



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 27 April 2021

DEVELOPMENT: Change of use to residential curtilage and the retention of a detached garage

SITE: Whiteoaks Shoreham Road Small Dole Henfield West Sussex BN5 9SD

WARD: Henfield

APPLICATION: DC/20/2355

APPLICANT: **Name:** Mr Tracey Tingey **Address:** Whiteoaks, Shoreham Road Small Dole BN5 9SD

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the change of use of land to incidental residential curtilage in association with the dwelling of Whiteoaks, and the retention of a detached garage constructed to the north of the host dwelling.
- 1.3 The extended curtilage comprises an area of 0.02 hectares which extends to the north of the existing access track. This area of land sits between a paddock to the east and a number of rural buildings to the west, and is bound by closeboarded fencing. A barn / store was formerly located on this land, with this having been removed and replaced with the garage subject of the application.
- 1.4 The detached garage measures to length of 9.3m and a depth of 8.2m. The garage incorporates a pitched roof measuring to an overall height of 6.2m, with 2no. pitched roof dormers projecting from the front (south) elevation. The building is finished in timber cladding and vertical tile hanging, with plain tiles to the roof and a brick plinth.

DESCRIPTION OF THE SITE

- 1.5 The application site is located to the west of Shoreham Road, outside of any designated built-up area boundary. The site is therefore located within a countryside location in policy terms.
- 1.6 The site is located within a ribbon development of residential dwellings located to the north of the built-up area of Small Dole, with the wider surroundings characterised by open countryside. A number of barn buildings are located to the north-west of the application site, and these are under the ownership of the Applicant. Further to the north-west are 2no. gypsy pitches subject of Enforcement Notice reference EN/18/0080.
- 1.6 The application site itself comprises an area of land to the north of the defined curtilage of Whiteoaks and to the west of a paddock which appears to be associated with the neighbouring property of Sunnydene. It is understood that this area was previously occupied by a barn/store that was demolished to facilitate the constructed development.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **The National Planning Policy Framework (NPPF)**

2.3 **Horsham District Planning Framework (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 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- Policy 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 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

2.4 **Henfield Neighbourhood Plan**

- Policy 1 - A Spatial Plan
- Policy 12 – Design Standards for New Development

2.5 **Henfield Parish Design Statement**

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS			
HF/34/55	Bungalow. (From old Planning History)	Application Permitted on 05.10.1955	
HF/48/85	Erection of agricultural dwelling. Comment: Appeal dismissed 03/06/86	Application Refused on 18.10.1985	
HF/47/87	Extension. (From old Planning History)	Application Permitted on 21.07.1987	
HF/39/93	Use of building for repair of lawnmowers Site: Cedaridge Farm Woods Mill Henfield	Application Permitted on 06.08.1993	
HF/3/96	Demolition of sun lounge and erection of conservatory Site: Whiteoaks Shoreham Road Small Dole	Application Permitted on 28.02.1996	
HF/28/96	Formation of a gable & erection of conservatory Site: Whiteoaks Shoreham Road Small Dole	Application Permitted on 22.05.1996	
DC/06/1945	Demolition of existing dwelling and outhouse and the erection of 2 dwellings (Outline)	Application Refused on 09.10.2006	
DC/15/1560	Proposed new dwelling, to replace the existing fire damaged/ derelict property	Application Permitted on 17.09.2015	
DC/16/0741	Proposed new dwelling, to replace the existing fire damaged/ derelict property.	Application Permitted on 20.05.2016	
DC/17/1396	Prior approval for a Change of Use from B8 (storage or distribution centre) to dwellings (C3 Use Class)	Prior Approval Refused on 07.08.2017	
DC/17/2239	Proposed change of use from a use falling within Class B8 (storage or distribution centre) to dwellings (C3 Use class)	Prior Approval Refused on 28.11.2017	
DC/17/2244	Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and for Associated Operational Development*	Prior Approval Refused on 28.11.2017	
DC/20/0813	Full application for a proposed two pitch settled gypsy accommodation site including personal occupancy condition	Application Refused on 21.07.2020	

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:** The Local Highways Authority 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.

PUBLIC CONSULTATIONS

- 3.3 **Henfield Parish Council:** Objection as the development is contrary to Policies 28 and 33 of the HDPF

3.4 10 letters of objection were received from 8 separate households, and these can be summarised as follows:

- Use of the building as a residential dwelling
- Large and dominant building
- Overlooking
- Precedent for residential development
- Use of the roof space
- Readily visible from public vantage points
- Does not sit sympathetically with the surroundings
- Loss of natural features
- Light pollution
- Outside of defined curtilage
- Comply with Building Regulations

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 application seeks full planning permission for the change of use of land to be incorporated as incidental residential curtilage to Whiteoaks, and the retention of a detached double garage constructed to the north of the host dwelling.

Principle of Development

6.2 Policy 26 of the Horsham District Planning Framework (HDPF) states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside location will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet 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. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character in which it is located.

6.3 Policy 1 of the Henfield Parish Neighbourhood Plan states that development proposals outside of the defined built-up area boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside.

6.4 The application seeks the change of use of the land to residential curtilage in connection with the dwelling known as Whiteoaks, located to the south-east, along with the retention of a detached double garage.

- 6.5 This area of land has previously been occupied by a barn/store and has historically been used in association with the agricultural land to the west. The extension to the residential curtilage would result in some encroachment upon the agricultural land. It is however recognised that this area of land is of limited agricultural value and is situated in close proximity to the residential curtilages of Whiteoaks and the adjacent residential properties. Furthermore, the land is separated from the wide countryside by the established barn buildings, and these form a hard edge between the subject land and the wider agricultural fields. On this basis, it is considered that the incorporation of this land into the existing residential curtilage would have limited impact on the agricultural viability of the wider countryside, and would not demonstrably harm the rural character of the countryside setting. Furthermore, a residential use of this parcel is considered to result in a better environment for the subject dwelling and the adjacent residential properties, and this is considered to result in some public benefit. On the balance of these considerations, the principle of the change of use to residential curtilage is therefore considered acceptable.
- 6.6 It is recognised that a number of objections have been received regarding the potential use of the garage, and particularly whether the development would surmount to a separate and independent residential dwelling.
- 6.7 The Applicant has outlined that there is no intention to utilise the building as a residential annexe, with the loft space sought to provide domestic storage. While dormers are located on the southern roof slope, following a site visit, the building does not benefit from either an internal or external staircase, with the loft space primarily open with timber supports; albeit that some boards have been laid.
- 6.8 Given this context, it is not considered that the development as constructed would be suitable for additional residential occupation. While recognised that internal alterations to facilitate a useable upper floor would not be subject of planning control, the use of the building for ancillary purposes would be secured through condition. This would ensure that the building was used in association with the existing residential dwelling of Whiteoaks and could not be occupied as a separate use / dwelling. It is not unusual for buildings within the countryside to benefit from ancillary accommodation within detached buildings, and subject to the condition as suggested, it is considered that the principle of the detached garage is acceptable.

Design and Appearance

- 6.9 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the townscape character from inappropriate development. Proposal should take into account townscape 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.
- 6.10 Policy 12 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, development proposals should be of a high quality that reflects the scale of the surroundings buildings and street scene/landscape.
- 6.11 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

- 6.12 The garage as constructed measures to a length of 9.3m and a depth of 8.2m, and incorporates a pitched roof measuring to an overall height of 6.2m. Two pitched roof dormers project from the front (south) elevation, and the building is finished in timber cladding and vertical tile hanging, with plain tiles to the roof and a brick plinth.
- 6.13 It is recognised that a number of objections have been received regarding the scale and dominance of the garage building, and the impact this has on wider views.
- 6.14 The garage extends to an overall height of 6.2m and projects above the ridge line of the adjacent barn. While the garage is read in the context of the existing barn building, which helps to reduce its physical presence, the garage is overtly domestic in appearance and form. This creates a distinct juxtaposition between the utilitarian buildings to the north-west and the domestic building as constructed. It is however recognised that the application site is located within the context of both residential and utilitarian buildings, and is sited within general proximity to the residential dwelling of Whiteoaks. As such, the garage is read within this wider context and understood against the backdrop of the surrounding residential development. In addition, the garage is not readily apparent from public vantage points, which due to its setback and siting, does not impact the visual amenity of the street scene.
- 6.15 The building would generally be anticipated within a residential environment, and given the context of the surroundings, which comprises a number of detached buildings, is not considered to appear out of character with the built surroundings or pattern of development. In addition, the building is considered, on balance, to be of an acceptable scale, with the overall form and appearance considered to reflect the character and appearance of nearby buildings.
- 6.16 For these reasons, the garage as constructed is considered, on balance, to sit appropriately within its surroundings, and is considered to reflect the character and visual amenity of the residential context. The garage does not impact upon wider public views and is not considered to result in such harm to justify a reason for refusal on amenity grounds. The development is therefore considered to be in general accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.17 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.18 Policy 12 of the Henfield Parish Neighbourhood Plan states that development proposals should be of a design that respects the amenities of occupiers/users of nearby property/land.
- 6.19 It is recognised that objections have been received on the grounds of potential overlooking to the neighbouring properties.
- 6.20 The garage as constructed is located within an area of land located between a paddock to the east and a barn building to the west. The garage is located approximately 38m from the nearby residential dwelling of Sunnydene to the east, and approximately 15m from the storage barn known as Cannondene to the north.
- 6.21 While the garage is built immediately adjacent to the shared boundary, it is noted that the development is located at a distance from the nearby dwellings. In addition, the garage is

oriented to face south so that the first floor dormers would face away from the neighbouring properties. Given this context, it is considered that the building is sufficiently distanced so that it would not result in any unacceptable loss of light or privacy to these nearby dwelling, and is oriented to avoid overlooking. The development is not therefore considered to result in unacceptable harm to the amenities and sensitivities of neighbouring properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

- 6.22 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.23 The detached garage is accessed from the existing access track and entrance serving the residential dwelling of Whiteoaks. No alterations are proposed to the existing access.
- 6.24 Following consultation with WSCC Highways, it is not considered that the detached garage would result in an intensification of vehicle movements, with no evidence to suggest that the existing access is functioning inadequately. In addition, the dimensions of the garage comply with the Manual for Streets and would therefore meet the requirements for covered garage parking. As such, the proposal is not considered to impact upon the function and safety of the highway network, and no objections in that regard are raised.
- 6.25 No alterations to the access are proposed, and the garage is not considered to result in a material intensification in the use of the established access. For this reason, the proposal is considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Climate change:

- 6.26 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.27 Given the established nature of the site, and the intended use of the garage in association with the existing dwelling, it is not considered that the development would demonstrably impact on climate change.

Conclusions

- 6.28 While the proposal would result in some encroachment to the countryside, it is recognised that the site sits in the context of surrounding residential dwellings and outbuildings, and shares a close visual relationship with these uses. The area of land subject of the material change of use is considered to be a small parcel which sits immediately between a barn building and close boarded fence. Given this spatial context, it is not considered that the change of use to residential curtilage would detract from the viability and productivity of the wider agricultural land. In addition, the constructed garage is considered to sit appropriately within the context of the surroundings, and would not result in harm to the amenities of neighbouring properties or the function and safety of the public highway network. The proposal is therefore considered to accord with all relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions.

1 **Approved Plans**

- 2 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Whiteoaks, Henfield Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 3 **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, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage 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 countryside location in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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