



TO: Planning Committee (North)
BY: Head of Development
DATE: 06 August 2019
DEVELOPMENT: Removal of domestic storage barn and erection of a self contained timber framed dwelling
SITE: Hunters Oak Faygate Lane Faygate Horsham West Sussex RH12 4SJ
WARD: Rusper and Colgate (Historic Ward)
APPLICATION: DC/19/0821
APPLICANT: **Name:** Mr Keith Luxford **Address:** Hunters Oak, Faygate Lane Faygate RH12 4SJ

REASON FOR INCLUSION ON THE AGENDA: The application, if approved, 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 the demolition of the existing building and the replacement with a self-contained residential dwelling.

1.3 The proposed dwelling would measure to a length of 22.6m and a depth of 6m and would incorporate a pitched roof measuring to an overall height of 4.7m. The proposal would be positioned approximately 3m from the norther boundary of the site and would be oriented to face south. The proposed dwelling would incorporate a pitched roof gable feature to the south-eastern corner, with a porch projection extending from the southern elevation. The dwelling would be finished in horizontal timber cladding above a brick plinth, with plain clay tiles to the roof, and white timber fenestration.

1.4 The proposed dwelling would provide a kitchen/dining room, living room, utility room, w.c, bathroom, and 3no. bedrooms (one with dressing room and ensuite).

DESCRIPTION OF THE SITE

1.5 The application site is positioned to the west of Faygate Lane, outside of any defined built-up area boundary. The site comprises a residential dwelling, commercial buildings, and residential outbuildings within a relatively large plot.

- 1.6 The site is surrounded by residential development comprising Durrants Retirement Village to the south, with woodland positioned to the west. Several residential dwellings are located to the north of the site, set back from the public highway.

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:

2.3 **National Planning Policy Framework**

2.4 **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 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 35 - Strategic Policy: Climate Change.

Policy 36 - Strategic Policy: Appropriate Energy Use.

Policy 37 - Sustainable Construction.

Policy 41 - Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Parish of Colgate has not been designated as a Neighbourhood Development Plan Area to date.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The following applications are the most recent and relevant applications relating to the application site:

DC/04/2562	Erection of log cabin as ancillary accommodation to main house	Application Refused on 31.01.2005
DC/16/2785	Proposed conversion of residential storage barn to self contained residential unit	Application Refused on 12.05.2017. Allowed on appeal.

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 Environmental Health:** No objection subject to conditions.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection. The Local Highway Authority (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.

- 3.4 **Southern Water:** No Objection.

PARISH COUNCIL

- 3.5 **Colgate Parish Council:** No objection.

PUBLIC CONSULTATIONS

- 3.6 One letter of representation was received and raised concerns with the loss of trees to the boundary.

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 are:

- Principle of development.
- Design and appearance of the proposal.
- Impact on character and appearance of the surrounding countryside.
- Impact on privacy and amenity of neighbouring properties.
- Highway safety and parking.

Principle of development

- 6.2 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

- 6.3 Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.4 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the HDPF seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.5 Paragraph 78 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.6 Policy 26 of the HDPF directs that development in the countryside should be essential and appropriate in scale, and meet one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.
- 6.7 The application site lies outside of the built-up area, and is therefore considered to be within the countryside in policy terms. New build housing is not generally considered acceptable outside of defined built-up areas, unless material considerations outweigh the conflict with development plan policies.
- 6.8 The application site currently benefits from an extant planning permission under planning reference DC/16/2785, for the conversion of the existing barn into a self-contained dwelling, which was allowed on appeal. The Inspector's decision concludes that the site is very close to both the existing development of Faygate and Durrants Retirement Village. It is neither isolated nor located on the edge of the countryside, and it is, or very soon will be, completely surrounded by development on the western side of Faygate Lane. The expansion of Faygate has already resulted in the provision of basic facilities in the form of a shop, the station provides a choice of mode of transport for future occupants, and both the shop and station can be reached without difficulty from the site. The proximity of the site to the A264 also provides access to the main road network without the need to drive any distance on narrow or unsuitable rural lanes. The Inspector therefore considered that the location of the site in relation to the existing settlement, together with its proximity to the station and basic services associated with Durrants Retirement Village, are material considerations which carry significant weight in the schemes favour. As such, it was considered that there are material considerations that outweighed the conflict with the development plan policies.
- 6.9 Consequently, whilst the proposal represents a departure from the development plan, the fall-back position established by way of the extant permission for the conversion of existing building on the site to residential is considered to hold sufficient weight to justify the principle of a new dwelling in this location.

Design and appearance

- 6.10 Policies 25, 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 landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.11 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.12 The proposed dwelling would measure to a length of 22.6m and a depth of 6m and would incorporate a pitched roof measuring to an overall height of 4.7m. The proposal would be positioned approximately 3m from the northern boundary of the site and would be oriented to face south. The proposed dwelling would incorporate a pitched roof gable feature to the south-eastern corner, with a porch projection extending from the southern elevation. The dwelling would be finished in horizontal timber cladding and brick plinth, with plain clay tiles to the roof, and white timber fenestration.
- 6.13 The proposed dwelling is of a slightly greater depth and height to that originally approved, with alterations to the design to accommodate a pitched gable projection and porch to the southern elevation. The addition of a flue to accommodate a log burning stove is also proposed, which would be located on the rear (northern) roof slope. In addition, the proposed dwelling has been re-sited approximately 2.3m to the south, so that the proposal would be set away from the northern boundary.
- 6.14 While the proposal is greater in scale than that originally approved, it is considered that the proposal retains the rural utilitarian character of the locality and remains proportionate in scale. The proposed dwelling is therefore considered to be of an appropriate design, form and appearance, which relates sympathetically to the character and visual amenities of the locality. The proposed development is therefore considered to accord with policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity impacts

- 6.15 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.16 The proposed dwelling would be positioned approximately 3m from the northern boundary of the site and would be oriented to face south. The northern boundary is defined by 1.8m high close boarded fencing, with the nearest neighbouring property of Oakbridge positioned approximately 2.5m from the northern boundary.
- 6.17 While the proposal would increase the frequency of use of the site and associated level of activity, it is not considered that this would generate significant or harmful levels of noise or disturbance to the neighbouring properties. In addition, the single storey nature of the building, and the distance between the proposed development and the nearest neighbouring property is considered sufficient to ensure that there would be no amenity harm. As such, the proposal is considered to accord with Policy 33 of the Horsham District Planning Framework (2015).

Highways impacts

- 6.18 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.19 The proposal would utilise the existing and established vehicle access and would create an area of hardstanding to the front of the dwelling for parking. The established access would also continue to serve the existing house and the metal fabrication business on the site.
- 6.20 Following consultation with the Local Highways Authority, the proposed development is not considered to result in harm to the function or safety of the public highway network, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

Other matters

- 6.21 Concern has been raised by the occupiers of a neighbouring property in respect of the removal of trees on the site, and the potential for a loss of privacy if they are to be removed. The application site lies some 75m from the boundary of the site with the properties in Durrants Retirement Village, with the site separated from Durrants Drive by land within the ownership of the applicant. Any trees along the boundary with Durrants Drive are therefore outside of the application site.
- 6.22 The Council's Environmental Health team having been consulted, have requested that a condition be imposed in respect of unidentified contamination being found to be present at the site during construction works. Given the past use of the site, it is considered that such a condition would be reasonable and necessary, to ensure that the site is suitable for the proposed residential use.

Conclusions and planning balance

- 6.23 The principle of the proposed development has been established by the previous permission, with the design, form and appearance of the proposal considered to appropriately reflect the character and distinctiveness of the locality. The proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties, or the function and safety of the highway network. As such, the proposal is considered to accord with all relevant local and national planning policies.

Community Infrastructure Levy (CIL)

- 6.24 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.25 **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	123.17	120.91	2.26
	Total Gain		
	Total Demolition		

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

6.27 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 To approve planning permission subject to the following conditions:

1 A list of the 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 Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 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 a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) 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).

5 **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 will 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).

6 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan reference 02F received 12.04.2019 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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 of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the recommendations and conclusions set out in the Desk Study Report reference J12916 and dated January 2017.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).