



TO: Planning Committee South

BY: Head of Development

DATE: 16th July 2019

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

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

WARD: Pulborough and Coldwaltham (Historic)

APPLICATION: DC/19/0209

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

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

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

DESCRIPTION OF THE SITE

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

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

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

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

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Supplementary Planning Guidance:

- 2.3 Pulborough Parish Design Statement (2013)

RELEVANT NEIGHBOURHOOD PLAN

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

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

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

3. OUTCOME OF CONSULTATIONS

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

CONSULTATIONS

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

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

Subsequent comments:

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

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

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

- 3.3 **Southern Water: Comment.**

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

PUBLIC CONSULTATIONS

- 3.4 Four letters of objection have been received raising the following points:
- The site is outside of the built up area boundary and is not sustainable development.
 - The application follows several attempts to build a new dwelling on the site.

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

PARISH COUNCIL COMMENTS

3.5 **Pulborough Parish Council: Objection.**

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

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

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

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

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

6. **PLANNING ASSESSMENTS**

6.1 The main considerations material to this application relate to:

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

Principle of Development

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

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

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

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

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

Design and Appearance

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

Amenities of the occupiers of neighbouring properties

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

Parking and traffic conditions

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

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

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.19 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

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

Use Description	Proposed	Existing	Net Gain
Residential	106	106	0
		Total Gain	0
		Total Demolition	0

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

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

Conclusion

- 6.23 Marehill is defined as an unclassified settlement in Policy 3 of the HDPF. Such settlements are described as having few facilities, limited accessibility and being reliant on other villages and towns to meet the needs of residents. Policy 2 of the HDPF seeks to focus development in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the settlement hierarchy. Marehill is not one of the District's named villages within Policy 3 of the HDPF and has not been put forward as a 'secondary settlement' within the Local Plan Review: Issues and Options document.

- 6.24 The proposal however would not involve the construction of a new building or indeed any extensions to the existing which already provides for all the facilities for independent occupation. The dwelling would occupy the same footprint and retain the low profile of the existing structure. It would not result in a material expansion of the settlement of Marehill, would not encroach into undeveloped countryside and would not adversely affect any existing landscape or townscape features in the vicinity. The location of the building in relation to the existing settlement, together with its proximity to facilities in Marehill and Pulboorugh, are considered to be material considerations that outweigh the conflict with the relevant policies of the local plan.

7. RECOMMENDATIONS

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

Conditions:

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

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

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

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

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

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

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

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

Background Papers: DC/19/0209