



**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 06 August 2019  
**DEVELOPMENT:** Demolition of existing buildings and erection of a two storey detached dwelling  
**SITE:** Elenge Plat Grouse Road Colgate Horsham West Sussex RH13 6HT  
**WARD:** Rusper and Colgate (Historic Ward)  
**APPLICATION:** DC/19/0419  
**APPLICANT:** **Name:** Mr F Varela **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The application, if approved, would represent 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 planning permission for the demolition of former piggery buildings and redundant stabling building, which have cumulative footprint of approximately 449sqm, and the erection of a two storey dwellinghouse which would have an overall footprint of approximately 273sqm. Planning permission has previously been granted for the conversion of the piggery buildings on site to form a single storey dwelling under planning reference DC/15/2447 which was approved in October 2016.

1.3 The proposals involve the excavation of the land which slopes down from north-west to south-east to allow for the dwelling to be sunken down, creating the appearance of a single storey dwelling when entering the site from the existing access point to the north. The proposal would incorporate a modern design with a flat green roof with solar panels, timber cladding and significant glazing to the south-eastern elevation. The proposals include the creation of parking for 3no cars, terrace areas and a courtyard area with significant landscaping works proposed. The proposed dwelling would be designed to sit in a 'U' shaped configuration and would have an overall width of approximately 27m and an overall depth of approximately 19m owing to its design. The proposed floorspace of the proposed dwellinghouse measures approximately 384sqm. It is noted that the floorspace of the approved dwellinghouse measured approximately 224sqm.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located to the south-east of Grouse Road, outside of any defined built-up area boundary, in a rural location surrounded by open countryside. Elenge Plat is a substantial detached property set in extensive grounds, with a detached two storey 'chauffeur's dwelling' and a single storey workshop building set within the curtilage. The application site relates to an area to the east of Elenge Plat, where a cluster single-storey detached buildings, comprising a store, piggery, workshop building and stables are located. The buildings vary in scale but comprise gabled roofs with minimal window and door openings and are constructed predominantly of brick and block.
- 1.5 Grouse Road is marked by open fields interspersed with areas of woodland and a small number of individual properties set in their own spacious grounds. The site and surrounding area lie within the High Weald Area of Outstanding Natural Beauty (AONB). Views from Grouse Road to the attractive countryside on either side generally range from open views to more glimpsed views through trees and hedges, although there are some points where views beyond the road edge are restricted.
- 1.6 The site slopes down from north-west to south-east and the eastern boundary of the site adjoins open fields. The site benefits from an extant permission under planning reference DC/15/2447 which granted permission for the conversion of the buildings to a three bedroom dwelling along with the partial demolition of the piggery and store building on the site.

## 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 10 - Rural Economic Development.

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 30 - Protected Landscapes.

Policy 32 - Strategic Policy: The Quality of New Development.

Policy 33 - Development Principles.

Policy 40 - Sustainable Transport.

Policy 41 - Parking.

## 2.5 **The High Weald AONB Management Plan 2019-2024**

### RELEVANT NEIGHBOURHOOD PLAN

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

### PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/15/2447	Conversion of buildings to three bedroom dwelling and construction of glazed link. Partial demolition of piggery and demolition of store building.	Application Permitted on 10.10.2016
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## 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 Landscape Architect:** No objection. No additional harm to either the landscape character or the visual amenity of the area from the approved scheme.
- 3.3 **HDC Conservation:** Support. The existing workshops and sheds are not attractive buildings and the proposed house would be a great improvement. Keen to support architecture for the twenty first century and although this design is an evolution of a modernist style that is over a hundred years old, satisfied the design approach is one we should support.
- 3.4 **HDC Environmental Health:** Recommends conditions. Potential for contamination on the land and therefore appropriate conditions are recommended.

### OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No concerns. The site is not considered to be sustainably located and thus any potential residents would be heavily dependent upon the use of the private car. The Planning Authority may wish to consider whether in policy terms the provision of the dwelling outweighs the sustainability issues. Recommends conditions in respect of car parking and turning, and cycle parking.
- 3.6 **Southern Water:** Comment. No details of means of disposal of foul drainage from the site. No public foul and surface water sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.
- 3.7 **High Weald:** Comment. Requirement for HDC to determine whether the application meets the legislative and policy requirement in respect of AONBs. Recommends conditions in respect of locally sourced materials, the use of working chimneys and wood fuel storage to support the sustainable management of the woodland in the AONB, the use of external materials of a colour that are appropriate to the landscape, the use of native and locally sourced plants, and controls over lighting.

## PARISH COUNCIL

- 3.8 **Parish Council Comments:** Objection. Overdevelopment of the site and design out of keeping with AONB. Concerns raised with regards to the number of applications received for Elenge Plat.

## PUBLIC COMMENTS

- 3.9 None received.

## 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 the AONB.
  - Impact on privacy and amenity of neighbouring properties.
  - Highway safety and parking.

### Principle of development

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 The application site lies in the countryside outside of the defined built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of Paragraph 79 of the NPPF and policies 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 Policies 3 and 4 of the HDPF set out that development will be permitted within the towns and larger villages in the District which have defined built up areas, and outside of these areas, the expansion of settlements will be limited to those sites that are, amongst other criteria adjoining a settlement edge and allocated in either the local plan or a neighbourhood plan. Policy 26 of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside,

outside of any defined settlement, and is not allocated in the HDPF. There is also currently no neighbourhood plan for the parish of Colgate. The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.

- 6.5 Planning permission has however been granted under application reference DC/15/2447 for the conversion and extension of the existing piggery and store buildings to create a single storey 3-bedroom detached dwelling. This permission was granted on the basis that the existing buildings were derelict and their re-use for residential purposes would serve to enhance the site and the setting, as well as the fact that given the set back from Grouse Road to the north, the resultant dwellinghouse would not be visible from this public vantage point. The planning history of this site, where permission has been granted for a residential property, is a material planning consideration in the determination of this current application, as it represents a realistic fall-back position in the event that planning permission is not granted for the current proposal. 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 buildings on the site to residential is considered to hold sufficient weight to justify the principle of a new dwelling in this location.
- 6.6 Further, additional plans have been provided indicating that all existing buildings on the application site will be demolished to allow for the proposed dwelling, resulting in a significant amount of footprint in terms of built form being removed from the site, and allowing for an enhancement of the site and wider setting. No issues have previously been raised in respect of the loss of the existing buildings on the site, and since the initial permission was granted, there have been no changes to the condition or nature of the site which continues to appear disused and in a poor condition.

#### **Character, appearance and visual amenities of the countryside location**

- 6.7 Paragraph 131 of the NPPF states that “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area”. Policies 26, 32 and 33 of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings. As the site is located within the High Weald AONB, Policy 30 of the HDPF is also of relevance, which requires the natural beauty and public enjoyment of the AONB to be conserved and enhanced.
- 6.8 The current application seeks to demolish all of the existing buildings on the site and to create a two-storey detached 4-bed dwelling to replace the existing redundant buildings. Following consideration of the submitted details and a Case Officer site visit, the existing buildings are not considered to be of any architectural merit or value to warrant their retention, and appear in a state of disrepair. Given their current condition, it is considered that the buildings detract from the immediate surroundings and the wider High Weald AONB.
- 6.9 The proposed dwellinghouse would be of a two-storey design, however owing to the existing topographical levels of the site, and to ensure that it would not appear as a prominent addition, the proposed dwelling would be sunken into the ground, to create the appearance of a single storey dwelling. This would be particularly evident in views from the north when approaching the dwelling from the existing access. Whilst utilising a modern design with a flat green roof, the proposed dwellinghouse would not appear any greater in height than the existing buildings to be removed.
- 6.10 The proposed design, by virtue of the fact that it would be designed to relate appropriately with the landscape and topography levels, and taking into account the use of a green roof and the landscaping proposed, would not result in a visually prominent addition when compared to the existing buildings on site. The Council’s Landscape Officer has raised no objection to the application, subject to conditions, stating that whilst the south-eastern

elevation would be the most prominent perspective, from a distance there would be little difference when compared to the existing situation on site.

- 6.11 It is acknowledged that the proposal would result in a larger dwelling in terms of internal useable floor area (384sqm), when compared to the extant permission on site, however it is considered that the proposed dwelling would be appropriately sited and scaled in relation to the size of the plot. The design of the proposed dwelling would represent an enhancement to the site when compared to the existing buildings and would be a building of architectural merit and interest.
- 6.12 The principle of a dwelling on the site has been previously established and it is considered that the overall design in terms of built form, character and the pallet of materials to be used would result in a markedly improved dwellinghouse when compared to the existing situation on site and the design of the previously approved barn conversion. The new dwelling would be sited in the same position as the dwelling previously approved and will be set well back from the road frontage with existing neighbouring dwellings and boundary treatments providing screening from potential views from public vantage points. Any views of the site would be seen in the context of the curtilage of Elenge Plat. It is not therefore considered that the proposals would result in harm to the natural beauty of the High Weald AONB.
- 6.13 Whilst considered to be modest in nature, it is considered that in their current form, the existing buildings detract from the immediate surroundings, given that they have fallen into a state of disrepair. The proposal for the construction of a new dwelling would allow for the creation of dedicated and well-designed property which, on balance, would serve to enhance the immediate setting and would enable the provision of additional landscaping improvements with the use of appropriate conditions. The proposed dwelling is considered to be well designed and makes good use of the landscape to ensure that it fits appropriately within the landscape.
- 6.14 The High Weald AONB Management Plan 2019-2024 states that the “scale and extent of development within these designated areas should be limited”. Notwithstanding this, as stated above, the NPPF supports innovative design which raises the standards of design in the area. Given that all of the existing buildings on site would be removed and taking into account the design of the proposal, it is considered that, on balance, the proposals would accord with policies 26, 30, 32 and 33 of the HDPF as well as Paragraph 131 of the NPPF.

#### **Impact on neighbouring amenity**

- 6.14 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. The proposed dwelling would be sited in an identical location to that of the extant permission on the site. Taking into account the single storey nature of the proposal when viewed from the northern perspective, the topographical levels whereby the properties to the north and east are located at a slightly elevated position and the distances maintained (some 35m to the nearest residential property which is within the ownership of the applicant), it is considered that the proposed new dwelling would not have a detrimental impact on neighbouring amenity above that of the approved dwelling on site. It is therefore considered that the proposal is acceptable in this regard and accords with Policy 33 of the HDPF.

#### **Highways impacts of the proposal**

- 6.15 Policies 40 and 41 of the HDPF states that development should provide a safe and adequate access, suitable for all users. The proposed dwelling would utilise the existing access serving the buildings from Grouse Lane. Three parking spaces are indicated to be provided which is considered to be appropriate to serve this dwelling. West Sussex County Council as the Local Highway Authority has raised no objection to the proposal. Subject to appropriate

conditions as suggested by WSCC, it is considered that the proposals are acceptable on highway safety and transport grounds.

### Other matters

- 6.16 The Council's Environmental Health team having been consulted, have raised concerns in respect of the potential for there to be contamination risks associated with the historic use of the site, have requested that a condition be imposed requiring a contamination survey to be submitted. Given the past use of the site, it is considered that such a condition would be reasonable and necessary. There are no immediately adjoining intensive agricultural uses taking place which could lead to odour or noise nuisance for future occupants.

### Conclusion and planning balance

- 6.17 The site is within a countryside location and has not been allocated for residential development in a local plan or neighbourhood plan and the construction of a new dwelling in this location does not represent a use essential to its countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the grant of planning permission for the conversion of the existing buildings to form a dwellinghouse. This is considered to form a realistic fall-back position carrying significant weight in the determination of this application. The proposed development would provide a new build dwellinghouse, following the demolition of the existing redundant buildings on the site, and would represent an acceptable appearance of the site and wider landscape compared to the development that could otherwise come forward on the site under the previous consent. On balance, the proposal is considered to comply with the relevant policies of the Horsham District Planning Framework (2015) and guidance within the NPPF, and the application is therefore recommended for approval subject to appropriate conditions.

### Community Infrastructure Levy (CIL)

- 6.18 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.19 **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	384	449	0
		<b>Total Gain</b>	
		<b>Total Demolition</b>	<b>449</b>

- 6.20 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.21 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 be begun before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental 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).

- 4 **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).

- 5 **Pre-Commencement Condition:** Prior to the commencement of relevant works for the erection of the dwelling hereby approved, the existing buildings on site, as shown on drawing no. D17107\_A\_1007 REV P1, received 17 July 2019, which have been indicated with staggered red lines, shall be demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

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

- 6 **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, roofs windows, doors, solar panels and balustrading and terrace areas 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).

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

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

- 8 **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 Policies 10 and 37 of the Horsham District Planning Framework (2015).

- 9 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse 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:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Details of any external lighting

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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of the 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 no. D17107\_A\_1002 REV P1, received 22 February 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).

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

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

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

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

- 13 **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, C, E, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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