



**TO:** Planning Committee South  
**BY:** Head of Development  
**DATE:** 18 December 2018  
**DEVELOPMENT:** Creation of a vehicular access track for agricultural purposes.  
**SITE:** Land South West of Martins The Street Thakeham West Sussex  
**WARD:** Chanctonbury  
**APPLICATION:** DC/18/1962  
**APPLICANT:** **Name:** Mr and Mr J and J Withrington **Address:** 1220 Ellis Street 9 San Francisco USA

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received within the consultation period with a view contrary to the recommendation

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

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.1 This application seeks permission for the creation of an agricultural vehicular access track serving land south and west of Martins. The proposed access track would measure 3m in width and comprise of a stone based hoggin (a compactable groundcover that is composed of a mixture of clay, gravel, and sand or granite dust that produces a buff-coloured bound surface). The proposal would necessitate the part removal of an existing brick built dwarf retaining wall, the removal of retained soils, and the part removal of existing Laurel/Hawthorn shrubbery in order to provide connection to the existing highway access serving Martins. A small turning space would be provided adjacent to the existing field gate towards the northern end of the site. As part of the application process a previously proposed pier (adjoining the proposed access) has been omitted from the scheme.

**DESCRIPTION OF THE SITE**

- 1.2 The application site comprises of a lightly wooded former orchard situated to the north/east of Coolham Road and north-west of The Street. The site features steep earthen embankments against adjacent public highways and benefits from verdant vegetated boundaries to the south, west and east. An existing vehicular access, which does not benefit from planning permission, has been cut through the embankment onto The Street towards the southern extent of the site. A gradual slope towards the north east is present,

however, is notably less pronounced than that facing against The Street and Coolham Road.

- 1.3 The application site bounds, and would serve, an agricultural field and barn located to the immediate north-west. The field is currently used for grazing purposes, with sheep kept on the land at the time of a site visit. A timber post and rail fence demarcates the boundary between the site and the adjacent Grade II Listed property Martins, with which the application site is understood to be historically associated. To the west is the detached property of Grans Cottage, which benefits from significant screening on the common boundary in the form of mature shrubbery and various trees.
- 1.4 The application site is located outside the defined built-up area of Thakeham, found opposite the site on The Street, and would affect the setting of the adjacent Grade II Listed Building of Martins and would involve works partly falling within the Thakeham Conservation Area.

## **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 (NPPF 2018)**

- 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 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

- 2.4 **Thakeham Parish Neighbourhood Plan to 2031**

Thakeham 6 – Design

Thakeham 7 – Heritage Assets

Thakeham 10 – Green Infrastructure and Valued Landscapes

- 2.5 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/16/0373	Conversion of existing barn to single detached dwelling	Application Refused on 11.07.2016
DC/06/2475	Renewal of unimplemented planning permission to erect a garage block and grooms accommodation	Application Permitted on 22.12.2006
T/81/01	Erection of garage block and grooms accommodation	Application Permitted on 29.01.2002

T/2/97	Erection of garage block and grooms accommodation	Application Permitted on 03.02.1997
T/76/89	New garage with chauffeur's accommodation to replace damaged one	Application Permitted on 25.08.1990

### 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 Design and Conservation:** No Objection, the proposed access would not harm the Conservation Area or the setting of Martins as a Grade II Listed Building. The new stone pier should be removed so as to avoid the introduction of an overly residential character and an informal track surface (such as hoggin) is required to maintain an appropriate degree of subservience. (*N.B. Amended plans have since been received to omit the pier and to provide an informal surface as sought in the above comments*).
- 3.3 **HDC Landscape Architect:** No Objection.
- 3.4 **HDC Arboricultural Services:** No Objection. The majority of trees on site lay outside of the Thakeham Conservation Area with most trees to be retained with the exception of two small *Prunus*. The removal of non-essential trees and mixed shrubbery would have a minimal adverse effect on the character and appearance of the Conservation Area.

#### OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No Objection. The increase in vehicle movements utilising the existing access onto the publicly maintained highway could not be substantiated as severe. In connection with a previous planning application the LHA observed vehicles to be travelling between 10-15mph; a speed capable of reacting to vehicles accessing/emerging from the existing highway access. There is no evidence available to the LHA to indicate the existing highway access has been operating unsafely, with the proposal not considered to have a severe impact on the operation of the highway network.
- 3.6 **Thakeham Parish Council:** Object. The access track would be highly visible when exiting The Street and would harm the historic setting of the Conservation Area, contrary to Policy 7 of the Thakeham Neighbourhood Plan. Parish Councillors further raised concerns regarding the loss of mature vegetation and the potential for a change in the setting of proximate Listed Buildings. The response of the Parish highlights that heritage grounds formed one of the reasons for refusal on application DC/16/0373.

The Parish additionally noted that swept-path tracking had not been provided for larger vehicles, and questioned whether this would be consistent with a long term agricultural use of the site. Private legal issues and prospective alternative routes were also mentioned in the response of the parish, but should be highlighted as not material considerations in the determination of this application; being the state presented to the Local Planning Authority.

The Parish finally requested a condition requiring the restoration of the existing highway access prior to the commencement of any work.

#### PUBLIC CONSULTATIONS

3.7 10 representations (from 10 different addresses) were received in objection to the proposal. The primary grounds for objection can be summarised as follows:

- Harm to the setting of adjacent Listed Buildings
- Overdevelopment
- Introduction of hardstanding as a 'suburban' element
- Questions relating to the need for an access given the low level of agricultural activity
- Insufficient justification for the proposed access
- Private legal agreements relating to right of access and boundary maintenance
- More suitable alternative access arrangements
- Proposal is contrary to the provisions of the Thakeham Neighbourhood Plan
- Harm to the quality and appearance of the Conservation Area
- Cumulative erosion of earthen bank
- Dismissal of previous appeal for existing highway access
- Danger to existing highway and pedestrian traffic
- Possibility that access would facilitate subsequent residential development
- Completion of previous works without acquiring planning permission
- Harm to the appearance of The Street
- Environmental harm

#### **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**

##### Background:

6.1 The application site has a relatively comprehensive planning history in respect of highway accesses. A series of consecutive unimplemented renewed permissions for the erection of a large garage block and ancillary accommodation were issued between 1990 and 2006. These permissions incorporated a highway access adjoining to the existing driveway of Martins, being comparable to the siting of the access now proposed under this application.

6.2 Application DC/16/0373 for the conversion of agricultural buildings north-west of the application site to a single dwelling was later refused on ecological, heritage and countryside protection grounds. This application proposed a highway access near immediately adjacent to the common boundary with Martins along the north eastern edge of the application site and adjoining to the existing driveway of Martins.

6.3 An unauthorised highway access was created in early 2017 leading directly onto The Street towards the southern end of the application site. The unauthorised access involved significant excavation of an earthen embankment adjacent to the public highway, in addition to the removal of vegetation. In response an enforcement notice requiring its closure and the restoration of the earthen embankment was served.

- 6.4 This enforcement notice was subject of an appeal where the planning merits of the scheme were considered by the Inspector (ref: APP/Z3825/C/17/3182946). The appeal was dismissed, upholding the enforcement notice, with the Inspector considering that the harm to sunken lanes, as a valued landscape feature of Thakeham, outweighed any necessity to maintain land North West of the application site and to support agricultural uses.
- 6.5 The current application differs substantially from that determined by the Inspectorate in that it does not adjoin onto The Street directly and requires approximately 90cm of excavation, in comparison to the approximate 3m of excavation made in connection with the unauthorised access (subject of the enforcement notice).

Principle of Development:

- 6.6 Policy 26 of the HDPF seeks to protect the countryside from inappropriate development. The policy provides that outside built-up area boundaries, development must be essential to its countryside location, and in addition 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.
- 6.7 The supporting information accompanying this application asserts that the proposed access track would support, firstly, agricultural use of land to the north west of the application site and, secondly, the continued upkeep of land and buildings accessible from the proposed access. As observed during the officer's site visit a 0.65ha field north-west of the application site is currently utilised for the grazing of livestock with a modest herd of sheep present on the land.
- 6.8 The existing policy basis would provide for a general presumption in favour of development designed to support the needs or growth of agricultural enterprise. The proposed access would have a clear association with the land it serves and would promote current uses of land that are beneficial to the wider rural economy of the District. Notwithstanding the low level of current agricultural activity, it is considered that the existing policy basis would, in principle, support the creation of a new agricultural access track, subject to detailed considerations.

Character and Appearance:

- 6.9 Policies 32 and 33 of the Horsham District Planning Framework (HDPF) (2015) stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.10 Policy 34 of the HDPF addresses development involving heritage assets or affecting the setting of heritage assets. The policy requires proposals to be of a design and/or scale which preserve or enhance the special character and appearance of the area, to utilise building materials and techniques that are appropriate within the local context, to avoid harm to significant views, and restore or retain traditional features.
- 6.11 Policy 6 of the Thakeham Parish Neighbourhood Plan to 2031 requires development to be reflective of surrounding buildings and the wider area in terms of architectural characteristics, scale, density, massing, height, landscape design, layout and materials.
- 6.12 Policy 7 of the Thakeham Parish Neighbourhood Plan to 2031 stipulates that development within the Thakeham Conservation Area will be supported provided that any harm to the

historic significance of the Conservation Area will be less than substantial and that any harm is outweighed by the provision of a clear and sustained community benefit.

- 6.13 The proposed agricultural access would adjoin perpendicular to the existing highway access of Martins; being situated to the immediate rear of an existing stone pier and 4.1m forward of the main gravelled parking area of Martins. The main width of the access would span 3m, in contrast to the 6.5m width of Martins' principle access. Existing Laurel hedges are to be retained to either side of the proposed access at the point of entry/exit. The proposed trackway would consist of compacted Hoggin, resulting in an informal earthen tone for the proposed access. While this is not particularly characteristic of an agricultural access track the material is considered suitable in this instance given the immediate setting and the resulting relationship with Martins.
- 6.14 It is considered that the composition, siting and lesser width of the proposed access would ensure a subservient relationship to the adjacent entrance of Martins, with a previously proposed pier now omitted from the scheme following comments from the Council's Conservation Officer. Whilst acknowledging the application site no longer shares any formal association with the neighbouring dwelling it is understood to have shared a historic connection with the adjacent Listed Building and continues to be understood in this context.
- 6.15 From public perspectives on The Street the proposed access would appear as a secondary utility access that would not detract from a clear recognition of the formal, and more obvious, perceived primary access to Martins. A sufficient degree of separation (12.5m) would be maintained between the proposed access and common boundary with Martins to prevent the undesirable introduction of parallel hardstand tracks and to avoid any direct harm to the setting of the Listed Building.
- 6.16 It is, therefore, considered that the proposed access would be of an appearance and composition appropriate to its immediate setting and would sufficiently preserve the special interest of proximate Grade II Listed Buildings and the wider Conservation Area. The proposal, therefore, would accord with policies 32, 33 and 34 of the HDPF in addition to policies 6 and 7 of the Thakeham Neighbourhood Plan to 2031.

#### Landscape Character

- 6.17 Policy 25 of the HDPF seeks to protect the landscape character, landform and development pattern of the District's countryside. Development will be supported that protects, conserves and enhances the landscape and townscape character, including individual settlement characteristics.
- 6.18 Policy 10 of the Thakeham Neighbourhood Plan to 2031 stipulates that proposals will be supported that protect the landscape of the Parish, including sunken lanes, prominent ridges and hedgerows.
- 6.19 Sunken lanes are a distinct feature of the settlement of Thakeham, as recognised under policy 10 of the Thakeham Neighbourhood Plan. A general policy objection therefore exists in relation to the erosion of existing embankments, albeit that the impact of a proposed development on Thakeham's sunken lanes as a landscape/townscape characteristic would need to be considered on a case by case basis.
- 6.20 The embankment subject to this application, as predominantly retained by an existing dwarf wall, measures some 90cm in depth, with its visual impression enhanced by the Laurel hedge which sits above the embankment. There is a pre-existing sense of openness at the point of highway exit/entry onto The Street, with public views towards Martins along its associated driveway possible to the direct north. This is directly contrasted with the 3m steep embankment found at the southern extent of the site against Dukes Hill and The Street, where the sense of enclosure is significantly more pronounced. In this respect it is

considered that the embankment specifically affected by the current proposal makes a minor contribution to the significance of Thakeham's sunken lanes as a feature of the local landscape character.

- 6.21 It is considered, therefore, that there is a significant distinction between the unauthorised access and that now proposed. The unauthorised access to the south is readily perceived as a sunken lane, as primarily derived from a sense of enclosure, with the extent of excavation detrimental to the aesthetic quality and understanding of a distinct landscape characteristic. As indicated on the submitted plans, the proposal would involve the removal of 90cm of earth at a point where the natural lay of land is higher. As such, the impact of the proposal would be substantially lesser.
- 6.22 Furthermore, it is noted that an impression of The Street as a sunken lane increasingly diminishes beyond Martins to the west as embankments lessen in height and are interrupted by regular openings in the form of private accesses/driveways. It is recognised, therefore, by avoiding a direct access onto The Street, that the proposal is consistent with the general pattern of local development.
- 6.23 It is therefore considered that, whilst the proposal would not enhance the sunken character of The Street, the proposed works are not of a nature or extent that would adversely influence the quality of this valued landscape feature, or interrupt a public understanding of its overall significance. The proposal would, then, comply with policy 10 of the Thakeham Neighbourhood Plan to 2031 and policy 25 of the HDPF.
- 6.24 As identified by the Council's Arboricultural Officer, the proposal would not involve the removal of any trees of any particular significance to the visual amenities of the street scene or Conservation Area. Furthermore, the positioning of the proposed track would avoid works in the relevant root protection areas of category A and B trees, and as such would not compromise healthy specimens worthy of retention.

#### Neighbouring Amenity:

- 6.25 Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.
- 6.26 The proposed access track would be situated 12.5m south of the common boundary with the neighbouring property Martins. By virtue of its ground level composition the built form of the proposed trackway would not constitute an overbearing form or result in overshadowing that may adversely influence the residential amenities of Martins. It is acknowledged that vehicular movements along the proposed access track would result in a certain degree of noise and disturbance to the occupiers of Martins. Given the nature and intensity of likely agricultural activity on land to the north west, vehicular movements are not anticipated to be more than occasional, and as such, any resultant disturbance would not amount to unacceptable harm.
- 6.27 The access track is expected to be visible within the outlook of neighbouring properties immediately adjacent to the application site, however, is considered to be of an appropriate colour, texture and appearance. No unacceptable degree of visual intrusion would therefore arise from the proposal.
- 6.28 The proposal does not incorporate any form of illumination or lighting for the proposed access track, consequently, no disturbance to neighbouring occupiers is envisaged in this respect. A condition is recommended to control the subsequent creation of lighting, in order to secure the amenities of neighbouring occupiers.

#### Highway Operation:

- 6.29 Policy 41 of the HDPF *inter alia* stipulates that proposals must provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and for the delivery of goods.
- 6.30 The proposed agricultural access would adjoin to a pre-existing access onto the publicly maintained highway serving the neighbouring dwelling of Martins. The Local Highways Authority considered that the proposal would not result in a severe increase in vehicular movements and further highlights that there is no evidence of unsafe operation for the existing access serving Martins. It is therefore considered that the proposal would provide a suitable access onto the publicly maintained highway that would not exasperate an existing highway safety concern or jeopardise the wider operation of the highway network.

Conclusion:

- 6.31 The principle of an agricultural access is deemed compliant with the relevant policies of the HDPF. The agricultural access would be of an appropriate design, appearance and scale that would sufficiently preserve the significance of relevant heritage assets, the prevailing landscape character and avoid detrimental impact on the amenities of neighbouring occupiers and operation of the highway network.

## 7. RECOMMENDATIONS

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

1 **Plans**

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

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

- 3 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Tree Schedule (dated 31.10.18, ref LLD1573 00).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

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

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

- 5 **Regulatory Condition:** The materials to be used in the trackway hereby permitted shall strictly accord with those indicated on the proposed site plan (plan number 2727/201A), unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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

Background Papers: DC/18/1962