



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee [South]
BY: Development Manager
DATE: 16 August 2016
DEVELOPMENT: Outline planning application for the erection of up to 40 no. dwellings (Class C3) and new access off London Road with all other matters reserved
SITE: Land South of Ashington House London Road Ashington West Sussex
WARD: Chanctonbury
APPLICATION: DC/14/1695
APPLICANT: Kler Group

REASON FOR INCLUSION ON THE AGENDA: The application was refused following the resolution of Members and is now the subject of an appeal. Committee agreement is sought for [1] the introduction of an additional objection and update of other policies referred to in the grounds of refusal, following the adoption of the Horsham District Planning Framework (HDPF) and [2] withdrawal of refusal ground 05 regarding noise impacts on new occupiers.

RECOMMENDATION: To authorise Officers to [1] defend an additional objection, and update policies referred to in the grounds of refusal and [2] not to defend refusal ground 05 regarding noise.

1. INTRODUCTION

1.1 Application DC/14/1695 sought outline planning permission for the erection of up to 40 no. dwellings (Class C3) and new access off London Road with all other matters reserved. The application was considered by Members at the Development Management Committee [South] on the 21st July 2015. Members resolved to refuse the application for the reasons set out in the Officer's report of the application [which is appended to this report], which in summary related to [2] isolated development beyond the Built Up Area Boundary, representing an inappropriate, unsustainable and unacceptable form of development, [3] urbanisation and landscape harm, [4] harm to heritage interests [5] insufficient information to demonstrate that the development would not result in unacceptable harmful levels of noise, detrimental to the living environment for prospective occupiers and [6] absence of a Legal Agreement to secure affordable housing provision and financial contributions towards infrastructure. An appeal against the refusal of DC/14/1695 has now been lodged and is to be dealt with by way of a Public Inquiry.

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- 1.2 In the intervening period between determination of the application and the appeal submission, the Horsham District Planning Framework has proceeded to adoption [November 2015] and now has full weight as a consideration in decision making. Whereas, the original policy reasons for refusal related to the Core Strategy [2007], the Facilitating Appropriate Development Supplementary Planning Document and the emerging Horsham District Planning Framework.

2. RELEVANT LEGISLATION & POLICY

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 Please refer to the original report appended.

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework [2015]

Policy 1	Strategic Policy: Sustainable Development
Policy 2	Strategic Policy: Strategic Development
Policy 3	Strategic Policy: Development Hierarchy
Policy 4	Strategic Policy: Settlement Expansion
Policy 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 31	Green Infrastructures and Biodiversity
Policy 32	Strategic Policy: The Quality of New Development
Policy 34	Cultural and Heritage Assets
Policy 35	Strategic Policy: Climate Change
Policy 36	Strategic Policy: Appropriate Energy Use
Policy 37	Sustainable Construction
Policy 39	Strategic Policy: Infrastructure Provision
Policy 40	Sustainable Transport
Policy 41	Parking
Policy 43	Community Facilities, Leisure and Recreation

3. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 3.1 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.

4. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

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

5. PLANNING ASSESSMENTS

Principle

- 5.1 As set out above, application DC/14/1695 is the subject of an appeal following the Council's refusal of planning permission and this is to be determined by way of a Public Inquiry, commencing on the 11th October 2016.
- 5.2 In light of the revised Policy context arising from the adoption of the HDPF, this report seeks to gain Members' authority to [1] defend an additional in principle ground of refusal to replace the original ground 01, and update the policies referred to in the other grounds of refusal and [2] withdrawal of refusal ground 04 regarding noise impacts on new occupiers.
- 5.3 Paragraph 47 of the NPPF requires that Local Planning Authorities should identify, and update annually, a supply of deliverable sites sufficient to meet their housing requirements for a 5 year period, with an additional buffer of 5%. Paragraph 49 then goes on to state that, in the absence of a demonstrable five year housing supply, the relevant policies for the supply and delivery of housing should be considered to be out-of-date. When this application was originally considered by Members at the Committee in July 2015 the Council was not in a position to demonstrate a 5 year supply of housing land, and there was therefore considered to be an evidential need for housing in the District.
- 5.4 Now that the HDPF has been formally adopted the Council is able to demonstrate a 5 year supply of housing land sufficient to meet its housing requirements, including the 5% buffer. Policy 15 of the HDPF sets out how the housing requirement will be delivered in accordance with the strategic approach.
- 5.5 The site lies outside an identified built-up area boundary and its development for residential purposes is therefore not in accordance with the strategic policies of the HDPF which seek to direct development towards the most sustainable locations in the District, which are either within built-up area boundaries or outside of built-up area boundaries on allocated sites in accordance with Policy 4 or development essential to a countryside location in accordance with Policy 26. Given the weight to be attached to the HDPF there is an objection to the principle of development of the site, given that it is outside of the built-up area, is not essential to a countryside location and is not allocated for development in the HDPF or any Neighbourhood Plan. The proposal is therefore contrary to the spatial strategy for growth set out in the HDPF.

Noise [refusal reason 05]

- 5.6 Paragraph 123 of the NPPF states that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 5.7 The accompanying Planning Practice Guidance advises on four broad types of mitigation for noise related matters:
- engineering: reducing the noise generated at source and/or containing the noise generated;
 - layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise

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transmission through the use of screening by natural or purpose built barriers, or other buildings;

- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

5.8 In the course of preparing for the forthcoming Public Inquiry, the proposal has been further reviewed by the HDC Environmental Health Officer [EHO] who has updated their advice as follows:

In particular the EHO has reviewed the indicative Master Plan and believes that there would be sufficient flexibility within the overall site, given the outline nature and level of development proposed, for a satisfactory living environment to be achievable; subject to being appropriately controlled by condition in accordance with PPG advice as suggested below:

The development shall be designed by a competent person to minimise exposure to environmental noise following the hierarchy of noise control set out below:

- a) Reducing environmental noise levels and/or relocating noise sources.
- b) Planning the site and building layout to protect habitable rooms and amenity spaces.
- c) Consider the orientation of the proposed building(s).

Where option a) is discounted because the location of the noise source cannot be altered the reserved matters application shall demonstrate that (b) has been properly considered. In the event that a reserved matters application for a residential parcel relies on (c), the application shall be accompanied by evidence of alternative layouts and reasons why these were discounted. Any scheme shall minimise the need for reliance upon closed windows to achieve the internal noise standards for habitable rooms as given in BS8233:2014.”

5.9 In light of this clarification from the EHO, and Government advice, Members are advised that it would not be appropriate to pursue the original ground of refusal as the potential issue of noise disturbance to future residents can be appropriately and adequately controlled through a condition which could be attached to any approval. Planning permission should not be refused where issues can be satisfactorily controlled by the imposition of conditions.

6. RECOMMENDATIONS

6.1 To authorise Officers to [1] defend an additional in principle objection and update other policies referred to in the grounds of refusal and [2] withdraw refusal ground 05 in respect of the appeal of DC/14/1695, as follows:

[02] The proposed development would, by reason of its location outside of, and isolated from, the Built Up Area Boundary of a medium sized village, on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan, and on a site with poor transport links and a high dependency on the private motor vehicle for travel, on a site that does not constitute Previously Developed Land, represents an inappropriate, unsustainable and unacceptable form of development. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3, 4, 26 and 15 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).

- [03] *The provision of housing in this location, at the scale proposed, would introduce an uncharacteristically concentrated and isolated enclave of housing, at odds with the established pattern of development in the immediate locality. The introduction of up to 40 no. houses, at a scale up to 12 metres in height, and with the associated provision of access roads, lighting and all other associated residential paraphernalia, would significantly diminish the informal and open character of this particular part of the landscape, creating a discordant and uncharacteristically urbanised environment that would serve to derogate the noticeable transition between the more suburban context of the village and the more rural character of the open countryside to the north, harming the character and appearance of the local landscape. The development is not, therefore, sustainable, even when weighed against the economic benefit and social benefits of providing housing, contrary to Paragraphs 14 and 17 of the NPPF and Policies 25, 26 and 32 of the Horsham District Planning Framework (2015).*
- [04] *The provision of up to 40 no. dwellings, at up to 12 metres in height, together with associated residential paraphernalia, in such close proximity to the Listed Building, and within the parkland serving that property, would affect the significance of the heritage asset by harmfully altering the character and appearance of its setting and the appreciation of the sense of rural isolation. The development would harmfully affect the historic relationship between the southern elevation of Ashington House, including views from the first floor windows, and the setting and appreciation of the open parkscape, including the historic association of the Listed Building with its farmstead buildings of Oast House, Oast House Barn and Oast Cottage, as well as the Grade II Listed, Yew Tree Cottage. The development is not, therefore, sustainable, even when weighed against the economic benefit and social benefits of providing housing and has not had special regard to the desirability of preserving the setting of Listed Buildings, contrary to Paragraphs 17, 65, 126, 128, 129 and 132 of the NPPF and Policy 34 of the Horsham District Planning Framework (2015).*
- [05] **WITHDRAWN**
- [06] *The proposed development makes no provision for contributions towards improvements to education provision; libraries; fire and rescue services; open space; sport and recreation facilities; community facilities; or affordable housing and is, therefore, contrary to Paragraphs 173, 174, 176 and 177 of the NPPF, Policies 16, 39 and 43 of the Horsham District Planning Framework (2015) and the Horsham District Local Development Framework: Planning Obligations Supplementary Planning Document (SPD) as it has not been demonstrated how the infrastructure needs of the development would be met.*

PREVIOUS REPORT

TO: Development Management Committee
BY: Development Manager
DATE: 21 July 2015

DEVELOPMENT: Outline planning application for the erection of up to 40 no. dwellings (Class C3) and new access off London Road with all other matters reserved

SITE: Land South of Ashington House London Road Ashington West Sussex

WARD: Chanctonbury

APPLICATION: DC/14/1695

APPLICANT: Kler Group

REASON FOR INCLUSION ON THE AGENDA: This is a Major application.

RECOMMENDATION: To refuse the application.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This is an Outline application for the erection of up to 40 no. dwellings (Class C3). Approval is sought for means of Access only. Details of the Appearance, Layout, Scale and Landscaping have not been submitted for consideration and are Reserved Matters.

1.3 It is proposed to create a single point of vehicular access. The proposed access would be sited towards the south-eastern corner of the application site and would be taken from London Road, an unclassified road subject, in part, to a 30 mile per hour (mph) speed restriction. As part of the development, it is proposed to extend the existing 30mph speed restriction in a northerly direction, beyond the proposed site access. The applicant proposes to secure the amendment through a Traffic Regulation Order.

1.4 The proposed access would require the removal of an approximately 10 metre length of the existing, tree-lined hedgerow on the north-western side of London Road, necessitating the felling of 1 no. Ash tree and 1 no. Oak tree. An additional Ash tree would be removed in order to provide a pedestrian access into the site. The trees are classified as Category C specimens within the submitted Arboricultural Report.

1.5 The proposed access would have a bell-mouth design with a 6 metre radii. It would be sited 85 metres to the north of the vehicular access to the neighbouring property, Martins Farm,

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and approximately 200 metres from the five-arm roundabout to the south/south-west of the application site. The proposed access, which has been the subject of a Stage 1 Safety Audit, would provide a visibility splay of 73 x 125 metres.

- 1.6 It is proposed to improve local pedestrian facilities by extending the existing footway on the northern side of the A24/B2133 (Billingshurst Road/London Road roundabout) to create a continuous and direct connection between the application site, the adjacent local bus stops and the local amenities available in the village of Ashington. The works would include improvements to existing dropped kerbs, pedestrian crossings and tactile paving stones, which would be refurbished and replaced, as required. The applicant has confirmed a willingness to secure the funding for such works through a suitably worded legal agreement.
- 1.7 Whilst details of the Appearance, Layout, Scale and Landscaping are Reserved Matters, the application is supported by illustrative plans showing an indicative layout for the development. The plans show that the proposed dwellings could be arranged as detached and semi-detached dwellings, together with larger apartments blocks. The plans show that parking could be provided on private driveways, within single and double garages and within courtyard parking areas. Whilst the exact quantum of parking is not specified, the applicant has indicated that it would be intended to provide each property with at least 2 no. car parking spaces.
- 1.8 The indicative plans show 3 no. detached dwellings towards the south-western boundary, the rear elevations of which are shown to be approximately 20 metres from the opposing northern elevation of Martin's Farm. Under the originally submitted indicative plans, these properties were shown as two storey dwellings. Amended plans have been submitted, however, to show these properties as bungalows.
- 1.9 The indicative drawings also show a row of dwellings and apartments sited towards the south-eastern boundary, fronting on to London Road. The plans show that the front and rear elevations of these properties would be sited approximately 15 – 20 metres from the back edge of the highway. The indicative plans show a concentration of dwellings within the centre of the site, with a further 'close' created in the north-western corner, near the application boundaries. The siting of these dwellings has been amended, to move the properties further away from the northern boundary, in an attempt to reduce the impact of the development on the setting of Ashington House. The indicative plans also show that the dwellings would be bungalows, as opposed to two storey dwellings, as was originally proposed. The amended plans also replace 2 no. further dwellings within the development with bungalows.
- 1.10 In order to facilitate the above changes, the overall number of proposed units has been reduced by 3 no. from 43 no. to 40 no. The reduction has been achieved by removing 3 no. dwellings from the north-western corner of the site. The exact mix of dwellings has not been specified, but the applicant has indicated that it would be anticipated to provide a mix of one to five bedroom units. The applicant has indicated that 40% of the proposed dwellings would be made available on the affordable housing market. No indication has been provided of the mix or type of tenure.
- 1.11 The plans in the Design and Access Statement indicate that the proposed buildings would have a maximum height parameter of 12 metres. Garages would be built to a maximum height of 4 metres. Whilst Appearance is a Reserved Matter, the applicant has indicated that the proposed development would be built using a varied palette of materials (including flint, hanging tiles, timber cladding and render), selected to reflect the existing local vernacular. Buildings terminating key views within the site would utilise a different palette of materials in an attempt to create more distinctive 'landmarks' within the development and it

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is indicated that dwellings occupying corner plots would be designed to provide a dual-aspect, so as to provide active street frontages.

- 1.12 The indicative layout shows that a variety of hard surfacing materials would be used, with the intention of creating a hierarchy of streets. Primary routes would be surfaced in tarmacadam with secondary accesses surfaced using paving.
- 1.13 The indicative plans show 2 no. areas of public open space, providing an overall area of approximately 0.63 hectares. This was increased from 0.54 hectares following the revisions to the indicative layout and reduction in the overall quantum of development proposed. The southernmost open space is shown to include a pumping station. The indicative drawings show the open spaces would be landscaped with amenity grasses, wildflower meadows and complemented by shrubs and tree planting. No provision is shown for play equipment.
- 1.14 The indicative layout shows enhanced areas of landscaping on the northern, western and eastern boundaries, as well as additional tree planting adjacent to the northern boundary, but located outside of the application site. The indicative drawings show the entire length of the northern boundary to comprise a 1.2 metre high post and rail fencing and that this would separate the application site from the retained, parkland garden of Ashington House, to the north.

DESCRIPTION OF THE SITE

- 1.15 The application site has an area of 1.96 hectares and is located to the north-east of the village of Ashington, a Category 2 Settlement, as defined within Policy CP5 of the Horsham District Council Core Strategy (2007). The site is located outside of, and does not have a contiguous boundary with, the Built Up Area of Ashington. It is located within Flood Zone 1, as defined by the Environment Agency. The Chanctonbury Hill Site of Special Scientific Interest (SSSI) and South Down National Park are located approximately 3.6km and 3.3km to the south of the application site respectively.
- 1.16 Ashington is categorised as a Medium size village in the Preliminary Results of the Horsham District Council Settlement Sustainability Study. It is identified as having poor public transport provision and a high reliance on the private motor vehicle for travel. The village contains a shop, post office, pub, restaurant, hairdressers and a recreation ground/sports pitches. The nearest Primary School is Ashington First Church of England School, which is located 1.2km from the application site. Rydon Community College is located approximately 5.4km from the application site. 2 no. Doctor's surgeries are available in Storrington, approximately 5.2km from the application site.
- 1.17 The Rectory Lane Bus Stop, which is located on London Road, approximately 440 metres from the application site, provides services to neighbouring towns and villages, including Horsham, Storrington and Pulborough, as well hourly services to the larger conurbations of Worthing and Crawley (via the No. 23 service).
- 1.18 The historic core of Ashington village is located south of the application site, where it has developed either side of London Road, creating a settlement of linear character. There are, however, examples of a number of more recent infill developments, including at Blacksmiths Close, Chanctonbury, Posthorses, Turnpike Way and Cricketers Close. A greater concentration of dwellings is evident on the western side of the village, where there is a more irregular pattern of development.
- 1.19 The application site itself is located on the north-western side of London Road, to the west of the A24. Prior to the dualling of the A24, London Road formed a principal route between Ashington and Horsham. The road has since been declassified and now comprises a single

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carriageway, no-through-road, terminating approximately 800 metres to the north/north-east of the application site.

- 1.20 The site has a largely rectangular in shape, but with longer northern and south-eastern boundaries. The land is generally flat at its southern end, but with an increase in gradient towards to the northern boundary. The adjacent landform has a flat to gently sloping profile, with small-medium scale fields. The site includes a number of well-established trees and hedgerows. The south-eastern boundary of the site comprises a dense, well established hedge, which itself includes a number of trees of varying maturity.
- 1.21 The land forms part of the estate of Ashington House (formerly known as Holmbush House), a Grade II Listed Building. Ashington House is a two storey, stuccoed villa occupying an elevated position where the land rises. The property includes ground and first floor windows in its southern elevation, facing towards the application site. The property was built in circa 1830 and, as was common of country houses in this period, it is set within a parkland setting. The application site is located within the southern extent of this parkland, which currently comprises an area of open grassland.
- 1.22 Previously, the estate of Ashington House included a larger holding, which extended further south, beyond the application site, to encompass Martins Farm (the northern boundary of which forms a shared boundary with the application site) and west to include the land associated with Yew Tree Cottage, Foxes and the former Holmbush Farm, with its associated buildings.
- 1.23 Holmbush Farmhouse is Grade II Listed, as are the associated Oasthouse and barn. Yew Tree Cottage, which is located approximately 70 metres to the west of the application site, is also Grade II Listed. It is estimated that this two storey, stuccoed property dates back to the seventeenth century. The property contains 2 no. first floor windows in its north eastern elevation, facing towards the application site.
- 1.24 At a National level, the site is located within Natural England's National Character Area 121: Low Weald, which is characterised as comprising a 'predominantly pastoral and wooded landscape, that is still largely rural and relatively tranquil outside main urban centres. At a County level, the site is located within Landscape Character Area L5: Low South Weald, which reinforces the sentiment of the National character designation. At a local level, the site is identified in the Horsham District Landscape Character Assessment (2003) as being located within Landscape Area J2: Broadford Bridge to Billingshurst Farmlands.
- 1.25 The site is also located with Landscape Study Area AS4 of the Horsham District Landscape Capacity Assessment (2014). In accordance with this document, the land is identified as having Moderate Landscape Sensitivity and Low Landscape Value. The Assessment notes that, 'as the land rises to the north, towards Holmbush House, development would be more visually sensitive'.
- 1.26 There are a number of Public Rights of Way (PROW) within the locality, the closest of which is a bridleway, located approximately 380 metres to the north of the application site and accessed from London Road (PROW 2499). PROW 2502/1 and PROW 2503 are located to the east of the application and on the opposite side of the A24.
- 1.27 The application is supported by an Arboricultural Report, Bat Tree Report, Dormouse Mitigation Strategy, Reptile Survey, Newt Survey, Ecological Survey, Habitat Suitability Assessment, Drainage Strategy, Flood Risk Assessment, Heritage Statement, Landscape and Visual Impact Assessment, Phase 1 Desk Study, Transport Statement, Travel Plan and Site Waste Management Plan.

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- 1.28 In November 2014, planning permission reference DC/14/1420 granted consent for the erection of a petrol filling station and ancillary shop, five pump islands, automatic car wash and associated service facilities, together with a restaurant with drive-thru facilities and associated treatment plant, to the east/south-east of the application site, on a triangular area of land between the A24 and London Road. The approved plans show that the vehicular access to the development would be taken from London Road, to the south east of the application site. The planning permission is extant, but development has not commenced.
- 1.29 In April 2015, the Local Planning Authority refused to grant Outline planning permission (DC/14/1944) for the erection of up to 4 no. dwellings on an area of land south of the application site. The application was refused on the grounds that; the application failed to satisfactorily demonstrate that the development would meet identified local requirements for housing, including affordable housing, the retention or enhancement of community facilities or how the development would avoid reinforcing unsustainable travel patterns; the development, by reason of the proposed housing mix, would fail to provide an appropriate level of smaller homes to fulfil the needs of the District's population, thereby representing an unsustainable form of development and; the development did not relate sympathetically in siting or form with the existing built and natural environment of the locality and its semi-rural character, whilst also harming the special architectural and historic character and appearance of the Yew Tree Cottage (Grade II Listed) and its setting.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 Government Planning Policy is contained within the National Planning Policy Framework (NPPF). The Policies contained within this document are, therefore, material to the consideration of this application. Due regard must also be had to the guidance contained within the Government's National Planning Practice Guidance. The following Sections of the NPPF are particularly relevant to the consideration of this application;

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework: Core Strategy (2007)
- Policy CP1: Landscape and Townscape Character
 - Policy CP2: Environmental Quality
 - Policy CP3: Improving the Quality of New Development
 - Policy CP5: Built-Up Areas and Previously Developed Land
 - Policy CP12: Meeting Housing Need
 - Policy CP13: Infrastructure Requirements

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- 2.4 Local Development Framework: General Development Control Policies (2007)
- Policy DC1: Countryside Protection and Enhancement
 - Policy DC2: Landscape Enhancement
 - Policy DC3: Settlement Coalescence
 - Policy DC5: Biodiversity and Geology
 - Policy DC6: Woodland and Trees
 - Policy DC7: Flooding
 - Policy DC8: Renewable Energy and Climate Change
 - Policy DC9 Development Principles
 - Policy DC10: Archaeological Sites and Ancient Monuments
 - Policy DC13: Listed Buildings
 - Policy DC18: Smaller Homes/Housing Mix
 - Policy DC22: New Open Space, Sport and Recreation
 - Policy DC40: Transport and Access
- 2.5 It should be noted that, in recent appeal decisions in the District at Storrington (Ref: APP/Z3825/A/14/2215437) and Broadbridge Heath (Ref: APP/Z/3825/A/14/2224668), the Planning Inspector concluded that Policy DC13 is inconsistent with the National Planning Policy Framework in so far that it does not admit weight to the positive benefits of a scheme in the balancing exercise, as required by the National Planning Policy Framework.
- 2.6 Local Development Framework: Supplementary Planning Documents (SPDs)
- Facilitating Appropriate Development (FAD) (2009)
 - Planning Obligations (2007)
- 2.7 The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:
- 2.8 *'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services.'*
- 2.9 The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the inquiry will re-open to consider only the issues outlined in the Initial Findings. The Council has consulted on the Proposed Modifications to this document with the representation period having ended on the 5th May 2015. The Inspector has decided to resume hearings to discuss some of the issues raised during consultation on 3rd July 2015. Given the Inspector's findings the emerging plan is therefore a material consideration of

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considerable weight in terms of the overall strategy. The following policies are considered to be relevant;

- 1 – Sustainable Development
- 2 - Strategic Policy
- 3 – Development Hierarchy
- 4 – Settlement Expansion
- 15 – Meeting Housing Need
- 23 – Environmental Protection
- 30 – Green Infrastructure and Biodiversity
- 32 – The Quality of New Development
- 33 – Cultural and Heritage Assets
- 34 – Climate Change
- 36 – Sustainable Construction
- 37 – Flooding
- 38 – Infrastructure Provision
- 39 – Sustainable Transport
- 40 – Parking
- 42 – Community Facilities, Leisure and Recreation

RELEVANT PLANNING HISTORY

2.10	DC/14/1420	Development to the south of the application site relating to the erection of a new service area, including a petrol filling station, ancillary shop and associated facilities.	PER
	DC/14/1944	Outline application to the south of the application site for the construction of up to four dwellings	REF

3. OUTCOME OF CONSULTATIONS

- 3.1 Where comments 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

INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning** (summary)

- The application site is located outside of the Built Up Area of Ashington.
- There is a Strategic Planning objection to the principle of the proposed development, which would be contrary to Policy CP5 of the Core Strategy and DC1 of the General Development Control Policies. The site is unrelated to the Built Up Area Boundary and is considered to represent an unsustainable location, contrary to the objectives of the Facilitating Appropriate Development Supplementary Planning Document.
- New development should be focused to Built Up Areas, in sustainable locations. The Council should not encourage isolated, sporadic residential development in rural and unsustainable locations. In this regard, weight should be afforded to the Inspector's Initial Findings, which found the Council's proposals to concentrate new growth to the main settlements to be sound.

3.3 **HDC Drainage Team** (summary)

- No objection to the drainage strategy proposed.
- If permitted, Ordinary Watercourse Consent would be required based on the submitted Drainage Strategy Plan.

3.4 **HDC Housing Services Manager** (summary)

- Any reduction in affordable housing provision would need to be justified through the submission of a viability appraisal, which would be independently assessed.
- The development would need to provide either 62.5% rented and 37.5% shared ownership (in line with current policy requirements), or 70% rented and 30% shared ownership, as outlined in the emerging Horsham District Planning framework.

3.5 **HDC Arboricultural Officer** (summary)

- No objection. The trees to be removed are Category C specimens.

3.6 **HDC Environmental Health Officer** (summary)

- Objection. Concern raised regarding the exposure of first floor bedrooms on the eastern boundary to the A24, as these could not be effectively protected by a noise barrier.
- The amenity area to the south is likely to be above the WHO recommended noise levels as quoted in BS8233:2014. The position of the access road may limit the effectiveness of any noise barrier at this point.

3.7 **HDC Landscape Consultant** (summary)

- The rising landform and parkland character of the site forms part of the setting to Ashington House, a Grade II Listed Building, set on the crest of the rising landform a short way to the north of the site. The house is visible from certain parts of the application site.
- Concern is raised regarding the height of the proposed dwellings.
- Clarity is needed regarding the ownership and future management of vegetated boundaries.
- The illustrative layout has not been fully informed by the Arboricultural Survey which excludes any information on Root Protection Areas.
- The proposed northern site boundary has no landscape or visual rationale and its proposed landscape treatment is inadequate.
- The layout does not respond well to the topography of the land with the development spread across the face of the rising ground and extending to the north western and north eastern corners where the boundary is arbitrary and open. The rather rigid road geometry conflicts with the sweeping, rounded nature of the landform.
- The illustrative layout is rather unsympathetic to the adjacent residential properties to the south and west.
- The provision of the new access could be locally damaging to the local vegetation.
- Despite the contained nature of the site, the proposal cannot be supported based on the arbitrary northern boundary. Even if this fundamental objection is set aside, together with its location divorced from the settlement edge, the layout, whilst for illustrative purposes only, falls a long way short of demonstrating, unequivocally, that the site could be sensitively and appropriately laid out. The current proposal cannot be supported on landscape and visual grounds.
- The revisions to the layout, overall quantum of development and introduction of bungalows do not overcome the landscape concerns.

3.8 **HDC Heritage Consultant** (summary)

- The application should be refused on the grounds that the proposed development would have a harmful and detrimental impact on the rural and historic parkscape of the site which forms part of, and would detract from, the setting of heritage assets, individually and cumulatively, having a permanent, irreversible impact.
- The proposal would result in the unwarranted and unjustified encroachment of suburban development in to the rural scene.
- The proposal has failed to properly assess the role of the application site and its contribution to the significance of the heritage assets. There is an over reliance on there being limited views of the site and Ashington House due to trees and landscaping, or views not being achievable. There is also an over reliance on the introduction of additional planting to provide mitigation to the introduction of suburban development, housing, roads, garaging and other domestic paraphernalia associated with up to 43 no. units (now reduced to 40 no.) up to 2.5 stories high.
- There will be a clear change to the character of the site and parkland of Ashington House. This will be inevitable with the introduction of any development on the site. It would have the effect of suburbanising a green parkland. The areas of open space would not compensate for the loss of openness and the parkland character of the site. It would not compensate for the negative intrusion of suburban development into the setting of Ashington House – immediate and wider, including its former farmstead and that of Yew Tree Cottage.
- The proposed residential development of the site will detract from the character and appearance of the predominately rural area and the setting of Listed Buildings individually and cumulatively. Once development is introduced, it would have a harmful and permanent effect on the significance of the heritage assets and the role that setting plays in contributing to that significance. The harm that would arise would conflict with Development Management Policies DC1, DC9 and DC13. Although this would be categorised as 'less than substantial', as set out in the NPPF, any harm must be given significant consideration and important weight, even in cases where the proposal would not be in direct view of the heritage assets concerned.
- The introduction of bungalows, reduction in quantum by 3 no. units and amendments to the indicative layout do not address the concerns.

OUTSIDE AGENCIES

3.9 **WSCC Ecology** (summary)

- No objection, subject to conditions requiring the submission of a Construction Management Plan incorporating the mitigation recommendations set out in the Dormouse Strategy Report, Reptile Survey Report and Bat Tree Assessment with any Reserved Matters application. Conditions should also be used to require the submission and approval of lighting plans, including measures to be used to avoid illumination of trees with bat roost potential and boundary features designed to avoid disturbance to dormice.
- The Drainage Strategy accompanying any Reserved Matters application must include measures to protect adjacent ponds from contaminated water run-off, or evidence that this will be avoided by the finalised drainage strategy.
- Conditions should be included requiring the submission of measures designed to enhance the habitat value of the site and the adjacent proposed reptile receptor site, together with a management plan to ensure the long term viability of habitats within the site and within the proposed reptile receptor site.

3.10 **WSSC Archaeology** (summary)

- It is possible that buried archaeological features of late prehistoric date may be present within the application area: the local topography of the site (local higher ground at the end of a low ridge) is comparable to that of a recorded Late Bronze Age Settlement, 350 metres to the south.
- There is no objection, however, subject to the use of a suitably worded condition to ensure that archaeological investigation is undertaken, in order to ensure that buried archaeological features, where present, will be adequately recorded.

3.11 **WSSC Highways** (summary)

- No objection.
- The proposed access has been reviewed by way of a Stage One Road Safety Audit, in accordance with West Sussex Country Council policy. The Audit raises one issue, relating to visibility for pedestrians when crossing within the development. It is, however, considered that such matters could be addressed through the Reserved Matters application.
- From on-site observations, traffic speeds and flows along this section of London Road are very low. In light of this, the proposed sight lines and visibility splays are acceptable and comply with Manual for Streets.
- An obligation should be included within the Section 106 requiring the applicant to fund and promote the proposed extension of the 30mph speed restriction.
- An obligation should also be included within a Section 106 to secure the works to extend the pedestrian footway and to require that this work is completed prior to the first occupation of the dwellings.
- Based on the original submission for 43 no. dwellings, it is estimated that the proposed development would generate 26 no. two way movements in the morning peak period (0800-0900) and 31 no. two way movements in the evening peak period (1700-1800). Based on these figures, it is not considered that the development would give rise to any harmful impacts on highway capacity.
- The application site is located within 2km of Ashington village, which is considered suitable walking distance in accordance with Manual for Streets. Traffic conditions within Ashington would not preclude cycling as an alternative to walking. Beyond the village, roads become more rural in nature. Whilst some of these are not necessarily unsuitable for cyclists, there are few destinations within the 5km cycling threshold.
- Ashington benefits from an hourly bus service towards Worthing and Horsham/Crawley. The frequency would not make travel by bus a viable option for all trip purposes.
- Residents would, inevitably, be dependent upon the private car for some journeys. For example, the journey to work data extracted from the Census indicates that 79% of the people living in Ashington travel to work by private motor car. It is, however, noted that other modes of travel are also used and that the applicant would promote sustainable transport options to residents through its commitment to provide a travel plan statement. In summary, it is acknowledged that the rural location limits options. However, it is still considered that residents would have a choice for some trips.
- In conclusion, it is not considered that the development would generate any highway safety or capacity issues that could be classed as severe, as termed in the NPPF. As such, no highway objection is raised.

3.12 **Southern Water** (summary)

- There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

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Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested.

- Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from the development are required. The applicant's proposed means of surface water drainage for the site is via an existing watercourse. The Council's technical staff and the relevant authority for land drainage would need to comment on the adequacy of these proposals.

3.13 **Environment Agency**

- No objection.
- The site is located in Flood Zone 1, defined by the NPPF as having a low probability of flooding.

3.14 **WSCC Flood Risk Management**

- No objection, subject to conditions controlling the final design of the surface water drainage scheme.

PUBLIC CONSULTATIONS

3.15 **Ashington Parish Council** objects to the proposal for the following reasons (summary):

- Horsham District Council's SHLAA and the Parish Council has already identified more suitable sites for residential development.
- There are already a number of residential developments being proposed or considered in Ashington, which are within, or adjacent to, the Built Up Area Boundary. The proposed development of greenfield land is, therefore, undesirable.
- The development would harm the setting of Grade II Listed Buildings.
- The benefit of providing new homes does not outweigh the harm caused to the setting of Listed Buildings, particularly when there are more suitable sites that could be built on.
- The northern end of Ashington has remained free from modern development and is characterised by the dominant Grade II Listed Ashington House and associated parkland and rural estate cottages. A modern development would completely ruin the setting of the five Listed Buildings surrounding the site as well as other properties (which may not be Listed, but are nevertheless old, rural, traditional farm buildings associated with the Holmbush Estate).
- The area will completely change from one of a rural country estate and farm setting to dominant, modern, red brick buildings.
- The Parish Council does not support the proposed 'northern expansion' of Ashington. Development should be kept around the centre of the village, thus keeping its circular/oval shape.
- The provision of modern housing would ruin the parkland setting of Ashington House, irrespective of any existing foliage on the site.
- The proposed development would have a harmful impact on Martins Farm, including its cart shed, which is over 200 years old. Providing hedges will only screen the proposed development from Martins Farm during certain months. Martins Farm is a rural property – this would not be the case if the application is permitted.
- The proposed homes would not be set back from the site boundaries as stated in the application. Modern sized gardens are all that separate the new homes from the boundaries.
- The grounds of Holmbush House were used as an army camp and hospital field in the 1940s. The grounds of the house have a high historical value and should be preserved.
- It is concerning that future residents of the proposed homes will inevitably suffer from noise issues. It is well documented that Ashington has been requesting that WSCC install noise

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reducing tarmac on the A24 because noise in the village is a community nuisance. New residential development next to the A24 should not be permitted.

- The applicant was advised, through pre-application discussions, that the site was unsuitable for residential development.
- The applicant sent a questionnaire to 989 residents in the village and received a 19% response rate. 60.1% of responses disagreed with the need for new housing in Ashington; 67.6% disagreed that new housing would help underpin local services and improve the sense of community in Ashington; 62.8% did not support the proposal. This is a clear indication that the proposal is not supported locally.
- The proposed foul water pumping station is still located too close to Martin's Farm and could prove a nuisance.
- Whilst it is noted that infrastructure improvements for schools and healthcare will be provided, if necessary, local schools and healthcare services are under extreme pressure locally and cash payments will not solve short term problems. There is currently only one spare space at Ashington CE School across all six year groups.
- It is concerning that the only meaningful 'community benefit' is the provision of 0.54ha of public open space. It is highly unlikely that residents of Ashington will use this open space as it is separated from the main part of the village by the busy Billingshurst Road roundabout. Pedestrian crossings at the roundabout are extremely dangerous (and will be made worse if the petrol filling station is built – DC/14/1420). In addition, the Noise Survey indicates that it would be an extremely noisy open space and, therefore, unattractive to use.
- The Parish Council would expect at least 40% affordable homes to be provided and a requirement that these are, as a priority, made available to those people with strong local connection to Ashington.
- The Transport Statement makes incorrect references to works to the road associated with the provision of the approved petrol filling station.

3.16 12 no. of letters of objection have been received from 6 no. different residential addresses. The letters raise the following issues;

- The Statements submitted in support of the application fail to properly or accurately assess the impact of the development on the landscape setting and the setting of Listed Buildings;
- Approving this proposal may lead to further development to the north of the application site;
- Ashington is a Category 2 Settlement;
- The proposed development is located outside of the Built Up Area Boundary;
- There are more suitable areas for housing;
- The development will be of no benefit to Ashington;
- The proposal represents an overdevelopment;
- The development would have a harmful impact on the semi-rural character of the area;
- The development, being on a slope, would be overbearing on the village;
- The local primary school does not have any spare capacity;
- The local amenities in the village are inadequate to serve the occupiers of the additional dwellings;
- The development would have a harmful impact on adjacent Listed Buildings;
- The development would be located within the parkland setting of Ashington House, a Grade II Listed Building;
- Concerns about light pollution from any new street lighting and its impact on the bat population;
- There may be dormice on the site;
- Deer and other wildlife use the site;
- Concern about noise and disturbance associated with the use of rear gardens;
- The development would not be 'connected' to the village;
- The development would result in overlooking of existing residential properties;
- The development would result in additional traffic on the already busy Billingshurst Road;

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- The development will result in additional traffic driving through the village, resulting in additional noise and pollution;
- Questions whether the drainage/sewerage system is capable of accommodating the additional demand associated with the proposed development;
- The development will result in increased instances of flooding;

3.17 2 no. further letter of objection and attachments (from the same address) have been received in response to the submission of the amended plans and Addendum to the Design and Access Statement, raising the following issues;

- The Addendum contains erroneous references to the extent of views afforded from Yew Tree Cottage and the extent of the planting on the boundary of this property;
- The provision of additional boundary planting will not prevent views of the proposed development being available from Yew Tree Cottage;
- Concerns raised regarding noise and pollution associated with the use of the internal roads/accesses;
- Reiterating concerns regarding the impact of the development on Ashington House and its associated parkland.

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 National Planning Policy Framework (NPPF) states that Local Planning Authorities should contribute to building strong, responsive and competitive economies; vibrant and healthy communities that meet the needs of present and future generations; high quality built environments, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; protect and enhance the natural, built and historic environment and; improve biodiversity, using natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change.

6.2 In accordance with the above objectives, the main issues for the Local Planning Authority to consider in the determination of this application for Outline planning permission are the acceptability of the principle of the proposed development in land use terms, having due regard to identified housing need in the District; the impact on the character and visual amenity of the landscape and locality; the impact of the development on the special architectural and historic character and appearance of adjacent Listed Buildings, and their setting; the impact on the amenity of neighbouring occupiers; whether safe vehicular and pedestrian access can be provided to the site; the impact of the proposal on traffic conditions in the locality; whether appropriate provision can be made for car and cycle parking, refuse storage/collection and; whether the development can be delivered without

harming the interests of archaeology, nature conservation, flooding and land contamination.

- 6.3 The NPPF prescribes that there is a presumption in favour of sustainable development and that this should form the basis of all planning decisions. Wherever possible, development proposals that comply with the Policy objectives of the NPPF should, therefore, be approved, without unnecessary delay. The NPPF goes on to clarify that, where the development plan is silent, or relevant Policies are out of date, permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or Policies of the NPPF indicate otherwise.
- 6.4 The Council's most recent Annual Monitoring Report (December 2014) indicates that the Authority currently has a five year housing land supply of 65.7%, which represents a shortfall in housing land supply across the District. In the absence of a demonstrable five year housing land supply, Paragraph 49 of the NPPF states that relevant policies for the supply of housing should be considered out of date and development proposals should be considered in accordance with the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF.
- 6.5 In light of the identified shortfall in housing supply in the District, the Council adopted the Facilitating Appropriate Development (FAD) Supplementary Planning Document (SPD), which allows for flexibility in the location of development, in order to facilitate an increased provision of housing and the expansion of settlements in a sustainable way during the life of the Core Strategy. The FAD SPD sets out specific criteria against which applications for development on brownfield and greenfield sites which adjoin defined settlement boundaries in the District must be considered. It contains a number of criteria with which a development must comply in order for a proposal to be considered 'appropriate'. The FAD SPD allows for some limited development in locations that adjoin Built Up Areas, where certain criteria are met, including where the developments are related to an identified local need, do not result in a coalescence of settlements, protect landscape and townscape character, complement the existing character of a settlement, protect biodiversity and existing natural features, and in instances where the development is both sustainable and deliverable. Recent appeal decisions in the District have concluded that appropriate weight may continue to be given to the approaches and criteria outlined in the FAD SPD. Indeed, when considering the recent appeal at land to the east of Littleworth Lane in Partridge Green (Ref: APP/Z/3825/A/2219076), dated 12 May 2015, the Inspector concluded that; *'A degree of flexibility is required in applying the FAD, but overall it is consistent with the general thrust of the Framework, and so I ascribe it considerable weight to the principle of acceptability of housing development immediately outside of built up areas.'* Appeal decisions at Melton Drive (DC13/0752) and the Washington Workshops site (DC/10/1457) also support the strategy of the FAD SPD.
- 6.6 The Inspector drew a contrary conclusion to previous Inspectors, however, in the case of the Land to the North of Old Guildford Road, Broadbridge Heath appeal, affording very little weight to the Council's FAD SPD, existing policies and the emerging Horsham District Local Development Framework (Ref: APP/Z3825/A/14/2224668). In dismissing the weight that could be afforded to the FAD SPD, local plan policies and emerging Local Development Framework, therefore, the Inspector concluded that, in the absence of an up-to-date development plan, planning permission should be granted unless: any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the Framework indicate development should be restricted, in accordance with the presumption in favour sustainable development, as set out paragraphs 6, 7 and 14 of the NPPF. Officers consider this to be an isolated view and defer to the opinion of Inspectors as set out in paragraph 6.5.

- 6.7 In addition to its existing adopted Policies and FAD SPD, the Council has also prepared the Horsham District Planning Framework which, as described in Sections 2.7 – 2.9 of this report, has recently been the subject of Public Examination. Following the Public Examination, the Inspector's Initial Findings letter supported the Council's intended strategy to concentrate growth in the District's main settlements of Horsham, Southwater and Billingshurst, whilst noting that it might also be appropriate to locate some development in villages, where it would accord with an adopted Neighbourhood Plan. The Inspector concluded that an alternative strategy of a greater dispersal of development to smaller settlements would be likely to lead to a less sustainable pattern of development across the District. Whilst it is accepted that the Council cannot currently demonstrate a 5 year housing land supply, the Inspector's Initial Findings indicate that the emerging Horsham District Planning Framework is sound and that the proposed settlement hierarchy is the most sustainable approach to delivering housing. The Inspector concluded that it is reasonable to seek to focus development in Category 1 Settlements and supported the contention that there should be limited new development elsewhere, and only where it accorded with adopted Neighbourhood Plans. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible, including through the re-use of previously-developed land (brownfield land). The Policy recognises that a balance needs to be struck between environmental constraints and fundamentally altering local character.
- 6.8 Taken in this context, it is noted that the application site is located outside of, and does not have a contiguous boundary with, the Built Up Area Boundary of Ashington, as defined in the Core Strategy. It does not, therefore, represent an appropriate form of development relative to the criteria set out in the FAD SPD. Furthermore, Ashington is a Category 2 settlement, where the provision of residential development, outside of the Built Up Area Boundary, would conflict with the hierarchical approach of concentrating development to the main settlements, as endorsed by the Planning Inspector at the recent Public Examination. The Preliminary Results of the Horsham District Council Settlement Sustainability Study, identifies Ashington village as having poor public transport provision and a high reliance on the private motor vehicle for travel. Census information indicates that 79% of existing residents in Ashington travel to work by car. The village itself only offers a small range of local services and facilities and the nearest train station is over 5km away in either Pulborough or Billingshurst, neither of which is, therefore, within convenient walking distance. The Rusper Road bus stop provides only hourly services to the larger towns of Horsham, Crawley and Worthing and, as such, it is unlikely that prospective occupiers can be reasonably expected to utilise this form of transport in order to travel to work. The application site does not constitute Previously Developed Land which, in accordance with the NPPF and Policy CP5 of the Core Strategy, is the preferred location for development. The site is, therefore, considered to represent an unsustainable and undesirable location for residential development.
- 6.9 To that effect, it is noted that the application site was considered as part of the Strategic Housing Land Availability Assessment (SHLAA Site 'SA443') and was identified as being undevelopable. In acknowledging that the site was unrelated to any Built Up Area, the SHLAA concluded that development of the land would 'consolidate an undesirable element of sporadic development in a rural location and unsustainable form of isolated housing development'. Whilst the SHLAA is a theoretical exercise, which is intended to inform the Council's housing allocations, it is noteworthy that an initial assessment of the site concluded that the principle of residential development in this location was inappropriate. Ashington does not have an adopted Neighbourhood Development Plan and the land, the subject of this application, has not, therefore, been identified by local residents as a site for potential development, in accordance with the objectives of the Localism Act 2011, contrary to the Council's approach set out in the emerging Planning Framework.

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- 6.10 Whilst it is acknowledged that the Horsham District Planning Framework is not yet adopted (and, therefore, the Council cannot currently demonstrate a five year housing land supply), it is considered that the Inspector's acceptance of the overall soundness of the strategies outlined in the Framework is a material consideration in the determination of planning applications. For this reason, and taking all of the above matters into account, the principle of the proposed development, due to its location outside of, and isolated from, the Built Up Area Boundary of a Category 2 Settlement, where development is considered to be less sustainable, is considered unacceptable, contrary to the NPPF, Policy CP5 of the Core Strategy and the FAD SPD.
- 6.11 Notwithstanding the concerns raised in paragraphs 6.8 to 6.10 of this report, the single main issue to consider in the determination of this application for Outline consent is whether the proposed development amounts to sustainable development, bearing in mind that firstly (in light of the recent appeal decision), the relevant policies for the supply of housing may not be considered to be up-to-date and, secondly, the need to take account other relevant considerations, most particularly, the scheme's effects on;
- landscape character and the impact on the visual amenity of the locality;
 - the setting, and therefore, the significance, of Ashington House and other Grade II Listed Buildings.

Impact on landscape character and the visual amenity of the locality

- 6.12 The Horsham District Landscape Capacity Assessment (2014) categorises Area AS4 as having Moderate Landscape Capacity. It is important to recognise, however, that the study area incorporates the areas of land to the west of the application site, which includes the residential properties fronting Billingshurst Road, which present a different context to the more open, rural, landscape associated with the application site. Indeed, the Assessment recognises that the area varies in its visual sensitivity due to the variable hedgerow and tree belt enclosure. Importantly, the Assessment also acknowledges that, as the land rises to north towards Ashington House, development would be more visually sensitive and, in doing so, highlights that capacity would be lower on this specific area of rising ground (ie, at the application site). In recognition of such scenarios, the Landscape Capacity Assessment is explicit in its requirement to consider each proposal on its individual merits and notes that care must be taken when locating and designing any development within the landscape.
- 6.13 The application site is located within a semi-rural context and is distinctly separate, both physically and visually from the more suburban context of Ashington village. The provision of housing in this location, and particularly at the scale proposed, would introduce an uncharacteristically concentrated and isolated enclave of housing, at odds with the established pattern of development in the immediate locality, which is characterised by open parkland and a small number of irregularly dispersed, individual dwellings, set on large, informal plots. The introduction of up to 40 no. houses, at a scale up to 12 metres in height, and with the associated provision of access roads, hard surfaced parking areas, formalised boundary treatments, numerous parked vehicles and all other associated residential paraphernalia, would significantly diminish the informal and open character of this particular part of the landscape, creating an uncharacteristically urbanised environment that would, in turn, serve to derogate the noticeable transition between the more suburban context of the village and the more rural character of the open countryside to the north.
- 6.14 Whilst it is accepted that the views of the site are visually constrained by boundary vegetation, longer distance views are afforded from the South Downs and views are also visible, in part, from London Road and the A24, including from a footbridge to the south of the application site. Clearer views of the site would be available in winter months, when the deciduous trees on the site boundaries would have shed their leaves. The site occupies a

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location that is clearly distinct, both in terms of distance and character from the Built Up Area. The introduction of such a large concentration of housing would, therefore, create a discordant and unexpectedly suburban feature in the landscape, harming the character of the area.

- 6.15 Whilst the indicative layout shows that the development could be arranged so as to avoid siting dwellings centrally at the northern end of the site (where the increase in gradient is most noticeable), in order to accommodate the proposed quantum of development, it would, nevertheless, be necessary to locate dwellings towards the north western corner of the application site, where the land rises, towards Ashington House and where, in accordance with the Landscape Capacity Assessment (2014), development would be more visually sensitive. The amendments to the indicative layout and the deletion of 3 no. dwellings has not overcome this concern. The illustrative layout does not relate well to the topography of the land, disseminated across the full width of the site as it rises northwards. The indicative plans show the northern boundary to comprise a 1.2 metre high post and rail fence, sited in a straight line across the full extent of the site. The provision of such an arbitrary feature, across the full width of the northern boundary, would be entirely at odds with the informal, open, parkland setting of Ashington House, further harming the character of the area.
- 6.16 In light of the above, it is considered that the development would cause substantial harm to the character and appearance of the application site and surrounding area and would not be sympathetic to the local landscape.

Impact on the setting of Ashington House and other Grade II Listed Buildings

- 6.17 In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must have special regard to the desirability of preserving Listed Buildings and their setting or any features of special architectural or historic interest which they possess.
- 6.18 The application site is located within the grounds of Ashington House and approximately 70 metres to the east of Yew Tree Cottage, both of which are Grade II Listed Buildings. The NPPF and NPPG recognise that 'heritage assets may be affected by direct physical change or by changes in their setting'. Guidance provided by Historic England (formerly English Heritage) expands on this position, explaining that the setting of a heritage asset includes the surroundings in which it can be experienced. In this regard, it must be noted that setting does not rely wholly on a visual relationship or inter-visibility. Rather, a range of other factors must be considered, including, but not exhaustive of, matters relating to topography, openness, enclosure, boundaries, functional relationships, and relationships with other heritage assets.
- 6.19 Whilst it is acknowledged that Ashington House has a more formalised garden area immediately adjacent to the property, the parkland to the south, laid out following the property's construction in the mid nineteenth century, is a fundamental component of its setting. In fact, parkland areas associated with country houses, were an integral part of the design of country estates, providing opportunities for recreation, socialising, relaxation and entertaining and it is within this context that the development must be considered.
- 6.20 In this regard, it is evident that the landscape at Ashington House, including its parkland garden to the south, has undergone very little by way of alteration since its original inception in the mid-late nineteenth century. It is acknowledged that a screen of vegetation has been allowed to grow between the application site and Ashington House and this, to a certain extent, creates a physical and visual break between the application site and the Listed Building. A reduced level of intervisibility between the site and the heritage asset should not, however, according the Historic England guidance, serve to extinguish the

positive contribution the application site makes to the wider setting and significance of the Listed Building, in this case Ashington House. Indeed, it is not uncommon for country houses to have areas of land that are distinct from the primary residence due to the topography of the site, or established vegetation and planting for instance. It is clear, through the study of historic maps and plans, that the parkland is inextricably linked to the Listed Building and is a core component of the significance of that asset, both in terms of factual ownership but also associations and functions. Taken in this context, it is considered that the parkland, including the land the subject of this application, represents an important component of the setting of Ashington House as a Grade II Listed Building and the impacts of the development on this setting must, therefore, be carefully considered.

- 6.21 Recent case law arising from the Court of Appeal's judgment in *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137 clarifies how a decision taker must address the issue of harm to the setting of a Listed Building. This decision closely follows that of the High Court in *North Norfolk DC v SSCLG & Mack* [2014] EWHC 279 (Admin), which concluded that, in accordance with Paragraph 134 of the NPPF, it is not permissible to carry out a simple balancing exercise, rather, it is necessary to determine 'whether there is justification for overriding the presumption in favour of preservation'. This emphasises that, in enacting Section 66(1) of the Listed Buildings Act, Parliament has intended that the desirability of preserving the settings of Listed Buildings should not simply be given careful consideration for the purpose of deciding whether there would be some harm, but should be given 'considerable importance and weight', when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption in favour of preservation. This is the case whether the harm is 'substantial' (and thus engages Paragraph 133 of the NPPF) or is 'less than substantial' (thereby engaging Paragraph 134 of the NPPF). The judgment makes clear the point that 'less than substantial harm' to the setting of a Listed Building does not equate to a less than substantial objection to the grant of planning permission. It is within this context, therefore, that the Local Planning Authority is duty bound to consider the application.
- 6.22 It is acknowledged that an existing vegetative tree belt to the south of Ashington House would serve to screen (albeit only partially) the development proposals from the most private areas of the Grade II Listed property. Whilst historic plans would appear to show that there has always been an element of planting in this location, it is unlikely that this would have provided a visually impenetrable barrier to views, as it is entirely reasonable to expect that the owners of Ashington House would have wished to have views southwards, across their parkland, and over the land the subject of this application. Notwithstanding the presence of the vegetation screen, it is evident that views of the application site are afforded from the two first floor windows in the southern elevation of Ashington House. Whilst the vegetation fulfils a screening function at present, it falls outside the boundaries of the application site, and the Local Planning Authority has no control, therefore, over its future retention. What's more, at present, the isolated location and setting of the Listed Building is readily discernible when experienced from both within and outside of the application site, and this impression would be eroded, if the proposed development were to be permitted. Whilst views of the Listed Building and the proposed development would be screened to a degree by the trees and hedges on the application boundaries and the applicant has indicated their intention to provide additional planting outside of the application boundaries, secured by way of a legal agreement (the screening effect of which would be lessened in winter months), it is important to consider that the DCLG's recently published NPPG states that '*the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance*'. Historic England's guidance is clear in its contention that the screening of development does not, in itself, make it an acceptable addition to the landscape or significantly reduce impact on character. It must also be remembered the appreciation of built form, associated with the

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erection of up to 40 no. dwellings, would also be readily discernible at night, due to the associated street and house lighting, irrespective of the presence of screening.

- 6.23 The isolated, rural setting is a very important part of the Listed Building's significance, providing its historic landscape context. The provision of up to 40 no. dwellings, at up to 12 metres in height, together with associated residential paraphernalia, including lighting, in such close proximity to the Listed Building, and within the parkland serving that property, would affect the significance of the heritage asset by altering the character and appearance of the setting and the appreciation of the sense of rural isolation (even when having regard to the introduction of bungalows in certain areas). The adverse impact of the proposal on the setting of the Listed Building would be intensified by the likely rigid layout and high density of the development. The indicative layout shows that, in order to accommodate the proposed quantum of development, it would be necessary to cluster the dwellings in tight, concentrated groups, including towards the northern boundary, closest to Ashington House and where the land rises. Whilst the layout is indicative only, it nevertheless gives an important indication of the ratio of built development to open land, giving the impression of a densely grained urban development within what is currently the open, parkland setting of a Listed Building.
- 6.24 A development of up to 40 no. dwellings, within the parkland setting of Ashington House, would also serve to harmfully erode the degree of separation between the Listed Building and the more suburban context of Ashington Village and the adjacent road infrastructure. Moreover, the historic relationship between the southern elevation of the Ashington House, including views from the first floor windows, and the setting and appreciation of the open, parkscape would be harmfully affected. Likewise, the historic association of the Listed Building with its farmstead buildings of Oast House, Oast House Barn and Oast Cottage, as well as Yew Tree Cottage to the south (previously tenanted by Ashington House) would also be harmfully affected.
- 6.25 Whilst on balance, the harm identified above would, when taking all matters in consideration, be 'less than substantial', as set out in Paragraph 134 of the NPPF, the level of harm would nevertheless be significant and irreversible.
- 6.26 Notwithstanding the harm identified above, it is necessary to balance all material planning considerations in the planning judgement in order to determine whether the proposal constitutes sustainable development within the meaning of the Framework. This includes whether the public benefits associated with the proposed development would outweigh the harm identified in the proceeding paragraphs of this report.
- 6.27 It is acknowledged that the proposed additional housing would provide economic benefits, including employment opportunities during the construction process and that the prospective occupiers would be likely to contribute to the local economy and would also be required to pay Council Tax. From a social perspective, it is acknowledged that the development would contribute to meeting the District's housing numbers and that 40% of the dwellings would be affordable, which could help to meet the needs of the local community, albeit this has not been evidenced by the applicant. What's more, the financial contributions secured through a planning obligation could, together with appropriate conditions, require the provision of off-site highway improvements and enhanced local facilities, thereby supporting the local community's social well-being. It is also acknowledged that the proposed development would provide improved pedestrian links between the application site and the five-armed roundabout to the south and, in turn, on towards Ashington village. These improvements would, however, be necessary to make the application acceptable in highway safety terms (at present there is no footway) and would only be of meaningful benefit to prospective occupiers of the proposed development and the occupants of Martin's Farm, Little Martin's Farm and, to a far lesser extent, the

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occupants of Ashington House. They would not, therefore, be of any particular wider public benefit.

- 6.28 The proposed development would also provide 0.63 hectares of open space, which would help to contribute to the open space provision in the District, in accordance with the objectives outlined in the Horsham District Sport, Open Space and Recreations Assessment (2014) and Policy CP3 of the Core Strategy. Whilst the provision of this open space could help to provide recreational opportunities for prospective occupiers, given its limited size and the location of the site, away from Ashington village and beyond a five-arm roundabout, it is considered unlikely that this facility would provide wider public benefits to existing, local residents.
- 6.29 On balance, therefore, and whilst acknowledging that the development could provide some clear positive social and economic outcomes, it is not considered that these would not be of a scale sufficient to significantly and demonstrably outweigh the harm identified to the setting of Listed Buildings and the character and appearance of the landscape. On that basis, the proposed development is not considered to represent a sustainable form of development as prescribed by the NPPF, notwithstanding the weight afforded, or not, to existing or emerging local plan policies. In light of the Council's current housing land supply, the provision of additional housing, 40% of which would be affordable, are highly significant material considerations and must be attributed substantial weight. However, the degree of harm to the character and appearance of the area that would arise from a development of this excessive quantum must also carry very substantial weight. Whilst the harm to the setting of Ashington House would be 'less than substantial', it is, nonetheless, significant and it must, therefore, be given considerable importance and weight in order to fulfil the statutory requirements under Section 66(1) of the Listed Buildings Act. In this particular case, it is considered that there is insufficient justification for overriding the presumption in favour of preserving the setting of the Grade II Listed Ashington House. The adverse impacts of granting Outline planning permission would significantly and demonstrably outweigh the benefits of doing so, including the degree to which the development would contribute to providing housing in the area, contrary to the NPPF and the strategy for growth outlined in the emerging Planning Framework. The proposal does not, therefore, amount to sustainable development, relative to paragraphs 14 and 49 of the NPPF.

Mix of Dwellings

- 6.30 The proposed development would provide a mix of dwelling types, including bungalows, the final mix of which would be considered at the Reserved Matters stage.
- 6.31 Policy CP12 of the Local Development Framework: Core Strategy (2007) requires that residential development of 15 dwellings or more provide an appropriate proportion of affordable homes, with the target being 40%. Although the applicant has confirmed a willingness to enter in to a planning obligation to secure the above provisions, no such legal agreement is in place and the Council is, therefore, unable to secure affordable housing at the site. The development is, therefore, contrary to Policy CP12.

Impact on the Amenity of Existing and Prospective Occupiers

- 6.32 The properties adjacent to the application site, including Martins Farm, Little Martins Farm, Yew Tree Cottage and Foxes all currently enjoy an isolated setting and outlook, which would undoubtedly be altered by the proposed development. Given the orientation of the properties, a development could, however, be successfully designed to ensure there is no harmful loss of light, privacy and outlook, and to ensure appropriate separation distances are achieved. Likewise, parking areas and access roads could be designed so as to be sited away from adjacent properties and this would help to avoid harmful levels of

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disturbance to existing occupiers. Likewise, it is considered that the siting of the proposed pumping station could be carefully considered so as to ensure that it did not result in unacceptable levels of disturbance to existing and prospective occupiers. The indicative plans show that the development could be designed in such a way so as to ensure that all prospective occupiers had access to a suitably sized area of private amenity space that would provide a safe and pleasant area of useable outside space. In light of the above, it is considered that the development could be designed in such a way so as to avoid unacceptably harmful impacts on the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy. Measures to protect residents from harmful affects of noise, vibration and dust during the construction period could be controlled by suitably worded conditions. Conditions could also be used to control the siting of any site compound in order to minimise the impact on adjacent occupiers, if all other aspects of the development were considered acceptable.

- 6.33 The submitted Acoustic Report concludes that, without appropriate mitigation, prospective occupiers would be exposed to unacceptable levels of noise disturbance associated with the adjacent A24. The applicant has proposed that acoustic glazing, complemented by a suitable mechanical ventilation system for the most affected properties would reduce internal noise levels to an acceptable standard, and this could be controlled by condition, if all other aspects of the application were considered acceptable. This would not, however, overcome the noise experienced from rear gardens and the proposed area of public open space and Environmental Health Officers have expressed concern that prospective occupiers would be subjected to unacceptable levels of noise, including from first floor windows nearest to the A24. This would be the case even if an acoustic barrier were to be erected, as has been suggested by the applicant. The proposed development has, therefore, failed to demonstrate that prospective occupiers would not be exposed to unacceptable levels of noise. It must also be considered that the implementation of noise mitigation measures, such as acoustic fencing, would introduce an additional uncharacteristic feature to the semi rural landscape, further detracting from the character and appearance of the locality and this form of mitigation is unlikely, therefore, to be considered acceptable in design terms.

Access, Parking and Highway Safety

- 6.34 The applicant has demonstrated that suitable visibility splays can be achieved at the proposed access to ensure vehicles are able to enter and exit the site without prejudicing highway or pedestrian safety. The proposed access would be sited a sufficient distance from the existing vehicular access to Martins Farm and the adjacent round about to ensure that its use did not interfere with, or compromise, the safe use of these adjacent junctions. Likewise, as London Road is a no-through road, it is not considered that the use of the proposed junction, to serve up to 40 no. dwellings would compromise the safe use of the access serving the petrol filling station approved under application reference DC/14/1420. The proposed access arrangements are, therefore, considered to comply with the NPPF and Policies DC9 and DC40 of the General Development Control Policies.
- 6.35 The Stage 1 Safety Audit raises one area of concern relating to pedestrian movements within the site. It is, however, considered that this could be addressed through the detailed designs submitted as part of a Reserved Matters application. The Audit raises no other issues. The final layout, widths and design of the internal access roads and pavements would come forward through the submission of any application for Reserved Matters and could be controlled by suitably worded planning conditions, should all other aspects of the development be considered acceptable. This would ensure safe arrangements for vehicles (including refuse collection and emergency access vehicles), cyclists and pedestrians using the site.

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- 6.36 The Transport Statement indicates that the proposed development will generate approximately 26 no. two way movements in the morning peak (0800-0900) and 31 no. two way movements in the evening peak (1700-1800). Even if all these trips were made by car, this would, on average, equate to approximately one vehicular movement on to the highway network every two minutes during the peak periods. Given the limited number of traffic movements on this section of London Road, it is, therefore, considered that the comings and goings associated with up to 40 no. dwellings, would not have a harmful impact traffic flows or contribute to traffic congestion on the local highway network. It is considered that there is adequate spare capacity in the adjoining road network (including at the adjacent five-arm round about) to accommodate the additional vehicular movements associated with the proposed development, without having a harmful impact on the safe operation of the highway, including if planning permission reference DC/14/1420 were implemented.
- 6.37 The applicant has indicated that the proposed development would be designed so as to comply with the car parking standards set by West Sussex Country Council. Although layout is a Reserved Matter, the indicative drawings show that an appropriate level of parking could be provided across the site to avoid overspill parking in the local road network. Likewise, the indicative drawings show that sufficient space could be made available within the rear gardens of properties to provide suitable facilities for the storage of cycles. On this basis, it is considered that acceptable car and cycle parking arrangements could be achieved for the development, if all other aspects of the proposal were considered acceptable.
- 6.38 The indicative layouts shows that the development could be designed in such a way so as to ensure that adequate space could be made available for the storage and collection of refuse bins, if all other aspects of the development were considered acceptable.
- 6.39 The applicant has confirmed a willingness to enter into a planning obligation to cover the costs incurred by the Local Highway Authority to advertise and implement a Traffic Regulation Order required to extend the 30mph speed limit. The applicant has also made a commitment to extend the pedestrian footway from the round about to the application site. These improvements are necessary in order to provide a continuous pedestrian path from the site towards the village and vice versa, albeit it would still be necessary to cross the road at the adjacent roundabout. Without these improvements, pedestrians would be forced to walk along the side of the road, which would be unacceptable in highway safety terms. The implementation of the pedestrian footway could be controlled by a condition or included within a legal agreement, if all other aspects of the development were considered acceptable.

Ecology, Biodiversity and Trees

- 6.40 The Ecological Surveys, submitted in support of the application, demonstrate that appropriate mitigation measures can be put in place to ensure the proposed development does not harm the interests of nature conservation, including protected species and their habitats. The implementation of the mitigation measures outlined in the Surveys, including details to control the type and method of lighting to be used across the site (to avoid illumination of trees with bat roost potential and boundary features capable of providing habitat to dormice) and methods to protect adjacent ponds from contaminated water run-off, could be controlled by condition, should all other aspects of the application be considered acceptable.
- 6.41 The trees to be removed have been classified as Category C specimens within the submitted Tree Survey and the evidence of a site visit would support this contention. Whilst the loss of trees is regrettable, on this occasion, as the trees make a limited positive contribution to the visual amenity of the locality, their removal is acceptable.

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- 6.42 Although internal landscaping is a Reserved Matter, the applicant has indicated an intention to include a number of native species in any planting schedule. The exact quantum and mix of planting could be secured by condition, if all other aspects of the development were considered acceptable, in accordance with the NPPF and Policy DC5 of the General Development Control Policies (2007), if all other aspects of the development were considered acceptable.
- 6.43 No information has been provided to demonstrate how the existing and proposed landscaping at the site will be managed and maintained. It is considered, however, that this matter could be controlled by suitably worded conditions, should all other aspects of the development be considered acceptable. Conditions could also be used to ensure the protection of existing trees during the construction process.

Contamination

- 6.44 The application has demonstrated that measures can be put in place to protect human health and adjacent ponds from contaminated water both during the construction phase and upon completion. Any contamination found during the construction period could be subject to a risk assessment and a series of mitigation measures agreed, depending on the type of any contamination identified and the receptor being affected. The necessary investigation and remediation measures, including implantation, could be controlled by condition, if all other aspects of the development were considered acceptable, in accordance with the NPPF.

Archaeology

- 6.45 The County Archaeologist has confirmed that the highest parts of the site may be host to buried archaeological remains of later prehistoric or Roman settlement. As the site is located in an area of archaeological potential, a condition would be required (as suggested by the County Archaeologist) to secure the submission, approval and implementation of an appropriate Written Scheme of Investigation relating to any archaeology found to be present at the site. This would ensure that any finds are appropriately recorded and preserved, in accordance with the NPPF and Policy DC10 of the General Development Control Policies (2007), if all other aspects of the development were considered acceptable.

Drainage

- 6.46 The application site is located in Flood Zone 1, where there is a low probability of flooding.
- 6.47 Despite intrusive investigation works, to date, the applicant has been unable to establish whether there is an existing formal surface water outfall for the site. Consequently, and following discussions with the Council's Drainage Team and West Sussex County Council, as the Lead Local Flood Authority, it has been agreed that a new outfall connection would be made to a nearby watercourse, which lies adjacent to London Road and which ultimately discharges to the local water course that passes beneath the A24.
- 6.48 A review of Southern Water sewer records indicates that the nearest Public Foul sewer to be located approximately 400 metres to the south of the application site, on London Road. Due to the distance from the site, and the relative land levels, a gravity foul solution will not be achievable. As such, the applicant proposes to provide a new foul pumping station, which would be offered to Southern Water for adoption, via Section 104 of the Water Industry Act (1991). This approach has been endorsed by the Council's Technical (Drainage) Officers, in accordance with the requirements of the NPPF and Policy DC7 of the General Development Control Policies (2007).

Renewable Energy

- 6.49 The applicant proposes to design-in measures to reduce the scheme's carbon dioxide emissions. It is proposed to achieve this objective by reducing the energy demands of the proposed properties by incorporating measures designed to increase passive solar gain, achieve high levels of thermal efficiency (including the use of thermal block), and the use of low energy lighting. Whilst the exact details of these provisions have not been provided as part of this Outline application, the submission and implementation of these measures could be controlled by a suitably worded condition, if all other aspects of the application were considered acceptable, in accordance with the aims and objectives of the NPPF and Policy DC8 of the General Development Control Policies (2007).

Legal Agreement

- 6.50 In the event that planning permission is granted, Policy CP13 requires new development to meet its infrastructure needs. For this development, contributions have been requested towards amenity open space, play and recreation areas, indoor and outdoor sports provision, community facilities, education, libraries, refuse and recycling, fire and rescue and transport.
- 6.51 All contributions must be justified in accordance with the three tests set out under Regulation 122 of the Community and Infrastructure Levy Regulations 2010, in so far that they must be; necessary to make the development acceptable in planning terms; directly related to the development and; fairly and reasonably related in scale and kind to the development.
- 6.52 In accordance with the Policies of the Core Strategy and Planning Obligation SPD, the District Council expects that all new residential developments will provide for additional outdoor playing space to meet the needs of prospective residents. The Council, therefore, requires a contribution towards the provision and/or improvement of outdoor sports and playing space through the payment of a developer contribution in order that appropriate facilities can be provided in the locality to be secured by a legal agreement.
- 6.53 The principle of taking developer contributions for each net dwelling gain has been established following the findings of the Planning Inspector at the Local Development Framework: Core Strategy Inquiry (2007), whereby Policy CP1 and Planning Obligation SPD were recommended for adoption. The Inspector considered that such provision would not place an unnecessary burden on developers and landowners and that the requirements were reasonable. The three policy tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 Statutory Instrument 2010/248 were applicable at the time of the Inquiry, albeit they were not statutory tests at that time.
- 6.54 It is considered that the District Council's approach continues to meet the three statutory tests, as explained below.

Test 1: Necessary to make the development acceptable in planning terms.

- 6.55 Developer contributions have been used to improve the quality of existing recreational open space provision in order to absorb the recreational pressure created by residents of new dwellings. Indeed, the need for open space provision and improvement to existing facilities has become more pressing since the adoption of the Core Strategy, due to population growth within the District in this time. Therefore, each new dwelling will, in combination, add to existing deficiencies that are evident within the District generally and Ashington specifically, or necessitate upgrades or improvements to be made.

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6.56 There are currently a number of qualitative and quantitative deficiencies in the District in terms of children's play facilities, health and fitness facilities and other outdoor and indoor sports and playing pitch facilities, as identified in the Council's Sport, Open Space and Recreation Assessment (2014). A strategic priority, as identified in this document, is to enhance existing provision.

6.57 It is, therefore, considered that contributions for new residential development are necessary to make the development acceptable in planning terms, as without collecting contributions on a dwelling-by-dwelling basis, there would be a cumulative deterioration in both the quality and quantity of open space, play, health and fitness facilities and other outdoor and indoor sports and playing pitch facilities, available to the occupants of new dwellings in Horsham District Council generally and Ashington specifically. The provision of good open space and recreational facilities can form part of a wider solution to enhance health and well being in the District, in accordance with the aims and objectives of the NPPF.

2. Directly related to the development

6.58 The developer contributions, secured in the event that planning permission is granted, could be allocated towards improvements to the existing recreation ground in Ashington, including to the existing play equipment, community hall and pavilion.

6.59 It is considered that prospective occupiers of the proposed development would use these strategic neighbourhood facilities, which could be enhanced as a result on the proposed development in order to address the increased demand. The Sport, Open Space and Recreation Assessment lists the types of improvements that can be made to existing facilities, for instance, new lighting, seating, safety signage, provision of new/improved safety surfacing, new play equipment, dog proof fencing, provision of additional litter bins, additional planting, amongst others.

6.60 Due to the scale of the proposed development, it is considered that prospective occupiers would make use of the enhanced community facilities and would benefit, therefore, from any improvements. It is necessary for each new dwelling to contribute towards improvements to the recreation ground to enhance a strategic area of recreational space for the village to enjoy for a range of activities, rather than having to travel further afield.

3. Fairly and reasonably related in scale and kind to the development.

6.61 For the reasons outlined above, the provision of a commuted sum, based on the formulaic approach developed as part of the Planning Obligation SPD, is considered a fair approach to deal with the cumulative pressure on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing facilities in Ashington. In this case, given the strategic importance of the recreation ground in Ashington, it is reasonable to expect that prospective occupiers to utilise these facilities and the development should, therefore, make appropriate contributions to ensure that it is enhanced/improved accordingly.

6.62 In addition to the above contributions, any legal agreement would need to include provision for the following;

- Affordable Housing
- Details of the future maintenance and management of any on site open space provision
- Measures to secure the provision of a new pedestrian footway, including new drainage if required, to link the application site to the adjacent roundabout
- Measures to secure the provision of an extended 30mph speed limited on London Road

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- 6.63 The County Council has also confirmed that financial contributions would also be required towards education, libraries, waste, fire and transport. The County proposes that the legal agreement be drafted to include a formulaic approach to calculating the contributions, to take account of the fact that the exact quantum and mix of dwellings is not yet known.
- 6.64 Whilst the applicant has agreed to enter in to a planning obligation to secure the necessary sums, the requisite legal agreement has not been completed, nor has a suitably worded unilateral undertaking been submitted for consideration. Without the above planning obligations, the proposed development is unacceptable and contrary to the NPPF, Policies CP12 and CP13 of the Core Strategy (2007), Policy 22 of the General Development Control Policies (2007) and the Council's Planning Obligation SPD.

Other matters

- 6.65 In considering other matters raised by the public in their letters of objection, it should be noted that all planning applications must be considered on their individual merits and against the relevant local and national planning policies and any other material planning considerations. Whilst the application is supported by a Design and Access Statement (and Addendum), Case Officers undertake a site visit in order to assess the merits of the application, using scaled plans and following consultation with relevant internal and external departments. Whilst the concern regarding the accuracy of the Design and Access Statement is noted, the content of this document does not, therefore, affect the reliable assessment/determination of the planning application.
- 6.66 Paragraphs 186 and 187 of the NPPF requires Local Planning Authority's to approach decision making in a positive way and look for solutions rather than problems, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In accordance with the sentiment of the NPPF, a site visit was held with the applicant and relevant consultees in order to establish whether positive solutions could be found to allow the application to be progressed towards a favourable recommendation. On this occasion, it has not been possible to find appropriate solutions.

Conclusion

- 6.67 Taking all matters into account, the proposal is considered to represent an unsustainable form of development, on a site where the principle of residential development is unacceptable and cannot be supported. The development would harm the setting of a Listed Building and the character and appearance of the application site and surrounding area and would not be sympathetic to the local landscape. The development is considered harmful, even when weighed against the economic benefit and social benefits of providing housing and as such, the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF, cannot be applied.
- 6.68 When all material considerations are taken in to account, and given appropriate weight in the planning balance, the adverse affects of granting Outline planning permission would significantly and demonstrably outweigh the benefits, including the degree to which the scheme could contribute to enhancing housing supply in the District.

7. RECOMMENDATIONS

7.1 To refuse planning permission for the following reasons:

1. The proposed development, by reasons of its location outside of, and isolated from, the Built Up Area Boundary of a medium sized, Category 2 Settlement, with poor public transport links and a high dependency on the private motor vehicle for travel, on a site that does not constitute Previously Developed Land, represents an inappropriate, unsustainable and unacceptable form of development that is contrary to the aims and objectives of the NPPF, Policy CP5 of the Core Strategy (2007), the Facilitating Appropriate Development Supplementary Planning Document and Policy 3 of the emerging Horsham District Planning Framework, which aim to concentrate new growth to the District's main settlements.
2. The provision of housing in this location, at the scale proposed, would introduce an uncharacteristically concentrated and isolated enclave of housing, at odds with the established pattern of development in the immediate locality. The introduction of up to 40 no. houses, at a scale up to 12 metres in height, and with the associated provision of access roads, lighting and all other associated residential paraphernalia, would significantly diminish the informal and open character of this particular part of the landscape, creating a discordant and uncharacteristically urbanised environment that would serve to derogate the noticeable transition between the more suburban context of the village and the more rural character of the open countryside to the north, harming the character and appearance of the local landscape. The development is not, therefore, sustainable, even when weighed against the economic benefit and social benefits of providing housing, contrary to Paragraph 14 of the NPPF and Policies DC1 and DC9 of the of the Local Development Framework: General Development Control Policies.
3. The provision of up to 40 no. dwellings, at up to 12 metres in height, together with associated residential paraphernalia, in such close proximity to the Listed Building, and within the parkland serving that property, would affect the significance of the heritage asset by harmfully altering the character and appearance of its setting and the appreciation of the sense of rural isolation. The development would harmfully affect the historic relationship between the southern elevation of the Ashington House, including views from the first floor windows, and the setting and appreciation of the open, parkscape, including the historic association of the Listed Building with its farmstead buildings of Oast House, Oast House Barn and Oast Cottage, as well as the Grade II Listed, Yew Tree Cottage. The development is not, therefore, sustainable, even when weighed against the economic benefit and social benefits of providing housing and has not had special regard to the desirability of preserving the setting of Listed Buildings, contrary to Paragraph 14 of the NPPF and Policies DC9 and DC13 of the Local Development Framework: General Development Control Policies.
4. The proposal has not successfully demonstrated that prospective occupiers would not be exposed to unacceptably harmful levels of noise associated with the use of the adjacent A24, to the detriment of their living environment, particularly from first floor windows and when using rear gardens and areas of public open space. It is not, therefore, considered that the development would provide a pleasant or acceptable living environment for prospective occupiers, contrary to the NPPF and Policy DC9 of the Local Development Framework: General Development Control Policies..
5. The proposed development makes no provision for contributions towards improvements to education provision; libraries; fire and rescue services; open space; sport and recreation facilities; community facilities; or affordable housing and is,

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therefore, contrary to Policies CP12 and CP13 of the Horsham District Local Development Framework: Core Strategy (2007) and the Horsham District Local Development Framework: Planning Obligations Supplementary Planning Document (SPD) as it has not been demonstrated how the infrastructure needs of the development would be met.

Note to Applicant:

The reason for refusal relating to infrastructure contributions could be addressed through the completion of a legal agreement. If the applicant is minded to appeal the refusal of this application you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

Background papers:

DC/14/1420

DC/14/1944

APP/Z3828/A/13/22943