposed development does not meet any of these four criteria, nor is it considered to be ‘essential’ to its countryside location. Given the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum there is no overriding requirement or benefit for housing in this countryside location.
- 6.9 Policy 15 of the HDPF outlines the provision of 16,000 homes for the Horsham District within the period 2011-2031. The policy includes the provision of 750 units within ‘windfall

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sites'. The definition of windfall sites in the NPPF is 'sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.' As the Council can demonstrate a 5 year housing supply, any windfall sites should be located within the Built-up-Area boundary in accordance with the overarching development strategy of the HDPF and the NPPF definition.

- 6.10 Since the adoption of the HDPF, there have been numerous appeal decisions which support the Council's strategic approach to development and confirm that its policies are sound. Recently, appeal decisions have been received for proposed development at Old Clayton Kennels, Storrington Road and Land at Bax Close, Storrington. In both these appeals, permission was sought for development outside the Built-up-Area boundary of Storrington on sites not allocated for development in the Local Plan or a Neighbourhood Plan. In both appeals, it was found that the development hierarchy approach within the HDPF was correct. Additionally, Policy 4 of the HDPF was seen as an integral part of the spatial strategy and the plan-led approach to the delivery of sustainable development across the district. Failure to accord with this policy was seen as carrying significant weight.
- 6.11 For the reasons outlined above, the principle of residential development, outside the Built-Up-Area boundary, within the countryside, and where the land hasn't been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The development is not essential to its countryside location and the scheme is therefore contrary to Policies 1, 2, 3, 4, 15, 25 and 26 of the HDPF.

### Principle of Development: Commercial Use

- 6.12 In relation to the new commercial building, the HDPF encourages economic development and the growth of existing businesses within the District. The overall policy approach of the HDPF is to steer expansion of employment sites within existing settlements rather than those located away from these settlements. In this instance, the site is outside any built-up area and is not allocated as a Key Employment Area.
- 6.13 Economic development is covered by Chapter 5 of the HDPF. This states that 'there is a lack of employment land in the district and much business accommodation stock does not meet the requirements of existing businesses or attract new businesses'. It also states that opportunities for small and medium businesses and business start-ups need to be provided in settlements across the district.
- 6.14 Policy 7 confirms that the Council will look to identify additional employment areas to meet the need for appropriate new business activity, and moreover, will support the formation and development of small, start-up and move-on businesses. Policy 9 of the HDPF relates to 'Employment Development' and confirms that the redevelopment of employment sites and premises outside Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for an employment use.
- 6.15 Currently the site has a mixed use as part residential and commercial. The commercial part of the site is limited to the western boundary with a garage, small outbuildings, an open storage area and large storage building. The remainder of the site is open fields and a dwelling. The proposal would result in the retention of the dwelling on site, additional dwellings, the loss of the existing commercial businesses on site and the provision of a new commercial building for Class B1 uses in the north east corner of the site.
- 6.16 The Economic Development Officer has commented that there is a lack of supply of commercial sites in the District and that the proposal would provide smaller Class B1 units which would be valuable addition to the overall supply. Concerns were raised by the officer

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regarding the loss of the commercial floorspace on site and the proximity of the Class B1 units to residential properties (impact on residential amenity is addressed below).

- 6.17 Given the existing mixed use of the site, the principle of the loss of the existing business on site and its replacement with the proposed Class B1 units is considered acceptable. The existing business is limited to the west section of the site north of the existing dwelling. The rest of the site is not used as part of the business and is open fields or in residential use. In this respect, the commercial element proposed is comparable to the existing situation with the commercial unit limited to the north east section of the site. Additionally, the proposal would provide more usable commercial floorspace than currently exists on site with four new Class B1 units. This would offer employment opportunities for small businesses with good facilities. Whilst a replacement commercial unit is acceptable in principle, a replacement unit should be located in the position of the existing commercial units to limit the impact on the appearance of the area.
- 6.18 It is therefore considered that, taken in isolation, replacement commercial units would encourage economic activity and would be in accordance with the objectives of Chapter 5 of the HDPF. In this respect, the need for appropriate sites for employment opportunities outweighs the overarching objective of the HPDF to focus economic development within built up areas, given that the site is already partly in an employment use. The principle of the commercial units is therefore acceptable.
- 6.19 Notwithstanding the above, the inclusion of the commercial unit as part of an overall scheme for the development of this site is unacceptable as the building adds to the cumulative impact on the appearance of the site and surrounding area (as outlined below). Additionally, as the Council can deliver a five year housing supply, the principle objection to additional housing proposed, outside a built up area and not allocated within a Neighbourhood Plan or in the Local Plan, still stands. The provision of the employment unit does not override this in principle objection to the residential development of this site.

### Dwelling Type and Tenure

- 6.20 The proposal is for 14 units of residential accommodation. The scheme indicates the following tenure mix:
- 4 houses for market housing.
  - 4 flats for affordable housing.
  - 6 flats for 'intermediate' housing.
- 6.21 The 'intermediate' housing would be the two blocks located in the south east corner of the site. The Design and Access Statement indicates that the intention is that these units would be controlled by a planning agreement or unilateral undertaking to be either first made available for locals who wish to downsize or the over 55's and retired. It is stated that this will free up existing dwellings which are needed locally and should be considered as a 'social' requirement. The applicant has included these units in the calculation of affordable housing resulting in a percentage of 70% affordable units.
- 6.22 The applicant has not submitted a legal agreement regarding these units. Moreover, the units are indicated as market housing and would not fall within the definition of affordable housing. The HDPF describes affordable housing as 'housing provided with a subsidy to enable the sale price or rent to be substantially lower than the prevailing market prices or rents in the locality, and where mechanisms exist to ensure that the housing remains affordable for those who cannot afford to access the market housing. The subsidy will be provided from the public and / or private sector. The definition of affordable housing includes key worker housing and shared ownership homes.'

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- 6.23 The 'intermediate' housing proposed would not fall within the HDPF or the NPPF's definition of affordable housing. It is stated that the housing would be offered to local residents who wish to downsize at a market value. As smaller units, the units would be cheaper than most of the houses in the area but are still market housing. The units are not being offered with a subsidy to enable the sale price to be lower than the prevailing market prices or rents in the locality. As such, the units are not considered as affordable housing.
- 6.24 In addition to the 6 smaller units, the scheme does include 4 units of affordable accommodation which will be offered to a Housing Association. Subject to the provision of a registered housing provider, these units would meet the definition of affordable housing. Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable. The 4 units would provide 29% affordable housing and would be in accordance with this policy. The Council's Housing Officer has commented that this is acceptable.
- 6.25 In accordance with the HDPF, the housing tenure target would be to provide 70% as social / affordable rented properties and 30% as intermediate / shared ownership properties. The exact size and tenure split of the units could be controlled by a suitably worded legal agreement, if all other aspects of the proposed development were considered acceptable.

### Impact on landscape character and the visual amenity of the locality

- 6.26 The site is located in a countryside location with the majority of the site being grassed and open. Policies 25 and 26 of the HPDF are therefore applicable. Policy 25 seeks to protect the countryside against inappropriate development unless it is considered to be appropriate in scale and essential to that location. Policy 25 also states that the natural environment and landscape character of the District, including the landscape, landform and development pattern, will be protected against inappropriate development.
- 6.27 The site comprises of an outbuilding used for storage and surrounding open storage at the north western corner of the site, referred to in the Design and Access Statement as a builder's yard, the existing Vine Cottage (proposed to be retained), located in the south western corner and various scattered small animal shelters. These occupy a small portion of the site, concentrated in its majority on the western part. The eastern part of the site is grassed and not considered to be previously developed, or 'brownfield'. A small 'pond' is also present. The northern and western boundaries are very open with no hedgerows or other vegetation present and defined by an open wire livestock fence.
- 6.28 Although the site is also seen against the existing dwellings to the north and south arranged in a linear ribbon along Coolham Road, the presence of the open fields to the west and east of the site and surrounding landscape means it is seen in the context of rural countryside. In the Horsham District Landscape Character Assessment, the site falls within J2 Broadford Bridge to Ashington Farmlands Landscape Character Area. The overall character of the area is described as a low lying and relatively flat landscape becoming more gently undulating towards the southern and northern boundaries. The Assessment states that the sensitivity of this area to change is 'moderate'. The key sensitivities to change for this area are any large scale housing or commercial development, large scale farm buildings and small scale incremental changes which erode the character of the area.
- 6.29 The Council's Landscape Officer has commented that the landscape character sensitivity of the area is considered moderate, in other words, that the landscape may have some ability to absorb development although it is likely that some change in character would result. Based on the current proposal, the change in character is considered to be harmful and adverse. The predominantly rural character of the site will be significantly changed and tranquillity lost due to the increase level of activity in the countryside. The development would exacerbate the ribbon of development along Coolham Road. Furthermore,

development would erode the rural character of the surroundings and have an urbanising effect on the adjoining rural fields to the east.

- 6.30 Additionally, given the open nature of the site, it is considered that the proposed 1m wide hedgerow buffer would not be appropriate to successfully mitigate the visual effect the development would have on the area. An appropriate landscape buffer would be expected to both mitigate the adverse effect of the development proposals and to contribute to the landscape character of the area. Concern is also raised with the extent of trees and hedgerow vegetation needed to be removed to facilitate vehicular access into the site from Coolham Road. This would expose the development to views and exacerbate the perception of urbanising form along Coolham Road, further damaging the semi-rural character of the road.
- 6.31 Overall, the scheme is not supported on landscape grounds. The proposal results in an urbanising form of development which incorporates ancillary infrastructure including vehicular access onto the public highway, pedestrian access onto the public footpath, parking and boundary treatments. Whilst the area is considered to have moderate landscape value, the quantum of development is considered inappropriate and would result in the urbanisation of this area and in turn increase the overall level activity in the countryside. The proposal also fails to provide an appropriate buffer zone to mitigate the adverse effects of the proposed development on the users of the public footpath and to the landscape character of the area. This would adversely impact on the landscape character and visual amenity of the area. The scheme is therefore contrary to Policies 25 and 26 of the HDPF.
- 6.32 In terms of the appearance of the individual buildings themselves, no objection is raised to the approach taken. The proposed houses would be two-storeys in a traditional design with gable ends and pitched roofs. The houses are shown in brick with tile hung and timber clad elevations. The single-storey blocks of flats and the commercial building have been designed to appear as converted agricultural buildings. If recommended for approval, a condition could be imposed requiring the submission of details of materials to ensure the appearance of the buildings would be appropriate.
- 6.33 Whilst the design of the buildings is considered acceptable, the quantum of development proposed is considered unacceptable for this countryside location and would detract from the landscape character of the area, as outlined above.

Impact on the Amenity of Existing and Prospective Occupiers

- 6.34 Policy 33 of the HDPF states that developments are required to ensure they are designed to avoid unacceptable harm to the amenity of occupiers / users of nearby properties through, for example overlooking or noise. The existing site is bounded by open fields to the east. To the west the site is bounded by Coolham Road with further fields and a farm. To the north, the application site is bounded by an agricultural building and a garage. The nearest residential property to the north (2 Foxcroft Cottages) is set a distance of over 25m from the boundary with the application site. The proposed buildings to the northern section of the site are also set a significant distance from the boundary. Given this relationship, the scheme would not result in a significant impact on the amenity of any adjacent properties to the north, east or west of the site.
- 6.35 In relation to the properties to the south, Elm Cottage is the other half of the pair of semi-detached dwellings with Vine Cottage. To the rear of Elm Cottage is Elm Cottage Stud. This is an equestrian use and also includes a residential element. The proposal includes the retention of Vine Cottage with a reduced rear garden. The reduced rear garden would be the same length as the existing rear garden of Elm Cottage. The buildings proposed to the rear of Vine Cottage would be sited a distance of over 40m from Elm Cottage. Given

this distance, the proposal would not result in a significant impact on the amenity of the residents of Elm Cottage. With respect to the Elm Cottage Stud, this property is set a distance of over 20 from the boundary with the application site. The proposed buildings adjacent the boundary with the Elm Cottage Stud would be single-storey and set back from the boundary by 7m. Given this relationship, the proposed buildings would not have a significant impact on the amenity of the Elm Cottage Stud in relation to loss of light, outlook or an increased sense of enclosure.

- 6.36 Parking areas and access roads have been designed so as to be sited away from adjacent properties. This would help to avoid harmful levels of disturbance to existing occupiers. The exact design and location of street lighting could be controlled by condition, if all other aspects of the development were considered acceptable, and this would help to ensure that adjacent occupiers were not exposed to unacceptable levels of glare/light pollution.
- 6.37 The introduction of 14 no. dwellings and a commercial building would increase the noise levels generated by the site. There would be increased levels of disturbance to adjacent residential occupiers associated with, for instance, the comings and goings of vehicles and the use of rear gardens. However, it is not considered that this would result in an unacceptably harmful impact on the living environment of adjacent residents.
- 6.38 The plans indicate that all prospective occupiers would have access to a suitably sized area of private amenity space that would provide a safe and pleasant area of useable outside space, complemented by on-site open space provision. The scheme would also provide suitably sized accommodation with adequate outlook and light for the habitable rooms proposed.
- 6.39 A new industrial building is proposed in the north east corner of the site which would house 4 commercial units. The proposal states that these units would be for commercial use under Class B1. Class B1 uses are defined as offices, research and development uses and light industrial uses that can be carried out in a residential area without detriment to the amenity to existing or proposed properties. If recommended for approval, a condition could be imposed limiting the use of these units to Class B1. With this condition in place and having regard to the distance of the units from the nearest residential property, the use of the units would not result in a detrimental impact on the amenity of any adjacent properties.
- 6.40 In light of the above, it is considered that the development would avoid harmful impacts on the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy. Measures to protect residents from harmful effects of noise, vibration and dust during the construction period could be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan to be approved by the Local Planning Authority.

#### Contamination

- 6.41 Policy 24 of the HDPF states that the high quality of the district's environment will be protected through the planning process. Developments are expected to minimise exposure to and the emission of pollutants. This includes addressing land contamination and making\* sure sites are appropriate for development taking into account ground conditions.
- 6.42 The Council's Environmental Health Team has commented that the proposed residential uses are vulnerable to contamination. This is because the current and historic use of the site may lead to the presence of contaminants that may need to be addressed. The Environmental Health Team has commented that as a minimum a phase one desk study is required to ascertain the condition of the site.



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- 6.43 Without this information, it is unclear as to whether the site is suitable for its new use taking account of ground conditions and potential pollution arising from previous uses. The Council is therefore unable to recommend any proposals for mitigation including land remediation. The scheme is therefore contrary to the requirements of Policy 24 of the HDPF and paragraph 121 of the NPPF.

### Highway Impact, Access and Parking

- 6.44 The development will be served by a new private access from Coolham Road. The access is proposed adjacent to the existing garage on site. The scheme indicates that the existing access would be stopped up. The new access would lead to an internal road which would allow access to parking for the commercial and residential units. The scheme includes 50 parking spaces for the proposal.
- 6.45 West Sussex County Council (WSSCC) Highways has commented that crucial supporting information is missing in order to make a full assessment of the highways impacts of the proposal. This includes a road safety audit, swept path diagrams and car parking allocations in line with WSSCC car parking standards. Without this information, an assessment of highway impacts of the proposal cannot be made and it has not been shown that the proposal would not result in highway safety issues. The scheme is therefore contrary to Policy 40 of the HDPF and has failed to show compliance with paragraph 32 of the NPPF.
- 6.46 It should be noted that the applicant has submitted additional information in relation to WSSCC comments which is currently being considered by the Highway Authority, and any further comments will be reported to the Committee.

### Nature Conservation, Ecology and Biodiversity

- 6.47 Policy 31 of the HDPF states that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigate or compensate for this loss and ensures that the ecosystem service of the area is retained.
- 6.48 The Council's consultant ecologist has commented that the scheme lacks a supporting baseline ecological survey. The lack of a survey means that they are unable to complete an adequate assessment of existing ecological features within the site and the potential ecological impacts of the proposed development are unknown. It cannot therefore be established if the proposed development would result in harm to the ecological value of the site, or determine the form and level of any mitigation that may be required. The scheme is therefore contrary to the requirements of Policy 31 and paragraph 118 of the NPPF.
- 6.49 It should be noted that the applicant has submitted additional information in response to the ecologist's comments which is currently being considered and any update will be reported to Committee.

### Flooding and Drainage

- 6.50 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. West Sussex County Council Flood Risk Management Consultant (WSSCC) has commented that current mapping shows that the majority of the proposed site is primarily at 'low risk' from surface water flooding and 'high/moderate risk' from ground water flooding. No Flood Risk Assessment/Drainage Strategy has been provided. On this basis, WSSCC and HDC Drainage and Flood Risk Officers have both commented that there is insufficient information with regards to the drainage of the site and any potential flood risk to existing or

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proposed development. It cannot therefore be ascertained if the proposed development would be at risk of flooding, or if the development would lead to an increase in flood risk to the surrounding areas.

- 6.51 Policy 38 of the HDPF also states that the impact of proposals on flood risk as a result of increased run-off or changing drainage patterns must be considered. Proposals are also required to incorporate the use of sustainable drainage systems or incorporate water management measures which reduce the risk of flooding. Without a proposed drainage strategy and appropriate assessment of flood risk, the proposal is therefore contrary to the requirements of the NPPF and to the objectives of Policy 38.

### Renewable Energy

- 6.52 In accordance with Policies 35, 36 and 37 of the HDPF, if all other aspects of the development were considered acceptable, planning conditions could be used to promote the use of renewable energy sources and to restrict water use, control construction waste and to encourage the use of natural lighting and ventilation.

### Refuse Collection

- 6.53 With respect to refuse collection, the Council would expect a full refuse strategy to be submitted. If recommended for permission, a condition could be imposed requiring full details of refuse provision including bin collection points and access for refuse vehicles to be agreed by the Local Planning Authority prior to development commencing.

### Legal Agreement

- 6.54 In the event that planning permission were to be granted, Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards indoor and outdoor sports provision, community facilities, libraries, education, transport infrastructure, fire and rescue, transport infrastructure and affordable housing.
- 6.55 The developer contributions, secured in the event that planning permission is granted, would be allocated towards improvements within the local area, to ensure they benefit future residents of the development. The provision of a commuted sum for specific local projects is considered a fair approach to deal with the cumulative pressure of additional residents on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing facilities in the local area.
- 6.56 Although the applicant has confirmed a willingness to enter into a legal agreement to secure the necessary sums and affordable housing provision, such an agreement is not yet in place. The development is, therefore, contrary to Policies 16 and 39 of the HDPF.

### Sustainable Development

- 6.57 The application is not considered as sustainable development. As outlined in Sections 6.3 – 6.11 above, the site is outside of any built-up-area boundary where development would be encouraged. The site is approximately 0.5km from Coolham Village. Coolham Village has limited facilities where residents are largely reliant on other villages and towns to meet their needs. The remainder of the area around the site is characterised by farms and sporadic residential dwellings throughout an area of mostly open countryside and agricultural land. The site is served by a single carriageway country road without pavements. Whilst bus services are offered in the vicinity of the site, these are restricted. Additionally, the closest railway station is Billingshurst which is located more than 5km from the site.

- 6.58 The level of activity associated with 15 dwellings and 4 business units would be significantly greater than that associated with the existing single dwelling and business on site. Even taking account of the activity and traffic movements generated by the existing builder's yard, it is considered that the proposed development would result in a greater level of activity and traffic movements than existing. Therefore, future residents of the development would be predominately reliant on private cars for transport and would also be reliant on adjacent villages and towns for the majority of their services and facilities. The proposal also lacks crucial supporting information regarding ecology, highway impact and parking information and a drainage strategy. Given the location of the site, the needs of the future residents of the site and the inevitable increase in traffic movements generated by this proposal, the scheme is considered as unsustainable development and the presumption in favour is therefore not triggered.

### Conclusions

- 6.59 Taking all matters into account, the proposal is considered to represent an unsustainable form of development, on a site outside a defined built-up area boundary where the principle of residential development is unacceptable and cannot be supported. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements.
- 6.60 Whilst the principle of a replacement commercial unit could be acceptable, the commercial units add to the quantum of development which is considered inappropriate in this countryside location.
- 6.61 Additionally, the proposal would diminish the rural and open character of this particular part of the landscape, creating a discordant and uncharacteristically urbanised environment.
- 6.62 The proposal also lacks crucial supporting information regarding ecology, land contamination, highway safety impact and a drainage strategy.
- 6.63 The development is therefore considered harmful, even when weighed against the economic and social benefits of the scheme and as such, the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF, cannot be applied. When all material considerations are taken into account, and given appropriate weight in the planning balance, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits. The proposal is therefore recommended for refusal.

## **7. RECOMMENDATIONS**

- 7.1 To refuse planning permission for the following reasons:
1. The proposed development is located in the open countryside, outside of any defined Built Up Area Boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Development Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development that is contrary to the aims and objectives of the NPPF and Policies 1, 2, 3, 4, 15, 25 & 26 of the Horsham District Planning Framework (2015).

2. The proposal would diminish the rural and open character of this particular part of the landscape, creating a discordant and uncharacteristically urbanised environment harming the landscape character of the local countryside. The development is, therefore, contrary to the NPPF and Policies 25 and 26 of the Horsham District Planning Framework (2015).
3. Insufficient supporting information has been submitted to indicate that the development of this site would not result in a detrimental impact on highway safety. Given the location of the site, the needs of the future residents of the site and the increase in traffic movements that would be generated by this proposal, the scheme has not demonstrated that there would be no impact upon highway safety and it is therefore considered as unsustainable development. The scheme is therefore contrary to the requirements of Policy 40 of the Horsham District Planning Framework (2015) and NPPF.
4. Insufficient ecological assessments have been submitted to indicate that the development of this site would not result in a detrimental impact on the habitats of protected species or the ecological value of the site. The scheme is therefore contrary to the requirements of the NPPF and Policy 31 of the Horsham District Planning Framework (2015).
5. Insufficient information has been submitted regarding existing ground conditions and the potential for pollution from land contamination arising from previous uses. The scheme has therefore failed to demonstrate that the site is suitable for its new use taking account of ground conditions, potential pollution and the sensitivity of the new residential uses. The scheme is therefore contrary to the requirements of Policy 24 of the Horsham District Planning Framework (2015) and paragraph 121 of the NPPF.
6. Insufficient information has been provided to demonstrate the proposal is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and that it would not increase flood risk overall. The scheme is therefore considered contrary to the requirements of the NPPF and Policy 38 of the HDPF.
7. The proposed development makes no provision for securing affordable housing units, or for contributions towards improvements to education provision; transport infrastructure; libraries; fire and rescue services; sports facilities; community facilities; and is, therefore, contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

Note to Applicant:

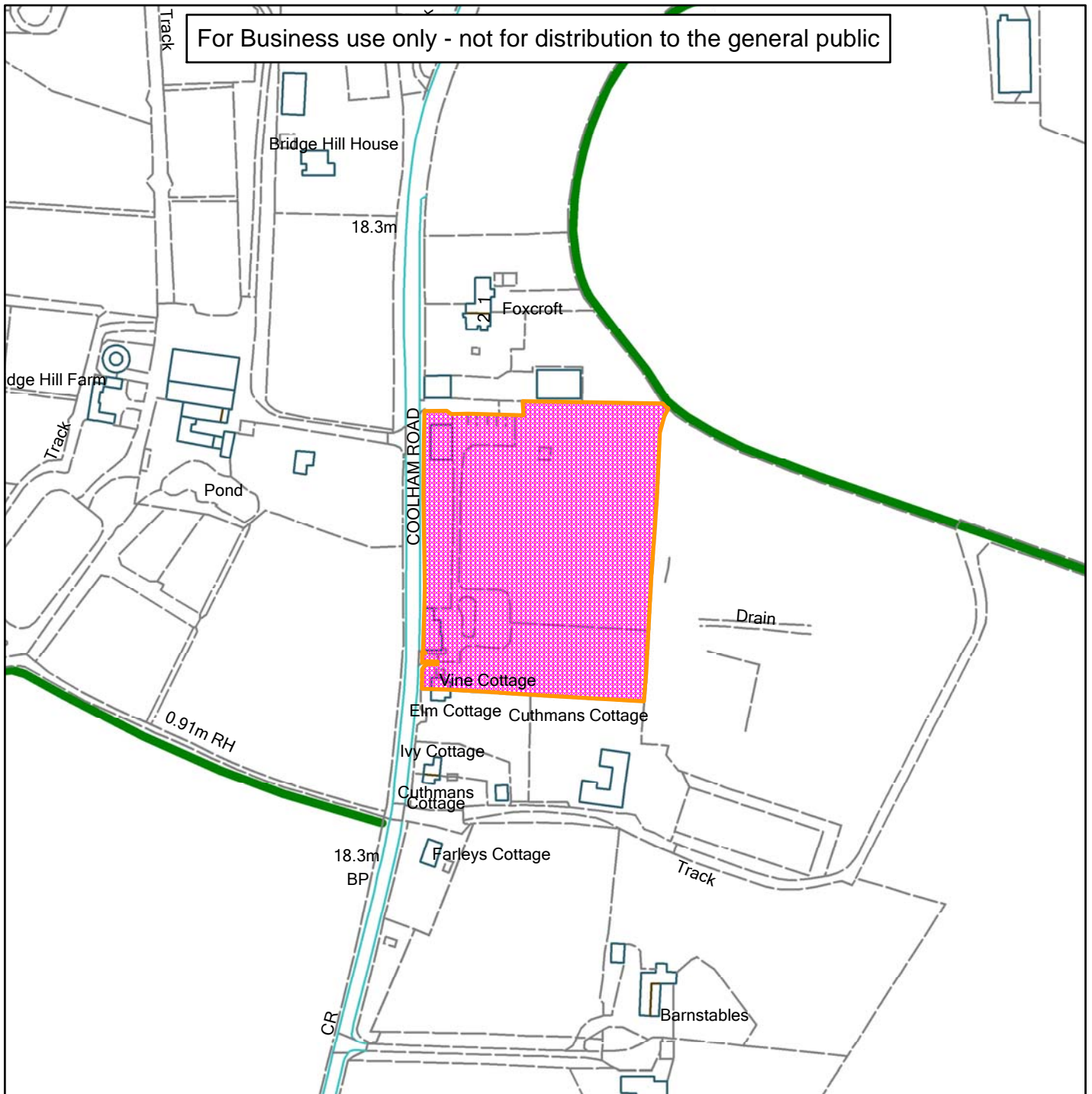
1. The reason for refusal relating to infrastructure contributions and affordable housing provision could be addressed through the completion of a legal agreement. If the applicant is minded to appeal the refusal of this application you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

Background Papers: DC/16/1974



Vine Cottage

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	01/11/2016
MSA Number	100023865

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**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Outline application for the erection of 4x2 bed semi detached dwellings, 1x3 bed detached dwelling and 2x5 bed detached dwellings. Construction of access road and provision of garage parking with all matters reserved except for access.

**SITE:** High Chaparral London Road Washington Pulborough

**WARD:** Chantry

**APPLICATION:** DC/16/1963

**APPLICANT:** Mr S Page

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure within the meaning of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

**RECOMMENDATION:** To refuse planning permission

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks outline planning permission for the construction of 4x2 bed semi detached dwellings, 1x3 bed detached dwelling and 2x5 bed detached dwellings, the construction of an access road and provision of garage parking. The application seeks only the determination of the principle of development with all matters reserved at this time.

#### DESCRIPTION OF THE SITE

- 1.2 The application site is situated in a rural location outside of any defined built up area boundary. The application site is located to the south of High Chaparral which is a detached single storey dwelling in an elevated position. The proposed dwellings would be located on greenfield land to the south of the dwelling and would utilise part of the existing access to High Chaparral. To the north of the site is a sandschool, whilst to the east of High Chaparral is a stable complex.
- 1.3 The existing site access to High Chaparral is located on the London Road, close to its junction with the A24 dual carriageway. The access is also a public footpath. To the south

## ITEM A03 - 2

of the access are five residential dwellings whilst to the north west are the dwellings in Spring Gardens.

### **2. INTRODUCTION**

#### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework 2012 (NPPF).

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

2.3 National Planning Policy Guidance 2014 (NPPG).

#### RELEVANT COUNCIL POLICY

2.4 The relevant policies of the Horsham District Planning Framework are considered to be policy 1, 2, 3, 4, 15, 25, 26, 32, 33, 35, 36, 37, 40 and 41.

#### RELEVANT NEIGHBOURHOOD PLAN

2.5 Storrington & Sullington and Washington Pre-Submission (Regulation 14) Draft Neighbourhood Plan was subject of public consultation running between 06 July 2016 - 17 August 2016.

#### PLANNING HISTORY

WS/20/00	Sandschool Site: Hillyfield London Road Washington	PER
WS/10/82	Extension (From old Planning History)	PER
WS/10/49	Pig sties and glasshouse (From old Planning History)	PER
WS/21/62	Site for bungalow grid ref: 1230/1448 Comment: Appeal withdrawn 23/03/63 (From old Planning History)	REF
WS/24/64	Site for bungalow grid ref: 1230/1448 (From old Planning History)	REF
WS/34/57	Residential development (From old Planning History)	REF
WS/36/64	Site for bungalow grid ref: 1230/1448 Comment: Appeal dismissed 28/02/66 (From old Planning History)	REF
WS/65/58	Change of use from agricultural to residential (From old Planning History)	WDN



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WS/73/58	Additions (From old Planning History)	PER
DC/05/2273	Removal of condition 3 of WS/8/63 (the proposed bungalow shall be occupied only be persons employed at Hillyfield)	PER
DC/06/0479	Erection of stables	PER

### **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 **Strategic and Community Planning** (summarised) - The principle of residential development on this site, outside the BUAB, in the countryside is unacceptable. The proposed development fails to provide affordable housing and is therefore contrary to Policy 16(3)(b) of the HDPF. The site is not allocated for development in the HDPF or the Storrington, Sullington and Washington Neighbourhood Plan and the Council already has a 5 year supply of housing land.
- 3.3 **Environmental Management, Waste and Recycling** – Awaited and will be reported verbally to committee.
- 3.4 **Property Services (Drainage)** - No drainage information has been submitted to make any appropriate comment or observations. Therefore drainage conditions should be applied before any works commence on site, which show full details of the measures to dispose of both foul and surface water.
- 3.5 **Ecology** (summarised)– No objection with regards to ecology.

#### OUTSIDE AGENCIES

- 3.6 **West Sussex County Council Highways** (summarised) – The Highways Authority does not consider that the proposal for seven dwellings would have ‘severe’ impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.
- 3.7 **West Sussex County Council Public Rights of Way** (summarised) – No objection subject to suggested conditions and guidance.
- 3.8 **Southern Water** (summarised) – A formal connection would be required to the public foul sewer. Details of SUDS would be required.

#### PUBLIC CONSULTATIONS

- 3.9 **Washington Parish Council** (summarised)– Strongly object to the application.
- 3.10 **Seven letters** (two from the same address) have been received objecting to the application on the following grounds;
- Flood risk
  - Proposal detrimental to the environment
  - Damage to existing trees
  - Highway safety concerns

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- Impact of public footpath
- Intrusive on locality
- Noise and disturbance to neighbouring properties
- Out of keeping
- Occupiers would be dependent on private car as limited bus service

### **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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Affordable Housing
- Highway impacts
- Ecology

#### **Principle of development**

- 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 55 of the NPPF, and Policies 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.5 Policy 4 relates to settlement expansion and states that; *“Outside built-up area boundaries, the expansion of settlements will be supported where;*
- a. the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.*
  - b. the level of expansion is appropriate to the scale and function of the settlement type.*

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- c. *the development is demonstrated to meet the identified local housing needs and employment needs or will assist the retention and enhancement of community facilities and services.*
- d. *the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and*
- e. *the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.”* The Council can demonstrate that it has a 5-year HLS against this newly adopted strategy.

- 6.6 The site has not been allocated for development in any Made Neighbourhood Plan or within the HDPF. The site was considered for inclusion within the Storrington, Sullington and Washington Pre-Submission Draft Neighbourhood Plan but was not considered appropriate for inclusion. The application has also not sought to demonstrate how it would meet identified housing needs, nor would it maintain or enhance the locality's landscape character features. It is therefore considered that the proposal does not comply with Policy 4.
- 6.7 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas.
- 6.8 The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities. The proposal does not involve the conversion of existing rural buildings. The proposal therefore fails to accord with the NPPF and with Policy 26 of the HDPF.
- 6.9 The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. On these grounds the proposal is not in accordance with Policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

### **Impact on the character and appearance of the surrounding area**

- 6.10 The application site is situated in a rural location, where development is sporadic and organic in form. Section 7 of the NPPF provides guidance relating to design and states that good design is a *"key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.11 As the application is outline in form, the full impact of the proposed development cannot be fully considered at this stage. However, it would appear from the size of the site area that seven units could be accommodated within the site. In terms of the acceptability of the proposed scheme in relation to the amenity levels of future occupiers of any new dwellings, as the proposal is only submitted in outline form as noted above with an indicative layout, this would be fully considered at the reserved matters stage, if outline planning permission

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was granted. However, the indicative layout provided does show that the number of dwellings proposed, could, with careful consideration of siting, landscaping and screening, be provided within the site without a likelihood of giving rise to significant amenity issues for future residents.

- 6.12 Whilst the site may be of sufficient size to accommodate seven dwellings, the proposed construction of seven new dwellings in this rural location would have an adverse impact on the rural character of the area. It is considered that the introduction of the dwellings with their associated domestic built form, paraphernalia and lighting, would have an adverse visual impact on the character of the area. It is therefore considered with regards to the current application that the proposal would not meet the requirements of Policy 33 in this respect.

### **Affordable Housing**

- 6.13 Policy 16(3)(b) of the HDPF sets out the Council's approach to the provision of affordable housing. On sites of between 5 and 14 dwellings, the Council requires 20% of dwellings to be affordable, or an equivalent financial contribution if on-site provision is not practicable. However as the application site covers an area of 0.8 hectares the Council would require 35% of dwellings to be affordable. No information has been submitted with regards to the provision of affordable housing and therefore the proposal does not comply with policy 16 of the HDPF.

### **Highways**

- 6.14 The Highways Authority has carefully considered the application and on receipt of additional information has not raised an objection to the application. The Highways Authority do not consider that the proposal for seven dwellings would have a 'severe' impact on the operation of the Highway network. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Consequently, it is considered that there are no transport grounds to resist the proposal.

### **Ecology**

- 6.15 The site is within the Site of Special Scientific Interest (SSSI) Impact Zone for three sites: Sullington Warren, Chantry Mill, and Chanctonbury Hill, and therefore the comments of the Council's Ecologist have been sought with regards to the application. The Council's Ecologist has considered the Preliminary Ecological Appraisal submitted and has raised no objection to the application subject to conditions on ecological grounds.

### **Conclusion**

- 6.16 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. The site has not been allocated for development in the Neighbourhood Plan or the Local Plan, does not provide for affordable housing and is not essential to its countryside location. It is therefore considered that the proposal does not comply with policy 1, 2, 3, 4, 16 and 26 of the HDPF and paragraph 55 of the NPPF.

## **7. RECOMMENDATIONS**

7.1 It is recommended that planning permission is refused for the following reasons;

1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
3. The proposed dwellings by reason of their siting, plot subdivision, and associated domestic paraphernalia would be out of keeping with the character of the area and would represent a form of development which would be detrimental to the rural appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 30 and 33 of the Horsham District Planning Framework 2015.
4. The provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework 2015, and to the NPPF, in particular paragraph 50.

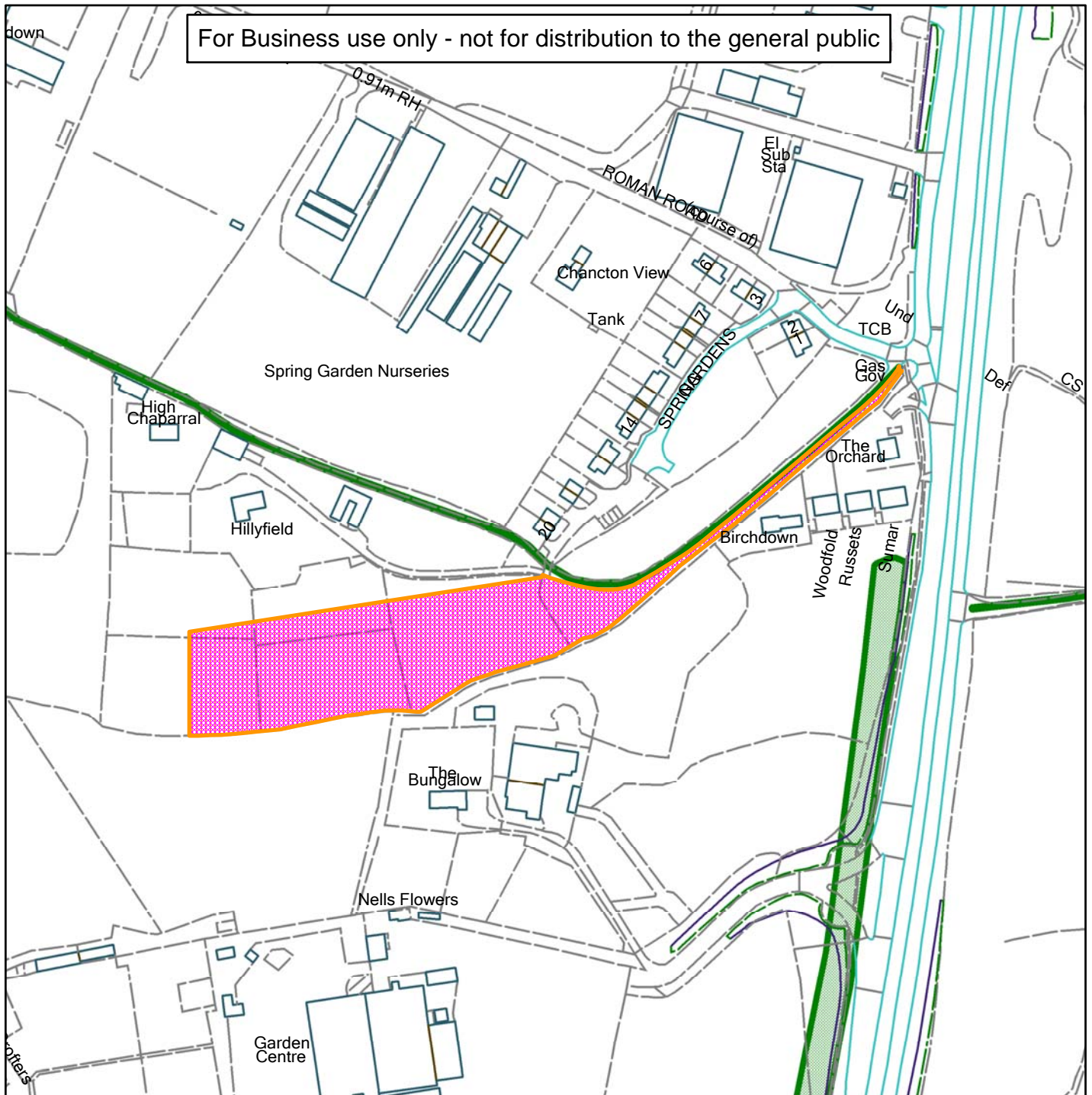
Background Papers: DC/16/1963

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High Chaparral

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Organisation	Horsham District Council
Department	
Comments	
Date	01/11/2016
MSA Number	100023865

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**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Outline Permission for 1 new 2 bedroom dwelling

**SITE:** Spear Hill Spear Hill Ashington Pulborough

**WARD:** Chanctonbury

**APPLICATION:** DC/16/1895

**APPLICANT:** Mr Alastair Barnfield

**REASON FOR INCLUSION ON THE AGENDA:** The application, if permitted, would represent a departure within the meaning of the Town and Country Planning (Development Plans and Consultation Departures) Directions 1999

**RECOMMENDATION:** To refuse Planning Permission

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The proposal seeks outline consent, for a new detached dwelling, in respect of access and layout, with all other matters reserved for future determination.

1.3 The site layout shows the proposed dwelling set some 1m off the host dwelling's northern boundary, which would result in an overall gap between flank walls of some 4m. The proposed dwelling would be set off the northern site boundary by 0.6m. The front and rear building lines are shown comparable to those of the host dwelling.

1.4 The flared forecourt boundary would provide for parking, although no specific layout details have been provided in respect of the forecourt. Indicative plans show parking provision for two cars, whilst the host dwelling would retain space for 3 vehicles clear of the track.

1.5 Indicative elevations and floor plans show a two-storey property with comparable eaves and ridge heights as the host dwelling, and window proportions which also appear to be matching. The house is indicated to have a width of some 6.8m and a depth of some 6.5m. At ground floor, there would be a partial increase in depth from the rear wall of some 2.8m to accommodate the kitchen.

## DESCRIPTION OF THE SITE

- 1.6 The application site comprises a plot of land adjacent to a detached house called Spear Hill. The site lies some 600m north of the defined settlement boundary of Ashington, and is therefore considered to be sited within the rural area. The host property is accessed along a track off Spear Hill, and is also a public right of way / bridleway. The track affords access to the application site, the host property and Spear Hill Barn, part of the curtilage of Spear Hill Cottage.  
Spear Hill itself is a narrow country lane subject to a speed limit of 60m.p.h.
- 1.7 There appears to be a new electric gate fitted at the entrance of the access track with pedestrian access retained at the side.
- 1.8 The site is currently vacant apart from a dilapidated shed in the far northern corner. A boundary wall, some 2m in height runs along the southern boundary with the host property 'Spear Hill', while an evergreen hedge marks the boundary of the adjacent northern property 'Bramleys'.  
Ground levels rise across the site towards the northern rear corner.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework (2012)**  
NPPF1 - Building a strong, competitive economy  
NPPF4 - Promoting sustainable transport  
NPPF6 - Delivering a wide choice of high quality homes  
NPPF7 - Requiring good design  
NPPF11 - Conserving and enhancing the natural environment

### RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**  
HDPF1 - Strategic Policy: Sustainable Development  
HDPF2 - Strategic Policy: Strategic Development  
HDPF3 - Strategic Policy: Development Hierarchy  
HDPF4 - Strategic Policy: Settlement Expansion  
HDPF15 - Strategic Policy: Housing Provision  
HDPF24 – Strategic Policy: Environmental Protection  
HDPF25 - Strategic Policy: The Natural Environment and Landscape Character  
HDPF26 - Strategic Policy: Countryside Protection  
HDPF31 – Green Infrastructure and Biodiversity  
HDPF32 - Strategic Policy: The Quality of New Development  
HDPF33 - Development Principles  
HDPF37 – Sustainable Construction  
HDPF40 - Sustainable Transport  
HDPF41 - Parking

## RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Ashington Parish Neighbourhood Plan area has been designated but no draft plan has yet been prepared.

## PLANNING HISTORY

DC/16/1162 Two storey side extension, porch addition, single storey side extension, and rear porch canopy PER

## 3. OUTCOME OF CONSULTATIONS

The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

### OUTSIDE AGENCIES

#### 3.1 **West Sussex Highways** - No Objection.

- The Site is located within a rural location, and is not served via linking pedestrian footways, although it is understood a public footpath does exist off of the private track and leads towards Ashington. A limited bus service does serve this location, however there is a reliance on the use of a private car for regular commuting; Secure and covered cycle parking should be included to alleviate this reliance.
- Based on the information provided 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 32), and that there are no transport grounds to resist the proposal. Conditions are advised

#### 3.2 **Southern Water** - No Objection.

- There is a public water main identified within the access to the site which would require protection during the course of any construction works
- Conditions and Informatives are advised as the site lies some distance away from any nearby public foul sewer with no public surface sewers in the area to serve the site.

### INTERNAL CONSULTATIONS

**Environmental Health** - No objections subject to appropriate planning conditions being applied. A site visit confirmed that there is made ground and evidence of burning within an area intended for amenity space. Planning conditions should be applied to investigate and mitigate against any potential land contamination of the site, address air quality and provide charging points for electric vehicles in line with HDC's Air Quality Action Plan, provide for surface water drainage, demolition, construction and operational phases of the build and a restriction against future external lighting.

### PUBLIC CONSULTATIONS

#### 3.5 **Ashington Parish Council Consultation** – Objection

- Site lies outside of BUAB of Ashington and quite a distance from it – therefore the site is in an unsustainable location

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- Reference to a footpath – path is not lit, is isolated, constantly overgrown and is a more a muddy path – personal safety issues
- Reliant on public cars for access to the village
- Although Ashington can cater for day to day needs, it is limited for other services such as dentist, doctors, wider variety of shops – public transport to larger towns is sporadic
- Site has not been submitted to the Neighbourhood Plan Steering Group for consideration, and is not allocated in the HDPF
- Council is able to demonstrate a 5-year housing land supply

### 3.6 **Public Consultations** - 1 letter of representation have been received (from 1 neighbouring residential property) objecting for the following reasons:-

- Plot was previously garden land for 'Bramleys' and was sold to 'Spear Hill' for purposes of building a garage, which was never carried out
- Surrounding properties all have generous gardens maintaining the rural nature of the area – proposed development would be on a small strip of land
- Current use of land does not impact on enjoyment of 'Bramleys' – proposed development would lead to harm to living conditions, particularly given that rear-facing bedroom and bathroom overlooking the site have clear glazing
- Key differences between application site and appeal referred to at Yew Tree Cottage, as other site lies immediately to the north of the village boundary in a development area with street lights, footpaths and easy access on foot to the village

## **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 It is considered that the main issues in the determination of the application are:

- Principle of the development
- Impact upon the surrounding countryside
- Impact on neighbour amenity
- Highways

### **Principle:**

6.2 Policy 2 of the 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 as set out within policy criteria. The policy sets out the Council's main strategy for the location of development across the District and aims to concentrate development in and around the main settlement of Horsham and to allow growth in the rest of the District in accordance with the settlement hierarchy.

- 6.3 Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the identified settlement hierarchy set out within the policy. The application site is approximately 600m north of the village of Ashington, which has been categorised as a 'Medium Village', where a moderate level of services and facilities are available to residents. Policy 3 directs development towards towns and villages which have defined built up area boundaries, according to the hierarchy set out in Policy 3, whereas the application is located in open countryside.
- 6.4 Policy 4 of the HDPF makes provision for expansion outside of BUAB provided certain criteria are complied with. The first criteria states that a site should be allocated in either the Local Plan (HDPF or any future Land Allocations document) or a Neighbourhood Plan. In this case the site is not allocated in the Local Plan and the Parish Council is still in the process of preparing a Neighbourhood Plan.
- 6.5 Since the adoption of the HDPF in November 2015, the Council is able to demonstrate a full 5-year supply of housing land sufficient to meet the needs of the District to 2031, with a forecast that some 750 residential units will come forward by way of windfall sites (Policy 15).
- 6.6 The submitted statement recognises that the site lies beyond the settlement boundary and draws reference from an appeal decision at Haglands Lane, West Chiltonton (DC/14/2248 dated 10 December 2015), and in particular, paragraphs 20 and 23:

*"In simple terms, the Council's position is that since the appeal site is beyond the settlement boundary and is not allocated in a Local Plan or Neighbourhood Plan, the appeal proposal would conflict with the HDPF. I do not believe that to be a proper interpretation of the wording of the policies I was taken to by the parties."*

*"Accordance or not with the Policy, and thus with the spatial strategy, therefore requires an assessment of a proposed windfall scheme against each of the criteria. To the extent that it is appropriate to take into account what is an ambiguous policy, that will be addressed under my other main issues. What, in my view, is clear however is that the Council is incorrect to argue that development proposed will be contrary to the HDPF Spatial Strategy as a matter of principle"*

The proposal is therefore submitted on the basis that the site's close proximity to the village of Ashington results in a sustainable form of development, which is only some 10-15mins on foot to good public transport links and services. It is submitted that the proposal therefore forms a 'windfall' development which complies with local policies as demonstrated by the Haglands Appeal decision.

- 6.7 Reference is also made to another Appeal Decision, this time at Yew Tree Cottage (DC/14/1944 – Appeal decision; Allowed - October 2015). The then lack of housing land was referred to by the Inspector, who gave considerable weight to the aims of sustainable development as set out in the NPPF in favour of the local and out of date housing policies. The site's location immediately adjoining the village boundary, a petrol filling station, nearby housing and a nearby dual carriageway, resulted in the Inspector concluding that the site was closely linked to services provided by village and therefore in a sustainable location.

- 6.8 More recently, an Appeal Decision (dated 12 September 2016) for residential development on land adjacent to Hatches, a site outside of the BUAB of West Chilton (DC/15/2758), has incorporated reference to the Haglands Appeal Decision. The Inspector dealing with the Hatches Appeal, asserted the following:

*"I note that although the Inspector in this case correctly concluded that point 1 of Policy 4 precludes windfall sites on unallocated sites outside the settlement boundaries of built up areas, he then considered this not to be 'sensible' and suggested an altered wording of the policy to allow its interpretation to support the principle of windfall sites under Policy 15.*

*"However, I take the opposite view and consider that it would not be 'sensible' if land not previously developed but outside and adjoining a built up area boundary were to be regarded as a windfall site. Such an interpretation would effectively allow any owner of such land to claim 'windfall status', subject only to compliance with the criteria relating to such matters as landscape impact and accessibility to services in the other relevant policies.*

*Having regard to the large amount of land around the periphery of the various towns and villages listed in Policy 3, this would be likely to create a plethora of suggestions of sites 'unexpectedly becoming available'. This would allow development that, if permitted, would undermine the basis on which the HDPF envisages housing delivery in the District consistent with Policies 1, 2, 3 & 4 taken together and in accordance with the NPPF."*

*"However, I accept the Council's view that the existing definition has to be read in the context of its housing strategy, namely any sites outside the built up area boundaries coming forward only through allocations.*

*I can find no fault with this approach, which in any event through the wording of Policy 4, including criterion 1 requiring an allocation for housing in the HDPF or a Neighbourhood Plan, has been adjudged 'sound' by the Local Plan Inquiry Inspector. The appeal scheme is in clear conflict with Policy 4 and because a departure from it would be contrary to sound planning and undermine the adopted housing strategy I consider that this conflict would also be harmful."*

- 6.9 Residential development on the site would therefore be contrary to the strategic approach to housing outlined in the adopted HDPF.

**Impact on the Countryside Setting:**

- 6.10 In respect of the countryside setting Policy 26 of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location and 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 quiet informal recreational use; or
  4. Enable the sustainable development of rural areas.
- 6.11 There is no suggestion within the application that one of the above criteria is relevant to the proposal, and it has not therefore been demonstrated that the proposal is essential to its countryside location.
- 6.12 Policy 25 of the HDPF requires development to protect, conserve and enhance the landscape and townscape characters across the District, taking account of settlement characteristics and settlement separation; policy 32 of the HDPF requires new

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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'; with policy 33 requiring development to relate sympathetically with the built surroundings.

- 6.13 The wider character of this location and the prevailing openness and fields, interspersed with generously proportioned properties and plots would be adversely diminished by way of the proposed development, set on a significantly smaller plot. Further intensification of residential development of the area would undermine the existing spacious qualities which the existing sporadic pattern of development creates.
- 6.14 The proposed development would therefore replace a currently open site with built development of a sizable mass set within a restricted plot. The small plot size and relative proximity to the host dwelling would not be reflective of the wider development in the immediate context which is characterised by detached dwellings on large and spacious plots.
- 6.15 Furthermore, the proposal is not of a scale, massing and appearance which relates sympathetically to the built surroundings, open spaces and landscape. As such, it would erode the rural character of the area and the appearance of the countryside, leading to a harmful effect on the character and appearance of the countryside, contrary to the provisions of local policies 25, 32 and 33.

### **Impact on Neighbouring Amenities:**

- 6.16 Policy 33 of the HDPF seeks to avoid unacceptable harm to neighbouring amenity. Officers acknowledge the comments raised by neighbouring properties regarding loss of amenity and overlooking.
- 6.17 The closest residential property to the development would be the host property 'Spear Hill', just south of the boundary wall separating the two sites. Given the proposed building lines and massing of the proposed dwelling, minimal harm would occur to the residential amenities of the residents.
- 6.18 The northern neighbouring property 'Bramleys' is considered to be of some distance from the development site, with some 40m between flank walls of buildings. Therefore, there would also be minimal adverse harm to amenities, by way of loss of privacy, overlooking or light, occurring to the residents of this neighbouring property.
- 6.19 Note is made of the fact that there are rights of private access over the track. However, the proposed development would not affect these rights or block the track.

### **Highways and Traffic:**

- 6.20 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 4 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.21 The Highway Authority assessed the proposed development on highway capacity, safety, and policy grounds. The existing substandard access from the track onto Spear Hill is noted, although it is also noted that this is a pre-existing access which has been in use without raising any evidence of highway safety concern. Planning conditions could be applied to secure improved visibility splays onto Spear Hill.

## ITEM A04 - 8

- 6.22 Any resulting impact arising from the proposed development is therefore not considered to lead to any severe levels of intensification on the public highway network. The location of the development site along a Public Bridleway is also noted. Separate private land use permissions and restrictions apply to shared use of Public Bridleways and as such, the proposed development is not considered to adversely affect the Bridleway.

### **Conclusion:**

- 6.23 The proposed development is located in the countryside, outside the defined built-up area boundary of any settlements, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements.
- 6.24 The proposed development has not been demonstrated as being essential to its countryside location and the scheme would have a harmful impact on the character of the rural countryside location.
- 6.25 The proposal therefore represents unsustainable development contrary to policies 1, 2, 3, 4, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015), and would fail to meet the definition of sustainable development within the National Planning Policy Framework. Accordingly, refusal is recommended for the proposal.

## **7. Recommendation: Application Refused**

- 7.1 It is recommended that planning permission be refused for the following reasons:
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
  2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
  3. The proposed development, by reason of its scale, siting and design, would represent a harmful urbanising form of development which would be out of keeping with and detrimental to the rural character and appearance of the area. The proposal would therefore be contrary to policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015).

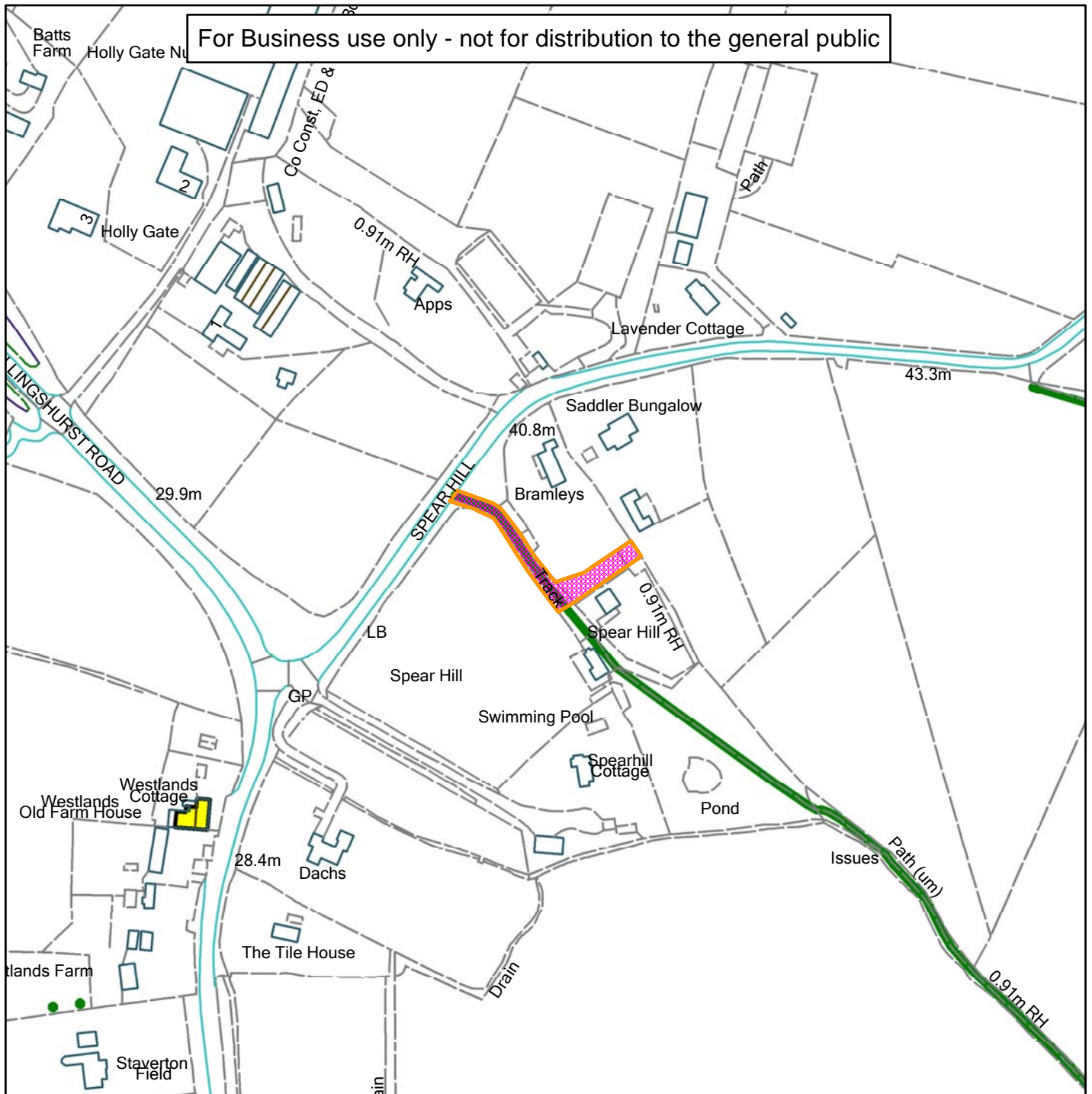
Background Papers: DC/16/1895





Spear Hill

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Comments	
Date	01/11/2016
MSA Number	100023865

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**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Erection of one dwelling on residential land at Longbury Hill House

**SITE:** Longbury Hill House, Veras Walk, Storrington, West Sussex

**WARD:** Chantry

**APPLICATION:** DC/16/1908

**APPLICANT:** Mr Tim Drake

**REASON FOR INCLUSION ON THE AGENDA:** The application, if permitted, would represent a departure within the meaning of the Town and Country Planning (Development Plans and Consultation Departures) Directions 1999

**RECOMMENDATION:** To refuse Planning Permission

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The proposal seeks full permission for a new detached dwelling with detached garage and a new drive to serve the existing dwelling.

1.3 An existing detached double garage would be demolished and an existing large pond infilled to facilitate the proposed development, whilst part of an existing narrow driveway would be upgraded and extended to serve the proposed new dwelling, located to the eastern side of the host plot.

1.4 The proposed new dwelling would have a footprint of some 9.2m x 12.6m, with a chimney stack located to the western elevation. The principal elevation would face north, whilst the southern elevation would look towards the applicant's own land and driveway. The proposed new dwelling would have 4 bedrooms on the first-floor and open plan living spaces on the ground floor, along with a study and utility. A level patio area is proposed to the southern elevation.

## ITEM A05 - 2

- 1.5 The proposed new dwelling would have an irregularly shaped plot. The eastern flank wall would be set some 8.3m off the site's eastern boundary, which adjoins the boundary of Hardwicke Lodge. The new dwelling would be set some 31m off the north-eastern corner of Windrush. It would also have a separation distance from the host dwelling's southern wall of about 25m. The new property would also be some 40m back from the site's entrance gate.
- 1.6 The proposed new dwelling would be clad in stacked sandstone with timber panels and with a black feature band to the front and rear walls. It would also have a slate roof and timber louvres to some of the windows.
- 1.7 A new driveway to serve the existing dwelling would utilise part of an existing driveway and gain access to the existing / retained parking area located to the western side of the host plot. Two trees, a Yew and an Oak tree would require removal as part of the development proposal.

## DESCRIPTION OF THE SITE

- 1.10 The site currently comprises a detached single-storey dwelling, arranged broadly in a horse-shoe floor-plan facing south, which has wide-ranging views over the South Downs, owing to its elevated position. The host dwelling is appreciably set far above neighbouring properties and adjoining plots, but, owing to the vegetation on and around the plot, is well-screened from views outside of the site.
- 1.11 The property has vehicular access off a shared track which joins Veras Walk, some 140m away from the site entrance. A steep access drive currently leads past a level area adjacent to a pond then curves around the eastern site boundary to a further levelled parking area alongside a double garage. An original single-width driveway is evident alongside the eastern side of the garage and site boundary, climbing to the rear garden of the house.  
A further access drive leads from the western side of the garage up to a levelled parking area to the front (south side) of the host dwelling.
- 1.12 The existing site includes numerous winding pathways and established landscaping throughout the plot, with a swimming pool to the rear, and a disused timber cabin which shows signs of some form of occupation, positioned about 6m west of the existing pond.
- 1.13 The entire site lies outside of the defined built-up area boundary of Storrington, which runs alongside the boundary of the adjacent property Heath Barn to the west, along the southern site boundary of Longbury Hill House, the application site, and then cuts across the rear gardens of Hardwicke Lodge to the east. Neighbouring properties of Jura, Wrens Hill, Little Yew and Longbury Chine are all located outside of the BUAB.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

2.2 **National Planning Policy Framework (2012)**

NPPF1 - Building a strong, competitive economy

NPPF4 - Promoting sustainable transport

NPPF6 - Delivering a wide choice of high quality homes

NPPF7 - Requiring good design

NPPF11 - Conserving and enhancing the natural environment

### RELEVANT COUNCIL POLICY

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

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF3 - Strategic Policy: Development Hierarchy

HDPF4 - Strategic Policy: Settlement Expansion

HDPF15 - Strategic Policy: Housing Provision

HDPF24 – Strategic Policy: Environmental Protection

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF31 – Green Infrastructure and Biodiversity

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF37 – Sustainable Construction

HDPF40 - Sustainable Transport

HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Storrington, Sullington and Washington Neighbourhood Development Plan has been through the examination process but it has not been progressed to Referendum.

2.5 OTHER DOCUMENTS

Storrington & Sullington Parish Design Statement 2010

Heath Common Village Design Statement 1999

### PLANNING HISTORY

WS/45/88	Erection of double garage	PER
WS/2/79	Outline 1 dwelling	REF
WS/18/78	Extension	PER
WS/45/63	Extension	PER

### 3. **OUTCOME OF CONSULTATIONS**

The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### OUTSIDE AGENCIES

##### 3.1 **West Sussex Highways** - No Objection.

- The proposal is for a single dwelling unit with access onto Veras Walk an unmaintained road, which meets the publicly maintained network at junctions with Rock Road and Washington Road. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Rock Road or Washington Road. The most recently available verified accident records reveal there have been no personal injury accidents relating to the existing points of access, indicating a low risk of highway safety issues with this proposal.
- The addition of a single dwelling at this location should not generate a severe detriment to Highway users, and therefore accords with paragraph 32 of the National Planning Policy Framework.
- There are no anticipated Highway safety or capacity concerns with this proposal, subject to appropriate planning conditions regarding secure cycle parking

##### 3.2 **Southern Water** - No Objection.

- Initial investigations indicate no public surface water sewers in the area so alternative means of drainage for surface water are required
- Appropriate conditions and informatives are advised regarding drainage, formal connections to public sewerage systems, and the potential for public sewers to be crossing the site

##### 3.3 **Archaeological Advisor** - No Comments have been received.

#### INTERNAL CONSULTATIONS

##### 3.4 **Arboricultural Officer** - No objection.

- The site would retain most of the existing tree coverage, even with the stated felling of 14 of 60 trees (it is acknowledged that only two trees would be required to be felled to facilitate the development, the others are recommended for removal)
- In public amenity terms, the individual trees are of no great merit, particularly as this site lies somewhat removed from public access

##### 3.5 **Environmental Health** - No objection.

- The development site is in very close to proximity to a former sand quarry. It is unclear whether the sand pit has been filled in part or in full following cessation of the extraction workings. Having viewed the site surround and given the slope to the north of the Longbury Hill House boundary, it is unlikely that the former sand pit has been subject to landfill. A watching condition relating to potential contamination is advised should permission be granted.

- Site preparation and construction activities have the potential to impact on neighbouring residential amenity on account of noise. Conditions are advised

## PUBLIC CONSULTATIONS

### 3.6 **Washinton Parish Council Consultation** – Objection

- Site appeared to be sufficiently sized to accommodate the proposed development, there are compelling reasons why the proposal would be detrimental to the area
- Additional impact on narrow lanes within area to access the development – increasing problems of traffic navigating small roads
- Proposal lies outside BUAB and would be detrimental to the preservation of the countryside – line clearly protects the green space of Longbury Hill and Heath Common which is defined as protected green space in the emerging Storrington, Sullington and Washington Neighbourhood Plan
- Proposal would encroach on a significant green area which is shared by local residents as a natural sound buffer to the A24

### 3.7 **Heath Common Residents Association** - Objection

- Overload of traffic on the access to the site and the lanes themselves
- Loss of further trees within the area would cause considerable damage to environment – contrary to Village Design Statement
- Longbury Hill House sits within the countryside, and outside the BUAB – Local Plan and forthcoming Neighbourhood Plan emphasise that these boundaries should be upheld

### 3.8 **Public Consultations** – Letters of representation have been received from 29 nearby and neighbouring residential properties, objecting for the following reasons:-

- Overdevelopment of host site
- Located outside of BUAB and in Countryside
- Additional traffic – estimated additional 42-56 vehicle movements per week for each new house – insufficient passing places along narrow lanes and therefore increased danger to pedestrians and walkers
- Increasing traffic using lanes as a through route, by way of increased internet shopping and additional housing in area – no street lighting
- Loss of trees
- Impact on wildlife
- Proposal not supported by an archaeological report
- Increased flood risk as area would be susceptible to magnified surface water run-off – proposal not supported by appropriate flood risk and drainage assessment
- Proposed new drive alongside Windrush and noise sensitive rooms – particularly owing to steep slope and high power levels required for vehicles using the drive
- Intrusive noise and headlights from cars using new driveways
- Incorrect Certificate as access drive from Veras Walk is shared
- Located in a remote location with no nearby access to public transport – totally reliant on car use and therefore unsustainable
- Not in keeping with rural character of the Heath Common lanes

## ITEM A05 - 6

- Will be clearly visible from South Downs National Park
- Local infrastructure already overburdened by increased residents and traffic

Four letters in support are also noted:

- Lanes around Veras Walk comprise a mix of houses ranging from original to modern properties with a number built in the garden land of other properties, such as Little Warren and Hardwicke Lodge
- Neighbouring properties not directly overlooked
- Proposal in keeping with eclectic mix of housing and will add to uniqueness of area
- Car movements in lane from Veras Walk is currently limited and children play unsupervised in the road
- Current topography and vegetation will mean property is not overlooked by proposal

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

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

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

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

### **6. PLANNING ASSESSMENTS**

- 6.1 It is considered that the main issues in the determination of the application are:

- Principle of the development
- Impact upon the surrounding countryside
- Impact on neighbour amenity
- Highways
- Design & Appearance

#### **Principle**

- 6.2 Policy 2 of the 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 as set out within policy criteria. The policy sets out the Council's main strategy for the location of development across the District and aims to concentrate development in and around the main settlement of Horsham and to allow growth in the rest of the District in accordance with the settlement hierarchy.
- 6.3 Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and



## ITEM A05 - 7

function of the settlement in accordance with the identified settlement hierarchy set out within the policy. The application site is noted to immediately adjoin the settlement boundary of Storrington, which is identified in the Local Plan as being within the 'Small Towns and Larger Villages' category, where there is a good range of services available to residents.

However, the site is also noted to be some 3km from the village centre where it is unlikely that services would be reached on foot. Policy 3 directs development towards towns and villages which have defined built up area boundaries, according to the hierarchy set out in Policy 3, whereas the application is located in open countryside.

- 6.4 Policy 4 of the HDPF makes provision for expansion outside of BUAB provided certain criteria are complied with. The first criteria states that a site should be allocated in either the Local Plan (HDPF or any future Land Allocations document) or a Neighbourhood Plan, and adjoining an existing settlement edge. Although the site adjoins a settlement edge, it is not allocated in the Local Plan. This view has been supported by recent appeal decisions such as the Hatches site, West Chiltington (DC/15/2758, appeal decision dated September 2016), where the Inspector concluded:

*"I accept the Council's view that the existing definition has to be read in the context of its housing strategy, namely any sites outside the built up area boundaries coming forward only through allocations.*

*I can find no fault with this approach, which in any event through the wording of Policy 4, including criterion 1 requiring an allocation for housing in the HDPF or a Neighbourhood Plan, has been adjudged 'sound' by the Local Plan Inquiry Inspector. The appeal scheme is in clear conflict with Policy 4 and because a departure from it would be contrary to sound planning and undermine the adopted housing strategy I consider that this conflict would also be harmful."*

- 6.5 The applicant's comments regarding the ambiguity of the line defining the BUAB are noted. However, it can be confirmed that the BUAB sits tight alongside the south-western boundary of the application site and the neighbouring property Windrush, with the entirety of the site falling outside of the built up area boundary of Storrington, removing any ambiguity regarding the position of the boundary of the BUAB.
- 6.6 Since the adoption of the HDPF in November 2015, the Council is able to demonstrate a full 5-year supply of housing land sufficient to meet the needs of the District to 2031, with a forecast that some 750 residential units will come forward by way of windfall sites (Policy 15). Any windfall development must though accord with the housing strategy outlined in Policies 3 and 4 of the Horsham District Planning Framework, and be located within the defined built-up area boundary.
- 6.7 Therefore, the principle of residential development on the site would be contrary to the strategic approach to housing outlined in the adopted HDPF

### **Impact on the Countryside Setting:**

- 6.8 In respect of the countryside setting, Policy 26 of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate

## ITEM A05 - 8

development. Any proposal must be essential to its countryside location and 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 quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

- 6.9 There is no suggestion within the application that one of the above criteria is relevant to the proposal, and it has not therefore been demonstrated that the proposal is essential to its countryside location.
- 6.10 Policy 25 of the HDPF requires development to protect, conserve and enhance the landscape and townscape characters across the District, taking account of settlement characteristics and settlement separation; policy 32 of the HDPF requires new development to 'complement locally distinctive characters and heritage of the district', 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'; with policy 33 requiring development to relate sympathetically with the built surroundings.
- 6.11 In this instance, the residential character of the plot is acknowledged. The elevated site and sizable plot has provided past / existing owners to create a multi-tiered property, utilising the sloping site to carve out social areas, patios, ponds and terraces, niches for garages and other domestic structures. Although there is a high degree of tree cover across the site, there is also much hard-standing in the form of paths, driveways, patios, retaining walls and terracing.
- 6.12 The application has been justified in terms of making use of a brownfield site that lies partly within the BUAB and partly outside. The proposal is therefore argued to be set within the context of immediately adjoining dwellings and should be considered as a sustainable form of development, which would not lead to any erosion of the countryside character.
- 6.13 Notwithstanding the above comments, the site's topography restricts views across it, and it is still read as part of the wider Heath Common to the north. Although the site may physically be capable of accommodating the proposed development, the additional level of built form on the site would conflict directly with the wider undeveloped nature of the Heath Common to the north.
- 6.14 It is also acknowledged that any development adjacent to the application site, and therefore outside of the BUAB is set on spacious plots with a high degree of separation between and a significant degree of vegetation and landscaping which retains the wider character of the Heath Common. Although densely vegetated with limited views across the area, the Heath Common is still considered to be a countryside area which should be subject to appropriate policies limiting development.

**Impact on Neighbouring Amenities:**

- 6.15 Policy 33 of the HDPF seeks to avoid unacceptable harm to neighbouring amenity. Officers acknowledge the comments raised by neighbouring properties regarding loss of amenity and overlooking.
- 6.16 However, given the site's topography and the elevated position of the proposed development, together with the offset and distances of neighbouring properties, particularly Windrush, Heath Barn, Hardwicke Lodge, Jura and Wrens Hill, it is considered that the development of the site as proposed, would lead to minimal harm occurring to the residential amenities thereof.

**Highways and Traffic:**

- 6.17 Policy 40 supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 4 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.18 Accordingly, the Highways Authority have assessed the proposed development on highway capacity, safety, and policy grounds. The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal. As there are a large number of dwellings within this estate the Local Highway Authority does not regard the impact of an additional dwelling as severe, and subject to a condition to secure cycle storage, the proposal would satisfactorily accord with paragraph 32 of the National Planning Policy Framework, and local policies.
- 6.19 In terms of proposed parking levels at the property, it is considered that parking provision would be adequate in that the development would provide for parking and turning space within the property for two vehicles. This would also be the situation for the host property in addition to the provision of the new replacement garage for the new dwelling.
- 6.20 The location of the proposed new dwelling within a network of privately maintained roadways and lanes has been acknowledged, with a large number of existing dwellings having access to the private roadways in the immediate locality. Furthermore, these narrow lanes have no footways and limited passing places, with property driveways often used for such purposes and this is a pre-existing situation with affects all residents and associated traffic alike. Despite the increased level of traffic and the reliance on vehicular modes of transport, in addition to the increased demand for online shopping and deliveries, the proposal for one additional dwelling at this location should not generate a severe detriment to Highway users, and therefore accords with paragraph 32 of the National Planning Policy Framework.

**Design & Appearance**

- 6.21 Paragraph 58 of the NPPF sets out that planning policies and decisions should ensure that developments:

## ITEM A05 - 10

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

6.22 The Storrington & Sullington Parish Design Statement was adopted as supplementary planning guidance by the Council in 2010. The Washington Parish Plan was published by the Parish Council in 2004 and the Heath Common Village Design Statement was adopted by the Council in 1999. These documents help define the specific characteristics of their respective areas, including the designated Conservation Areas, and are intended to inform the design of planning proposals and the consideration of those applications by the Council.

6.23 Reference is made within several representation letters to the Heath Common Village Design Statement (1999). The Heath Common Village Design Statement also seeks to minimise the impact of traffic on the character of the lanes, which are noted to be without pavements and used by vehicles and pedestrians alike. As such, one of the criteria is that the character of the Lanes be maintained. This document also carries limited weight, as it is a guidance document only.

6.24 HDPF policies 32, 33 both require any proposed development to complement locally distinctive character and are therefore a material consideration.

6.23 In terms of the design of the proposed dwelling, the massing and external materials being suggested are considered to sit comfortably within the wide range of property styles and architectural features exhibited along the lanes. The use of brick, render, timber weatherboarding, slate and tiled roofs are evident locally. Furthermore, there are contemporary-styled dwellings, some re-modelling and extensions of original houses, and replacement dwellings using more traditional features, all of which sit comfortably within the eclectic character of this area.

### **Conclusion:**

6.27 The proposed development is located in the countryside, outside the defined built-up area boundary of any settlements, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements.

## ITEM A05 - 11

- 6.28 The proposed development has not been demonstrated as being essential to its countryside location and the scheme would have a harmful impact on the character of the rural countryside location.
- 6.29 The proposal therefore represents unsustainable development contrary to policies 1, 2, 3, 4, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015), and would fail to meet the definition of sustainable development within the National Planning Policy Framework. Accordingly, refusal is recommended for the proposal.

### **7. Recommendation: Application Refused**

- 7.1 It is recommended that planning permission be refused for the following reasons:
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
  2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
  3. The proposed development, by reason of its scale, siting and design, would represent a harmful urbanising form of development which would be out of keeping with and detrimental to the rural character and appearance of the area. The proposal would therefore be contrary to policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015).

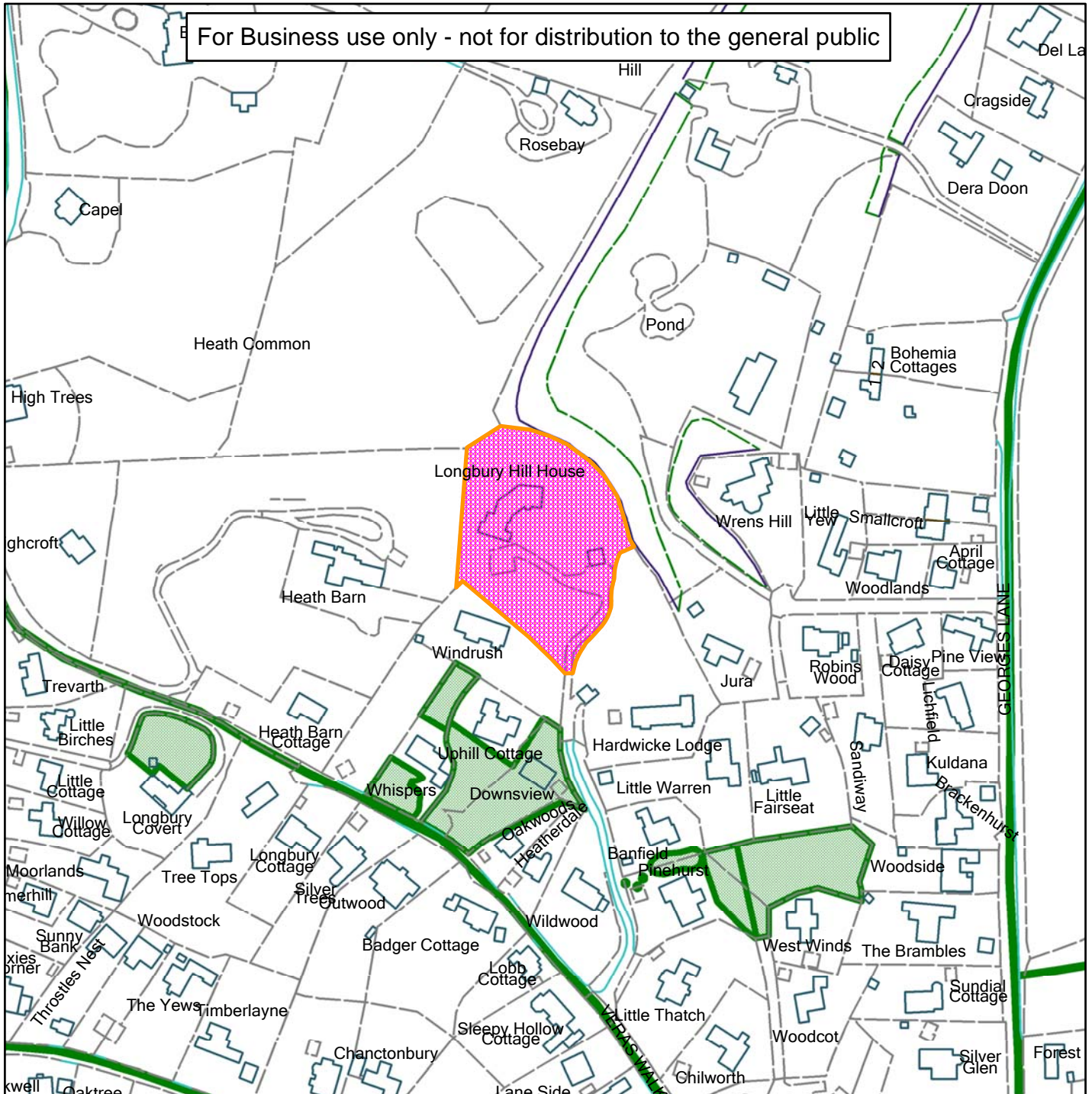
Background Papers: DC/16/1908

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Longbury Hill House

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**Horsham  
District  
Council**

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Construction of 1no. new, 5 bed dwelling with detached garage and new access driveway

**SITE:** High Croft, Hampers Lane, Storrington, Pulborough

**WARD:** Chantry

**APPLICATION:** DC/16/1930

**APPLICANT:** Sala Newport

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure within the meaning of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

**RECOMMENDATION:** To refuse planning permission

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the construction of a detached, 5 bedroom dwelling and detached double garage. The proposed dwelling would be 16.7 metres wide, 17.55 deep at its furthest point and 9.3 metres in height to the higher ridge. The proposed dwelling would have accommodation within the roofspace with dormer windows to the front and rear elevations, and balconies on the front, rear and south eastern elevations. The proposed garage would be 6.1 metres wide, 5.7 metres deep with a height to the ridge of 4.5 metres.

### DESCRIPTION OF THE SITE

- 1.2 The application site is located outside of the defined built up area boundary of Storrington to the north of Hampers Lane. The application site is accessed from Hampers Lane, to the east of Highcroft, on a shared access to the property Heath Barn to the east of the site. The application site is situated at a higher level than Hampers Lane, and is well screened with mature shrubs and trees to the western boundary.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework 2012 (NPPF).

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

2.3 National Planning Policy Guidance 2014 (NPPG).

### RELEVANT COUNCIL POLICY

2.4 The relevant policies of the Horsham District Planning Framework are considered to be policy 1, 2, 3, 4, 25, 26, 32, 33, 35, 36, 37, 40 and 41.

2.5 Heath Common Village Design Statement

### RELEVANT NEIGHBOURHOOD PLAN

2.6 Storrington & Sullington and Washington Pre-Submission (Regulation 14) Draft Neighbourhood Plan was subject of public consultation running between 06 July 2016 - 17 August 2016.

### PLANNING HISTORY

WS/17/53	Outline for bungalow Comment: Land at (From old Planning History)	PER
WS/19/87	Erection of one bungalow Comment: Outline (From old Planning History)	REF
WS/6/82	Detached house and garage Comment: Outline (From old Planning History)	REF
WS/16/91	Erection of 1 chalet bungalow (outline) Site: Highcroft/Heath Barn (Land Between) Hampers La Storrington	REF

## 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 **Archaeology** - comments are awaited and will be reported verbally to the committee.
- 3.3 **Arboricultural Officer** – comments are awaited and will be reported verbally to the committee.
- 3.4 **Environmental Management, Waste and Cleansing** - comments are awaited and will be reported verbally to the committee.

OUTSIDE AGENCIES

- 3.5 **Southern Water** (summarised) – Southern Water would require a formal application for a connection to the public sewer.
- 3.6 **West Sussex County Council Highways** (summarised) – No objection subject to conditions.

PUBLIC CONSULTATIONS

- 3.7 **Washington Parish Council** has objected to the application.
- 3.8 **Heath Common Resident's Association** have strongly objected to the application.
- 3.9 **Thirty five letters** have been received objecting to the application (with 13 letters being received from 6 addresses) on the following grounds;
- Proposal out of keeping
  - Additional strain on highways network
  - Proposal would set an unwelcome precedent
  - Consideration needs to be given to management of surface and flood water
  - Private lanes are already saturated
  - Danger and increase in traffic
  - Overlooking of neighbouring property
  - Contrary to village design statement
  - Lanes privately maintained and cannot sustain large lorries and increased vehicles
  - Hampers Lane becoming a rat run
  - Previous appeal decision an important consideration
  - Site outside of built up area boundary
  - Site at blind junction to Hampers and Bracken Lane
  - Loss of natural environment

**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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Impact on Neighbouring Properties
- Highway impacts

### Principle of development

- 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 55 of the NPPF, and Policies 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.5 Policy 4 relates to settlement expansion and states that; *“Outside built-up area boundaries, the expansion of settlements will be supported where;*
- a. the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.*
  - b. the level of expansion is appropriate to the scale and function of the settlement type.*
  - c. the development is demonstrated to meet the identified local housing needs and employment needs or will assist the retention and enhancement of community facilities and services.*
  - d. the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and*
  - e. the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.”* The Council can demonstrate that it has a 5-year HLS against this newly adopted strategy.

6.6 The site has not been allocated for development in any Made Neighbourhood Plan or within the HDPF. The application has also not sought to demonstrate how it would meet identified housing needs, nor would it maintain or enhance the locality’s landscape character features. It is therefore considered that the proposal does not comply with Policy 4.

6.7 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste,

## ITEM A06 - 5

provide for quiet informal recreational use or enable the sustainable development of rural areas.

- 6.8 The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities. The proposal does not involve the conversion of existing rural buildings. The proposal therefore fails to accord with the NPPF and with Policy 26 of the HDPF.
- 6.9 The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. On these grounds the proposal is not in accordance with Policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

### **Impact on the character and appearance of the surrounding area**

- 6.10 The application site is situated in a semi-rural location. Development on the northern side of Hampers Lane is sporadic in nature, and due to the nature of the locality forms a wooded edge between the more developed area of the Lanes and the adjoining countryside. Section 7 of the NPPF provides guidance relating to design and states that good design is a *"key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.11 The application site has been the subject of an earlier appeal which sought provision for the construction of a chalet bungalow on the site (WS/16/91). The application was refused and dismissed at appeal. The Inspector in considering the proposal noted with regards to the sites location outside of the built up area boundary that *"this area is well wooded with only a few sporadic dwellings set in generally well vegetated and spacious gardens, giving a rural appearance to the area. It has a different character from the rest of the Heath Common which is more closely developed. In my opinion, given this different character and appearance, the Council was right to exclude this area from the built up limit. The addition of even one further dwelling would consolidate and intensify the scattered development in this area and with its gardens and outdoor domestic paraphernalia would lead to a more urbanised appearance to the site especially as some trees and much undergrowth would be likely to be removed. These factors would, I consider, unacceptably harm the existing rural character and appearance of the area."* It is considered that whilst planning policy has evolved the character of the area has remained similar to that considered by the Inspector and the policies relating to the character of the area are broadly comparable with regards to landscape character.
- 6.12 It is therefore considered that the proposed construction of a dwelling in this location, of the size and design proposed would have an adverse impact on the rural character of the area. It is considered that the introduction of a dwelling with its associated domestic built form, paraphernalia and lighting, would have an adverse visual impact on the character of the area. It is therefore considered with regards to the current application that the proposal would not meet the requirements of Policy 33 in this respect.

### **Impact on Neighbouring Properties**

- 6.13 The proposed dwelling would be located some 26 metres from the rear of Highcroft and 66 metres from High Trees. It is considered due to the distance between the proposed dwelling and neighbouring properties that the proposal would not have an adverse impact on the amenities of neighbouring properties. It is therefore considered that an objection cannot be raised to the application in this respect.

### **Highways**

- 6.14 The Highways Authority has carefully considered the application and has not raised an objection to the application. The Highways Authority do not consider that the proposal for a single dwelling would have a 'severe' impact on the operation of the Highway network. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Consequently, it is considered that there are no transport grounds to resist the proposal.

### **Conclusion**

- 6.15 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. The site has not been allocated for development in the Neighbourhood Plan or the Local Plan, and is not essential to its countryside location. It is therefore considered that the proposal does not comply with policy 1, 2, 3, 4, 16 and 26 of the HDPF and paragraph 55 of the NPPF.

## **7. RECOMMENDATIONS**

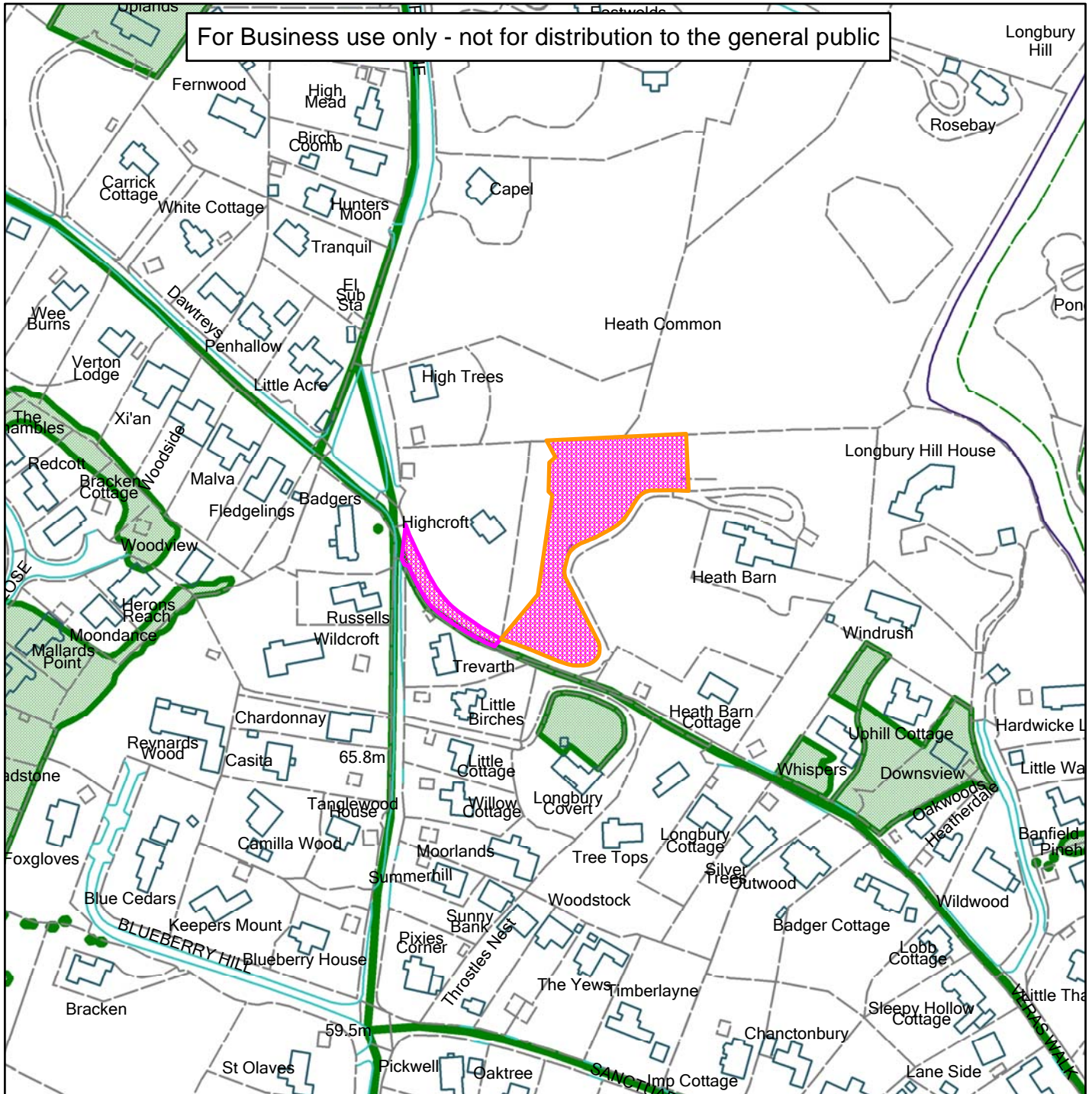
- 7.1 It is recommended that planning permission is refused for the following reasons;
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
  2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
  3. The proposed dwelling by reason of its siting, design and associated domestic paraphernalia would be out of keeping with the character of the area and would represent a form of development which would be detrimental to the rural appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 30 and 33 of the Horsham District Planning Framework 2015.

Background Papers: DC/16/1930, WS/16/91



High Croft

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MSA Number	100023865

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**Horsham  
District  
Council**

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 15 November 2016

**DEVELOPMENT:** Removal of existing boundary wall to the rear of the Old Bell to allow access and safe off-street parking for Henfield Funeral Services

**SITE:** Henfield Funeral Services Ltd The Old Bell High Street Henfield

**WARD:** Henfield

**APPLICATION:** DC/16/2127

**APPLICANT:** Mrs Karen Jordon

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor Morgan

**RECOMMENDATION:** To approve the planning application.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission to remove the existing boundary wall to the rear of the property in order to provide access to the rear hardstanding for the parking of vehicles to allow loading and unloading.
- 1.2 In its current form, vehicles (hearse and Ford Galaxy) associated with the business are parked, loaded, and unloaded on the public highway of Church Lane. The proposal seeks to rectify this obstruction by providing on site hardstanding to allow vehicles to reverse onto the site and exit in forward gear.
- 1.3 The proposal would provide a visibility splay of 2m x 18m to the east, and a splay of 2m x 20.5m to the west. The access itself would be 8.4m wide, with the close-boarded fence to the interior of the site removed to provide a parking area that would be 15.2m deep.

### DESCRIPTION OF THE SITE

- 1.4 The application site lies on a corner plot bound by High Street to the east and Church Street to the north. The site lies within the built up area and designated Conservation Area of Henfield.
- 1.5 The site is surrounded by an eclectic array of properties, some of which are listed, with a number of businesses and retail shops positioned to the north and south. On street parking

## ITEM A07 - 2

is provided along the High Street, with parking limited within the direct surrounds of Church Lane.

- 1.6 An area of hardstanding is positioned to the rear of the application site, with a brick boundary wall separating this area from Church Lane. A close-boarded fence is positioned centrally within the area of hardstanding, separating the outside storage area of the site from the public highway.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

2.2 **National Planning Policy Framework**

NPPF1 - Building a strong, competitive economy  
NPPF2 - Ensuring the vitality of town centres  
NPPF3 - Supporting a prosperous rural economy  
NPPF4 - Promoting sustainable transport  
NPPF7 - Requiring good design  
NPPF12 - Conserving and enhancing the historic environment  
NPPF14 - Presumption in favour of sustainable development

### RELEVANT COUNCIL POLICY

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

HDPF1 - Strategic Policy: Sustainable Development  
HDPF2 - Strategic Policy: Strategic Development  
HDPF3 - Strategic Policy: Development Hierarchy  
HDPF25 - Strategic Policy: The Natural Environment and Landscape Character  
HDPF32 - Strategic Policy: The Quality of New Development  
HDPF33 - Development Principles  
HDPF34 - Cultural and Heritage Assets  
HDPF40 - Sustainable Parking  
HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

2.4 **Henfield Neighbourhood Development Plan 2015 – 2035**

Following a court decision on 13 October 2016, Henfield Neighbourhood Development Plan has been quashed. The Parish Council is currently considering how they will move forward. Henfield Parish continues to be covered by the Horsham District Local Plan, and this plan remains the current and up to date plan for the area.

### PLANNING HISTORY

HF/1/61	Use of lock up shop as fried fish and chip shop. (From old Planning History)	REF
HF/11/90	Extension to public bar area. (From old Planning History)	PER
HF/19/80	Extension. (From old Planning History)	PER

## ITEM A07 - 3

HF/21/92	Formation of vehicular access at rear Site: Henfield Tavern High St Henfield	REF
DC/14/1517	Change of use of existing public house to form 2 commercial (A1 use class) units and four flats (3 x 1 bed, 1 x studio), with associated works	PER
DC/15/2598	Removal of existing boundary wall to the rear of the Old Bell to allow access and safe off-street parking for Henfield Funeral Services	REF

### **3. OUTCOME OF CONSULTATIONS**

#### INTERNAL CONSULTATIONS

3.1 N/A

#### OUTSIDE AGENCIES

3.2 **County Council - Highways**, consulted on the 23 September 2016, provided the following comments:

The existing situation involves the associated vehicles parking on the public highway whilst they are loaded and unloaded. The nature of these activities is not what would usually be anticipated on the public highway, so this could add an additional risk of distraction. Given the physical constraints of the site, it is considered on balance, that the proposed operational arrangement (including the provision of on-site access) is an improvement over the existing situation. Therefore, no highway objection is raised, subject to the imposition of conditions relating to vehicle access, parking and turning, and visibility splays.

#### PUBLIC CONSULTATIONS

3.3 **Parish Council**, consulted on the 23 September 2016. Their comments can be summarised as follows: Objection on the following grounds:

- Restricted visibility
- Inadequate sightlines
- Hazards to pedestrians and vehicle traffic

3.4 A total of 5 objections were received from 3 individuals, and these can be summarised as follows:

- Restricted visibility
- Inadequate sightlines
- Hazards to pedestrian and vehicle traffic

### **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 removal of the existing boundary wall forming the boundary between the site and Church Street, and the close-boarded fence within the site, in order to allow access for vehicles used by Henfield Funeral Services Ltd.
- 6.2 Henfield Funeral Services Ltd operates from the application site, and utilises two vehicles in connection with the operation. A hearse visits the site on the day of a funeral, usually 1 to 3 times a week, with a further vehicle accessing the site on a more regular basis. The existing arrangement means that both vehicles must stop and park on the public highway, obstructing the functioning of Church Street whilst the coffin/trolley is transferred to and/or from the business premises, giving little privacy during the course of these movements.
- 6.3 A previous planning application under reference DC/15/2598 sought permission for the removal of the boundary wall to accommodate on-site parking. Following consultation with WSCC Highways, a number of concerns were raised regarding the access and safety into the site, and the impact this would have on the functioning and safety of the public highway. The application was subsequently refused as it was considered to provide inadequate visibility splays at the access, and would not have provided adequate facilities to enable vehicles to turn on site and enter and leave the highway in a forward gear.
- 6.3 The current application seeks to provide on-site parking that would allow a vehicle to reverse into the site and exit in forward gear. The proposal has sought to overcome the previous refusal by enlarging the on-site parking area by removing the internal close-boarded fencing which separates the storage area from the public highway. This has subsequently provided additional internal turning space for vehicles.

### **Townscape character and the visual amenities of the street scene**

- 6.4 Policies 32 and 33 promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Furthermore policy 34 states that development should reinforce the special character of the historic environment, and make a positive contribution to the character and distinctiveness of the townscape.
- 6.5 The street scene includes an array of both open and closed boundaries to the road, with the adjacent properties open along the frontage, providing access and hardstanding used for on-site parking. These open frontages provide views through the site, contributing to the open character of the designated Conservation Area.
- 6.6 The existing wall along the northern boundary of the site appears as a physically and visually separate entity within the context and reading of the site. It is considered to be of no particular architectural or visual merit, appearing as a discordant addition with the context of the designated historic environment.
- 6.7 The proposed removal of the wall is not considered to result in harm to the character, features or townscape character of the site and surroundings, with the opening up of the site considered to respect the defined character and visual amenities of the street scene. It should be noted that the preceding application was not refused for design related reasons.
- 6.7 As such, the proposed removal of the wall to provide access is considered to preserve the prevailing character and appearance of the street scene and wider Conservation Area, in accordance with policies 32, 33 and 34 of the Horsham District Planning Framework.

### **Amenities of the occupiers of adjoining properties and users of land**

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- 6.8 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.9 The proposal seeks parking space incidental to the use of the premises as a funeral home. The current situation involves the parking of vehicles on the public highway, which obstructs the function of this area of Church Lane.
- 6.10 The proposed use of this area for on-site parking is considered to be of a nature and scale that would not result in a level of activity that would harm the amenities of the neighbouring properties, in accordance with policy 33 of the Horsham District Planning Framework.

### **Existing Parking and Traffic Condition**

- 6.11 Policy 40 requires that development provides safe and suitable access for vehicles, while policy 41 states that development should provide adequate parking for anticipated users.
- 6.12 Previous applications under references HF/21/92 and DC/15/2598 have been refused due to concerns over visibility from the site and lack of turning area within the site, and the impact such an access would have on public highway safety.
- 6.13 Since these previous refusals, the applicant entered into preliminary discussions with WSCC Highways in order to try and overcome the reasons for refusal. Following this, further information has been provided in the form of tracking plots and daily vehicle activity.
- 6.14 The speed limit of Church Street is 30mph, however due to its narrow nature and close proximity to the junction with High Street speeds are estimated to be well below this limit. Church Street is subject to waiting restrictions, but unrestricted loading/unloading can occur since there are no orders restricting this at the location.
- 6.15 The existing situation for the business involves loading/unloading on the public highway which inevitably blocks one lane of Church Street for an extended period of time. The nature of the loading is not one that would typically be seen occurring on the highway, and in its current form there is an added risk of distraction to other drivers on the approach to the junction or while undertaking a passing manoeuvre.
- 6.16 The submitted information demonstrates that vehicles could reverse onto the site and exit in forward gear, with swept path analysis showing that a large car, such as a hearse, can turn in and out of the access.
- 6.17 Whilst a number of objections have raised concern with the safety of the access and the impact upon the busy junction between Church Street and High Street, WSCC Highways have indicated that the proposed operational arrangement (including the provision of site access) is an improvement over the existing situation.
- 6.18 Whilst it is acknowledged that the proposed situation could still result in obstruction to the public highway (occurring when a vehicle is required to reverse into the site) the frequency of the obstruction would be appreciably less than the existing situation. For this reason, WSCC Highways have removed their objection to the proposal as it is considered to reduce the impact upon the public highway, providing adequate sightlines and internal turning space in conjunction with the scheme.
- 6.19 Therefore, on balance, the proposal is considered to provide safe and adequate access, suitable for all users, with a number of conditions considered reasonable to protect the visibility into and out of the site, and the safety of highway users and pedestrians. Should these conditions be attached, the proposal is considered to accord with policy 41 of the Horsham District Planning Framework.

## Conclusion

- 6.20 The removal of the boundary wall and close-boarded fence to accommodate access and parking space for Henfield Funeral Services is considered to preserve and respect the special character and distinctiveness of the site and surrounding Conservation Area, whilst of a nature, form and layout that would provide safe, adequate access and on-site manoeuvring space, in accordance with policies 32, 33, 34, and 41 of the Horsham District Planning Framework.

## 7. RECOMMENDATIONS

- 7.1 It is recommended that the application be approved, subject to the following conditions.

- 1 A list of approved plans
- 2 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 The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

- 4 No on-site parking of vehicles shall take place until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety affecting vehicle and pedestrian movements into and along Church Street and in accordance with policy 41 of the Horsham District Planning Framework.

- 5 No on-site parking of vehicles shall take place until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: In the interests of road safety affecting vehicle and pedestrian movements into and along Church Street and in accordance with policy 41 of the Horsham District Planning Framework.

- 6 No on-site parking of vehicles shall take place until visibility splays of 2 metres by 18 to the south and 2 meters by 20 metres to the north (left) have been provided at the proposed site vehicular access onto Church Street in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

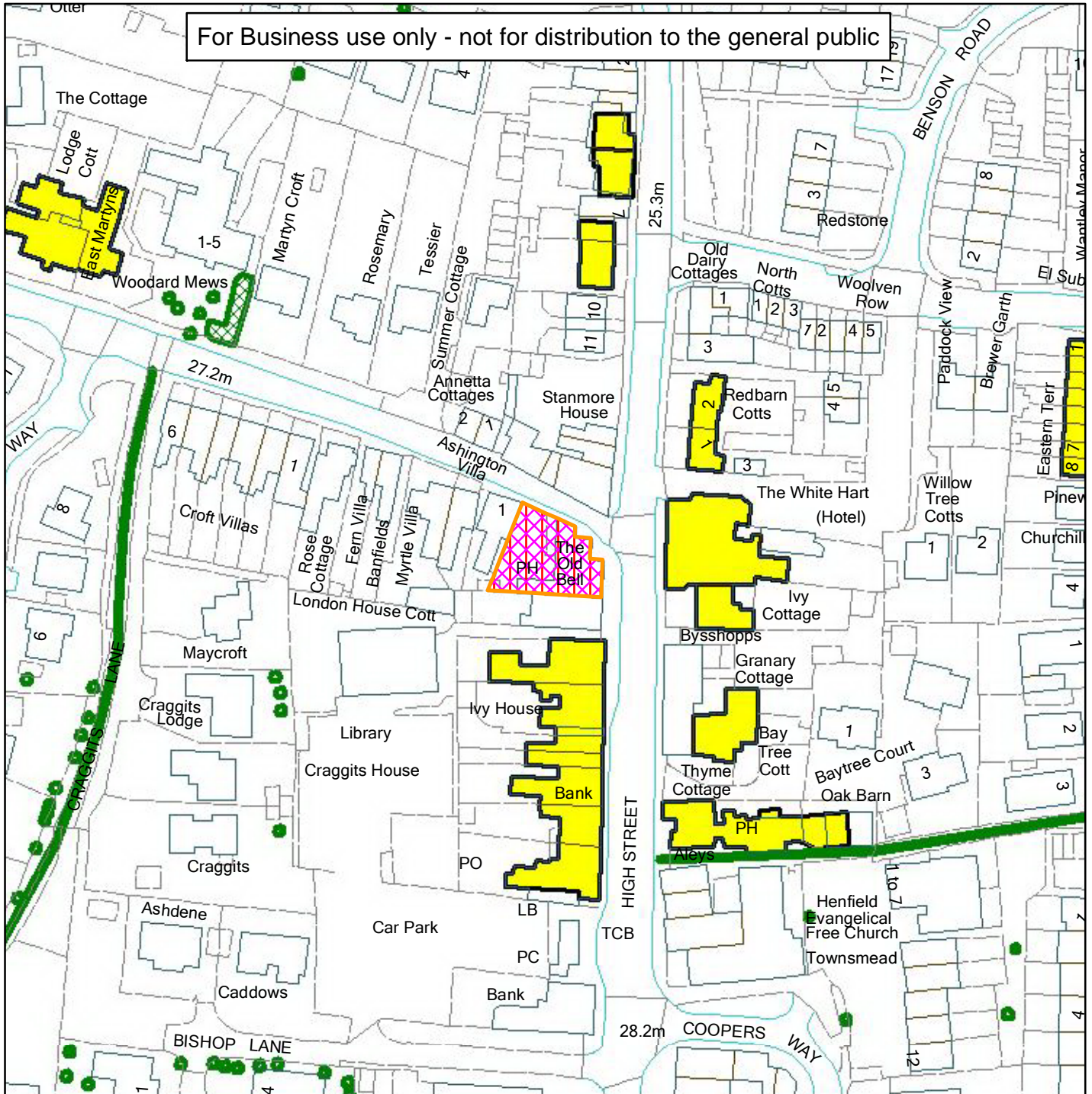
Reason: In the interests of road safety affecting vehicle and pedestrian movements into and along Church Street and in accordance with policy 41 of the Horsham District Planning Framework.

Background Papers: DC/16/2127



Henfield Funeral Services Ltd

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