



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 7 August 2018

**DEVELOPMENT:** Change of use of existing coach house to independent three bedroom dwelling with associated landscaping.

**SITE:** Friars Field Brighton Road Monks Gate Horsham West Sussex RH13 6JD

**WARD:** Nuthurst

**APPLICATION:** DC/18/0263

**APPLICANT:** **Name:** Mr Roderick Bisset **Address:** Friars Field Brighton Road Monks Gate Horsham West Sussex RH13 6JD

**REASON FOR INCLUSION ON THE AGENDA:** The recommendation would represent a departure to the development plan.

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

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the change of use of ancillary residential accommodation with the curtilage of Friars Field in Monks Gate to a separate and independent dwelling.

1.3 The property would provide three bedroom accommodation with an open plan kitchen, dining and living area on the ground floor. Following amendments to the proposal, access to the property from the highway (Brighton Road) would utilise the existing access to Friars Field. Two parking spaces would be provided for the proposed property with sufficient space remaining within the wider site for the parking of vehicles associated with Friars Field. The proposal includes the use of the garden area in front of the outbuilding as the garden for the proposed dwelling.

1.4 Alterations to the property to facilitate the change of use include the addition of three new windows to the south west elevation (one at first floor level and one two at ground floor level) and one new window to the north west elevation at ground floor level, inserting patio doors within the current garage door opening, changing a door to a window on the south east elevation and a small extension to infill an overhanging roof element.

DESCRIPTION OF THE SITE

- 1.5 The application relates to a two storey 'coach house' located within the curtilage of Friars Field. The site is located within Monks Gate, close to the small industrial/garage site when heading south towards Cowfold. The site is accessed directly off Brighton Road (A281).
- 1.6 The site is located outside of any defined built-up area boundary and is therefore located within the countryside for planning purposes. The wider site hosts a detached two storey property with rooms in the roof-space and the detached 'coach house' building which is sited to the south of the host dwelling. The 'coach house' itself provides garaging and storage facilities on the ground floor with ancillary living accommodation (open plan living, kitchen, dining facilities and an en-suite bedroom) at first floor level.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 30 - Protected Landscapes
- 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

#### Supplementary Planning Guidance:

- 2.3 Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) – September 2017

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Lower Beeding was designated as a Neighbourhood Development Plan Area in December 2015. To date however no 'made' neighbourhood plan has been produced for the Parish.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

2.5 The below applications are the most recent and relevant application relating to this site:

DC/06/1532	Loft conversion, alter dormers.	Application Permitted on 15.08.2006
------------	---------------------------------	--

### 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 Strategic Planning:** Objection – the proposal would conflict with paragraph 55 of the NPPF as the site is not isolated and policies 4, 15 and 26 of the HDPF as the site is not allocated for residential development, does not meet any identified local need and is not essential to its countryside location.

3.3 **HDC Landscape Architect:** Acceptable in principle however further information required to determine the extent of planting to be removed along Brighton Road and potential harm to the landscape and visual character of the area.

#### OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection – following amendments to the scheme to utilise the existing access into the site rather than constructing a new access, there would be no 'severe' impact on the operation of the highway network.

3.5 **Southern Water:** Recommends conditions/informatives relating to the requirement for an application for connection to the public sewerage system and alternative means of draining surface water being investigated.

#### PARISH COUNCIL

3.6 **Lower Beeding Parish Council** – Objection relating to the conflict with policy in respect of dwellings within gardens, unacceptable density and overdevelopment of the site, unsuitable access, unsustainable location and not put forward as part of the Parish Council's call for sites.

3.7 **Nuthurst Parish Council** (as a neighbouring Parish Council) – Objection relating to suitability of an additional access onto the A281 and the creation of a dwelling within the curtilage of an existing property.

#### PUBLIC CONSULTATIONS

3.8 Four letters/emails of objection have been received which can be summarised as:

- Site not allocated within the neighbourhood plan.
- Highway safety concerns.
- Impact on neighbouring amenity as a result of additional vehicle movements into/out-of the site and the location of the private amenity space.
- Potential for overlooking of neighbouring property.
- Insufficient parking on the site.

- Tight turning circle within the site.
- Loss of mature Cherry tree.
- Condition of permission for the 'coach house' restricted its use to incidental purposes only.

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

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

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

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

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

- 6.1 The main issues in the consideration of this application are the principle of the development in this location and the effect of the development on:

- The character and the visual amenities of the locality;
- The amenities of the occupiers of adjoining properties;
- Highway safety.

##### Principle of development

- 6.2 Policy 2 of the HDPF seeks to maintain the District's unique rural character, whilst ensuring that the needs of the community are met through sustainable development that has suitable access to services and local employment. The spatial strategy as set out in the HDPF is to focus development in and around the key settlement of Horsham and allow for growth in the rest of the District in accordance with the identified settlement hierarchy. Policy 3 of the HDPF states that development will be permitted within towns and villages which have a defined built-up area. The site the subject of this application is located outside of any defined built-up area boundary.
- 6.3 As the application site lies outside of any settlement boundary, it is considered for the purposes of planning policy to be within a countryside location. The development would therefore be contrary to the approach set out in policies 2 and 3 of the HDPF. In addition, there is no evidence to suggest that the proposed dwelling would be essential to its countryside location, and the proposal would also therefore conflict with Policy 26.
- 6.4 However, the proposal seeks to change the use of an existing building located within the confines of Monks Gate from ancillary residential accommodation to a separate and independent property. Monks Gate, whilst currently an unclassified settlement within the HDPF without a defined built-up area boundary, was put forward to be allocated as a secondary settlement within the Local Plan Review – Issues and Option document (April 2018). The aim of 'secondary settlements' is to identify hamlets which may be able to support a degree of infill to support rural communities. This could be through the provision of rural worker accommodation or the conversion of existing buildings to residential. The suggested policy wording within the issue and options document suggests that planning permission will be granted for residential infilling within defined secondary settlements provided that the site is a small gap or plot within an otherwise built-up settlement form; is limited in scale to reflect the existing scale and character of the settlement function and form; and does not result in

significant increase is activity including traffic movement on narrow and rural roads. Whilst the local plan review is at an early stage and therefore can only be afforded limited weight, it does set out the thoughts and direction of the Council in terms of development in rural areas in the near future. The new dwelling would not be considered in isolation given it sits within an existing settlement, which the Council acknowledges through the local plan review could accommodate limited development.

- 6.5 In addition, paragraph 78 of the new NPPF (July 2018) sets out that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 advises that development of isolated homes in the countryside should be avoided unless it meets one or more of a number of circumstances set out. One of the criteria within the new NPPF is where "...the development would involve the subdivision of an existing residential dwelling." Whilst the coach house building is a detached structure, it has been used for purposes ancillary to the main dwelling known as Friars Field and is therefore the existing house and outbuilding is considered to be a single planning unit. The new NPPF therefore offers support for the development as proposed.
- 6.6 The proposal, whilst located outside of any defined built-up area at present, involves the subdivision of a single planning unit into two separate and independent units of residential accommodation. The building is existing and the proposal involves limited works to the structure and is located within the confines of Monks Gate. As such it is considered that the conversion of the existing coach house to an independent three bedroom dwelling would accord with the relevant guidance and policies as contained within the NPPF and would be in accordance with the Local Plan Review: Issues and Options document.
- 6.7 The application is also considered appropriate given that the existing building is currently being used for residential purposes and the change of use to a separate dwelling would not result in any significant harm (as outlined below). The proposal is therefore considered sustainable development. Whilst the proposal is contrary to the development plan in relation to development in the countryside, given the lack of any harm caused by this proposal and the inclusion of the site as a 'secondary settlement' within the Local Plan Review, the departure from the Local Plan is considered appropriate, in this instance, taking into account these material considerations.

#### Impact on the character and the visual amenities of the locality

- 6.8 Policy 32 requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to development principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.9 The proposal involves the change of use and alterations to an existing building located within the curtilage of Friars Field. Alterations to the building to facilitate the change of use include the addition of three new windows to the south west elevation and one new window to the north west elevation, inserting patio doors within the current garage door opening, changing a door to a window on the south east elevation and a small extension to infill an overhanging roof element.
- 6.10 The proposal indicates the retention of existing trees and hedgerow around the outbuilding. There is an existing tree adjacent the entrance to the building. With the use of the building as a dwelling, the occupiers may wish to remove the tree. However, given the scale of the tree and its position within the garden, the tree is not worthy of retention. A landscaping condition is recommended to ensure that the proposal includes a suitable garden area for

the new dwelling with the retention of existing trees and hedgerows as well as additional planting.

- 6.12 Given the limited nature of the works proposed and the fact that the building already has a residential appearance, it is not considered that the proposal will result in an adverse impact on the character or appearance of the building or on the wider locality. The proposal is therefore considered to comply with policies 32 and 33 of the HDPF.

#### Impact on the amenities of the occupiers of adjoining properties

- 6.13 Policy 33 relates to development principles and requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise.
- 6.14 Whilst the majority of windows within the property will overlook the garden area of the neighbouring property at Friars Field, the windows will overlook an area of the garden that will be visible when accessing the new property from Brighton Road and Friars Field retains a large private rear garden area which will not be impacted upon as a result of the conversion of the ancillary accommodation to a separate property. Therefore given that independent overlooking will only occur within the front garden area of the neighbouring property, this is not considered to impact on their amenity to a degree that would result in a refusal of the application.
- 6.15 In terms of windows overlooking the neighbouring property to the east at Chatsworth, with the exception of a small window to the ground floor, no additional windows are proposed. Whilst a number of these windows may result in some overlooking of the neighbouring property, these windows are to a landing and bedroom at first floor level and are existing windows to the landing and bedroom of the ancillary accommodation. Given that these windows already exist, and the building is already providing residential accommodation, it is considered that there will no significant harm resulting from the change of use of the property from ancillary accommodation to a separate dwelling.
- 6.16 For the reasons outlined above, it is not considered that the use of the existing garage and ancillary accommodation will have a significant adverse impact on the privacy and amenity of the occupiers of the adjacent properties sufficient to warrant refusal of the application. As such, the proposal is considered to comply with Policy 33 of the HDPF.

#### Highway safety

- 6.17 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.18 The proposal as originally submitted included the construction of a new access off Brighton Road (A281), however following concerns raised by WSCC Highways, access to the property will be via the existing access. This access will provide access to both the new dwelling and Friars Field. Two parking spaces will be provided for the property with sufficient space being retained within the wider site for the parking of vehicles associated with Friars Field.
- 6.19 WSCC Highways, having visited the site, have advised that the existing access is substandard however this is an existing access which currently serves the dwelling and associated annexe. It has been recommended that a condition is imposed requiring the submission of details prior to occupation of the development showing maximum visibility splays at the site access onto Brighton Road.

- 6.20 In respect of parking provision, it has been advised that the two spaces proposed are sufficient for a dwelling of the size proposed and that the proposed spaces meet the required dimensions. In addition, a swept path plan demonstrates that there is sufficient space on site to turn and enable cars to exit in a forward gear.
- 6.21 Given the advice received by WSCC as the Local Highway Authority, it is considered that, subject to conditions, the proposal will provide safe access arrangements and sufficient car parking and therefore complies with the relevant highway related policies in the HDPF.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	138.58	137.24	1.34
		<b>Total Gain</b>	<b>1.34</b>
		<b>Total Demolition</b>	<b>0</b>

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

## 7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following conditions:

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

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

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

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

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 6 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

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

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

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



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

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of maximum visibility splays at the site access onto Brighton Road shall be submitted to and approved in writing by the Local Planning Authority. These splays shall be provided prior to first occupation of the development hereby permitted and shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

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

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

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

Reason: In the interest of visual amenity and in order to protect the privacy and amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

Notes to Applicant:

- 1 **Conditions to be discharged:** Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at [www.planningportal.gov.uk/planning/applications/paperforms](http://www.planningportal.gov.uk/planning/applications/paperforms) .

- 2 **Wildlife Protection:** The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.
- 3 **Highways:** The applicant is advised to contact West Sussex County Council Highways, tel no: 01243 642105 or to visit <https://www.westsussex.gov.uk/> for information on how to obtain formal approval from the highway authority to carry out works to the public highway. All necessary costs, the appropriate license and application fees for any works and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed.

Background Papers: DC/18/0263