



**TO:** Planning Committee

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

**DATE:** 7<sup>th</sup> February 2023

**DEVELOPMENT:** Demolition of tractor shed and cottage. Erection of 1no replacement two-storey dwelling, conversion and restoration of clock tower and stable building to form 1no two-storey dwelling with associated car parking and landscaping.

**SITE:** Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD

**WARD:** Rudgwick

**APPLICATION:** DC/22/2037

**APPLICANT:** **Name:** Mr Scott Davis **Address:** C/O Agent

**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 partial demolition and partial conversion of existing outbuildings to provide 2no. residential dwellings.

1.3 The proposal also includes the provision of car parking, amenity areas, and landscaping.

### **DESCRIPTION OF THE SITE**

1.4 The application site lies to the east of Horsham Road, and to the north of the unclassified settlement of Rowhook.

1.5 The site consists of a former manor house that has been converted into a nursing home, with a number of detached outbuildings positioned to the west of the main building. An area of hardstanding, currently utilised as a car park, is positioned to the south of the building, with access provided from Horsham Road.

- 1.6 The site itself is surrounded by flat open countryside, with an area of woodland positioned to the south-west and north of the existing buildings, to which a walled garden sits centrally.
- 1.7 A public footpath dissects the site from north-east to south-west and runs along the western boundary of the existing outbuildings. The wider surroundings are characterised by sporadic residential and commercial development, primarily set back from the public highway, with a residential dwelling known as Canada Bungalow positioned to the east of the existing manor house.

## **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 9 - Employment Development
- Policy 10 - Rural Economic Development
- 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 34 - Cultural and Heritage Assets
- 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

### RELEVANT NEIGHBOURHOOD PLAN

#### **2.5 Rudgwick Neighbourhood Plan**

- RNP1 – Spatial Strategy
- RNP2 – Housing Mix
- RNP5 – Housing Density
- RNP6 – Materials
- RNP7 – Architectural Style
- RNP8 – Development Height
- RNP9 – Street Scene

### PARISH DESIGN STATEMENT

## 2.6 Rudgwick Parish Design Statement

### PLANNING HISTORY AND RELEVANT APPLICATIONS

RW/12/53	C/u from private dwelling to convalescent guest house	Application	Permitted	on
				09.09.1953
RW/19/53	Use as convalescent guest house Comment: Pre 4/93 mole valley	Application	Permitted	on
				05.10.1953
RW/65/63	Dwelling Comment: Pre 4/93 mole valley	Application	Refused	on
				10.06.1963
RW/66/63	House in conjunction with use as convalescent home Comment: Pre 4/93 mole valley	Application	Permitted	on
				03.09.1963
RW/67/63	Convert stable block to staff accom Comment: Pre 4/93 mole valley	Application	Permitted	on
				26.09.1963
DC/16/2637	Erection of four x 3 bedroom semi-detached dwellings with detached garages; demolition of outbuildings and creation of 25 space car park	Application	Refused	on
				13.04.2017
		Appeal	dismissed	on
				27.03.2017
DC/19/0291	Demolition of outbuildings and erection of 3.no dwellings with detached garages and creation of overflow car park	Application	Refused	on
				05.04.2019
DC/20/0562	Demolition of outbuildings and erection of 3.No three bedroom dwellings, including a pair of semi-detached units, with detached garages; creation of overflow car park	Application	Refused	on
				09.04.2021
DC/22/1187	Demolition of tractor shed and cottage. Erection of 2no. two storey dwellings, conversion and restoration of clock tower and stable building to form a two storey dwelling; associated car parking and landscaping.	Application	Refused	on
				18.08.2022
		Appeal	pending	

## 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 Conservation (Response received 09.12.2022):** Following the previously refused applications, welcome the Applicant's appreciation of the historic and architectural significance of the ancillary buildings and the contribution they make to Honeywood House. Welcome the proposal to retain and rehabilitate the historic stable building. However, the proposed extension of this building, replacing inappropriate extensions, will not reverse the harm resulting from these later additions. The position and design will continue the dilution of the historic interest of this building. Support the conversion of the stable but question the need for the additional ground floor accommodation to enable the development. Also unconvinced by the size, orientation and design of the new unit. The design is reminiscent of suburban executive homes rather than a converted farm building as is intended. A building of this type would not be found in this context alongside the principal drive and so close to the country house. In order to preserve the setting of the non-designated heritage asset, suggest the scheme is scaled down and the design of the new unit revisited.

- 3.3 **HDC Arboricultural Officer (Response received 06.12.2022):** Regrettably, despite a number of mature trees in close proximity to the site, no tree survey or AIA has been submitted with the application. The relationship of retained mature trees of significance to the landscape setting of the house is in some instances very poor in respect of the proposed layout.
- 3.4 The submitted ecological information purports to have checked for the presence of Ancient Woodland (AW) on the Magic website however, it does not identify the fact that part of the woodland to the immediate North of the site, partially proposed for inclusion within a garden for the proposed new dwelling, is AW. In fact the multi-stem tree shown included within the new curtilage for the house is an AW indicator Crab apple tree of County significance for its size.
- 3.5 In accordance with NPPF and Local Plan policy, it is important to respect the irreplaceable value of this habitat and ensure all new development, including recreational space associated therewith, maintains the minimum buffer requirements in this respect.
- 3.6 The application does not respect the minimum recommended buffer to AW from new development/domestic curtilage expansion. Recommend withdrawal, or alternatively refusal in respect of failure to conform with both local and national requirements for conservation of Ancient Woodland, which is a material consideration in the assessment of landscape impact.
- 3.7 **HDC Arboricultural Officer (Subsequent response dated 28.12.2022):** There does appear some discrepancy in terms of post war woodland extent in close proximity to the site. As highlighted in the consultation response, the presence of the multistem crab apple is very good evidence that some form of wooded linkage was retained up to the Sussex Border Path route at the rear of the buildings, during the latter half of the 20<sup>th</sup> century.
- 3.8 The onus is for the applicant/land owner to deal directly with Natural England (NE) if they seek a change to the provisional inventory for Ancient Woodland (AW). It maybe that historic aerial photography could show the area de-forested at some point in time in which case NE may alter their view, perhaps dependant on whether they feel the tree felling and subsequent land usage/change was for a time period that was significant enough to alter the soil composition and its seedbank.
- 3.9 Until Natural England advise otherwise, the evidence points towards the current inventory, upon which the LPA rely for decision making, as being correct.
- 3.10 **HDC Environmental Health:** Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery, equipment, fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hard standings. Information is required on these matters and a Preliminary Risk Assessment including a site walkover should be provided to ensure the application is properly determined.

## OUTSIDE AGENCIES

- 3.11 **WSSC Highways:** Both dwellings will be accessed via an existing private access road. No alterations are proposed to the existing point of access on to the maintained highway. Considering the scale of what is proposed, the LHA does not anticipate that the proposed development would lead to a material intensification of use of the existing access.
- 3.12 Both dwellings will be served by a double-bay garage with driveway. The WSSC Car Parking Demand Calculator indicates that a development of this size and location would require six car parking spaces. From inspection of the plans, the proposed garages and driveways are suitably sized to accommodate the anticipated parking demand. On-site turning appears achievable, allowing vehicles to exit the site in a forward gear. Regarding cycles, the proposed garages are suitably sized to be accommodate two cycles each, in accordance with WSSC Parking Standards.
- 3.13 The site is situated in a rural location that lacks access to nearby services and amenities. In addition, Horsham Road is unlit and lacks footways in this location. As such, residents may have a reliance on the private car. Cycling to larger urban areas is an option for confident cyclists.
- 3.14 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 111), and that there are no transport grounds to resist the proposal.
- 3.15 **WSSC Public Rights of Way:** Public Footpath 92Sy runs through the proposed development, within the red line of the application boundary. The application notes that the used route of the path has deviated over time and no longer follows its legal definitive line which runs close to the north-western face of the existing building line. The application acknowledges the intention to divert the legal line of the footpath to a route marked 'Track' on drawing 83\_203 but does not state the intended legal process to achieve this outcome.
- 3.16 Advise the Applicant to apply to the LPA for an order to divert Footpath 92Sy under the Town & Country Planning Act 1990, Section 257. If the applicant applies for, and the LPA confirms an order for such a diversion, the Public Right of Way team offer no objection to the planning application; the PROW Team will be consulted on the diversion order in due course.
- 3.17 If the Applicant does not apply to divert the footpath, or such application is declined by the LPA or is unsuccessful, the legal line will remain as recorded on the Definitive Map and Statement of Public Rights of Way in West Sussex and the path must be reinstated on the legal alignment.
- 3.18 **Southern Water:** There are no public foul sewers in the area to serve this development. The Applicant is advised to examine alternative means of foul disposal.
- 3.19 **Woodland Trust:** Holding Objection
- 3.20 Support the Assistant Arboricultural Officer's comments in relation to the requirement for an Arboricultural Impact Assessment, and their concerns regarding the use of the ancient woodland as part of the garden area. Such use will likely result in the deterioration of the ancient woodland edge and could lead to the inclusion of infrastructure within the wood if usual permitted development rights are retained.
- 3.21 Natural England and Forestry Commission's standing advice states that "*you should not approve development proposals, including gardens, within a buffer zone.*" Therefore, the site layout should be reconfigured to ensure that the adjacent ancient woodland will be located

outside of the garden area and afforded suitable mitigation efforts to reduce impact during redevelopment of the existing buildings.

## PUBLIC CONSULTATIONS

- 3.22 **Rusper Parish Council:** No Objection subject to permitted development rights being removed, the issues by the Arboricultural Officer being resolved, clarity as to how foul sewage would be dealt with, and clarification on CIL matters
- 3.23 20 letters of support were received (13 letters from households within the District and 7 letters from households outside of the District). These can be summarised as follows:
- No impact on neighbours
  - Would provide additional accommodation in national shortage
  - Provide revenue for the Nursing Home
  - Remove unsightly derelict buildings
  - Redevelop in a sympathetic manner
  - Retains and preserves historic features
  - History of residential use on the site
  - Number of other occupied residential dwellings in the area
  - No landscape or woodland affected
  - Support community facility

## 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 relates to the partial conversion and partial demolition of existing buildings, and the creation of 2no. residential dwellings.

### **Principle of Development:**

- 6.2 The application site has been subject of a previous refusals of planning permission under references DC/16/2637, DC/19/0291 and DC/20/0562 for residential development comprising of 3no. dwellings. These proposals differed in location and quantum of development, but all previous applications related to new-build dwellings within the site, which were put forward on the grounds of providing additional funds to support the continued maintenance works of the nursing home. The first application was subject of a dismissed appeal.
- 6.3 The Inspector, in dismissing an earlier submission (ref: DC/16/2637), outlined that the proposed dwellings would not be isolated in the sense that they would be close to a large nursing home but they would still be remote from day to day services. The provision of market housing in this location not linked to a rural use would be contrary to Policy 26 and not be in accordance with the overarching spatial strategy for development within the HDPF. It was

therefore concluded that the site would not be a suitable location for housing unless material considerations indicated otherwise.

- 6.4 The appeal Inspector also acknowledged that the development would provide much needed income for the nursing home, which itself provides a community facility and employment. It was however concluded that the development would not necessarily ensure the long-term future of the home on completion of priority maintenance. It was not considered to be sufficiently demonstrated that the scale of the development proposal was commensurate with the financial need of the nursing home, with the likely income generated from the development appearing to cover more than the main requirements. It was also determined that the scale of the development was not justified in relation to the remote location of the houses. In dismissing the appeal it was concluded that while social and economic benefits would arise from the continuance of the nursing home at the site, these benefits did not outweigh the harm that would arise from the development. The remote location of the housing would not be in accordance with the objectives of sustainable development and would undermine the adopted spatial strategy for additional housing. The proposed development was therefore determined to represent unsustainable development in respect of its location. The conclusions and determination of this appeal is considered to be of significant weight in the consideration of the current application.
- 6.5 The most recently determined application on the site, ref: DC/22/1187, differed from the previous applications, with the proposal seeking to retain the clock tower and stable building which would be converted to 1no. dwelling. An existing cottage and garage building was also to be demolished, with the erection of 2no. dwellings. While this preceding proposal sought to retain part of the complex of buildings, with a net increase of 2no. dwellings, it was acknowledged that the application site remained outside of the defined built-up area, on a site not allocated for housing within the Local Plan or a made Neighbourhood Plan. The policy conflict as previously identified and considered at appeal therefore remained. Accordingly, it was concluded that the proposed development would 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. This decision is currently subject of an appeal which at an early stage.
- 6.7 The current application seeks the partial demolition of existing buildings, the conversion of the existing Clocktower to 1no. 5-bed dwelling, and 1no. new build 5-bed dwelling. The Planning Statement outlines that a review of the existing buildings has determined that the Clock Tower and Stables are worthy of preservation, with the proposal seeking to convert these buildings to a single dwelling. The cottage and tractor shed are however in a poor state of repair, with various additions to the building of limited merit. This building is proposed to be demolished, with the proposal seeking 1no. new build dwelling to reflect the proportions and built characteristics of similar buildings on the site.
- 6.8 The Planning Statement makes reference to the presence of several existing dwellings on the site which have formerly been used as staff accommodation. Reference to Council Tax payments is made within the Statement, albeit no evidence of these bills has been provided to substantiate this. It is noted that a letter from the General Manager/Head Trustee contained within the Supplemental Report refers to this as empty property Council Tax which is paid annually. The Statement also acknowledges that the dwellings have not been used by the Nursing Home in excess of 6 years, with the photographic evidence provided and the findings of the site visit indicating that the buildings have fallen into disuse. The Planning Statement outlines that the buildings are now dangerous, with the Planning Statement confirming that this has been the case for some time.
- 6.9 The evidence available indicates that the existing buildings are currently not capable of occupation and have not been occupied for some years (in excess of 6 years as outlined within the Planning Statement). Reference was made to staff now being accommodated elsewhere at Honeywood House during the site visit, albeit that no information is available to

substantiate this. As evident from the site visit, the buildings are not capable of occupation in their current state, and would require substantive works to bring them to a standard suitable for occupation. It is noted that the buildings have been left vacant for an extended period of time, are in a partial degraded and derelict state, and there seems to have been a lack of intent to bring them back into use. Taking these factors into account, on the matter of fact and degree, it is not considered that the buildings are capable of occupation, and the weight to be afforded as residential dwellings is therefore limited.

- 6.10 It is also noted that the former staff accommodation would likely have operated as ancillary to the main function of the site as a care home. Activities generated by the staff accommodation would have been linked with the care home, with the presence of staff accommodation on site limiting vehicular movements and trips. In contrast, the proposed development would be unrelated to Honeywood House, comprising private market dwellings. There is also a suggestion that staff accommodation has been relocated from the buildings to elsewhere on the site. If this is the case, it would not be considered that the development would result in a two for two replacement.
- 6.11 Notwithstanding this, it is noted that the Applicant makes reference to the site being Previously Developed Land.
- 6.12 Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services and facilities in place, or in places where these can be realistically provided.
- 6.13 Paragraph 80 of the NPPF states that planning decisions should avoid 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 building; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding, 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.
- 6.14 It is noted that the Planning Inspector considered whether the proposed dwellings would be isolated in the truest sense, and it was concluded that they would not be isolated due to the proximity of the Nursing Home. It is not therefore considered that paragraph 80 of the NPPF is engaged.
- 6.15 Paragraph 119 of the NPPF states that "planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Paragraph 120 continues that planning policies should encourage multiple benefits from both urban and rural land; recognise that some undeveloped land can perform many functions; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.



- 6.16 While it is acknowledged that the application site comprises previously developed land, the spatial strategy and directive from the NPPF guides development to previously developed land within settlements, where it is considered to be more sustainable.
- 6.17 The proposed development would provide 2no. residential dwellings, considered to be a modest contribution to the Council's housing supply. As previously determined at appeal, the site is considered to be an inappropriate location for housing, which would undermine the overarching spatial strategy. Taking into account recent appeal decisions, and previous decisions on the site, the proposed development is considered to 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. While recognised that the proposed development would contribute to identified housing need, the benefit of 2no. dwellings to the Council's housing land supply would be limited when considered in the planning balance, and would not outweigh the conflict identified with Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

### **Design and Appearance:**

- 6.18 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.19 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.
- 6.20 Policy RNP7 of the draft Rudgwick Neighbourhood Plan states that new development should contribute positively to the character of Rudgwick and should be designed with reference to the surrounding architecture, paying particular attention to features of local vernacular and locally characteristic details. Policy RNP8 continues that the scale and massing of new development should always be in harmony with the surrounding built and natural environment. In addition, Policy RNP6 of the draft plan states that development should utilise materials that reflect the common building styles across the Parish.
- 6.21 Honeywood House is considered to be a non-designated heritage asset, with the outbuildings contributing to the character and distinctiveness of the site as a whole. It is noted that these outbuildings have fallen into disrepair, with their demolition considered favourable given the parking requirements and needs of the nursing home. However, these outbuildings are considered to inform the character of the site as a whole, relating to and demonstrating the evolution of the site, and as such are considered to contribute to the setting of the non-designated heritage asset.
- 6.22 As stated within paragraph 135 of the NPPF "the effect on an application on the significance of a non-designated heritage asset should be taken into account...in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be

required having regard to the scale of any harm or loss and the significance of the heritage asset". A balanced judgement is therefore required between the contribution these buildings make to the significance of the non-designated heritage asset, and the public benefit of additional car parking.

- 6.23 The outbuildings are considered to contribute to the setting of the non-designated heritage asset, and their loss would be regrettable. However, it is recognised that given the significance of the building, and in particular the views from the approach, the proposed location would have the least visual impact upon the principal building.
- 6.24 The surroundings are characterised by open countryside, with sporadic residential development, primarily of detached Sussex vernacular, with some examples of semi-detached properties. Given the sporadic nature of development, there is no definable build pattern, or character style.
- 6.25 The proposed development has been designed to take consideration of the arrangement and relationship of the historic built form, with the form and appearance of the buildings considered to be appropriately reflective of the historic built arrangement. The proposed development is therefore considered to relate sympathetically to the surrounding built character and form and is considered to sit appropriately within the setting of the non-designated heritage asset, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

#### **Amenity Impacts:**

- 6.26 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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.
- 6.27 The proposed development would be set at a distance from the nearest residential properties, and would be oriented to face away immediate neighbour. Adequate space would be provided between each of the proposed dwellings, with sufficient amenity space provided to the rear. It is therefore considered that the proposed development has been designed to address potential amenity impacts, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

#### **Highways Impacts:**

- 6.28 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.29 The proposal seeks to utilise the existing access and driveway which extends to the north-west of the nursing home. Following consultation with WSCC Highways, no objections have been raised to the use of this access, and it is not considered that any further vehicle movements (caused by the additional dwellings on the site) would result in harm to the function and safety of the public highway network. Furthermore, the extension to the existing access to provide additional overflow parking is not considered to result in harm to the function of the access or public right of way to justify a reason for refusal.
- 6.30 The proposal is therefore considered to provide adequate parking provision, suitable for all users, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

### **Ecology:**

- 6.31 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.
- 6.32 The Applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment reference 001 dated 23.05.2022 by aLyne ecology. The Report identifies five buildings (B1, B2, B3, B4 and B5) which contain high potential for roosting bats. The Report concludes that further surveys are required for bats (dusk emergence or dawn re-entry) for the identified buildings.
- 6.33 The Applicant has submitted a Bat Emergence Report by Lizard Landscape Design and Ecology reference LLD2307 dated 16 September 2022. The Report outlines that the buildings support day roosts for common and soprano pipistrelle, brown log-eared and serotine bats who utilise the chapel and surrounding buildings. To ensure the favourable conservation status of bats in the local area, mitigation measures are proposed. These include, the installation of crevice and cavity bats boxes to surrounding mature trees or buildings; a tool box talk given to all contractors during construction phase; ecological supervision during construction works; transportation of any bats encountered to pre-installed bat boxes; only undertake works when the buildings are declared bat free; and no use of BRM.
- 6.34 If the development had been considered acceptable, the mitigation measures as proposed would have been secured by condition.

### **Water Neutrality:**

- 6.35 Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.36 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.37 The application site falls outside of the Sussex North Supply Zone, with the site sourcing its water from Cranleigh. The Applicant has provided a copy of emails confirming this, with the Sussex North Water Supply Map also confirming that the site is outside of the catchment area.

### **Climate Change:**

- 6.38 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.
- 6.39 Should the development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured through condition:-
- 110 litres per person per day water consumption

- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Cycle parking facilities
- Electric vehicle charging points

6.40 Had the application been recommended for approval, subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

**Other Matters:**

6.41 It is noted that the development also seeks to divert the public footpath. Had the application been considered acceptable in all other regards, this would require the submission of a separate application under section 257 of the Town and Country Planning Act 1990.

**Planning Balance and Conclusions:**

6.42 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 relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

6.43 Recent appeal decisions at Rascals Farm, Shipley Road (APP/Z3825/W/20/3257700) and Land South of Newhouse Farm, Crawley Road (APP/Z3825/W/21/3266503) have considered the local housing need of the District, where it has been determined that the Council does not currently benefit from a 5-year housing land supply. Given this conclusion, the tilted balance contained in paragraph 11(d) of the NPPF is engaged.

6.44 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 this Framework taken as a whole.

6.45 The proposed development would not accord with the spatial strategy as set out in Policies 2, 3,4 and 26 of the HDPF, however as concluded within the recent appeal decisions, these policies are not fully compliant with the NPPF. In addition, given the housing shortfall as identified in these appeals, the conflict with these policies must be afforded a reduced weight. The proposed development would contribute to the identified housing need of the District, and given the identified need, the benefits arising from this would be of significant weight in the planning balance. However, it is recognised that the proposal would contribute only 2no. dwellings (considered a net increase of 2 for the reasons outlined in the preceding section) to the housing supply and would therefore make only a small and limited contribution in this regard.

6.46 Since these recent appeal decisions however, there have been further appeal decisions for single dwellings located outside the built up area boundaries, and these have been dismissed for reasons of conflict with the spatial strategy. In considering these appeals, the Planning Inspector made specific reference to the lack of the Council's 5 year housing supply and acknowledged that the proposals would make effective use of previously developed land, contribute to housing in the District and could make an important contribution to meeting the housing requirement of an area as small sized sites are often built-out relatively quickly. In both these appeal decisions the Planning Inspector concluded in the planning balance that while some economic advantages would arise from the construction of the proposed

dwelling, the benefits would be limited by the modest scale of the development for a single dwelling.

- 6.47 A recent appeal relating to Outline permission for 7no. dwellings in the countryside (but adjacent to a settlement boundary) has been considered under reference APP/Z3825/W/21/3280084. The Inspector recognised that the site would not accord with Policies 2, 3, 4, and 26 of the HDPF. It was noted that future occupiers would need to travel to reach facilities including a secondary school, comprehensive shopping facilities, and significant employment. While there would be some opportunity to do so by bicycle or bus, when considered alongside the distances to other destinations with a wider range of facilities, it was considered that occupiers would be likely to rely on private vehicles for many journeys, contrary to objectives within the NPPF to promote sustainable transport. It was however, also acknowledged that the small scale of development would mean that the adverse impacts would be limited. Nevertheless, the development was considered to conflict with the spatial strategy for the District and the aforementioned policies. The Inspector acknowledged that the development would result in direct and indirect benefits, but given the relatively small scale of the development, the benefits would be fairly limited. As such, these benefits were given modest weight, with the development considered an unsuitable site for housing due to the position of the majority of the site within the countryside.
- 6.48 The proposed development would be of a modest scale, on land distanced from the nearest built-up area and within a countryside location. 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. While recognised that the proposed development would contribute to the identified housing need, the benefit of 3no. dwellings to the Council's housing land supply would be limited when considered in the planning balance, and would not outweigh the conflict identified with Policies 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).
- 6.49 It is noted that the Planning Statement makes reference to the development being proposed to provide financial support for the Care Home. The Applicant has submitted a Supplemental Report with respect to the Maintenance Schedule dated September 2022. This references the financial difficulties the Care Home has faced in the last 18 months, outlining the long term financial instability and the deficit to date. The Supplemental Report outlines that the Care Home is in need of essential building work, with funds raised through the development intended to be used for the essential repair works as well as enhancing the building's energy efficiency to reduce utility bills and monthly expenditure.
- 6.50 The Maintenance Plan makes clear that the proposed development is sought to address the short and medium term financial requirements of the Care Home, with the reasons provided for this suggesting that this is considered the most viable option. It is outlined that other options, which includes increasing resident charges, are not considered appropriate. While there is some empathy toward this position, it is not considered that the desire to avoid this option is sufficient enough to justify the proposed development, particularly given the countryside location.
- 6.51 It is however noted that the Planning Statement has addressed the viability of retaining all buildings on site, which are considered in themselves to be non-designated heritage assets. The Planning Statement outlines that the tractor shed and cottage are not considered appropriate for conversion, and while no structural report has been provided to evidence this in detail, having reviewed the state of the building, this is not disputed. The proposal would utilise the remaining buildings (comprising the Clock Tower and Stables) which are considered capable of conversion, with the new build element seeking to reflect the form and build characteristics of the adjacent buildings. The proposal would enable the continued use

of buildings considered worthy of retention, with the sale of the properties facilitating the continued operation of the Care Home. These are considered to be material considerations that would result in some public benefit, and are considered of weight in the planning assessment.

- 6.52 While noted that the cost of the maintenance works is relatively substantial, the income generated from the sale of the development would likely be far greater than the financial deficit presented within the supporting information. Clarification of this ambiguity was sought during the previous submissions, but no additional justification or detail was provided by the Applicant at the time or since. It is however noted that the quantum of development has been reduced since the initial applications and the most recent, with the proposed development now relating to 2no. dwellings. While it is acknowledged that no quantifiable information has been provided, the income generated from the sale of the development would be reduced from that previously considered, with the opportunity of these funds to provide continued support for the Care Home. As noted above, the continuance of this charitable organisation would offer public benefits, and this is of weight in the consideration.
- 6.53 The proposed development relates to 2no. private market residential dwellings located outside the built-up area and within a countryside location. The development would be contrary to the overarching spatial strategy and would not meet the exceptions as identified within Policy 26 of the HDPF. The proposals would make a modest contribution to housing supply, and it is not considered that this would outweigh the conflict with Policies 2, 3, 4, and 26 of the HDPF. The development would, in part, enable the continued use of buildings worthy of retention, with the development offering financial support to the continued operation of the charitable organisation. The development would offer public benefits in this regard. However, this would not be a long-term solution to the continued needs of the Care Home, offering a limited solution to the financial viability of the organisation. While there would be public, social, and economic benefits to the Care Home, it is not considered that this would outweigh the harm as identified. For these reasons, the proposed development is considered to be contrary to Policies 1, 2, 3, 4, and 26 of the HDPF, with the benefits arising from the scheme not considered to outweigh this.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.54 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.55 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	681.15	263.8	417.35
		<b>Total Gain</b>	
		<b>Total Demolition</b>	<b>362.8</b>

- 6.56 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.
- 6.57 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.58 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 reason:

- 1 The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).

Background Papers: DC/22/2037  
DC/22/1187  
DC/20/0562  
DC/19/0291  
DC/16/2637