



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)
BY: Development Manager
DATE: 16 August 2016
DEVELOPMENT: Erection of single storey 2 no. bedroom and associated works.
SITE: Paddock Green Farm Goose Green Lane Goose Green West Sussex
WARD: Chanctonbury
APPLICATION: DC/16/0240
APPLICANT: Mr G Lambert

REASON FOR INCLUSION ON THE AGENDA: Departure Application

RECOMMENDATION: Refuse Planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes the erection of a single storey building for residential purposes.
- 1.2 The plans indicate a two bedroom (one with en-suite bathroom) dwelling with kitchen / dining and sitting room and family bathroom, within the envelope of the previously approved building. Foundations have been dug in accordance with a previous approval on the site for the erection of a Class B1 building of the same scales..

DESCRIPTION OF THE SITE

- 1.3 The application site (approx. 0.48 ha) is located on the west side of Goose Green Lane. The site is a former smallholding site, subsequently becoming the site of various workshops. Former buildings on the site have been demolished with excavation and the start of foundations apparent in relation to a B1 business use granted planning permission under DC/10/26982.
- 1.4 The application site comprises a long finger of land which narrows towards the south west tip. To the west of the site is Ladybrook Brickworks and associated ponds. To the east is the residential property known as The Green. The area surrounding the application site is generally open countryside with sporadic residential and farm buildings.

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- 1.5 The site is located outside of any defined Built up Area Boundary and is thus located with the countryside.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012) (NPPF):
Section 1: Building a strong, competitive economy
Section 3: Supporting a prosperous rural economy
Section 4: promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 11: Conserving and enhancing the natural environment

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework (HDPF) – the following policies are of particular relevance:

Policy 1 – Strategic Policy: Sustainable Development
Policy 2 – Strategic Policy: Strategic Development
Policy 3 – Strategic Policy: Development Hierarchy
Policy 4 – Settlement Expansion
Policy 7 – Strategic Policy: Economic Growth
Policy 9 – Employment Development
Policy 10 – Rural Economic Development
Policy 24 – Strategic Policy: Environmental Protection
Policy 25 – Strategic Policy: The Natural Environment and Landscape Character
Policy 26 – Strategic Policy: Countryside Protection
Policy 32 – Strategic Policy – The Quality of New Development
Policy 33 – Development Principles
Policy 40 – Sustainable Transport
Policy 41 – Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Thakeham Parish Council applied for the parish to be designated as a Neighbourhood Plan Designation Area on 22 July 2013. Public consultation ran from the 30 October 2015 to the 11 December 2015. There is currently no 'Made' plan for the parish.

2.5 PLANNING HISTORY

- 2.6 The site has been an extensive planning history and has been served with various Enforcement Notices in the past.

DC/06/0796	Erection of replacement building for use as IT workspace	Application Refused on 25.07.2006
DC/07/0237	Replacement of existing buildings	Application Permitted on 05.06.2007
DC/07/2645	Use of existing/approved replacement buildings for carpentry workshop and/or class B1 activities	Application Permitted on 22.01.2008

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	(Variation of condition 8 of DC/07/0237 and condition 2 of T/57/03)	
DC/09/1899	Change of use from workshop and class B1 to pre-school children's day nursery	Application Refused on 11.12.2009
DC/10/0684	Change of use from workshop and class B1 to pre-school children's day nursery	Application Refused on 23.07.2010
DC/10/2692	Revised application to amend previously approved DC/07/2645 (Use of existing/approved replacement buildings for carpentry workshop and/or class B1 activities) to include an extension to link the 2 approved buildings together with alterations to window sizes and layout	Application Permitted on 01.03.2011

OUTSIDE AGENCIES

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.
- 3.2 **Thakeham Parish Council**: No objection
- 3.3 **County Council - Highways**, No objections.
- 3.4 **Southern Water**: The applicant is advised to consult the Environment agency directly regarding the use of package treatment plant which disposes of effluent to sub soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

PUBLIC CONSULTATIONS

- 3.5 1 letter of representation was received supporting the proposal.

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

Background

- 6.1 Planning permission was originally granted under DC/07/0237 for two replacement buildings to be used as carpentry workshops, with permission later granted for the buildings to be used for carpentry workshops and / or general B1 activities under DC/07/2645. A later application, DC/10/2692, approved an extension to link the approved buildings within a B1 Use Class.

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- 6.2 It is apparent that this later permission was commenced with new foundations having been laid on the site. The permission therefore remains extant and could be implemented at any point in the future. This current application essentially seeks a residential use on the site, in lieu of the previously approved B1 (light industrial) use. The main issues are the principle of residential development in this location and the effect of the development on:
- The character of the dwelling and the visual amenities of the countryside and the street scene
 - The amenities of the occupiers of adjoining properties
 - The existing parking and traffic conditions in the area
 - The existing trees
 - The quality of the resulting residential environment for future occupiers

Principle of residential

- 6.3 Policy 2 (Strategic Development) of the HDPF seeks to maintain the districts unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment as set out within policy criteria. The policy sets out the Council's main strategy for the location of development across the District and aims to concentrate development in and around the main settlement of Horsham and to allow growth in the rest of the District in accordance with the settlement hierarchy.
- 6.4 Policy 3 (Development Hierarchy) of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the identified settlement hierarchy set out within the policy. The application site is outside of any built-up area boundary (BUAB) and is thus considered to be open countryside.
- 6.5 Policy 4 (Settlement Expansion) of the HDPF makes provision for expansion outside of BUAB provided certain criteria are complied with. The first criteria states that a site should be allocated in either the local plan (HDPF or any future Land Allocations document) or a Neighbourhood Plan. In this case the site is not allocated in the Local Plan and Thakeham Parish Council is still in the process of preparing a Neighbourhood Plan. It is therefore considered that residential development on the site would be contrary to the strategic approach to housing outlined in the adopted HDPF.
- 6.6 In respect of the countryside setting Policy 26 (Strategic Policy: Countryside Protection) of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location and meet one of the following criteria:
1. Support the needs of agriculture or forestry;
 2. Enable the extraction of minerals or the disposal of waste;
 3. Provide for quiet informal recreational use; or
 4. Enable the sustainable development of rural areas.
- 6.7 There is no suggestion within the application that one of the above criteria is relevant to the proposal, and it has not therefore been demonstrated that the proposal is essential to its countryside location. The applicant considers that the proposed residential development would be within the envelope of the already permitted B1 office building, rather than an isolated new-build development. This is not the case and the proposal would result in a new build residential unit and a B1 use would be preferable in this location. This takes into account the historic commercial uses of the site, with the already approved use likely to generate less activity / visual impact than the proposed residential use. The fallback position, to implement the existing permission, is therefore considered preferable in this instance.

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- 6.8 Policy 9 (Employment Development) of the HDPF states that the redevelopment of employment site and premises outside key Employment Areas must demonstrate that the site/premises is no longer needed and /or viable for employment use. There are no marketing details to support the loss of the commercial use of the site, with previous permissions granted in recognition of the long established use of the site. The applicants state that the site could not be sold with a commercial use as there is no broadband, and that in their opinion there are better buildings with better eaves heights elsewhere. It is acknowledged that there are constraints associated with the site but in the absence of marketing details it is not possible to conclude there is no demand or need for the premises. The location of the site would not as a matter of course preclude commercial activities, which would not be limited to office accommodation but include workshop type uses, taking place.

Character and appearance

- 6.9 The proposed dwelling would occupy the footprint of the already approved B1 building being an irregularly shaped single-storey structure located towards the middle of the site away from Goose Green Lane. The applicant states that the proposed dwelling would not require any change in design other than internal alterations to facilitate the residential use. The external appearance would therefore remain as previously approved.
- 6.10 The proposed dwelling would though result in the domestication of land surrounding the building which would be harmful to the rural character and appearance of the countryside location. It is considered that material and appreciable harm would occur through the creation of the garden and the accumulation of additional ancillary domestic paraphernalia and other trappings associated with residential use such as outbuildings, washing lines and garden furniture. The creation of a dwellinghouse in this location would therefore be out of keeping with the surrounding area, and thus be detrimental to the character and visual amenities of the countryside.

Amenity

- 6.11 The application site is separated from the adjacent residential properties to the east and west by a sand school (east) and pond (west) respectively. The separation distances involved would ensure no loss of private amenity arising from the proposed dwelling.
- 6.12 The applicant advises that the use of the building for residential purposes would allow him to care for his mother, and that the accommodation would provide for the care within the home as the HMG guidelines set out in the Department of Health, 'A vision for Adult Social Care 2010, providing and supporting Family Care for the elderly within the home. Although the Council is sympathetic to the applicants circumstances, no supporting medical evidence has been submitted to support a case to justify allowing a new dwelling in the countryside, contrary to adopted policies, in order to meet the personal circumstances of the applicants, or to justify the harm caused which would still be there long after the dwelling would be needed by the applicant.

Conclusion

- 6.13 The proposed development is located in the countryside, outside the defined built-up area boundary of any settlements, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore the proposed development has not been demonstrated as being essential to its countryside location and the introduction of a residential dwelling, and the accumulation of additional ancillary domestic paraphernalia,

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would harm the character of the rural setting. Consequently the proposal represents unsustainable development contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and would fail to meet the definition of sustainable development within the National Planning Policy Framework.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be refused for the following reason:

Reason(s) for Refusal:

1. The proposed development is located in the countryside, outside the defined built-up area boundary of any settlements, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore the proposed development has not been demonstrated as being essential to its countryside location and the introduction of a residential dwelling, and the accumulation of additional ancillary domestic paraphernalia, would harm the character of the rural setting. Consequently the proposal represents unsustainable development contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) and would fail to meet the definition of sustainable development within the National Planning Policy Framework.

Background Papers: DC/16/0240