



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 18 February 2020

**DEVELOPMENT:** Demolition of existing barn and erection of 3.No attached single storey dwellings with associated car parking.

**SITE:** Woodhouse Farm, Wheatsheaf Road, Woodmancote, BN5 9BA

**WARD:** Bramber, Upper Beeding and Woodmancote

**APPLICATION:** DC/19/2128

**APPLICANT:** **Name:** Mr Colin Broucke **Address:** Woodhouse Farm, Wheatsheaf Road, Woodmancote, BN5 9BA

**REASON FOR INCLUSION ON THE AGENDA:** The application, if approved, would represent a departure.

**RECOMMENDATION:** That planning permission be granted.

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the demolition of an existing cattle shed and the erection of 3x attached dwellings of an identical footprint, scale, form, height and massing.
- 1.2 The existing cattle shed benefits from 'prior approval' under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for conversion to three dwellings (DC/19/0923), with this application advanced as an alternative to the 'fallback position' that exists in relation to the existing prior approval.
- 1.3 The proposed dwellings would be contained within a building measuring 32m in length, 10.9m in depth, incorporating an 'off-centre' dual-pitched roof erected to an eave height of 3.1m and 5m in overall height. These dimensions are identical to those of the pre-existing building, and the plans previously approved in connection with the extant prior-approval.
- 1.4 The proposal would provide modest private garden spaces to the front (north) of each dwelling, together with 3 covered car parking spaces and 6 external car parking spaces a short distance to the north of the proposed dwellings across a turning head.
- 1.5 This proposal follows a previous refusal of planning permission (DC/19/1489) which sought permission for the demolition of the existing barn and provision of three detached new build dwellings to the north. This preceding application was refused on the grounds of design and resulting suburbanising effect.

## DESCRIPTION OF THE SITE

- 1.6 The application site is found ~1.2km east of the defined built-up area of Henfield, and accessed via the B2116 ~1.2km north of the site. The site comprises of an existing agricultural barn, which is proposed for demolition, and an area of hardstand found to the north of the existing barn. The site is found adjacent to a larger barn that attained permission for conversion to four dwellings (DC/18/2165) and to the immediate south of the parking area approved in connection with that development.
- 1.7 The site is found in close proximity to existing residential units at 'The Granary' and 'The Barns' located to the north-west, and is adjacent to several lesser rural utility buildings to the south and east. The site, overall, possesses a utilitarian agricultural character owing to ongoing agricultural activities.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

#### 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 15 - Strategic Policy: Housing Provision  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 41 - Parking

#### 2.4 **Woodmancote Parish Neighbourhood Plan 2016-2013:**

The Woodmancote Parish Neighbourhood Plan was formally adopted in March 2017 and forms part of the statutory development plan. The following policies of the Neighbourhood Plan are deemed of relevance to this application:

Policy 1 – A Spatial Plan for the Parish  
Policy 2 – Housing Windfall Site  
Policy 3 – Design

## 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1489	Demolition of existing barn and erection of 3.No detached dwellings with associated parking.	Application Refused 22.07.2019.
DC/19/0923	Prior approval for a proposed change of use of agricultural building to 3.No dwellinghouses (Class C3)	Prior Approval Required and Permitted on 21.06.2019
DC/18/2165	Conversion of an agricultural building to 4 two storey dwellings.	Application Permitted on 06.12.2018
DC/18/1004	Prior Approval of Proposed Change of Use from an agricultural building to 3 dwellings (C3 Use Class)	Prior Approval Required and permitted on 03.07.2018
DC/18/1001	Prior Approval of Proposed Change of Use from an agricultural building to 5 dwellings (C3 Use Class)	Prior Approval Required and permitted on 03.07.2018
WK/8/02	Prior notification to erect an agricultural building Site: Woodhouse Farm Wheatsheaf Road Woodmancote	Application Permitted on 29.04.2002

## 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)

### **WSCC – Highways:** No objection:-

- 3.2 The Local Highways Authority (LHA) considered that the proposal would not unacceptably impact upon highway safety or operation. The LHA Officer noted that there is no evidence of pre-existing safety concern at the point of connection to the publicly maintained highway network, or suggestion that the proposal would materially worsen highway safety conditions.
- 3.3 The LHA further noted that the proposed would provide 9 parking spaces for use in association with the proposed development, however, with only the 6 external parking spaces satisfying Manual for Streets standards. The applicant was advised to consider revising the depth of proposed covered parking spaces to accord with Manual for Streets standards, though it was accepted that the 6 external parking spaces would prove sufficient to meet the anticipated demand for 3 dwellings in accordance with adopted WSCC standards.
- 3.4 The LHA noted, given the rural location of the application site, that future occupants of the proposed dwellings would likely be highly reliant on the use of the private vehicle for the majority of daily journeys. A condition requiring the provision of covered and secure cycle parking facilities was recommended, however, in order to promote sustainable modes of travel.

### **Southern Water:** Advice:-

- 3.5 Southern Water responded to advise of the locations of nearby public foul and surface water sewers. The applicant was advised to consult with the Environment Agency directly regarding the provision of a private waste water facility.

### 3.6 **Historic England**

Historic England responded to advise that they did not wish to offer comments on the information available to date, and suggested that the Authority seek its own specialist advice.

**Woodmancote Parish Council:** No objection:-

3.7 No objection, subject to parking/garaging standards being satisfied.

#### PUBLIC CONSULTATIONS

3.8 A single letter of support was received in connection with the proposal. This confirmed overall support for the proposal, however, did seek to raise concerns in respect of:

- Highway safety and proposed access arrangements;
- Impacts of development on local water pressure.

## 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 of Development

- 6.1 Policies 3 and 4 of the HDPF outline the spatial strategy and hierarchy approach of the local plan. This strategy seeks to concentrate development within defined built-up areas and around the key settlements of the District, promoting a planned approach to settlement expansion to satisfy unmet local needs through Development Plan allocation.
- 6.2 Policy 26 of the HDPF seeks to protect the countryside from inappropriate development. Outside of a built-up area boundary any proposal must be essential to its countryside location, and in addition 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. Development must protect the landscape quality of its setting and avoid an individual or cumulative significant increase in activity in the countryside.
- 6.3 Policy 1 of the Woodmancote Neighbourhood Plan (WNP) (2017) affords support to development that is substantially concordant with the policies of the local plan and Neighbourhood Plan.
- 6.4 Policy 2 of the WNP affords support to small scale residential development of 5 or fewer dwellings on infill and previously developed sites, subject to design considerations and where development maintains the open character of the Parish, delivers affordable homes (where viable), avoids inadequate access or harm to the amenities of adjoining occupiers. Development would, further, be expected to maintain the integrity of the South Downs National Park and designated Green Links.

- 6.5 The application site is located outside of a defined built-up area, on a site not allocated within the Development Plan. The provision of residential development in this location, therefore, would not usually be supported on the basis of assessment against the spatial strategy and hierarchy approach of the Development Plan.
- 6.6 In this instance, however, the site currently benefits from a 'fallback' position for the conversion of the existing cattle shed to form three dwellings in relation to prior approval granted in June 2019 under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.7 Fallback is a material consideration in the decision making process, and when making a determination, weight needs to be given to the fallback position. The weight to be given to such material consideration varies according to whether what could have been built under previous applications would result in a broadly similar or worse impact to the development proposed; and the reasonable likelihood that if permission were refused, the previous approval would be implemented.
- 6.8 In this instance, the fallback position represents a significant material consideration, and substantial weight must be afforded to the extant prior approval. The proposed development is substantially identical to the nature and scale of development subject of the extant prior approval, and would not be considered (as outlined in subsequent sections of this report) to give rise to any greater adverse impacts in terms of landscape impact, amenity, highway safety/operation, ecology or health and wellbeing than the scheme that could be reasonably implemented in the alternative. The consideration of development in connection with a planning application does, however, afford greater control to the Authority through the imposition of relevant conditions and would ensure an overall greater quality of development. On this basis, therefore, the current application is considered an acceptable departure from the development plan.

#### Character, Design and Appearance

- 6.9 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.
- 6.10 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.
- 6.11 Policy 3 of the WNP provides that the massing, density, scale, landscape design and material composition of all proposed development will be required to reflect the scale, architectural and historic character of surrounding development and be appropriate to the proportions of its respective plot size. Development must utilise high quality, local vernacular building materials, provide adequate and appropriate off-street parking, retain existing vegetation, maintain appropriate separation between dwellings and provide connection to sewerage and water networks where capacity is adequate.
- 6.12 The proposal would result in the creation of a series of three terraced dwellings reflecting the form, siting and scale of the existing cattle barn. The proposal, therefore, would not introduce any additional built form or result in any significant change to the local landscape character or development pattern. The proposed elevations are identical to those previously considered in connection with DC/19/0923 and the extant prior approval for the

conversion of this building. As the proposal currently before the Council seeks the demolition of this building and the construction of a replacement building, it is considered that there is greater flexibility in the use of external materials that are divergent to the current material composition of the cattle barn. Subject to the condition recommended, requiring the submission and approval of a schedule of material types, colours and textures, it is considered that a building of overall greater quality and appearance can be achieved in this instance.

- 6.13 The proposal would introduce private amenity space in association with the three proposed dwellings to the immediate north of the proposed building. No details of soft/hard landscaping have been provided to the Authority, and it is unknown whether existing areas of hardstand are to be retained for use as parking and turning areas. A landscaping condition, requiring details of soft/hard landscaping and boundary treatments, has therefore been recommended in order to secure such details

Amenity:

- 6.14 Policy 33 of the HDPF *inter alia* provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land with sufficient regard to the sensitivity of surrounding development.
- 6.15 *Neighbouring Residents:* The proposed terraced dwellings would be orientated towards the north-east, sited approximately ~12.5m south of the southernmost range of the neighbouring dwelling of 'The Granary'. There would be a limited degree of mutual inter-visibility between the proposed dwellings and The Granary due to the height a pre-existing boundary wall, absence of south facing windows within The Granary's southernmost range and incorporation of covered car-parking spaces at the westernmost extent of the proposed building. While some relationship of mutual inter-visibility may arise between proposed amenity spaces and neighbouring first floor windows, such views would be made an oblique angle and would not be considered detrimental to the privacy of neighbouring occupiers at The Granary.
- 6.16 A significant distance of ~40m would separate the proposed dwellings from those benefiting from extant permission under application DC/18/2165. Distant views between approved south facing windows pursuant to DC/18/2165, and proposed amenity spaces/windows would be possible, however, would be made at some significant distance and across parking/turning areas. Such a relationship of mutual overlooking would not be considered unexpected, given the orientation and layout of these buildings, nor to amount to harm given the significant intervening distance.
- 6.17 As the proposed building would replace an existing barn of equivalent siting, scale and massing, it is not considered that the proposal would result in any material change in relationship with neighbouring occupiers in terms of overbearingness or overshadowing.
- 6.18 *Future Occupants:* The proposal would result in the creation of 3x two bedroom single storey dwellings each possessing a gross-internal area (GIA) of ~81.7m<sup>2</sup> and outdoor space provision of approximately 80m<sup>2</sup>. It is considered that such provision is sufficient to meet the anticipated needs of future occupants.

Parking, Highway Safety and Operation:

- 6.19 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. 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, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking

spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

- 6.20 The proposed dwellings would make use of a pre-existing private way to the B2116 a notable distance north of the application site. As highlighted by the response of the Local Highways Authority, there is no pre-existing evidence of unsafe operation at the point of connection to the public highway and no alterations are proposed to existing public/private highways.
- 6.21 While the addition of three dwellings in this location may result in a material increase in traffic and vehicle movements on the privately maintained highway, there is no evidence that this impact would be materially different or worse than the development which could be implemented in the alternative under the extant prior approval. In this context it is not considered that concerns regarding an intensification of vehicle movements on the privately maintained highway would form a reasonable or defensible ground for objection in this instance.
- 6.22 The comments of the neighbouring occupiers are acknowledged in respect of access arrangements to Woodhouse Farm and vehicle movements to the front of 'The Granary'. The proposed development would make use of a pre-existing access to the immediate south of The Granary in order to access a parking/turning area. This represents an established private way, which is currently utilised by agricultural traffic. While a relocated access further to the south may negate some potential conflict between existing and proposed users in terms of access, it is not considered that this could be reasonably achieved in relation to the proposed layout of development.
- 6.23 Vehicles accessing the covered car-parking spaces (annotated as 1, 2 and 3 on the submitted plans) would do so via a shared private way that additionally affords access to 'Swallow' and 'South' Cottages south of the applications site. Vehicles entering/egressing onto the private way would be approximately 6m in distance from the entrance to The Granary and 'The Barns' and in clear view of all existing accesses, including that to the south. It is considered, especially given the existing degree of separation between The Granary and The Barns to the proposed building, that this proposed arrangement would not unacceptably impact upon the safety of users of the existing private way.
- 6.24 A condition requiring the submission and approval of details pertaining to the provision of covered and secure cycle parking facilities have been recommended in order to promote sustainable modes of travel to the application site.

Other Matters:

- 6.25 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.
- 6.26 The comments of a neighbouring occupier are noted in respect of water pressure, and it is further noted that the applicant has not indicated means of proposed foul/surface water drainage in this instance. It is necessary, therefore, to recommend a condition requiring the submission of a drainage strategy pertaining to the disposal of foul and surface water drainage in order to ensure that the proposed development would be adequately drained.
- 6.27 A further condition, requiring the implementation of development in accordance with the optional Building Control G2 water-use standard of 110 litres per person per day has been recommended to limit the use of water resources: this would represent an improvement to the development that could take place through the existing prior approval on the site. It is considered that the impact of development on water pressure would be materially no

greater than that subject of the extant prior approval, with the development subject to subject to subsequent compliance with Building Control regulations. It is considered that a refusal of planning permission on the sole ground of water pressure would prove unreasonable in this instance.

### Conclusion

- 6.28 It is, overall considered, therefore, that while the proposed development could not be considered concordant with the spatial strategy of the Development Plan, the existence of a fallback position represents a significant material consideration warranting a departure from Development Plan policy in this instance.
- 6.29 The proposal is not considered to result in any greater material impacts than the extant prior-approval which could be reasonably implemented in the alternative, while material improvements in terms of sustainable construction, use of greater quality materials, landscaping and the provision of cycle stores would result in an overall superior development.

## **7. RECOMMENDATIONS**

7.1 It is recommended that permission be granted subject to the conditions listed below.

1. **Plans Condition** (a list of the approved plans)
2. **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3. **Pre-Commencement Condition:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each 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.
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy 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.

The scheme shall subsequent be implemented as approved prior to the first occupation of the dwellings hereby permitted. Any changes to these components require the express 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 appropriately addressed in accordance with Policy 24 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, finishes and colours to be used for external walls, windows, roofs and hard surfaces of the approved development has been submitted to and approved by the Local Planning Authority in writing. 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 will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

7. **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, D, E, F, G or H of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) 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 the constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).