



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 18 February 2020

**DEVELOPMENT:** Erection of 1 detached and 2 semi-detached single storey dwellings

**SITE:** Pear Tree Farm Furners Lane Woodmancote Henfield West Sussex BN5 9HX

**WARD:** Henfield

**APPLICATION:** DC/19/0742

**APPLICANT:** **Name:** Tracey Tingey **Address:** C/O Agent Melton Lodge

**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 conditions

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks consent for demolition of the existing two buildings on the site and for the erection of two replacement buildings. The buildings would provide a detached 3-bed dwelling and a semi-detached pair of 2-bed dwellings. The building would reflect the siting, form and scale of the existing buildings which are to be demolished, with the key change being the insertion of fenestration, some of which would be full-height, to all elevations.

**DESCRIPTION OF THE SITE**

- 1.2 The application relates to two single-storey storage buildings sited on the southern edge of land to the north of Furners Lane. The buildings are currently in use for the storage of tyres. The site is enclosed by vegetation to the southern boundary, which adjoins Furners Lane, which is designated along its length as a Public Right of Way (Footpath No.2540).
- 1.3 The application site is outside of any settlement boundary, being sited approximately 720 metres east of Henfield. Pear Tree Farm has a single point of entry onto Furners Lane, which is currently a gated entrance. It is believed to have been an orchard some 30 years ago and was part of a wider land-holding, comprising the adjacent land which now forms part of the residential property, Turnham's Gill, to the west. The main use of the wider site is for private equestrian purposes.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### 2.2 National Planning Policy Framework

#### 2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 30 - Protected Landscapes

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

#### 2.4 Henfield Parish Design Statement

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Henfield Parish Council formally submitted their draft Neighbourhood Plan 2017 - 2031 to Horsham District Council under Regulation 15 of the Neighbourhood Planning (General) 2012 (as amended) on 30 October 2019. In accordance with Regulation 16, Horsham District Council undertook consultation from Friday 8 November 2019 to 5pm on Friday 19 December 2019. The draft plan has not been Made and is currently of limited weight.

#### 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1401	Prior Approval for Change of Use falling within Class B8 (storage or distribution centre) to dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 31.08.2017
DC/07/2006	Change of use of approx. 180 square metres of agricultural land to hardstanding for private equestrian use of site (Retrospective)	Application Permitted on 24.10.2007
HF/103/02	Certificate of lawful development relating to the commercial storage of up to 600 used tyres for subsequent distribution	Application Permitted on 12.05.2003

## 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 Environmental Health:** Comment, additional information should be required in relation to noise, contamination and air quality.
- 3.3 **HDC Landscape Architect:** No objection. The approved DC/17/1401 application's submitted plans are identical to the current application (which could be implemented) and there is no identifiable increase in the effect on Landscape Character or Visual Amenity as a result

#### OUTSIDE AGENCIES

- 3.4 **Southern Water:** Comment. The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 3.5 **WSCC Highways:** Comment. This proposal is for the erection of 1 detached dwelling and 2 semi-detached dwellings. Prior approval for this development was granted for this site, under application DC/17/1401. No highways concerns were raised in this application.
- 3.6 **WSCC Rights of Way:** Comment. Public Right of Way (PROW) Footpath 2540 runs along Furners Lane to the south of the proposed development, outside the red line of the planning application boundary. It is understood that the application does not propose any alteration to the PROW.
- 3.7 It is understood that Furners Lane is intended to be the vehicular access route to the proposed development. The increase in traffic, particularly of heavy plant and materials during the construction phase, raises the risk of conflict between users of the Footpath and vehicular traffic. The Applicant should be made aware of the fact that public rights to use the footpath take precedence over any private access rights along Furners Lane. The Applicant should ensure that all vehicles accessing the development are aware of the potential for conflict with walkers and their dogs and that vehicular traffic **MUST** give way to walkers exercising public rights along the footpath/lane.
- 3.8 **Henfield Parish Council:** Objection. Contrary to policies 1, 2, 3, 4, 26 and 27 of the Horsham District Planning Framework (HDPF).

#### PUBLIC CONSULTATIONS

- 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

### Principle

- 6.1 Policies 3 and 4 of the Horsham District Planning Framework (HDPF) state that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or 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.
- 6.2 The application site is located within the countryside outside of any defined settlement, is not allocated in a Local Plan and there is currently no Made Neighbourhood Plan for the Parish of Henfield. Furthermore, there is no evidence to suggest that the proposed development is essential to its countryside location. On this basis, the proposal is contrary to the above policies and at odds with the spatial strategy set out in the HDPF.
- 6.3 Notwithstanding the above policy conflict, the site benefits from an extant prior approval for the conversion of the existing storage buildings to form three dwellings. These dwellings were granted prior approval through the Town and Country Planning (General Permitted Development) (England) Order 2015, with the change of use not requiring planning permission from the Local Planning Authority. The presence of this prior approval represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of a residential unit on the site.
- 6.4 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 3, 4 and 26 of the HDPF would not be warranted and would not prevent dwellinghouses from being created on the site. On this basis, therefore, the current application is considered in principal to be an acceptable departure from the development plan.

### Character and appearance

- 6.5 Policies 25 and 26 of the HDPF seek to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats: development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.6 Policies 32 and 33 of the HDPF stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.7 The proposed development would reflect the siting, scale, form and design of the existing buildings on the site which are proposed to be demolished. The proposal would not therefore introduce any additional bulk or mass to the site and would not, as a result, have any adverse impact on the character or appearance of the site or wider surrounding area. It is acknowledged that brief views of the buildings would be possible from the adjoining right of way to the south of the site. This is though no different to the existing arrangement, and given the form, scale and materials would be comparable to the existing buildings no harm would result to public views of the site.
- 6.8 The development would provide curtilages to each dwelling which would be slightly larger than those permitted under the existing prior approval. The wider visual impact of this would

though be limited due to the extensive and robust screening which encloses the site. There would be limited potential for future extensions and alterations to the dwelling, including through the erection of outbuildings, with permitted development rights for such additions to be removed through condition. It is therefore considered that the proposed incidental curtilages would not result in any harm to the landscape character of the site or surrounding area, with a condition recommended to secure details of boundary treatments to ensure an appropriate detail.

- 6.9 For the reasons outlined above it is considered that the visual impact and design of the proposed development would accord with the above policies.

### **Impact on amenity**

#### Neighbouring residents

- 6.10 Policy 33 of the Horsham District Planning Framework 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.
- 6.11 The proposed location of the dwellings would be similar to the existing buildings which have prior approval for a change of use to residential. As such, and taking into account the significant separation from adjoining properties, it is considered the proposal would not result in significant harm to neighbouring amenity.

#### Future occupants

- 6.12 The development would create 1 x 3-bed and 2 x 2-bed dwellings with adequate room sizes, natural light and ventilation throughout. The proposed curtilages associated with each unit would be relatively modest, particularly in comparison to adjoining residential development. The curtilages are though considered broadly proportionate to the size of the associated dwellings, and given they are comparable to those which could be created through the existing prior approval it is not considered that any concerns in this regard would substantiate a reason for refusal. The nature of adjoining uses would not be expected to create harmful levels of noise or disturbance for future occupants, with no air quality concerns in the immediate vicinity of the site. A condition is recommended to resolve any outstanding queries relating to contamination. It is therefore considered that the development would create an acceptable standard of accommodation for future occupants.

### **Highway impacts**

- 6.13 Policy 40 of the HDPF recognises the need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users.
- 6.14 The development would make use of existing access arrangements to the site and this reflects the approach taken for the existing prior approval on the site. In comparison to the existing use of the application site (for the storage of tyres) the proposal would likely represent a reduction in vehicular movements to and from the site and there are no reasons to believe this would adversely impact on highway safety, including for other users of the right of way.
- 6.15 The proposed development makes provision for 2 parking spaces to each dwelling, with the spaces meeting standards set out in the Manual for Streets. An amended plan has been received to include this parking within the red line of the application site with the level of provision considered acceptable in this location.

## Other considerations

- 6.16 The neighbouring land to the north-east of the site is subject of a current appeal (against the refusal of planning permission) for a gypsy site comprising 3 pitches and associated utility building (ref: DC/17/1374). This case is linked with a further appeal against an enforcement notice relating to a change of use of land for the stationing of residential caravans and for the stationing of storage containers (ref: EN/18/0018).
- 6.17 This proposal would not affect or prejudice the above outcome of the above cases. While the site access would serve the proposed dwellings and the wider site to the north the lawful use of the site is primarily for equestrian related uses, including as a paddock. The arrangement of the proposed dwellings and adjoining land, which would reflect that resulting from the existing prior approval, would not be unexpected or unusual in a countryside location. The access to the site is well defined and the level of lawful activity on the site would not be at a level which would be undesirable in this location.
- 6.18 The proposal would result in the loss of buildings used for the commercial storage of tyres. While the HDPF seeks to retain land in commercial use in this instance its loss would result from the implementation of the extant prior approval. As the refusal of this application would not result in the retention of this commercial use there are considered to be no concerns in this regard.
- 6.19 There is no evidence before the Authority that the proposed development would impact upon protected species, habitats or trees. There are no relevant heritage assets or archaeological designations that would warrant consideration in this instance.

## Conclusion

- 6.20 The site is within a countryside location and has not been allocated for residential development, with the proposal not comprising a development essential to this countryside location. The proposal therefore conflicts with policies 3, 4 and 26 of the HDPF. The principle of residential development on the site has however been established by the existing Prior Approval for the conversion of the existing buildings to 3no dwellinghouses. This is considered to form a realistic fall-back position carrying significant weight in the planning balance.
- 6.21 Whilst being a departure from planning policy the proposed development would not result in any greater material impacts than the extant prior-approval which would otherwise be implemented. The development, taking into account this fallback position, is therefore considered acceptable.
- 6.22 COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**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	278.8	278.8	0
	<b>Total Gain</b>		<b>0</b>
	<b>Total Demolition</b>		<b>278.8</b>

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

6.29 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 permitted 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 (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, roofs and doors 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).

- 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 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).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatments associated with that dwelling have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 8 **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 or Class A of Part 2 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).