



TO: Planning Committee South

BY: Head of Development

DATE: 19th May 2020

DEVELOPMENT: Change of use of the land to residential, erection of a two storey dwelling and creation of new access

SITE: Roseacre Stall House Lane North Heath West Sussex RH20 2HR

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/20/0411

APPLICANT: **Name:** Mr Ryan Saigeman **Address:** 607 Southleigh Road Emsworth PO10 7TE

REASON FOR INCLUSION ON THE AGENDA: At the request of the Local Ward Member.

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 chalet bungalow style dwelling to be positioned within an area of undeveloped land and the creation of a new access point from Stall House Lane. The proposed dwelling would include a living/dining room, a kitchen, a study, a utility room, WC facilities, a double integral garage and a bicycle/bin store area at ground floor level and four bedrooms and three bathrooms at first floor level.

1.3 The proposed dwellinghouse would have a rectangular configuration, incorporating two main sections with an interconnecting glazed link positioned between each section. The proposed dwelling would have an overall width of approximately 24.5m and an overall depth of approximately 9.5m. The proposed dwelling would have an overall maximum height to the ridge of approximately 7.6m. The proposed dwelling would incorporate a gabled roof design with rear box dormers. The proposed dwelling would have Gross Internal Area (GIA) measuring approximately 329sqm.

1.4 As detailed within the submitted Design & Access Statement the proposed dwelling would be constructed to 'passive haus' environmental standards, featuring solar photovoltaic panels mounted to the roof, water recovery technology and EV vehicle charging on site. The proposed dwelling would comprise of red brickwork black timber cladding, a raised seem composite roofing material to the roof and aluminium framed windows and doors

- 1.5 It is noted that this application is a resubmission of a previously refused application for a single dwellinghouse on this site under planning DC/18/1918.

DESCRIPTION OF THE SITE

- 1.6 The application site is a moderately sized plot of open, undeveloped land situated to the south-eastern side of Stall House Lane, North Heath. The site is not located within any defined built up areas and therefore considered to be situated in a countryside location. The plot primarily comprises of low level shrubbery and wild meadow grasses, although some examples of semi-mature and mature trees do exist towards the boundaries of the site.
- 7.7 The site is located towards the north western extent of North Heath and is situated amongst not unsubstantial residential development, with neighbouring properties found opposite and to the immediate north east. It is noted that the site has not been allocated for housing development within a Neighbourhood Plan and is not within any defined Built Up Area Boundary. In addition, it is noted that the area of North Heath has not been identified as a potential 'Secondary Settlement' Area under the current considerations and analysis as part of the HDPF Local Plan Review.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 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

- 2.5 The Parish of Pulborough was designated as a Neighbourhood Development Plan Area in February 2014. To date no up to date draft Plan has been prepared for public consultation.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/04/0455	Erection of 5 stables, tack store rooms and sand school	Application Refused on 14.05.2004
DC/18/1918	Erection of a two storey detached dwelling and associated access onto Stallhouse Lane.	Application Refused on 05.11.2018

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

OUTSIDE AGENCIES

3.2 **WSCC Highways: No Objections Raised**

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, conditions in relation to, access, car parking, a construction management plan, cycle parking, and visibility splays are recommended.

3.3 **Southern Water: No Objections Raised**

Environment Agency shall be consulted directly regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

- 3.4 **Ecology Consultant: No Objections Raised, conditions recommended.**

PARISH COUNCIL

3.5 **Parish Council Consultation: No Objections Raised**

PUBLIC CONSULTATIONS

- 3.6 1 letter of support was received for the application. The nature of this supporting letter can be summarised as follows:

- Site is currently overgrown and unmaintained
- Proposal will hinder unauthorised use or occupation of the site

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

- Impact on highways access and visibility
- Detrimental impact on amenity, privacy and Noise impacts
- Detrimental impact on trees and Landscaping

- 3.8 1 letter commenting on the application was received for this application. The nature of the comments can be summarised as follows:

- No principle objection, however concerns raised with regards to traffic movements along the narrow Stall House Lane during construction
- Impact on grass verges

MEMBER COMMENTS

3.9 Cllr Paul Clarke requested that the application be called to Planning Committee South.

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 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 Paragraphs 78 and 79 of the NPPF and policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).

6.3 Paragraph 78 of the National Planning Policy Framework (NPPF) states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need to for an agricultural worker to live at or near the site; where such development would represent the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to enhancement of the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

6.4 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 also noted that the application has not been put forward as a 'Paragraph 79' dwelling, and no reference to this is made to this within the supporting information submitted

6.5 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 making up the small Hamlet of North Heath, and on this basis, cannot be considered as truly 'isolated', as per the requirements of Paragraph 79 of the NPPF.

- 6.6 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 Pulborough). Furthermore, whilst currently at its early stages, the HDPF Local Plan Review process has not identified North Heath as a potential 'Secondary Settlement', further emphasising that this site and wider area, is not suitable for residential development. The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.
- 6.7 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.
- 6.8 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. It is noted that no information as to how the proposal would meet Policy 26 of the HDPF have been submitted by the applicant.
- 6.9 The application site is located within a countryside location, situated approximately 4.8km from the centre of Billingshurst and 3.2km from the centre of Pulborough. Whilst it is acknowledged the application site falls amongst not unsubstantial residential development forming part of the North Heath hamlet, there are no local amenities or services that would support the needs of the local community.
- 6.10 As such, it is considered that there is a clear separation and a significant difference in character when comparing the application site and its immediate surrounds, which is considered to be very rural in nature, with the closest built up area of Billingshurst, which is considered to be a significant distance away. The application site would not be well related to the defined settlements of Billingshurst or Pulborough, or the District centre of Horsham to the north-east, and there are no public transport services in close proximity to the site. As such, it is considered that future occupiers of the proposed dwelling would likely to be highly dependent on the use of private vehicles in order to access services and facilities.
- 6.11 Recent appeals decisions have supported 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.
- 6.12 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.

- 6.13 It is acknowledged that the applicant has sought to iterate the sustainability of the proposed dwelling by virtue of its 'passive haus' standards and credentials and to highlight local support for the proposal. It is also noted that this site has been the subject to enforcement notices, including the unauthorised use of the site as a caravan site. In this respect, the scheme has been put forward partly on the grounds of good design and to preclude previous unauthorised uses of the application site, rather than the principle merits of the proposals. Whilst the dwelling is of an attractive barn like design, as outlined above, it is not considered to be exceptional design to be considered under Paragraph 79 of the NPPF as an isolated dwelling in the countryside. Additionally, the previous unauthorised use of this site is not a material consideration in the determination of this proposal and would set an unwarranted precedent.
- 6.14 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.
- 6.15 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. This is further supported by the fact that North Heath has not been identified as a potential 'Secondary Settlement' within the HDPF Local Plan Review. 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

- 6.16 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.'
- 6.17 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.
- 6.18 The prevailing character of the area surrounding the application site is rural in nature; as mainly comprised of a patchwork of equestrian and agricultural fields divided by traditional hedgerows and occasional residential development. Nearby dwellings in proximity to the application site on Stall House Lane are of differing types, ages and designs, but are generally further removed from the public highway and set within generous plots that maintain the rural character of the area.
- 6.19 It is considered that the proposed dwelling is of an overall siting, scale and mass that would constitute a prominent addition to the immediate landscape character and would contribute to the expansion of North Heath. Whilst it is accepted that the proposal incorporates planting along the highway boundary with Stall House Lane, this is unlikely to be of a mass and density that would significantly limit the visual impact of the structure as perceived from the public highway.

- 6.20 It is considered that the proposed principle north-west facing elevation, being some 24.5m in length, in combination with the large driveway/hardstanding area and the inclusion of box dormers, would appear as an evident domestic addition that would detract from the rural character of the immediate area. Furthermore, it is noted that the application site currently provides a buffer between the main built environment of North Heath on Gay Street Lane, and dwellings grouped to the immediate north east of the application site. The proposed dwelling would diminish the separation between these built environments and would, therefore, fail to maintain a 'break' in development that is characteristic of North Heath's open and rural character. Overall, the proposal would result in a further urbanising influence of a dwelling in this rural setting including the domestic apparatus that goes with it.
- 6.21 As such, for these reasons, it is considered that the proposal would not protect, conserve or enhance the rural character of the area, contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).
- 6.22 As detailed, under paragraphs 6.3, 6.4 and 6.5 above, the application has not been presented or put forward as a dwelling of outstanding or innovative design, as per the requirements of paragraph 79 of the NPPF. In addition, the proposed design has not been the subject of an independent review by a design panel, such as Design South East. Whilst this is not mandatory it is often the case that proposals under paragraph 79 are considered in such a manner. Officers do not consider that the design is truly outstanding or innovative and it does not significantly enhance its immediate setting. As such it has not met this high bar in design and does not warrant a departure from the local plan on this basis.
- 6.23 It is noted that the applicant has sought to highlight the previous uses of the application site and contends a brownfield classification. At the time of case officer site visits, in October 2018, June 2019 and March 2020, the application site was overgrown in nature with no visible structures of hardstand that would evidence a continued managed use of the land.

Impact on neighbouring amenity

- 6.24 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, the distances maintained and proposed landscaping elements, it is considered that the proposals would not have a detrimental on the amenities of neighbouring properties. 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

- 6.25 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwelling. As such, it is considered that there would be an appropriate quality level of environment for the future occupiers of the proposed dwelling in accordance with Policy 33 of the HDPF (2015).

Parking, transport and highways implications

- 6.26 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposed dwelling would be served by a new access and hardstanding area, as well as a proposed integral garage. The new access would meet width requirements and the parking provision proposed would be in-line with WSCC Parking Standards 2019 in this rural location. Following consultation with WSCC Highways, who raised no objection to the proposal on highways or parking grounds, subject to suggested conditions, it is considered that the proposal would be acceptable in this regard,

and therefore accord with policies 40 and 41 of the Horsham District Planning Framework (2015).

- 6.27 Notwithstanding the above, the application site is located within a rural location outside of any built up area boundaries. Due to the location, the proposals present limited opportunities to promote walking, cycling or public transport in accordance with the transport policies of the NPPF and HDPF. As such, any future occupants of the dwelling would be heavily reliant on the private car for transportation to and from the site. It is therefore considered that the site is an unsustainable location for new housing provision and would not be acceptable in this regard.

Ecology

- 6.28 Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. A Preliminary Ecology Appraisal and Phase 2 Ecology Surveys have been provided with this application which identify a low population of Great Crested Newts and a low population of slow worms and common lizards within and in close proximity of the application site.
- 6.29 The Council's ecology consultant has not raised any objections to the proposals and suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place, if recommended for approval. It is considered that the proposals would not have a detrimental impact on ecology, and overall the proposals are considered to be acceptable in this regard

Conclusion

- 6.30 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. 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.
- 6.31 Furthermore, the proposal would not be considered to be of an exceptional or innovative design, as per the requirements of Paragraph 79 of the NPPF, to warrant a departure from the local plan. The siting, scale and massing of the proposed dwelling is considered detrimental to the rural character of the area and would not be in keeping with character or the pattern of development in the vicinity
- 6.32 The proposal is therefore considered contrary to policies 1, 2, 3, 4, 26, 25, 32 and 33 of the Horsham District Planning Framework, as well as guidance and advice provided within the NPPF, and the application is therefore recommended for refusal.
- 6.33 COMMUNITY INFRASTRUCTURE LEVY (CIL)
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	329	0	0
	Total Gain		
		Total Demolition	329

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. The proposed dwelling would be of a siting, scale and mass that would constitute an intrusive urban addition that would be harmful to the rural character of the area. Furthermore the proposal would not seek to protect, conserve or enhance the character and setting of its countryside location, contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/0411