



TO: Planning Committee North

BY: Head of Development

DATE: 3 September 2019

DEVELOPMENT: Demolition of existing agricultural building and erection of a detached two storey dwelling and stables building.

SITE: Upper Bottle House Stane Street Slinfold Horsham West Sussex RH13 0RE

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/19/0905

APPLICANT: **Name:** Mr Michael Chambers **Address:** Upper Bottle House Stane Street Slinfold Horsham West Sussex RH13 0RE

REASON FOR INCLUSION ON THE AGENDA: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Full planning permission is sought for the removal of an existing barn type structure and the erection of a two storey, 2-bed dwelling with associated parking and landscaping works. The proposals also include the erection of a stables building.

1.3 The proposed dwellinghouse would be served by an existing access point from Stane Street to the east and would be designed in an 'L' shaped configuration. It would include a sitting room, kitchen/dining room, study, and WC facilities at ground floor level and 2no bedrooms and 2no bathrooms at first floor level. The proposed dwellinghouse would have an overall width of approximately 8.5m and an overall depth of 11.25m and would have an overall height to the ridge of 5.6m. The proposal would incorporate dormer windows and a gabled roof design. The proposed floorspace of the proposed dwelling would measure approximately 130sqm.

- 1.4 The proposed stable structure would measure 8.89m by 10.3m and would have an 'L' shaped configuration. The stables would incorporate a traditional truss roof design as would provide 3no individual stables boxes, a tack room and a store. The proposed stable structure would have a maximum height of 3.9m to the top of the truss roof. The proposed stable building would be positioned within an existing grassed area located to the south of the proposed dwelling and would incorporate a small hardstanding area to provide appropriate access to the stable building. The stables would be used by the applicants. The scheme includes an area to be used as a paddock adjacent the new house and Stane Street.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a detached dwellinghouse and associated land on the western side of Stane Street (A29) some 1.6km north of Five Oaks and 1.6km from Slinfold. The site comprises a dwelling and incidental curtilage with surrounding land within the same ownership. The site as a whole comprises a number of detached outbuildings in both ancillary residential and agricultural use. The site is outside of any settlement boundary, is not within a conservation area. A listed building lies to the north of the site at Lower Bottle House. . Given the location of the site outside of any defined built up area boundary, it is considered to be located within the countryside. A public right of way is located to the north and west of site.
- 1.6 Planning permission has been granted for a day nurse building to the rear of the Upper Bottle House, the main dwelling on the wider site, under planning reference DC/17/2886. The wider site also benefits from a barn type structure which appears to house livestock and an area of grazing land to the west of the main dwelling.

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 29 - Equestrian Development.

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

Policy 33 - Development Principles.

Policy 40 - Sustainable Transport.

Policy 41 - Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Slinfold Parish Neighbourhood Plan 2014-2031 was 'made' in June 2018. The following policies and strategic objectives are of particular relevance:
Strategic Objective: Protect and enhance the rural character, heritage assets and biodiversity of the Parish.
Policy 4: Conserve and Enhance Biodiversity
Policy 5: Development Principles

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/17/2752	Demolition of existing garage and garden structures and erection of replacement detached single storey residential outbuilding to rear of main dwelling. (Certificate of Lawful Development - Proposed)	Application Refused on 14.02.2018. Subsequent appeal dismissed.
DC/18/1017	Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 8m, for which the maximum height would be 4m, and for which the height of the eaves would be 2.5m	Prior Approval Not Required on 22.06.2018
DC/17/2886	Outline application with all matters reserved for erection of nursery building and associated change of use from agricultural land to nursery (Use Class D1).	Application Permitted on 05.11.2018

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. Conditions recommended in relation to the hours of working and waste removal.
- 3.3 **HDC Heritage Officer:** Verbal Comments – No objections raised

OUTSIDE AGENCIES

- 3.4 **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. If the stables are to be used for commercial WSCC would need to be re-consulted. Conditions and a note to applicant recommended relating to parking, cycle parking and turning.
- 3.5 **Southern Water:** Comment. No public foul sewer in the vicinity of the site. Alternative means of foul sewage disposal to be explored.

PARISH COUNCIL

3.6 **Parish Council Consultation: Objection.**

- Contrary to Policy 4 of the HDPF.
- Dwelling put forward as providing a smaller dwelling in the parish however the applicant is to move into the property.
- Proposed stable building is much larger than the existing building.
- Agricultural use of the site.
- Design of dwelling unsympathetic to rural surroundings.
- Overdevelopment of the site.
- Urbanisation of a property in a sensitive rural area.

PUBLIC CONSULTATIONS

3.7 12 letters of support were received from 12 separate households. The nature of these supporting letters can be summarised as follows:

- The existing building is unsightly.
- The new dwelling would improve the site and setting.
- The proposal would help with housing provision.
- Additional stabling would be beneficial.

3.8 1 letter neither supporting or objection to the proposal was also received. The nature of this letter can be summarised as follows:

- Proposed nursery building in this location was refused as the site is agricultural.
- If principle of new dwelling is acceptable, a nursey building on the site should be revisited.
- Conditions recommended relating to use of the stable building.

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 issues are the principle of the development in the location and the effect of the development on:

- The character of the development and the visual amenities of the street scene.
- The amenities of the occupiers of adjoining properties.
- Highways impact and other material considerations.

Principle of development

6.2 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 needs to be considered in the context of Paragraph 79 of the NPPF and policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).

- 6.3 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and advises that new isolated homes in the countryside should be avoided unless there are special circumstances. On the basis of the available information, it is not apparent that the schemes architectural quality would be sufficient to significantly enhance its immediate setting, and the proposed dwelling, by virtue of its design, size and positioning, would be a clearly noticeable feature in the landscape, which currently benefits from an open feel and undeveloped nature. It is not therefore considered that the proposal could be regarded as a special circumstance under Paragraph 79 of the NPPF that would allow the construction of an isolated dwelling in the countryside to be supported.
- 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 or the Slinfold Parish Neighbourhood Plan. The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.
- 6.5 The site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF. The principle of the proposed development outside of any defined built-up area boundary is contrary to the overarching spatial strategy and principles of the NPPF and HDPF. As the site lies outside of any defined built up area, it is therefore considered to be within a countryside location in policy terms. In this countryside location, the site is required to be considered against Policy 26 of the HDPF which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale, whilst in addition meeting one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. The proposed development does not meet any of the criteria set out in the policy, nor is it considered to be essential to its countryside location.
- 6.6 The application site is located approximately 1.6km away from the built up area boundary of Slinfold to the north. As such, it is considered that there is a clear separation and a significant difference in character when comparing the application site and its immediate surrounds with the built up area of Slinfold. The application site would not be well related to the defined settlement of Slinfold, with future occupiers of the dwelling likely to be highly dependent on the use of private vehicle in order to access services and facilities.
- 6.7 Recent appeals decisions have backed up this approach where sites outside of built up area boundaries, but in some case close to settlements, have been considered to be contrary to the locational strategy policies of the HDPF and result in an unsustainable form of development.
- 6.8 It is considered that the scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF. The proposal for a new building dwelling on the site is not considered to be essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development in this location. Additionally, the site has not been allocated for housing development with the 'made' Slinfold Neighbourhood Plan and was therefore not deemed to be appropriate for housing at a local level.
- 6.9 It is noted that the applicant considers that a potential fall-back position exists as the existing building/structure to be removed could benefit from permitted development rights for conversion to residential under Class Q of The Town and Country Planning (General

Permitted Development) (England) Order. In order to benefit from permitted development rights under Class Q, the proposal would need to meet a number of criteria, including the use of the building for agricultural purposes and the building being convertible to residential without significant structural works being undertaken.

- 6.10 A structural survey submitted in support of the application details that the building could be upgraded and made structurally sound, with the roof temporarily supported by scaffolding with the structural columns concreted into a new foundation slab. It is noted that the structure is of a simple timber construction, with the timber poles supporting the roof and walls. Whilst the findings of the submitted structural report are noted, and the building may be appropriate for conversion to a dwelling with structural works, there is concern that the level of the works required to enable its conversion to residential would go beyond that considered to be reasonably necessary and permitted under Class Q.
- 6.11 In addition, in order to benefit from permitted development rights under Class Q, a building needs to have been used solely for an agricultural use as part of an established agricultural unit for a specified period of time; this being either on 20 March 2013, for a period of at least 10 years if the site was brought into an agricultural use after March 2013, or in the case of a vacant building in March 2013, when it was last in use. From aerial mapping available to Officers it appears that the building was installed/erected on the site at some point between 28 August 2013 and 26 September 2018, at which point the surrounding land had also been subdivided to form various paddocks, although it is noted that some form a historic footings were present on the site prior to this date. The building does not therefore appear to have been present on 20 March 2013 and cannot benefit from permitted development rights under Class Q for a period of 10 years from the date the building was constructed.
- 6.12 Additional information has been provided by the applicant with regards to the building purporting that it was indeed in situ on the appropriate date to be able to benefit from permitted development rights. It is noted that there does appear to be some sort of frame present from Street View Images from 2010, however this is not clear and does not indicate conclusively that this is the existing building in question. Notwithstanding this, given that these images simply show a frame, Officers contend that it would appear that the existing building on site is a complete new build when compared to the historic images available.
- 6.13 Further, from an Officer site visit undertaken to the site, there is concern as to the use of the building, and whether it is being used solely for agricultural purposes as part of an established agricultural unit, and it appeared that that the building was being used more so for the housing of a number of animals more akin to a hobby farm use.
- 6.14 Given that there are doubts raised with regards to the condition of the building, the level of works required to facilitate its change of use to residential, and the length of time that it has been present on the site, it is considered that there is no fall back position on which to rely on to justify the construction of a new residential property in this location.
- 6.15 The proposal also includes the construction of a new stable building providing 3no individual stables boxes, a tack room and a store. Policy 29 of the HDPF states that equestrian related development will be supported provided that it can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered; that the proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings; and that the proposal should, where possible, be well related to a bridleway network. The proposed stables would be for the private use of the applicant. If recommended for approval, a condition could be imposed limiting their use for private ancillary use only and not for commercial purposes. Subject to materials, the stables are also considered appropriate in terms of their design and are appropriate for this countryside location.

- 6.16 For the reasons set out, it is considered that the proposed development would not accord with the core principles of sustainable development, contrary to policies 1, 2, 3, 4, 15 and 26 of the Horsham District Planning Framework. It is also considered that the proposed development would not be of such exceptional quality or innovative design as to meet the tests of Paragraph 79 of the National Planning Policy Framework. It is therefore recommended that the application is refused on the grounds that the proposed dwelling is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted neighbourhood plan, and that the need for a stable building has not been adequately justified, and therefore the proposal represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and guidance within the NPPF.

Character and appearance of the proposal and visual amenities of the street scene

- 6.17 Policy 32 of the HDPF requires high quality design that complements the locally distinctive character of the district and contributes a sense of place in the way they integrate with their surroundings. Policy 33 of the HDPF sets out the Council's development principles in order to conserve and enhance the natural and built environment. The policy, amongst other criteria, requires proposals to ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views and be locally distinctive in character and respect the character of the surrounding area.
- 6.18 The proposed dwelling would consist of waney edge timber boarding to the external walls, natural slate tiles to the roof and aluminium framed fenestrations. The proposed dwellinghouse would be designed in an 'L' shaped configuration and would incorporate a shallow pitched roof design, high eaves and 2 shallow pitched roof dormers. It is considered that the resultant dwelling would result in an inappropriately designed dwellinghouse which would have an urbanising effect on this rural countryside location. Whilst the use of timber cladding and natural slate would be acceptable, the overall design would not be in keeping with the surroundings and would result in an incongruous addition within this rural setting. Paragraph 131 of the NPPF states that – "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It is considered that the proposed dwelling would not represent good design and would therefore be contrary to this section of the NPPF.
- 6.19 Looking at the existing dwelling on site, and neighbouring properties to the north, it is considered that the proposed design of the new dwelling would not be in keeping with this neighbouring development. The existing properties in the vicinity generally consist of a steeper pitch in terms of roof form and the shallower pitch proposed for the new dwelling would not be in keeping with this design feature. The proposed flat roof dormers and high eaves would also form unsympathetic features and would not relate appropriately when viewed against existing development. It is noted that there is a Public Right of Way (PROW) located to the north and west of the site. The proposal would be visible from this vantage point as well as the public Highway to the east. The proposal would therefore not accord with Policy 5 of the Slinfold Neighbourhood Plan, or the aims of the HDPF or the NPPF with regards to design.
- 6.20 Details have been provided with regards to the curtilage to be created for the dwelling. The plans indicate that a relatively small curtilage would be provided to serve the dwelling with the parking located just outside this curtilage. A plan has also been provided outlining the various uses of the land within the red line, the majority of which would be equestrian in connection with the proposed stables building. No information has been included with regards to the boundary treatments of hard and soft landscaping, however, if the application is recommended for approval this information can be required via a suitable condition.

- 6.21 It is therefore considered that the proposal as submitted is contrary to policies 26, 32 and 33 of the HDPF (2015), Policy 5 of the Slinfold Neighbourhood Plan (2018) and paragraph 79 of the NPPF which seek to protect the character of areas, ensure that development is sensitively designed and is of a high quality.
- 6.22 The proposed dwelling is set a significant distance from the listed building at Lower Bottle House to the north. With this separation the proposed house and stables would not affect the setting of the listed building and the Council's Heritage Officer has not raised any objections in this regard.

Impact on neighbouring amenity

- 6.23 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. Given the relationship of the proposed dwelling and stable building with neighbouring properties, and the distances maintained, it is considered that the proposals would not have a detrimental on the amenities of neighbouring properties, in accordance with Policy 33 of the HDPF (2015).

Quality of the resulting environment for future occupiers

- 6.24 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwelling. As such, it is considered that there would be an appropriate quality level of environment for the future occupiers of the proposed dwelling in accordance with Policy 33 of the HDPF (2015).

Parking, transport and highways implications

- 6.25 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposed dwelling and stables would be served by an existing access point from Stane Street which also serves the existing dwelling at Upper Bottle House. 2no parking spaces would be provided to serve the proposed dwelling. This would be in-line with WSCC Parking Standards 2019 in this rural location. The driveway would also be used by the approved nursery to the rear. Following consultation with WSCC Highways, who raised no objection to the proposal on highways or parking grounds, it is considered that the proposal would be acceptable in this regard, and therefore accord with policies 40 and 41 of the Horsham District Planning Framework (2015).
- 6.26 Notwithstanding the above, the application site is located within a rural location outside of any built up area boundaries. As such, any future occupants of the dwelling would be heavily reliant on the private car for transportation to and from the site. It is therefore considered that the site is an unsustainable location for new housing provision and would not be acceptable in this regard.

6.27 Other Considerations

Ecology

- 6.28 Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. From a case officer site visit and inspection of the existing site and the existing building to be removed, no apparent ecology concerns are raised and it is considered that the proposals would have a low ecological impact and overall the proposals are considered to be acceptable in this regard.

Drainage

- 6.29 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Southern Water have commented that there is no public sewer in the vicinity of the site. If recommended for approval, a condition could be imposed requiring the submission and approval of details relating to the proposed means of foul and surface water drainage for the site prior to commencement of development.

Proposed use of the land for a paddock

- 6.30 As part of the proposals in relation to the erection of the stables building, the application includes the change of use of a section of land to the southern corner of the site, which would be used as a paddock area. Whilst this area of land is in close proximity to the eastern boundary of the site which adjoins the public highway, it is considered that the use of this land for equestrian purposes would be acceptable and would not be uncommon within this rural setting, in accordance with Policy 29 of the HDPF.

Conclusion and planning balance

- 6.31 It is considered that the scheme, for the construction of a new dwelling with associated stable building, would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF. The proposal for a new building dwelling on the site is not considered to be essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development in this location. Additionally, the site has not been allocated for housing development with the 'made' Slinfold Neighbourhood Plan and was therefore not deemed to be appropriate for housing at a local level. As outlined, the applicant's fall back argument regarding the potential to convert the barn to residential use under Class Q is disputed. The proposal is also considered inappropriate in terms of its design and would stand out in this location as an unsympathetic addition.

Community Infrastructure Levy (CIL)

- 6.32 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.33 **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	130	0	130
	Total Gain		
	Total Demolition		59

- 6.34 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.34 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 It is recommended that planning permission is refused for the following reasons:

Reasons for Refusal:

1. The proposed dwelling is located in a countryside location, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted neighbourhood plan. The Council is able to demonstrate a 5-year housing land supply and consequently the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development is not essential to its countryside location. Consequently, the proposal for a new dwelling on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015), Policy 5 of the Slinfold Neighbourhood Plan (2018) and guidance within the National Planning Policy Framework (2018).
2. The proposed dwelling, by virtue of its design and appearance, would result in an unacceptable addition within the site which would result in an urbanising effect on the countryside. The proposed dwelling would represent an incongruous, unsympathetic and unacceptable design which would not be in keeping with the rural character of the countryside location and would be insensitive and harmful to the open setting of the site. The proposal is therefore contrary to policies 26, 32 and 33 of the Horsham District Planning Framework (2015), Policy 5 of the Slinfold Neighbourhood Plan (2018) and policies within the National Planning Policy Framework (2018).

Background Papers: DC/19/0905