



**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 21<sup>st</sup> September 2021

**DEVELOPMENT:** Conversion, extensions and alterations to existing stable building to form a single dwellinghouse and erection of 2no two-storey detached dwellings with detached carports/garages and associated works.

**SITE:** Land East of Pemberley Mill Lane Partridge Green West Sussex

**WARD:** Cowfold, Shermanbury and West Grinstead

**APPLICATION:** DC/21/1240

**APPLICANT:** **Name:** Mr Wayne Bayley **Address:** Holme Farm Orchard Winterpit Lane Mannings Heath RH13 6LZ

**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 refuse planning permission

## **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 conversion, extension and alterations to the existing stable building to form a 4-bed dwelling, and the erection of 2no. 4/5 bed dwellings. Detached car ports and ancillary buildings are also proposed.

1.3 Unit 1 would be located to the north-west of the application site, and comprises an existing stable building sought to be extended and altered. The proposal would involve a first floor extension to the western element of the building along with the construction of an external chimney to the southern elevation. Two dormers would be inserted within the eastern roof slope, with 3no. pitched roof gable features proposed within the western elevation. The resulting dwelling would measure to an overall height of 7.3m and would be finished in cladding and tiles to the roof. The dwelling would provide 3no. bedrooms, bathroom, kitchen/utility room, and dining/living room to the ground floor, with 1no. bedroom and bathroom to the first floor.

- 1.4 Unit 2 would be located centrally within the site and would comprise an 'L' shaped new-build dwelling oriented to face west, and would measure to a length of 24.2m and depth of 14.5m. The proposal would extend over two storeys and would incorporate a hipped roof measuring to an overall height of 9m. The proposal would incorporate 3no. hipped roof dormers to the western elevation, with 1no. hipped dormer to the south and east elevations respectively. A hipped fully glazed conservatory would project to the south, with the dwelling finished in facing brick, timber framing with render, and clay tiles. The dwelling would provide kitchen/breakfast room, dining room, family room, conservatory, and study/guest bedroom to the ground floor, with 4no. bedrooms (three with ensembles) and bathroom to the first floor.
- 1.5 Unit 3 would be located to the south of the site and would comprise a two storey dwelling oriented to face north. The dwelling would measure to an overall length of 16.5m and overall depth of 14.8m, and would incorporate a half-hipped roof measuring to an overall height of 8.1m. The proposal would incorporate a number of projecting features to the northern and eastern elevations, with a single storey hipped extension also projecting to the south. A total of 3no. pitched dormers would be located on the southern roof slope, with a first floor bay window also proposed, with 3no. pitched dormers extending from the western roof slope. The dwelling would provide living room, dining room, kitchen/family room, boot room, and study on the ground floor, with 5no. bedrooms (four with ensuite) and bathroom on the first floor.
- 1.6 Each dwelling would benefit from a defined area of amenity space, along with areas of hardstanding to accommodate parking. A car port and greenhouse is also proposed to the frontage of each plot. The car port would measure to a length of 10.3m and a depth of 6m, and would incorporate a hipped roof measuring to an overall height of 5.5m. Each car port would provide 2no. open bays with an additional enclosed bay. The greenhouse would measure to a length of 6m and a depth of 3.5m, extending to an overall height of 2.7m.

## DESCRIPTION OF THE SITE

- 1.7 The application site is located to the south of Mill Lane, outside of any designated built-up area boundary. The site is therefore located within the countryside in policy terms. The site is located approximately 0.6km to the north of the built-up area of Partridge Green.
- 1.8 The site comprises a stable building and associated paddock, along with undeveloped parcels of land to the south-east. The southern-most parcel includes an area of hardstanding and timber garage most recently awarded a Lawful Development Certificate for B8 purposes. These parcels are overgrown and are the remnants of agricultural land following various subdivisions of the wider land to residential units.
- 1.9 Linear residential development is located to the north and east of the application site, and this comprises the unclassified settlement of Littleworth. A mix of hedging, mature vegetation, and fencing separates these dwellings from the application site, with 2no. new dwellings known as Far Lea and Highdowns located to the south of the site.

## 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 7 - Strategic Policy: Economic Growth
- Policy 10 - Rural Economic Development
- Policy 11 - Tourism and Cultural Facilities
- 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 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
- Policy 43 - Community Facilities, Leisure and Recreation

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

### RELEVANT NEIGHBOURHOOD PLAN

## 2.5 **West Grinstead Neighbourhood Plan**

- Policy 1 – Retention of Local Gaps
- Policy 4 – Green Infrastructure, Existing Trees, Hedgerows, Habitats and Wildlife
- Policy 10 – Car Parking

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/05/2933	Erection of 1 dwelling and replacement garage (Outline)(Land East of Pemberley)	Application 25.01.2006	Refused	on
DC/07/0835	New access	Application 03.08.2007	Refused	on
DC/06/1820	New access spur to original hardstanding	Application 28.09.2006	Refused	on
DC/14/2533	The erection of a chalet bungalow on land to the east of Pemberley	Application 06.02.2015	Refused	on
DC/12/2378	Erection of a four-bedroom dwelling on a former paddock	Application 13.02.2013	Refused	on
DC/06/2915	Replacement building comprising 4 stables	Application 14.02.2007	Refused	on
DC/06/1500	Relocation of stables and tack store	Application 06.11.2006	Refused	on
WG/90/01	Erection of 3 dwellings associated parking and turning (outline) Site: The Beeches (Land At Rear) Mill Lane Partridge Green	Application 22.03.2002	Refused	on
DC/15/1191	Outline application for the erection of a detached single storey dwelling with ancillary garage	Application 24.08.2015	Refused	on
DC/16/1416	Change of use of building to B1/B8 workshop/storage use and retention of access drive	Application 22.08.2016	Refused	on
DC/17/2005	Proposed use of garage for B1 purposes	Application 21.12.2017	Refused	on
DC/17/1515	Proposed retention of temporary access and use of garage for B1 purposes	Application 01.09.2017	Refused	on
DC/19/0656	Conversion of garage into a holiday let with associated parking	Application 17.05.2019	Refused	on
DC/20/2570	Change of use of the land for the provision of two residential mobile home pitches (Class C3) and related facilities including use of existing garage as a shared dayroom all for occupation by gypsies and travellers.	Application 17.03.2021	Refused	on
DC/20/0715	Conversion of existing garage into a holiday let with associated parking	Application 04.09.2020	Refused	on
DC/17/0883	Garage and Hard Standing (Certificate of Lawful Development - Existing)	Application 12.06.2017	Permitted	on
DC/19/0152	Outline Application for the erection of a single dwelling with parking and access (all matters reserved)	Application 19.03.2019	Refused	on
DC/19/0161	Erection of 3 holiday cabins with associated parking and turning	Application 21.03.2019	Refused	on
DC/20/2583	Application to determine whether the 2no. holiday-lets (subject of planning approval DC/18/1827) would benefit from permitted development rights under Classes A to H of Part 1 Schedule 2 of the Town and	Split Decision 21.04.2021		on

	Country Planning (General Permitted Development) Order 2015 when completed (Certificate of Lawful Development - Proposed)			
DC/18/1828	Change of use from stables to B1 purposes including provision of parking and access	Application	Permitted	on 24.10.2018
DC/18/1827	Change of use of existing stable building to 2no. holiday-let units, with associated landscaping and parking	Application	Permitted	on 24.10.2018
DC/17/0553	Change of use from stables to B1 & B8 purposes including provision of parking and access	Application	Refused	on 05.05.2017
DC/17/1148	Proposed change of use from existing stable to separate dwelling (Amendments to previously refused application DC/16/0986).	Application	Refused	on 14.07.2017
DC/16/0986	Conversion of building into a dwelling house	Application	Refused	on 11.07.2016

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural Officer:** Holding Objection

The main considerations as to the suitability of this proposal in regard to trees are the trees to be removed and what impact this proposal would have on the trees to be retained both on and off the site, in particular the protected oak tree on the southern boundary of Plot 3.

Due to a lack of recent management at the site, there are numerous self-seeded trees on all three plots. In particular, Plot 3 has a considerable amount of young specimens mainly Willow, Birch and Poplar. Although it is evident that these trees would need to be removed to make way for the development to be built as proposed, none of these young trees are rare nor do they have any special or particular merit. As such, there is no objection to their removal.

On the southern boundary of Plot 3 is a mature oak of impressive proportions, which is protected by a Tree Preservation Order (TPO). The plans show that the new dwelling and any areas of new hard standing, such as the driveway for the property will be located outside of the trees Root Protection Area (RPA), which is satisfactory and in line with the current guidance in BS 5837 'Trees in relation to design, demolition, and construction - Recommendations' (2012). Although, the tree has been allocated sufficient protection during the development stages, should this application be permitted, it is likely that any future resident may seek to undertake certain landscaping works that would require ground excavations within the RPA. In light of this, it is recommended that consideration is given to removing the permitted development rights from the property to prevent any damage to the trees roots.

Another concern with Plot 3, is due to the size and location of the protected oak on the southern boundary of the plot, that throughout certain periods of the day the majority of the garden and parts of the dwelling will suffer from heavy shade cast by the tree. This will place pressure on the tree in the form of surgery or potential removal. It is accepted that the protected status of the tree does give the Council the ability to restrict or refuse an inappropriate application for surgery works to the tree, should one be received, however, this also gives any applicant the right of appeal and should they be successful this could drastically alter the level of amenity value that the tree currently provides to the locality.

The supporting plans show that a new garage would be built on the northeast corner of plot one, abutting the southern boundary of Keys on Mill Lane. To build the garage in this area would require the removal of a multi-stem Willow, as the majority of the trees crown is located on the southern side over the plot. The tree is a poorly formed specimen with limited future potential, and I would not necessarily object to its removal. However, 5m to the north the boundary in the rear garden of Keys is a mature oak tree which due to its size has a calculated RPA, as defined under **BS 5837** of a circle with a 10.8m radius in all directions.

Most of the proposed garage will be within this area, and it is the default position of the BS that development in this area be avoided. Although simply a garage the absence of information on both the foundations for the structure— and, importantly, for what one might imagine might be a concrete floor-base is missing from the supporting information. More information on the type of foundations to be used to build the structure is required to fully ascertain if the garage can be built in this area.

### 3.3 **HDC Environmental Health:** No response received

#### OUTSIDE AGENCIES

### 3.4 **WSCC Highways:** No objection

Access to the maintained highway network would remain unchanged, via the private internal access ways onto the unclassified Mill Lane, which is subject to a 40 mph speed limit at this point.

Consideration is given to the highway specific planning history of the site, which in combination with the uses previously proposed, if approved, could have generated similar levels of vehicular activity as the proposed. The internal accessways already serve a small number of existing uses and it would be difficult to substantiate that the change of use of land subject of this application into three residential dwellings would result in a material vehicular intensification of use of this point of access. In addition, most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the existing point of access.

Each plot will be provided with significant hardstanding parking and turning area and open fronted double car port provision. The proposed parking and turning provision would be considered adequate for the proposed use.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition. Secure and covered cycle parking should also be provided for both plots. This could be facilitated within the store area of the car port buildings.

While it seems reasonable that private motor cars and smaller delivery vehicles would be able to make use of the internal access arrangements in order to turn on site the same conclusion cannot be made with regard to fire and refuse requirements. No swept path tracking plans have been submitted to demonstrate that a fire tender or refuse vehicle can access and turn within the confines of the site. The Applicant should confirm the intended refuse collection method.

On balance the Local Highways Authority does not consider that the proposal would have and 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 111), and that there are no transport grounds to resist the proposal.

**3.5 WSCC Public Rights of Way:** No response received

**3.6 WSCC Fire and Rescue:** Comment

Fire hydrant condition recommended. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments.

**3.7 Ecology Consultant:** Objection

No ecological documents have been submitted as part of this application. A desk survey on the Multi-Agency Geographic Information for the Countryside (MAGIC) map identifies that two European Protected Species licence for bats have been granted within approximately 2km of the development and a single Great Crested Newt Licence has been returned within 2km. There are several ponds within 500m of the site and Priority habitat, including deciduous woodland and wood-pasture and parkland, within 1km of the site.

Recommend that a Preliminary Ecological Appraisal is undertaken by a suitably qualified and experienced ecologist to assess the impacts of the development on designated sites, protected and Priority species and habitats. This report should also include any appropriate precautionary mitigation measures and propose reasonable enhancements for biodiversity. This information is necessary, prior to determination, as paragraph 99 of the ODPM Circular 2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

**3.8 Southern Water:** Comment

Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to Developer.Services@southernwater.co.uk.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**PUBLIC CONSULTATIONS**

**3.9 West Grinstead Parish Council:** Objection

- Application premature
- Infill could be accepted if the site was within the proposed Secondary Settlement
- Site located within the countryside
- Result in an increased urbanisation and intensification of activity on the site
- Would affect the quiet and secluded character and location
- Unsustainable and inappropriate form of development

**3.10** 12 letters of support were received from 9 separate households, and these can be summarised as follows:

- Will conclude the cycle of applications and appeals on the land
- Surrounded by properties
- In keeping with the character of the area

- Efficient use of land
- Land is currently unsightly and unused and the development would improve the attractiveness
- Plenty of space for development
- Provide much needed housing

3.11 5 of the support letters also raised some concerns regarding the proposal, and these can be summarised as follows:

- Size and scale of the proposed units are excessive
- Out of character height
- Should be designed to reflect the nearby properties
- Potential loss of sunlight
- Impact on the Oak Tree

3.12 1 letter of support was received stating that they had no objection to the proposal, but considered that the scheme needed to address the following points:

- Reduce size of Unit 3 which is oversized and out of character
- Provision for heavy vehicles so that they may turn on-site
- Proximity to Southern Water Holding Tank
- Potential flood risk

3.13 7 letters of objection were received from 5 separate households, and these can be summarised as follows:

- Size and scale of Unit 3
- Overlooking and loss of privacy
- Incongruous and intrusive design
- Impact on landscape features and environment
- Overdevelopment
- Land designated as countryside

3.14 **Littleworth Residents Association:** Support

- Land surrounded by residential properties on all sides and no longer backland development
- Would wish to see amendments to reduce the scale of the properties with installation of obscure glazing in windows that overlook neighbours
- Unit 3 should be moved further west to take due regard to the Oak Tree (subject of a Tree Preservation Order)

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

Principle of Development:

- 6.1 The application site comprises undeveloped paddocks located to the rear of linear development fronting Littleworth Land and Mill Lane to the east and south respectively. It is recognised that the site is located in close proximity to an enclave of residential development, with a number of sporadic backland developments also located to the north, south and west of the development site. However, this enclave is not identified as a classified settlement within the settlement hierarchy under Policy 3 of the Horsham District Planning Framework (2015). The application site is therefore located outside of a defined built-up area, and is considered to be within a countryside location in policy terms.
- 6.2 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.
- 6.3 Paragraph 79 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.4 Paragraph 80 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.5 The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be "isolated" in its truest sense, and does not therefore engage the considerations of paragraph 80.
- 6.6 The Local Plan Review undertaken recently has sought the designation of Secondary Settlements, where some degree of infill to otherwise unclassified settlements could contribute to the sustainable development of rural areas. Littleworth has been reviewed as part of this process, where it is recognised that Littleworth is a small hamlet which is predominantly centred along Littleworth Road, a distance to the north of Partridge Green,

which contains a reasonable level of services and facilities. The dwellings in the area are a mix of sizes and ages which help to contribute to a sense of place, and there are a number of allotments available which provides evidence of an established community. For this reason, it has been recommended that Littleworth be designated as a secondary settlement.

- 6.7 However, the accompanying map illustrates that the proposed Secondary Settlement boundary would extend tightly around the defined curtilages of the residential dwellings, excluding the application site. As such, while the application site would adjoin the Secondary Settlement boundary, it would remain within the countryside in policy terms. While these boundaries are still under review, and have not yet been formally adopted, it does provide some guidance as to the current policy considerations. The site therefore remains outside of the built-up area, within a countryside location in policy terms, and does not adjoin an identified and classified settlement. On this basis, the proposal remains in conflict with Policies 3 and 4 of the HDPF.
- 6.8 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.
- 6.9 The proposed development would therefore be in conflict with the spatial strategy for housing within the development plan as set out in Policies, 2, 3, and 4 of the HDPF. In addition, the proposal would not meet any of the exceptions as identified within Policy 26 of the HDPF. The proposal would not therefore provide a suitable location for housing with regard to the spatial strategy within the Development Plan.

### Design and Appearance:

- 6.10 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals 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.
- 6.11 The application site is located outside of the land designated as a Local Gap within Policy 1 of the West Grinstead Neighbourhood Plan, therefore no weight can be given to this policy.
- 6.12 Whilst the current Local Plan Review carries only very limited weight, it is noted that the site was assessed for inclusion within the intended new Secondary Settlement policy, but excluded from the recommended Secondary Settlement boundary of Littleworth due to its landscape characteristics and visual qualities.
- 6.13 Of additional relevance, the application site has been subject of a number of applications for residential development, including for use as holiday-let accommodation and gypsy and traveller pitches (DC/20/2570). Similar to the current context, despite the lack of a 5-year land supply for Gypsy and Traveller pitches and the identified need for such accommodation within the District, the development was considered to result in landscape and visual harm that would not be outweighed by the benefits arising from the development. While the identified need for gypsy and traveller pitches was a material consideration of significant weight, the harm to the landscape character and sense of place was not considered to outweigh the benefits arising from the proposal.
- 6.14 Paragraph 130 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.
- 6.15 The application site comprises backland, located to the rear of the linear development of Mill Lane to the north and Littleworth Lane to the east. It is recognised that there are examples of backland development within the locality, and most specifically comprising The Chase, Honeycroft, Coates Garden, Pemberley, High Downs and Far Lea. The application site itself does however comprise undeveloped land which retains the informal character as former agricultural/paddock land.
- 6.16 The significance of this land has been considered under previous planning applications and an appeal. The Inspector considered under the appeal for planning reference DC/12/2378 that the development for 1no. dwelling would damage the character and appearance of the area. It was outlined that the application site is not perceived as being surrounded by development, but that the large dwelling to the south-west, together with the presence of accesses, are intrusive features. The area itself retains a predominantly open appearance and rural character, and makes an important contribution to these qualities. The Inspector thereby concluded that the development would consolidate the built form in this immediate context and would produce an urbanising effect that would harm the character and appearance of the area.
- 6.17 Subsequent applications have continued to recognise the intrinsic character of the site, and the value it has in reinforcing the rural countryside characteristics of the wider locality. Of

particular relevance, the open and spacious character of this remaining undeveloped land is considered to be of particular importance in retaining the sense of place within the rural locality, and it is therefore considered to be an intrinsic feature that reinforces such distinctiveness,

- 6.18 Littleworth comprises an unclassified settlement which is defined by its linear build lines along Littleworth Lane and Mill Lane, and there is a clear and distinctive division between the residential properties and the paddocks and agricultural land beyond. While recognised that this linear build pattern has been diluted by recent backland development, there remains a physical and visual division which is most clearly reinforced by the paddock lands comprising the application site. This land thereby plays an intrinsic role as a buffer in defining the settlement edge between the residential development of Littleworth and the countryside beyond.
- 6.19 While acknowledged that sporadic residential development has taken place within the vicinity, this has resulted in the incremental erosion of the rural locality, with the remaining paddock land considered to retain and contribute to the understanding of the rural setting. The proposed development would result in the loss of this significant landscape feature and would result in the further suburbanisation of the rural setting, which would erode and detract from the rural character and distinctiveness of the locality.
- 6.20 The introduction of 3no. large dwellings, along with the proposed outbuildings and hardstanding, would result in a significant change to the character and appearance of the site. The development would formalise the rural setting and would consolidate the building form in the immediate context, resulting in an urbanising effect that would detract from the undeveloped character of the area. This impact would be exacerbated by the overall scale of the three buildings proposed, which would be significantly larger and more visually dominant than the mostly chalet-style dwellings that characterise the area. Whilst two large dwellings have been recently constructed to the south, these are in themselves intrusive but sit in large plots that help reduce this impact somewhat.
- 6.21 Unit 1 would be converted from a relatively unassuming single storey stable block commensurate in scale and appearance to its rural location to a two storey house with car port and hardstanding. The resulting dwelling would appear as an unduly large and dominant addition, that would appear as an intrusive addition within the informal setting and an overdevelopment of the site. The location of the garage would also sit largely within the root protection area of a mature oak potentially impacting on its future health.
- 6.22 Unit 2 would be located immediately to the west of Coates Cottage and to the south of the dwelling known as The Chase. Coates Cottage comprises a single storey dwelling with The Chase comprising a chalet bungalow, with these dwellings extending in height to no more than 6.9m. While Unit 2 would reflect the built form and appearance of The Chase, the proposal would extend across the breadth of the site, with a large roof bulk that is considered to be disproportionate to the overall dwelling. As such, the proposal would result in a bulk and mass that would unbalance the dwelling and further increase its dominance within the backland setting. When coupled with the level of hardstanding and the addition of the car port along the frontage as proposed, it is considered that the proposed residence would appear as a formal and prominent addition within the landscape.
- 6.23 Unit 3 would be located to the eastern portion of the proposed parcel, and would be read in the context of Touchwood to the east, which comprises a single storey dwelling. The proposed dwelling would extend over two storeys, to an overall height of 8.1m, and would incorporate a number of projecting elements, including the provision of pitched roof dormer windows and a first floor bay window. While recognised that the two storey dwellings of High Downs and Far Lea are located to the south of the site, it is considered that the scale, bulk and mass of the proposed dwelling would result in a dominant building form, particularly when read against the context of Touchwood to the east. The proposed dwelling would not

reflect the proportions of similar dwellings within the immediate setting, and would make limited reference to the recognised features and vernacular within the immediate vicinity. The proposed dwelling is therefore considered to result in a prominent addition within the setting, would take limited consideration of the immediate surroundings, and would be unreflective of the recognised built form within the backland setting.

- 6.24 For these reasons, the proposed development would amount to a scale and form of development that would significantly erode and dilute the informal character and ambience of the rural setting, and would adversely affect the sense of place within the semi-rural locality. The proposal would suburbanise and formalise this area, which is considered to play a significant role as a buffer in defining and reinforcing the settlement edge. The proposal is therefore considered to result in inappropriate development of a backland setting, resulting in the incremental erosion and suburbanisation of the rural locality. As such, the proposed development given its location and siting, would be considered to result in unacceptable harm to the rural setting, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 6.25 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.
- 6.26 The proposed development would adjoin a number of residential properties located to the north, east and south. These properties comprise a mix of single storey, two storey and chalet bungalows which are set at various distances from the site boundaries.
- 6.27 The proposed development would result in 3no. large dwellings, extending to heights of between 8m and 9m. The dwellings would incorporate first floor windows, with each dwelling set at a distance of at least 24m from the nearest residential property.
- 6.28 It is recognised that a number of objections have raised concerns regarding potential overlooking and loss of privacy, particularly resulting from Unit 3, as well as potential loss of light caused by this dwelling.
- 6.29 While the proposed development would introduce additional built form and residential receptors in the previously underutilised land, it is recognised that each of the proposed dwellings would be located at a sufficient distance from the nearest residential properties, with additional landscaping imposed along the shared boundaries. While soft landscaping cannot be relied upon to restrict the impact of development, this would provide some mitigation toward reducing the visual perception of the development from the neighbouring properties. When coupled with the distance from the neighbouring properties, and the limited window openings in the elevations facing the nearby dwellings, it is not considered that the proposal would result in significant adverse impact through overlooking, loss of privacy, and loss of light, to justify a reason for refusal.
- 6.30 It is recognised that Unit 3 would be a substantial two storey dwelling that would extend to a height of 8.1m, which would be far greater in height than the single storey bungalow of Touchwood to the east. While this dwelling would result in some overlooking from first floor windows, with the habitable bedrooms of Touchwood located on the western elevation, it is recognised that the proposed dwelling would be sited 35m from this elevation. This is considered a sufficient distance to limit potential views into the habitable windows, with the land adjoining the application site appearing to be utilised as secondary amenity space. For these reasons, it is not considered that Unit 3 would result in demonstrable harm through overlooking and loss of privacy to justify a reason for refusal in this regard.

- 6.31 On the balance of these considerations, the proposed development is not considered to result in harm to the amenities and sensitivities of neighbouring properties through overlooking, loss of light or privacy, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

#### Highways Impacts

- 6.32 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.33 It is recognised that the site is located in close proximity to the linear residential development of this unclassified settlement, which itself is located a short distance from the defined built-up area of Partridge Green. On this basis, occupiers would benefit from reasonable access to the village centre.
- 6.34 The application seeks to utilise the existing access from Mill Lane, with a separate spur proposed to each dwelling, along with individual car ports and areas of hardstanding within each plot.
- 6.35 Following consultation with WSCC Highways, it is not anticipated that the proposed development would result in a material intensification in use of the access, with no evidence to suggest that the entrance to the site is functioning unsafely or inadequately.
- 6.36 The WSCC Parking Demand Calculator indicates that a total of 9no. vehicle parking spaces (3no. each) would be required for the proposed development. Each dwelling would benefit from sufficient hardstanding to meet the parking and turning needs, with an open fronted double car port also provided. It is therefore considered that the proposed dwellings would benefit from sufficient parking areas for the anticipated need.
- 6.37 For these reasons, the proposed development is considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

#### Ecology

- 6.38 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.39 The application site comprises former paddock land which has fallen into disuse and now comprises overgrown grassland. The site is located in close proximity to a corridor of woodland, with agricultural fields and hedgerows located within the vicinity. Given this context, the site has the potential to be used as habitat and a connector for various species.
- 6.40 The Applicant has provided no ecology information and it has not therefore been demonstrated that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015), Policy 4 of the West Grinstead Neighbourhood Plan, and Paragraphs 174 and 180 of the NPPF.

#### Climate change

- 6.41 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.

- 6.42 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Water consumption limited to 110litres per person per day
  - Requirement to provide full fibre broadband site connectivity
  - Dedicated refuse and recycling storage capacity
  - Cycle parking facilities
  - Electric vehicle charging points
- 6.43 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

#### Planning Balance and Conclusions

- 6.44 The application proposes housing development on a rural site not allocated for development within the HDPF or West Grinstead Neighbourhood Plan. The proposal in principle therefore runs contrary to Policies 2, 4 and 26 of the Horsham District Planning Framework (2015). The proposal is also of a scale and form that would significantly erode and dilute the informal character and ambience of the rural setting, and would adversely affect the sense of place within this semi-rural locality. This harm runs contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and weighs significantly against the grant of planning permission. Further, insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity enhancement, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the West Grinstead Neighbourhood Plan.
- 6.45 The Council cannot current demonstrate a five year supply of deliverable housing sites therefore for the purposes of decision making the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies. Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.46 In this instance policies 2, 4 and 26 are considered out of date and as determined by recent appeal inspectors now carry only moderate weight in decision-making. The West Grinstead Neighbourhood Plan, although recently adopted, does not contain policies and allocations to meet its identified housing requirement, instead relying on the new local plan to address housing need in the plan area. The protections of Paragraph 14 of the NPPF do not therefore apply to decision making in this case.
- 6.47 The benefit of housing in an area within reasonable walking distance of village services carries significant weight however the contribution of three houses to the Council's supply would be very modest. Whilst the current housing shortfall is a material consideration of significant weight, the proposed development is considered to result in adverse impacts to the landscape character, sense of place and rural ambience that would significantly and demonstrably outweigh the benefits arising from the modest contribution of three dwellings to the Council's housing supply. The benefit of the housing also does not outweigh the absence of suitable information to demonstrate whether the proposal would have impacts on protected species and deliver ecological enhancements. Such harm to landscape character and ecology runs contrary to paragraphs 174 and 180 of the NPPF and would lead to adverse

impact that significantly and demonstrably outweigh the benefits of the housing. The application is recommended for refusal on this basis.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.48 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

6.49 **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	1144.01		1144.01
	<b>Total Gain</b>		
	<b>Total Demolition</b>		

6.74 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

6.75 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 To refuse the application for the following reasons:

### Reason(s) for Refusal:

1. The proposed development, due to its scale, quantum and form, would fail to reflect the landscape characteristics and intrinsic features of the landscape area, and would detract from the ambience and sense of the place of the rural countryside setting by formalising and urbanising the rural landscape character. The proposal would therefore result in significant and demonstrable harm to the countryside setting, contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).
2. The proposed dwellings would be of a scale, mass and bulk that would over-dominate this backland setting and fail to reflect or reinforce the built characteristics and proportions of the locality, and specifically the immediate context to which each dwelling would sit. The development would therefore be unsympathetic to the built surroundings and would fail to respect the character of the immediate setting, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).
3. Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015), Policy 4 of the West Grinstead Neighbourhood Plan and Paragraphs 174 and 180 of the NPPF.