



PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development
DATE: 20th November 2018
DEVELOPMENT: Construction of storage barn and retention of access.
SITE: Land South of Kithurst Lane Storrington West Sussex
WARD: Chantry
APPLICATION: DC/18/1695
APPLICANT: **Name:** Mr Philip Orpwood **Address:** 8 Priory Close Storrington West Sussex RH20 4FQ

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period, raised material considerations, contrary to the recommendation of the Head of Development

RECOMMENDATION: To grant approval subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the construction of a storage barn and the retention of an existing access. The proposed storage barn would have a footprint of 9m x 6m with an open bay to the south side and two further open bays to the western side. The overall height would be 5.8m taken from the lowest ground level and 4.8m taken from the higher western end, with the internal floor arrangement staggered to suit the topography of the site. The proposed barn would be between 10-13m off the northern boundary of the site where it adjoins Kithurst Lane, and clear of the tree / vegetation line by some 2m.

1.3 The land subject to the application is stated as being within the ownership of the Norbertine Order, who still actively manage the remaining parcels of land with the help of volunteers, friends of the Order, and the applicant. Some of the larger work involves more organised volunteering events, where volunteers can travel to the site from further afield to help, for instance, with the tree planting at the adjacent Matt's Wood, the digging of the pond in the south-western field and the planting of the vines to the south. More day-to-day tasks are managed by the applicant, who remains the Estates Manager for the Order in Storrington, and three volunteers.

- 1.4 It is stated that the Norbertine Order currently have a licence to use the garage within the Monastery site, currently occupied by the Chemin Neuf Community as well as within the applicant's residential property, and out on the open land. The lease to store any materials and equipment within the Monastery will shortly expire, and the Order has been advised that DVLA changes will mean that existing land management vehicles should not be driven on the public highway, which would likely mean new equipment being required and additional insurance and associated expense. The proposal is to serve as storage for this machinery, associated for land maintenance purposes.
- 1.5 The applicant has stated that, in seeking the proposed storage building, the existing equipment can all be stored in one place, sheltered from weather, and on the land which is managed and maintained on behalf of the Order, and therefore not requiring being driven on the public highway. Alternative locations for the barn have been considered such as further to the south-west (in the Ecology Field), or in the adjacent Matt's Wood, which is more open and visually exposed.
- 1.6 The application form states that the land was last used for grazing in 1985, and that over the years, the land has proven to be unsuitable for farming, hence the planting of the vines to the south and the development of Matt's Wood to the east, with the drainage pond and ecology site to the south-west.
- 1.7 The barn would be built using a low brick base with dark stained timber cladding with timber garage doors. Trellis is proposed on the south and east elevations to allow climbers to screen the building and additional tree planting proposed to the eastern side. PV solar panels would provide for basic lighting within the barn and the roof would be slate.
- 1.8 There is no specific mention of the site access forming part of the proposal, but the red line extends to include this part of the site and the submitted drawings indicate a formalised access off the track.

DESCRIPTION OF THE SITE

- 1.9 The application site comprises an area of land set outside the built-up area of Storrington which adjoins the southern edge of the village. The site lies between a cemetery to the south, Kithurst Lane to the north, a residential plot to the west 'Furzedown', and open area called Matt's Wood to the east (sometimes called Matt's Meadow). The application site has vehicular access from an access track to the east, off Kithurst Lane, which also serves the cemetery, a couple of residential properties and St Joseph's Hall further to the south. A hedgerow forms the northern site boundary to Kithurst Lane. There is a very pronounced change in ground levels from the access track to the application site, with a steep entrance by the field gate. The original field gate and single-width access to the field has recently been added to with an adjacent pair of timber field gates and a wider access to the field from the track. These works to form the new vehicular access appear unfinished at this stage, with just a layer of gravel on the newly created access.
- 1.10 To the north of Kithurst Lane is the Our Lady of England Roman Catholic Church Monastery, a site previously occupied by the Norbertine Order and currently occupied by Chemin Neuf Community, although it is understood that the Catholic Diocese retains the church and shared occupation of parts of the Monastery. It is also understood that the Order previously owned a number of land parcels in the locality, having been based at the Monastery for some 150 years. It is understood that much of this land has been sold off in recent years as the number of members in the Order diminished. The Order is stated to maintain development rights over the wider application site and the adjacent Matt's Wood, as the submitted Certificate of Ownership declares the Norbertine Order as the relevant landowners, and volunteers still take care of the remaining land parcels.
- 1.11 The application site has been subject to a number of planning applications, one of which was made at the end of 2017 for the development of 1 large detached house with vehicular access off the lane that serves St Joseph's Hall and the cemetery. The refused scheme also included

a maintained access to the wider parcel of land that stretches to the south-west and includes a drainage pond. Application reference DC/17/1990 was refused in February 2018. This application is currently at Appeal and pending decision.

- 1.12 A concurrent application for a detached house with vehicular access off Kithurst Lane was also submitted under application reference DC/17/1989 with the application site comprising the far south-western land parcel of the wider site. This was also refused by the Council in February 2018 for the same reasons as the above case, and this decision has also been referred to the Planning Inspectorate, and is also currently pending a decision.
- 1.13 It is also noted that in 2014, two separate applications were also made to the Council, for the erection of 4 detached dwellings on the site (DC/14/0675 and DC/14/2139) with both proposals having been refused by the Council. At Appeal on the latter scheme, the Inspector commented on the character of the site:

"Kithurst Lane generally consists of low-density, mostly detached houses informally-arranged upon fairly large plots among trees. At the appeal site, and to the east of it (where Kithurst Lane becomes School Lane) the character and appearance of the area becomes more rural with undeveloped land to the south of the lane and, to the north, the monastery and its grounds behind a long wall until the lane regains a more developed character nearer to the parish church."

- 1.14 The Inspector dismissed the proposal in December 2015, noting the potential for the site to support Great Crested Newts but was not in itself, reason to prevent development. The main objection lay in the resulting effect on the character and appearance of the area, given its location outside the BUAB boundary and not allocated for housing.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

2.4 RELEVANT NEIGHBOURHOOD PLAN

A Draft Plan has been submitted for the Storrington, Sullington & Washington Neighbourhood Plan 2017-2031. A public hearing was held in September to address matters raised by the Inspectorate regarding the Draft Plan. At the time of writing this report, the Inspector's comments from the hearing had not been received.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1990	Erection of a four bedroom detached chalet bungalow featuring 3x dormers to southern elevation, 1x dormer to northern elevation, conservatory to southern elevation, open-sided integral double garage and log stores with associated hardstanding and parking.	Application Refused on 21.02.2018
DC/16/0914	Variation of Condition 4, to approved application DC/14/1245	Application Permitted on 02.09.2016
DC/14/1245	Dig a drainage pond in agricultural field	Application Permitted on 02.09.2014
DC/14/2139	The erection of 4 dwelling houses	Application Refused on 04.12.2014
DC/14/0675	Erection of 4 dwelling houses	Application Refused on 19.08.2014

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection

3.3 **HDC Conservation:** No Objection

3.4 **HDC Environmental Health:** No Objection

3.5 **HDC Arboriculturist:** No Objection

OUTSIDE AGENCIES

3.6 **WSCC Highways:** Comment

- The proposed barn will be accessed via the privately maintained cemetery access road. The nearest junction with the public highway is at the School Lane/ Monastery Lane junction to the north. Both of these roads are unclassified and subject to a 30mph speed restriction, though the geometry and context of the road network in this location is likely to result in speeds below the posted limit.
- From inspection of the plans, local and WSCC mapping there appears to be no apparent visibility issue at the point of access onto the public highway. An inspection of data supplied to WSCC by Sussex Police over the past five years reveals that there have been no recorded injury accidents within the vicinity of the existing point of access.

- This application also seeks permission to retain the recently constructed access onto the cemetery access road. As a privately maintained road, the access does not cause a highway safety concern on the publically maintained highway network
- In conclusion, the LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS

3.7 **Parish Council:** Strong Objection

- WSCC have not approved access - they have simply not objected previously
- Proposed storage barn could potentially be a large triple bay garage for a future dwelling
- No legitimate activity to prove the need for the storage barn
- The site is not in the NP due to it being assessed as 'undevelopable'
- Proposal only submitted following Enforcement case against the access
- Proposal contrary to HDPF policy 26 as not being essential to its countryside location - no part of the Kithurst Lane field is used for agricultural or forestry
- Root damage noted to the trees to the entrance off Kithurst lane following wall being built

3.8 To date, letters of representation have been received from **14** separate nearby properties. The following objections are noted:

- Overdevelopment of the site - Norbertine Order already have storage sheds available.
- Recent attempts to secure dwellings on this site - so why is proposed storage barn suddenly necessary.
- Land Registry records show Mr Philip Orpwood and Christine Orpwood as registered owners of the tile of the application land and not the Norbertine Order
- Norbertine Order left Storrington in 2013 and Our Lady of England Priory is leased by the Chemin-Neuf, who are responsible for maintaining the fields immediately south of the Priory. It is stated that most of the work is privately funded by an individual.
- Not witnessed members of the Order working the land in last 6 years
- In 2006, 1ha of vineyard was planted by the Norbertine Order, and producing just 4000kg of fruit was not successful and the vineyard was sold to the family in St Josephs Hall
- It is claimed that the machinery to be stored is not owned by the Order, but rather purchased by the applicant.
- Land considered to be of 'High Sensitivity' - abutting the Conservation Area
- Proposed open-fronted barn would not be suitable for storing machinery and would not prevent criminal activity
- Involved in maintaining 'Matt's Meadow' (nature conservation site) with regular strimming and grass cutting
- Detrimental impact on neighbouring amenity - noise, light, activity
- If building is to be used for storage of machinery used for maintenance of Matt's Meadow, this should be a better location for the proposed barn
- low brick walls recently constructed around the lane entrance off Kithurst Lane has already impacted character of the area, and further development, including concrete kerbing to the access, would lead to urbanisation
- Concern that no site notice was displayed on site (Officers can confirm that a formal, and dated, site notice was posted by the case officer on 28th August 2018)

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

- 6.1 Outside the Built Up Area, developments, such as the proposal, are required to be considered 'essential' to their countryside location, as well as meeting on of the following four criteria:
- 1) Support the needs of agriculture or forestry
 - 2) Provide 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.

Furthermore, any proposed development found to be acceptable must be of a scale that is suitable to its rural location and character, nor lead to a significant increase in overall activity.

- 6.2 In this instance, it is noted that the wider lands, owned and maintained on behalf of the Norbertine Order, are no longer suitable for farming practices, and so alternative land uses have been implemented, which still maintain the overall connection to the rural location and keep the landscape open. The planting of the adjacent Matt's Wood / Matt's Meadow, the creation of the ecology area in the south-western corner of the site and the planting of the vineyard are all noted. Officers acknowledge that the adjacent site is referred to as 'Matt's Meadow' in the Storrington, Sullington & Washington Neighbourhood Plan (2016-2032) 'Local Green Spaces Report (2016)', where it states that:

"Matt's Meadow is open to all to stroll or sit quietly and enjoy the beautiful tranquil setting in full view of the South Downs, the village church and the Priory".

The 4acre site has been put forward in the Draft Neighbourhood Plan, which is now at Submission stage, as a Local Green Space.

- 6.3 It is acknowledged that the Norbertine Order still holds an interest in lands within this area, including the application site, although the Order no longer maintains any buildings within Storrington, and therefore has no 'designated' storage facilities for equipment and materials used to maintain the remaining lands.
- 6.4 The proposal would therefore be considered to fall under the criteria 4 of HDPF policy 26, in that the proposal would continue to enable the sustainable development of the designated rural area, by ensuring a base is maintained to accommodate storage of equipment and materials as appropriately needed.
- 6.5 The proposal is therefore considered to be acceptable to the criteria of rural restraint policies, based on the demonstrated need for the Order, their volunteers and the local Estates Manager, to provide some form of appropriate shelter for equipment and machinery. It is recommended that any approval would be subject to a condition limiting its use to that designated purpose and connected to the wider land use practiced.

- 6.6 In relation to Neighbourhood Plan considerations, the Draft Storrington, Sullington and Washington Neighbourhood Plan has been submitted for consideration to the Council. The plan has been considered by an Inspector who requested matters and questions to be dealt with by way of written submissions and for questions to be dealt with at a hearing. The hearing was held in September. The Inspectors comments following on from the hearing had not been received at the time of writing this report. Given the uncertainty regarding the Plan, it does not carry full weight but is a consideration.
- 6.7 Storrington Parish have objected on the grounds that the scheme is contrary to their draft Neighbourhood Plan on the grounds that the site was considered 'undevelopable' and not taken up as a site under the Plan. It is noted that the site is outside the built-up area boundary and is considered a countryside location. As such, various applications for housing have been refused on this site. The current proposal is for a single barn which would be less intrusive in this setting and more appropriate in a countryside setting when compared to extensive housing. Additionally, as outlined above, there are also significant material considerations regarding the need and justification for the barn by the Norbertine Order. Consequently, whilst the objections of the Parish have been carefully considered, the proposal is considered appropriate.

Design and Appearance:

- 6.8 HDPF policies 10, 25, 26, 32, 33 all call for development to protect, conserve and enhance landscape character, maintain landscape quality and complement locally distinctive characters and heritage of the district.
- 6.9 The modestly proportioned open-sided barn structure being proposed would suit the overall Sussex vernacular and there is potential within the site for additional landscaping. The siting of the barn would be up close to the northern boundary, which would maintain screening of the resulting barn from the public highway and public rights of way. Although some views of the barn would be opened up during the winter months when leaf cover is reduced, the overall site context and scale of the proposal, would not lead to an unduly dominant feature within the edge of village location and publically available views from the northers side.
- 6.10 It is noted that there is a level of public access allowed over the adjacent Matt's Wood (Matt's Meadow) to the east. Given the location, scale and design of the proposed barn and potential for additional landscaping to be secured, the resulting development is not considered to be unduly harmful on the openness and landscape character of the area, taking account of the sustainable development of rural area justification that accompanies the proposal.

Trees and Landscaping:

- 6.10 It is noted that the proposal does not seek to remove any vegetation around the proposed site of the barn itself. The large conifers planted alongside the entrance to the site are not protected by way of a Tree Preservation Order, but would be covered under the Conservation Area, so any works to prune or remove these trees would be subject to separate consent. It is noted that these works, and the construction of the low wall, do not form part of the current application. As there are no tree works being proposed as part of this application, no further considerations are required. The Council's Arboriculturist has visited the site and has no objections to the works undertaken.
- 6.11 Taking into account the proposal to provide additional landscaping, details of which would be secured by way of a planning condition, Officers are satisfied that the proposed works would accord with the provisions of HDPF policy 31 (Green Infrastructure and Biodiversity).

Heritage Impacts:

- 6.12 HDPF policy 34 requires proposals affecting listed buildings to retain and improve the setting of the heritage asset. In addition, the setting of heritage assets, including views, should be preserved and retained.
- 6.13 In this instance, the resulting development would result in a traditional open-sided timber-clad barn replicating the Rural Sussex vernacular and replicating traditional barn-design and techniques.
- 6.14 The Council's Heritage Officer does not consider the proposal to result in harm to the setting or character of the Storrington Conservation Area, and so the proposal would accord with national and local planning policies with regard to the appropriate protection of designated heritage assets.

Amenity Impacts:

- 6.15 HDPF policy 33 requires development to avoid unacceptable harm to the amenity of neighbouring users / occupiers of land.
- 6.16 In this instance, given the site context and nature of the proposal, there would be no undue harm caused to neighbouring residential amenities. The site would be separated from any northern residential properties by distance, intervening screening and road (Kithurst Lane), and by a change in ground levels. To the west, there would be a distance of separation of around 80m to the neighbouring residential property.

Highways Impacts:

- 6.17 The proposal is acknowledged to retain a recently constructed access onto the cemetery access road. As a privately maintained road, the access does not cause a highway safety concern on the publically maintained highway network, as determined by the Local Highways Authority.
- 6.18 The creation of this new and widened access off the lane does not require express planning consent in itself and is therefore outside the remit of the current planning application.
- 6.19 In conclusion, the LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Conclusions and Planning Balance:

- 6.20 Officers note that there is policy support directed to the provision of wider community-based facilities and services which contribute to the provision of green infrastructure and open spaces.
- 6.21 The proposal has been considered within the context of the NPPF and the presumption in favour of sustainable development, along with rural restraint policies as set out within the Horsham District Planning Framework (2015).
- 6.22 In terms of the scale, siting and justification provided for the proposed barn, it is considered that the resulting development would not lead to any materially adverse harm to the wider rural setting.

6.23 The proposal would therefore be in accordance with HDPF policies 1, 2, 25, 26, 31, 32, 33, 34, 40, 42 and 43.

7. RECOMMENDATIONS

7.1 That planning permission be granted subject to the following conditions:-

1 **Approved Plans**

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

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

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

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

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

- o Details of all existing trees and planting to be retained
- o Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- o Details of all hard surfacing materials and finishes
- o Details of all boundary treatments
- o Details of all external lighting
- o Ecological enhancement measures identified

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

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the

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

- 5 **Regulatory Condition:** The barn hereby permitted shall only be used to store equipment on behalf of the Norbertine Order to maintain land within their ownership and management control.

Reason: Permission would not normally be granted for such development in this location under Policy 33 of the Horsham District Planning Framework (2015) but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

Background Papers: DC/18/1695