



TO: Planning Committee

BY: Head of Development

DATE: 19 May 2020

DEVELOPMENT: Permission in Principle for the erection of 2-4 residential units

SITE: Wyndham Pool Frylands Lane Wineham Henfield West Sussex BN5 9BP

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/20/0386

APPLICANT: **Name:** Mrs Caroline Clarke **Address:** Wyndham Pool Frylands Lane Wineham Henfield West Sussex BN5 9BP

REASON FOR INCLUSION ON THE AGENDA: The application if approved would represent a departure from the development plan;

More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To refuse Permission in Principle

1. THE PURPOSE OF THIS REPORT

To consider the application for Permission in Principle.

BACKGROUND

- 1.1 The application seeks Permission in Principle for residential development at the site under Part 2A of the Town and Country Planning (Permission in Principle) Order 2017.
- 1.2 The grant of a Permission in Principle does not constitute the grant of planning permission, rather it sets out that if granted the principle of the **location, land use, and amount of development proposed** is acceptable. Following the grant of a Permission in Principle, the applicant would need to apply for Technical Details Consent. The grant of Technical Details Consent would then create the planning permission.

DESCRIPTION OF THE APPLICATION

- 1.3 The scope of assessment for a permission in principle application is limited to location, land use and amount of development. The Applicant has submitted a Location Plan and indicative Block Plans to show how 2 dwellings or 4 dwellings may be positioned within the site.

DESCRIPTION OF THE SITE

- 1.4 The proposed development site is approximately 0.12Ha in area. The site is within Shermanbury Parish and is outside of any defined built-up area boundary. The site is located in a rural setting and sits adjacent to a Grade II listed building, Wyndham Pool, which is located around 50m to the east. The site is located to the south of Frylands Lane and opposite a row of semi-detached properties. Directly to the west of the site is a sewage pumping station. Flood Zones 2 and 3, as classified by the Environment Agency, are around 70m to the south of the site.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

- The Town and Country Planning Act 1990.
- Part 2A of the Town and Country Planning (Permission in Principle) Order 2017

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2019)

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 24 – Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.3 RELEVANT NEIGHBOURHOOD PLAN

Wineham and Shermanbury Neighbourhood Plan (W.A.S.P.) 2014-2031 (March 2017)

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

None

3. OUTCOME OF CONSULTATIONS

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

3.1 INTERNAL CONSULTATIONS

HDC Environmental Health: Objection to Principle

[Summary]: A sewage treatment plant is located to the south western boundary of the application site. Taking into the account the prevailing wind direction from the south west we have concerns regarding the potential impact on amenity from odour associated with the sewage treatment works. Given the above Environmental Health do not currently support the principle of development on this site.

HDC Conservation Officer: No Objection to Principle

[Summary]: The proposal for two to four dwellings on the land to the west of Wyndham Pool will not have a significant impact on the setting of the listed building in principle. The dwellings on the north side of the road have increased the appreciation that Wyndham Pool forms part of a settlement and two further buildings will not significantly dilute an appreciation of the special interest of the historic cottage. The proposed houses will not harm the immediate setting of the listed building, however, this is based on an assumption that the form and design of the houses will be appropriate adjacent to a listed building.

HDC Landscape Architect: No Objection to Principle

[Summary]: Subject to appropriate and sensitive design, the principle of developing this site could be supported on landscape grounds. Retention of the existing hedgerow along Frylands Lane is encouraged, as well as use of post and rail fences rather than close board to the southern boundaries. Glimpses of the new dwellings are likely to be available from Wineham Lane, as the site is on elevated ground. Forthcoming proposals would have to consider these viewpoints and architecture proposals respond and enhance these views.

HDC Drainage Engineer: No Objection to Principle

3.2 OUTSIDE AGENCIES

WSCC Highways: No Objection to Principle

[Summary]: The LHA is limited in its ability to comment on an application for permission in principle. In principle, the LHA would not raise any objections to an application at this site, subject to the submission of sufficient information at Technical Details Stage.

Southern Water: No Objection to Principle

Shermanbury Parish Council: Objection to Principle

[Summary]: Strong objection to the application on the basis that the development in question forms no part of the adopted Wineham and Shermanbury Neighbourhood Plan.

3.3 PUBLIC CONSULTATIONS

22 letters of representation have been received from 20 separate households. 13 of these letters were written in support of the development, and 7 were in objection.

3.4 Reasons for support are summarised as follows:

- Will help to resist Mayfield Market Town development;
- Enables organic / natural growth of rural areas;
- Local schools and amenities are available;
- Ecological technologies in the design of the houses;
- Houses will be in sympathetic to their environment;
- Benefit to local people and children;
- Parish support in draft Neighbourhood Plan;
- Site is infill/garden land, not countryside;

- No negative impact on wildlife;
- Will provide future housing needs for locals;
- Contribution to District housing targets;
- Street-scene is currently residential so this will compliment;

3.5 Reasons for objection are summarised as follows:

- Contrary to Shermanbury Neighbourhood Plan (site was removed from draft plan);
- Unallocated site for development;
- Impact on nearby listed building;
- Inspector noted lack of amenities in Wineham;
- Small houses are not in keeping;
- Narrow country lanes, dangerous roads in poor condition;
- Dangerous access points;
- Impact during construction;
- Impact on rural character and peace;
- Tree removal has taken place;
- Flood risk;
- No shops, doctors, schools, busses etc nearby;

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 ASSESSMENT

6.1 The only considerations that are material to this Permission in Principle application relate to:
 - Location
 - Land Use
 - Number of Dwellings

6.2 The Permission in Principle consent route is an alternative way of obtaining planning permission for residential development, which separates the consideration of matters of "principle" for the proposed development, from the "technical details" of the development. As such, the Permission in Principle route has two stages: the first being the "permission in principle" stage (subject of this current application), which establishes whether the site is suitable in-principle; and the second being the "technical details consent" stage which is when the detailed development proposals are assessed.

6.3 The scope of the Permission in Principle application (being the first stage) is limited to location, land use, and amount of development. These elements are assessed below.

Location and Land Use

6.4 The site is located outside any of the District's defined built up area boundaries (BUAB's), and does not form part of Horsham's adopted development plan (comprising the Horsham

District Planning Framework (HDPF) or the 'Made' Wineham and Shermanbury Neighbourhood Development Plan), nor an adopted Site Allocations DPD. As a result, residential development in this location would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Settlement Expansion Policy 4 and as such, is not considered to be acceptable in principle. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.

- 6.5 The Wineham and Shermanbury Neighbourhood Development Plan (the 'WASP') became part of the Development Plan for Horsham District Council after it was formally 'made' in June 2017. Despite the application site featuring as a proposed housing site for 4 homes in Policy 12 of the Draft (Regulation 14 Pre-Submission) WASP, the Independent Examiner concluded in his Report that the need for development on the site at Wyndham Pool was not justified, and would not contribute to sustainable development. As such, it was judged that its inclusion in the Draft plan did not meet the basic conditions (paragraphs 3.39-3.41), and the Examiner concluded that Draft Policy 12 (allocation of housing at Wyndham Pool) of the Draft plan should be deleted. Following this, the WASP Submission Plan (Regulation 16) was prepared which incorporated the Examiner's modifications, including the deletion of Policy 12. The Submission Plan passed referendum, and was subsequently 'made' as part of the Development Plan for Horsham District Council, therefore carrying full weight in the decision-making process. A housing allocation at Wyndham Pool does not therefore form part of the 'Made' WASP.
- 6.6 It is acknowledged that since the independent Examination of the Wineham and Shermanbury Neighbourhood Plan and publication of the Examiner's Report in January 2017, the National Planning Policy Framework (NPPF) has been updated. However, it is not considered that the updates in the February 2019 version of the NPPF result in any significant policy changes that are material in the context of this assessment. As such, the Neighbourhood Plan Examiner's assessment of the suitability and need for housing development on this site is still relevant, and it is considered that development on this site remains contrary to current local and national planning policy.
- 6.7 With regard to the Council's current 5-year housing land supply position, the Council can demonstrate a five-year supply of 111% against the 800 dwellings per annum requirement of the HDPF. This is outlined in the Council's most recent Authority Monitoring Report (AMR) 2018/19, published in December 2019. The Local Plan Review is currently underway, and a 6-week public consultation on the Regulation 18 Draft Local Plan ended on 30th March 2020. The small-scale of this site means it is not likely to be included as a housing allocation in the Local Plan, and as such, the application site does not feature as a potential housing allocation in the Draft Local Plan document.
- 6.8 Paragraph 11 of the NPPF (2019) states that '*plans and decisions should apply a presumption in favour of sustainable development*', which for decision-taking means; '*approving development proposals that accord with an up-to-date development plan without delay*'. In determining what is meant by an 'up-to-date development plan', footnote 7 clarifies that out-of-date development plan policies include situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer), or where the Housing Delivery test is failed. As mentioned above, and in accordance with the data presented in the 2018/19 AMR, the Council can demonstrate a healthy five-year housing land supply of 111%. It is therefore considered that relevant policies for the supply of housing remain up-to-date, and the provision of NPPF Paragraph 11(d) do not apply.
- 6.9 Paragraph 12 of the 2019 NPPF also states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making*'. Paragraph 47 of the 2019 NPPF goes on to states that '*...applications for planning permission [should] be determined in accordance with the*

development plan, unless material considerations indicate otherwise'. The Wineham and Shermanbury Neighbourhood Plan has assessed local housing need requirements more recently than the HDPF housing needs assessment, and is therefore considered to be robust and up-to-date. The WASP has undergone a site assessment process and has directed housing development to the most suitable local site to accommodate the identified need.

- 6.10 Seeking to manage development and growth in this way is one of the fundamental principles of planning and the plan-led system, and is what the NPPF requires all Local Planning Authorities to do. The Council can confidently demonstrate a 5-year housing land supply of 111%, and are actively undertaking a review of the adopted plan to address any identified shortfall in the latter part of the plan period. Similarly, Shermanbury Parish will also be required to undertake a review of their Neighbourhood Plan in order to ensure that policies are based on up-to-date evidence, and to ensure that they do not conflict with national and local planning policy.
- 6.11 It is considered therefore that in terms of identified housing need, supply and delivery; there are currently no material considerations of such significant weight that would warrant a departure from the adopted development plan which includes the policies within the 'made' Wineham and Shermanbury Neighbourhood Plan. The proposed development for 2-4 houses at Wyndham Pool, insofar as the site is not within a defined settlement boundary and is not allocated within the Council's up-to-date development plan; is contrary to the plan-led approach required by planning law, and as endorsed within policies contained within the NPPF and HDPF. The principle of the proposed development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Number of Dwellings

- 6.12 Notwithstanding the assessment above which concludes that the principle of residential development on this site is not acceptable; it is considered that the erection of a small number of residential dwellings on this site could be achieved without resulting in harm to the setting of the nearby Grade 2 listed building (Wyndham Pool) or to the surrounding landscape character. The overall acceptability of this however, can only be properly assessed at 'Technical Details' stage, when full details are presented for the site's development.
- 6.13 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.14 Policy 4 of the Wineham and Shermanbury Neighbourhood Plan (WASP) states that development should be '*designed to a high quality which positively responds to the heritage, tranquillity and distinctive rural character and respects the identity of the local context, by way of; height, scale, spacing, layout, orientation, design and materials of buildings*'. Policy 5 of the WASP states that '*development proposals should ensure that the design is in keeping with the prevailing character of the surrounding area*'.
- 6.15 It is considered that an assessment of the site in relation to the above policies can only be properly undertaken at 'Technical Details' stage, but for the purposes of this broad

assessment, it is considered that with careful design and layout of the site, a development of 2-4 homes could in principle, achieve the design aims of these policies.

- 6.16 Both the Conservation Officer and Landscape Architect have reviewed the submitted plans associated with this application and are of the shared view that subject to sensitive design and layout of housing on this site, the proposal is acceptable and would not result in harm to the setting of the listed building or to the surrounding landscape character. Similarly, whilst limited information is available at this stage to form a detailed view, the Highways Authority have confirmed that no objection to the in-principle development of 2-4 houses on this site is raised at this stage.
- 6.17 The proximity of the site to a sewage treatment plant is however a concern that has been raised by the Council's Environmental Health Officer who currently objects to the principle of residential development on this site. Given the prevailing wind direction (from the south-west) concern is raised regarding the potential impact on residential amenity from odour associated with the sewage treatment works. Policy 24(6) of the HDPF requires developments to '*maintain or reduce the number of people exposed to poor air quality including odour*'. Until a study has been undertaken to ascertain the severity of the amenity impact from this nearby facility, it is difficult to assess the appropriate number and location of units that may be acceptable on this site (if any at all). It may be possible for a small quantum of development to be positioned to the eastern-most portion of the site to avoid harmful impacts from the sewage works, but the acceptability of this is unknown at this stage. As such, until more detailed information is provided to demonstrate that odour from the nearby sewage works will not result in significantly harmful effects on future residents, the quantum of dwellings proposed on this site (2-4 units) cannot be accepted.

Summary

- 6.18 The application seeks Permission in Principle for residential development of 2 to 4 units on the site. The Permission in Principle stage (subject of this application) establishes whether the site is suitable in-principle for development, with the scope of considerations solely relating to location, land use, and amount of development.
- 6.19 The application site is located in Wineham which in accordance with Policy 3 of the HDPF is an 'unclassified settlement' and is located outside any defined built-up area boundary, therefore in the countryside. The site is not allocated for development in the Horsham District Planning Framework or the 'Made' Wineham and Shermanbury Neighbourhood Development Plan, and as such, the principle of development here is contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.
- 6.20 Whilst it is considered that there would be no harm to the setting of a nearby listed building and to the surrounding landscape character, subject to the detailed stage, at present no information is available to demonstrate that odours from the nearby sewage treatment works will not result in acceptable amenity harm to future occupants, contrary to policy 24(6) of the HDPF. As such, the proposed quantum of development (2-4 units) cannot at this stage, be accepted as appropriate.
- 6.21 In conclusion, for the reasons set out in this report, the application for Permission in Principle is recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of Permission in Principle applications the CIL charge will be calculated at the relevant Technical Details stage.

7. RECOMMENDATIONS

7.1 To refuse Permission in Principle for residential development of 2 to 4 units.

Reason(s) for Refusal:

1. The application site is located outside any defined built-up area boundary, and is not allocated for development in the Horsham District Planning Framework or the 'Made' Wineham and Shermanbury Neighbourhood Development Plan, and as such, the principle of development here is contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the National Planning Policy Framework.
2. No information is available to demonstrate the extent to which odours from the nearby sewage treatment works will impact on the amenity of future occupants. As such, the proposed residential development on this site is contrary to Policy 24 of the Horsham District Planning Framework and cannot at this stage be considered acceptable in principle.

Background Papers:
DC/20/0386