



TO: Planning Committee (North)

BY: Head of Development

DATE: 7 April 2020

DEVELOPMENT: Erection of a 3.No bedroom, two storey dwelling and creation of new vehicular access

SITE: Sandygate Lane Lower Beeding Horsham West Sussex RH13 6LR

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/19/2336

APPLICANT: **Name:** Mr and Mrs Michael Lewis **Address:** Sandygate, Sandygate Lane Lower Beeding RH13 6LR

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 erection of a two-storey dwellinghouse to be located within the side garden area of the existing dwellinghouse known as Sandygate and the creation of an additional vehicular access point onto Sandygate Lane. The proposed dwelling would include a sitting room, a kitchen/dining room, a utility room and a study at ground floor level and three bedrooms and three bathrooms at first floor level.
- 1.3 The proposed dwellinghouse would have an overall width of approximately 13m and an overall depth of approximately 12.4m. The proposed dwelling would have an overall maximum height to the ridge of approximately 7.8m. The proposed dwelling would incorporate front dormers and front and rear gabled elements with a traditional style to its appearance. The proposed dwelling would have Gross Internal Area (GIA) measuring approximately 204sqm.
- 1.4 As part of the proposals, a new vehicular access would be created to serve the existing and proposed dwellings allowing for an in-out configuration to serve both dwellings. Additional hardstanding for parking along with landscaping are also proposed.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a two storey dwellinghouse located on the south-eastern side of Sandygate Lane, Lower Beeding. The site is not located within any defined built up area and is therefore considered to be located within the countryside. The existing dwellinghouse on site is made up of stock brick and cladding to the external walls, a tiled roof and uPVC fenestration.
- 1.6 The existing property benefits from a spacious curtilage with large side and rear garden areas. The site is accessed via an existing access from Sandygate Lane which also serves the neighbouring property to the north east known as Cedar Cottage. The boundary of the site with Sandygate Lane is made up of mature hedging.
- 1.7 It is noted that the Lower Beeding Wastewater Treatment Works is located approximately 190m from the boundary of the application site to the south-east.

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 16 - Strategic Policy: Meeting Local Housing Needs.
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
- Policy 26 - Strategic Policy: Countryside Protection.
- Policy 32 - Strategic Policy: The Quality of New Development.
- Policy 33 - Development Principles.
- Policy 40 - Sustainable Transport.
- Policy 41 - Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The parish of Lower Beeding was designated as a Neighbourhood Development Plan Area was in December 2015. At present there is no plan for the parish.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 No recent or relevant planning history.

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 CONSULTEES

3.2 **HDC Environmental Health:** Comment/Additional Information Requested.

Given the distance between the application site's southern boundary and the sewage treatment works (approximately 220m) and taking into account the prevailing wind direction (south westerly) we are of the view that there is unlikely to be a significant loss of amenity to the proposed development as a result of the proximity of the sewage treatment works. We note however that the application site does lie within Southern Water's 500m buffer zone, we would therefore have no objection to their request for an odour impact assessment to be submitted in support of the application.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** Additional Information Requested.

The Local Highway Authority has been re-consulted following the submission of a statement from the applicant regarding the proposed access.

The applicant has indicated that the proposed access will be 4.5m wide, however whilst the access point to the proposed site appears to be this width, drawing no. 1836.2/02 (Block Plan) at 1:200 scale demonstrates an access width of 11.55m at the carriageway edge. Drawing no. 1836.2/05 (Highway Survey) at 1:1000 scale also demonstrates an access width of 11.55m. As stated previously, the access width at the edge of the carriageway should be no wider than 6.4m. No additional plans have been provided for this re-consultation, as such comments provided on 5th December 2019 would still be relevant and a revised plan demonstrating a maximum width of 6.4m at the carriageway edge is requested.

As previously requested, the applicant's ownership boundary is required to be demonstrated on the Highway Survey Plan in order to assess whether the visibility splays interfere with third party land. Splays crossing into third party land cannot be maintained in perpetuity. The LHA acknowledges the applicant's statement, stating that the splays do not enter into third party land, however, this is required to be demonstrated on the proposed plans.

The Local Highway Authority is not in a position to make a full assessment of the access arrangements, including any improvement, until the matters raised in the LHA's previous response have been addressed.

3.4 **Southern Water:** Objection.

Southern Water objects to the proposed development. In determining the application, we ask that the Planning Authority take into account the provisions of National Planning Policy Framework (NPPF) regarding the encroachment of development towards existing potentially polluting uses.

The proposed development is located approximately 190 metres of the Lower Beeding Wastewater Treatment Works. A precautionary buffer zone distance of 500 metres from the perimeter fence of the WWTW has been used for the purposes of this planning consultation response.

Due to the potential odour nuisance from a Waste Water Treatment Works, no habitable development should be located within the 1.5 OdU odour contour of the WWTW. An Odour survey will need to be carried out to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour.

PARISH COUNCIL

3.5 **Parish Council Consultation:** Comment.

The Parish Council were neutral on the development as there was no clarity on the Community Infrastructure Levy and questions were raised regarding the addition of access to the road.

PUBLIC CONSULTATIONS

3.6 18 letters of support were received from 15 separate households. The nature of these supporting letters can be summarised as follows:

- Appropriate design for the location.
- Sustainable development, close to local amenities and services.
- Provides affordable housing.
- Allows a local family to stay in the area.

3.7 1 letter of objection was received. The nature of this objection can be summarised as follows:

- Outside of built-up area.
- Not allocated within the neighbourhood plan.
- Additional access not appropriate or safe.
- Will give impression of urbanisation given scale of proposal.

MEMBER COMMENTS

3.8 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 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 a countryside location, 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. It is also considered that whilst being outside of any defined built-up area, the site is within a cluster of residential properties on the edge of Lower Beeding, and on this basis cannot be considered as 'isolated' as per the requirements of Paragraph 79 of the NPPF.
- 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. The application site is located within the countryside, outside of any defined settlement, and is not allocated for residential development within the HDPF or a 'made' Neighbourhood Plan (no current neighbourhood plan covering the parish of Lower Beeding). 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 such a countryside location, the proposal 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. No information as to how the proposal would meet Policy 26 of the HDPF have been put forward by the applicant.
- 6.6 Whilst it is noted that the site is located in close proximity to the built-up area of Lower Beeding, the site is considered to be rural in nature following assessment of this during an Officer site visit and analysis of long views along Sandygate Lane, with only sporadic development within the vicinity of the site either side of Sandygate Lane. It is noted that there are bus stops along Sandygate Lane, however the services are infrequent. It is therefore considered that future occupiers of the proposed dwelling would likely be highly dependent on the use of private vehicle in order to access services and facilities.
- 6.7 Recent appeals decisions have backed up the approach taken by the Council in respect of sites outside of built-up area boundaries, particularly in rural locations such as this, and where proposals have been considered to be contrary to the locational strategy policies of the HDPF and result in an unsustainable form of development. Within these appeals, whilst acknowledging the proximity to built-up area boundaries, Inspectors were of the opinion that allowing development in these locations, without robust justification, would conflict with the fundamental purpose of the settlement boundaries, as set out in the strategic policies within the HDPF.
- 6.8 In addition, the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum, which has been corroborated by the Annual Monitoring Review (AMR) produced at the end of December 2019, which confirmed that the

Council can demonstrate a 111% 5-year housing land supply against the Horsham District Planning Framework requirement.

- 6.9 It is noted that supporting information has been provided stating that the proposed dwelling would be occupied by the applicant's son and family, who currently live locally, however require larger accommodation and wish to remain in Lower Beeding. Whilst this is acknowledged, this is not considered to be a material planning consideration that would outweigh the harm as identified above. Indeed, it is noted that the strategic housing developments currently being built out and occupied within the District would meet this kind of demand, without the need for further housing development, as this application proposes. As such, there are no arguments presented which would provide the proposed development for a new dwelling in this location with any credible justification for a departure from local and national planning policies.
- 6.10 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 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 within a 'made' neighbourhood plan and has therefore not been deemed to be appropriate for housing at a local level.
- 6.11 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, and is not considered to be isolated as required by this section of the NPPF.
- 6.12 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. Therefore, the proposal represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework and guidance within the NPPF.

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

- 6.13 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.'
- 6.14 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.
- 6.15 The proposed dwelling would consist of brickwork to the external walls, a tiled roof and UPVC fenestration. The proposed dwellinghouse would be designed with front former windows and front and rear gabled elements. It is considered that the proposed dwelling would be appropriately and sympathetically designed, scaled and sited within the plot, allowing for appropriate outdoor amenity space. The overall proposals with regards to the design and

scale of the dwelling and the resultant curtilage, would be in keeping with the existing residential properties within the vicinity.

- 6.16 Looking within the wider street scene from Sandygate Lane, whilst visible from this perspective, the proposed dwelling is considered to be of an acceptable design and would relate appropriately when viewed against existing development within the immediate area.
- 6.17 Overall, it is considered that the proposal as submitted would result in a sympathetic and appropriate addition to the site and would be in keeping with the character of the countryside location in design terms. The proposals are therefore considered to be in accordance with the NPPF and Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) in this regard.
- 6.18 Notwithstanding the suitability of the proposed design of the dwelling, this does not outweigh the conflict with the development plan with regards to the principle of development in the countryside as detailed above.

Impact on neighbouring amenity

- 6.19 Policy 33 of the HDPF additionally 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 with neighbouring properties, and the distances maintained, it is considered that the proposals would not have a detrimental on the amenities of neighbouring properties.
- 6.20 It is noted that the submitted plans indicate that there would be three side facing windows to the south-west facing elevation of the proposed dwelling at first floor level which would each serve the three bedrooms. These windows would be considered to be secondary windows to these rooms, and the plans indicate that two would be fitted with stained glass. As the level of privacy to be provided is not clear from the submitted details, and given that one of the windows has not been marked as proposing to have stained glass, it is considered that had this application been recommended for approval, a suitable condition would be added requiring full details of the glazing for these windows prior to occupation.
- 6.21 Taking the above into account, the proposed development is therefore, considered to be in accordance with Policy 33 of the HDPF (2015) in this regard.

Quality of the resulting environment for future occupiers

- 6.22 The Lower Beeding Wastewater Treatment Works (WWTW) is located to the south-east of the site at a distance of approximately 190m. Southern Water have advised in this instance that the application site would fall within a precautionary 500m buffer zone for new habitable development.
- 6.23 Whilst it is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants, and that suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking or overbearing impacts, concern is raised as to the potential impact of the WWTW.
- 6.24 Due to the potential odour nuisance from a Waste Water Treatment Works, Southern Water have advised that no habitable development should be located within the 1.5 OdU odour contour of the WWTW and that an odour survey would be required to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour. This is standard advice provided by Southern Water for developments within the proximity of WWTW's.
- 6.25 The Council's Environmental Health Department have advised that given the distance maintained and the prevailing wind direction (south westerly) they are of the opinion that

there is unlikely to be a significant loss of amenity to the future residents of the property as a result of the proximity of the sewage treatment works. Notwithstanding this, given the requirements of Southern Water and the advice given, the Council's Environmental Health Department have no objection to the request for an odour impact assessment to be submitted in support of the application and to demonstrate whether there would be any impact.

- 6.26 Whilst it is acknowledged that there is existing residential development in closer proximity to the WWTW when compared to the location of the proposed dwelling, given that an odour survey has not been submitted in support of this application, it is considered that there is insufficient information has been submitted with the application to accurately assess whether future occupiers of the proposed dwelling would be adversely affected by the Waste Water Treatment Works. The application is therefore considered to be contrary to Policy 33 of the Horsham District Planning Framework in this regard.

Parking, transport and highways implications

- 6.27 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposals include the creation of a new access to the serve the existing and proposed dwellings. The existing access would be retained, allowing for an in-out configuration, with the existing access acting as the entrance and the proposed access acting as the exit onto Sandygate Lane.
- 6.28 West Sussex County Council as the Local Highway Authority have advised that the proposed access does not meet their width requirements and have also requested a Highway Survey Plan be provided in order to assess whether the visibility splays interfere with third party land. Given that the requested information has not been provided, and the fact that this section of Sandygate Lane has an unrestricted 60mph speed limit, it is considered that there is insufficient information submitted with the application to accurately assess whether the proposed access would meet the standards as set by WSCC and whether the access would provide safe entry/exit to and from Sandygate Lane. The application is therefore considered to be contrary to Policies 40 and 41 of the Horsham District Planning Framework.

Conclusion

- 6.29 It is considered that the proposal, for the erection a new dwelling, 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 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.
- 6.30 Additionally, the site has not been allocated for housing development within a 'made' neighbourhood plan and is therefore not currently deemed to be appropriate for housing at a local level. Whilst the proposal would be acceptable on design grounds, with no significant adverse impact on neighbouring amenity, it is not considered that these material considerations would outweigh the principle objection to the development of a dwellinghouse in the countryside.
- 6.31 In addition, insufficient information has been provided in support of the application to satisfy the requirements of Southern Water, the Council's Environmental Health department and the Local Highway Authority with regards to potential odour nuisance and whether the proposed access provides a safe vehicular entry/exit off Sandygate Lane.
- 6.32 The proposal is therefore considered contrary to policies 1, 3, 4, 26, 33, 40 and 41 of the Horsham District Planning Framework, as well as guidance and advice provided within the NPPF, and the application is therefore recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.33 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.34 **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	204	0	0
	Total Gain		
	Total Demolition		204

- 6.35 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.36 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) and guidance within the National Planning Policy Framework (2019).
2. Insufficient information has been provided in support of the application to demonstrate that future occupiers of the proposed dwelling will not be adversely impacted by reason of odour nuisance from the nearby Waste Water Treatment Works. The proposal is therefore considered contrary to Policy 33 of the Horsham District Planning Framework (2015).
3. Insufficient information has been provided in support of the application to demonstrate that the new access onto Sandgate Lane meets the requirements of the Local Highway Authority in terms of the width of the site access, and to demonstrate that appropriate visibility splays can be provided. The proposal is therefore considered contrary to Policies 40 and 41 of the Horsham District Planning Framework (2015).