



TO: Planning Committee (South)

BY: Head of Development

DATE: 19 November 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, Coldwaltham and Amberley

APPLICATION: DC/19/0209

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

REASON FOR INCLUSION ON THE AGENDA: To update Members following the resolution of the Committee at its meeting on 16 July 2019

RECOMMENDATION: To approve planning permission subject to the conditions set out in the Officer's report of 16 July 2019.

1. INTRODUCTION

1.1 Members will recall that planning application DC/19/0209, for the change of use of an existing building used as ancillary accommodation to a residential dwelling, was presented to Planning Committee (South) at its meeting in July 2019. At this meeting it was resolved that the application be deferred to allow for:

- (i) A site visit with Planning Committee South members; and
- (ii) A site visit with the Chairman, Cabinet Member for Planning & Development, Local Members and WSCC Highways Authority officer;

to consider the safety of the junction of Batts Lane with Mare Hill Road (A283). This followed concerns raised by local residents and Pulborough Parish Council in respect of the suitability of the junction of Batts Lane with the A283.

1.2 A site visit was undertaken with Councillor Paul Clarke, Councillor Brian Donnelly and representatives of West Sussex County Council's highway department on 22 August 2019. A further site visit was undertaken on 26 September 2019 with a number of Members of Planning Committee (South) to view the Batts Lane/Mare Hill Road access.

1.3 Since the drafting of the Officer's report which was considered by Members at the July meeting of Planning Committee (South), a further 10 letters/emails of objection have been received from 8 households. These can be summarised as raising the following issues:

- 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'.
- A new access into the site has already been constructed.

2. PLANNING ASSESSMENTS

- 2.1 At the site visit on 22 August 2019, the Chair and Vice-Chair of Planning Committee (South) discussed with the WSCC Highways officers the concerns raised by Members over the suitability of the access from Batts Lane onto Mare Hill Road. It was noted that the National Planning Policy Framework (NPPF) sets out at Paragraph 109 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.'*
- 2.2 The WSCC Highways officers acknowledged that the access onto Mare Hill Road is a historic access and appreciate that it is substandard. The WSCC Highways officers were however of the view that the application for the conversion of an existing annexe to a single dwellinghouse was not anticipated to result in a material intensification of use over the existing potential of the annexe. It was also noted that there had been no recorded injury accidents within the vicinity of the junction in the last five years and therefore, despite the concerns raised by local residents, there is no evidence to suggest that the junction is operating unsafely. The WSCC Highways officers remained of the view 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 not anticipated to be an intensification of use and no evidence of safety concern within recent history.
- 2.3 The concerns raised by local residents in the additional letters/emails received largely reflect those considered within the Officer report of 16 July 2019 which is appended to this report for Members information. Whilst concerns have been raised in respect of the design not being appropriate to the surrounding area, the proposal relates to the change of use of an existing building with no alterations proposed to the exterior of the building. With regards to the granting of permission setting a precedent for similar 'garden grabbing' proposals, Members will be aware that each application is considered on its own merits, with proposals considered against national guidance and local policies and taking into account material planning considerations and advice received from statutory consultees. In respect of comments raised about a new access into the site already been created, the Council's Planning Compliance team have investigated this issue and, as West Mare Lane is a private road, permission for the new access is not required. Notwithstanding this, the approved block plan relating to application DC/08/0808, which granted permission on appeal for the change of use of the log cabin from ancillary use to accommodation for dependant parents, showed a new gated access off Mare Hill Lane.

CONCLUSION

- 3.1 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.
- 3.2 WSCC as the Local Highway Authority have been consulted on the current application for the change of use of the existing ancillary accommodation to a dwelling at Mare Meadow. Having visited the site they have confirmed that there are no highway safety issues resulting from the access and that as such there are no objections to the application.

- 3.3 It is acknowledged that a planning application for the erection of a single dwelling adjacent to Brambles, Batts Lane was refused by Horsham District Council, following concerns raised by WSCC Highways, and dismissed at appeal on the grounds of highway safety under application PL/28/95. However it should be noted that the National Planning Policy and highways technical guidance has changed since this time, with the introduction of the NPPF in 2011 (revised in 2019) and Manual for Streets (MfS) in 2007.
- 3.4 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 Horsham District Planning Framework and the application is recommended for approval subject to the conditions set out in the Officer's report of 16 July 2019.
- 3.5 The officer recommendation is therefore to approve planning permission with the imposition of conditions as set out within Appendix 1, and as details below for your reference.

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).