



**Horsham  
District  
Council**

# **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)  
**BY:** Development Manager  
**DATE:** 18 October 2016  
**DEVELOPMENT:** Creation of new access to serve an existing vineyard  
**SITE:** Land West of Nutbourne Lane Nutbourne Lane Nutbourne Pulborough  
**WARD:** Pulborough and Coldwaltham  
**APPLICATION:** DC/16/1564  
**APPLICANT:** Mrs Ticehurst

**REASON FOR INCLUSION ON THE AGENDA:** 5 letters of objection have been received within the statutory consultation period, contrary to the Officer's recommendation.

**RECOMMENDATION:** To grant planning permission subject to conditions.

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the creation of a new gated vehicular access on Nutbourne Lane, which would facilitate access to an existing vineyard located in the north-western corner of the site. The development would result in the excavation of a small area of the raised bank bounding the field, approximately 4m in length, with a levelled access route to the existing right of way that crosses the site. The existing gated access to the north-eastern corner of the site, which forms part of a public right of way, would be removed and re-landscaped, but would still be accessible to pedestrians.

### DESCRIPTION OF THE SITE

- 1.2 The application relates to an existing 1.2 acre vineyard sited within an 11.1 acre plot, which is raised above street level, and includes a heavily foliated western boundary. The site is located outside of any defined built-up area, within the open countryside, approximately 1km north of Nutbourne Village. The surrounding area is rural in character, composed of vast open agricultural fields and neighbours a separate vineyard to the north.

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### **2. INTRODUCTION**

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012)  
NPPF1 - Building a Strong, Competitive Economy  
NPPF3 - Supporting a Prosperous Rural Economy  
NPPF7 - Requiring Good Design
- 2.3 National Planning Policy Guidance (2014)

#### RELEVANT COUNCIL POLICY

- 2.4 The following policies of the Horsham District Planning Framework (2015) are considered to be relevant:  
HDPF1 - Strategic Policy: Sustainable Development  
HDPF2 - Strategic Policy: Strategic Development  
HDPF7 - Strategic policy: Economic Growth  
HDPF10 - Rural Economic Development  
HDPF 26 - Strategic Policy: Countryside Protection  
HDPF33 - Development Principles  
HDPF40 - Sustainable Transport

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Pulborough Parish Neighbourhood Planning Document – Designated (Regulation 5 and 6)  
The application site has not been identified as a possible site allocation.

#### PLANNING HISTORY

None

### **3. OUTCOME OF CONSULTATIONS**

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

#### OUTSIDE AGENCIES

- 3.2 **West Sussex County Council Highway Authority** No Objection – the LHA considers that the existing access includes substandard visibility which is constrained by poorly maintained third party land to the north, and that the proposed access would signify a marked improvement. The LHA does not consider that the proposal would have ‘severe’ impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and advises that there are no transport grounds to resist the proposal.
- 3.3 **West Sussex County Council Public Rights of Way** No Objection – the Public Rights of Way Team do not object to the proposal, but stipulates that the public footpath should be retained in its same place, and should not be obstructed or restricted in any way as part of the proposed works.

## PUBLIC CONSULTATIONS

- 3.4 **Pulborough Parish Council** – Objection. The Parish supports local concern over the purpose of the application, and has stated that improving the existing access would be a more viable option.
- 3.5 Five letters of representation have been received objecting to the proposal on the following grounds:
- Inappropriate for proposed use
  - Significant operational construction for a small vineyard
  - Proposed access would divide the field, resulting in unsuitable use for future agricultural works
  - Congestion on street and nearby village during construction of the development
  - Reduced stability of the existing bank
  - No requirement for additional access
  - Adverse visual impact

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

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

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

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

## 6. PLANNING ASSESSMENTS

- 6.1 The principal issues in the determination of the application are:
- a) Visual impact within countryside
  - b) Highway safety
  - c) Rural economic development
- 6.2 The site is located outside of any defined built-up area, approximately 1km north of Nutbourne Village. Therefore, the site is located within the open countryside, in which the Council's countryside protection policy would be applied. Policy 26 of the Horsham District Planning Framework states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Proposals must be of a scale appropriate to its countryside character and location and will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.

### Visual Impact

- 6.3 In regards to the resulting appearance of the development, policy 33 of the Horsham District Planning Framework states that developments should be required to be locally distinctive in character of the surrounding character, and favours the retention of existing important landscape and natural features, such as trees, banks, hedges, and watercourses. Development must relate sympathetically to the local landscape and should justify and mitigate against any losses that may occur through the development.

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- 6.4 The proposed vehicular access would be formed within a sloped bank to the western side of Nutbourne Lane, and would be located to the south of the existing access. The new access is to be constructed to bellmouth specification with dimensions of 4.1 metres and 6 metre kerb radii. The access track is to be 4.1 metres in width and any gates would need to be setback 10 metres to enable a long vehicle to wait off highway. A turning area should be made available within the site. In order to facilitate the creation of the access, part of the existing bank would be required to be excavated. The existing gated vehicular access is proposed to be blocked, and infilled with similar planting currently present on the bank – a small entrance of the access would be retained for pedestrian access. Approximately 4.2m of the existing split timber fence within the field would be removed to facilitate the new surface.
- 6.5 In regard to the visual impact of the development, it is considered that the proposed access would be appropriately sited, and for which an acceptable amount of material would be removed and would thus not damage the appearance or character of the rural setting. Whilst some vegetation would be lost, this would be offset by the inclusion of additional planting in place of the existing gated access to the north east corner of the site. In this respect, the proposed scale and appearance of the development is not considered to adversely affect the landscape or rural setting of Nutbourne Lane, and is therefore considered in accordance with policy 33 of the HDPF.
- 6.6 The proposed access is considered acceptable in principle, and conditions are attached to requires additional information relating to landscaping and surface materials.

### **Transport Issues**

- 6.7 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. Dispersed rural settlements, coupled with the limited access to public transport, results in a population that is highly reliant on the use of cars. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.8 Local concern has been raised with regards to the safety of the proposed new gated access. The vineyard currently generates approximately 2-4 daily vehicle movements from the existing access to the north-west corner, which opens on to Nutbourne Lane. The street is subject to a national speed limit (60mph). A Road Safety Audit was undertaken, which revealed that traffic typically moves past the site at approximately 26.6mph (average). The Local Highway Authority (LHA) has concluded that the visibility from the proposed access would be more than satisfactory, and a marked improvement compared to the existing arrangement. Further to this, the observed traffic speeds for the south bound traffic demonstrates that vehicles are likely to travel below the 60mph speed limit.
- 6.9 Due to the relatively low traffic in and out of the site per day, which is not considered irregular for a rural location, coupled with the satisfactory visibility from the new access, WSCC Highways does not consider that the proposal would have a severe impact on the operation of the highway network, and advise that there are no transport grounds to resist the proposal. It is noted that the Highways Officer has identified that the visibility could be constrained by the surrounding foliage. Therefore, a condition is attached relating to maintaining the access free from obstruction, in order to achieve the maximum visibility.
- 6.10 The existing gated access and pathway through the site forms part of a Public Right of Way. Part of the existing access would remain open in order to facilitate pedestrian access to the right of way. The West Sussex County Council Public Rights of Way Team do not object to the proposal, providing that the existing pathway would be retained and not be obstructed or restricted during the construction of the access, and following completion of works. Therefore, a condition is attached to ensure that the pathway would be maintained.

### **Rural Economic Development**

- 6.11 Policy 10 of the Horsham District Planning Framework relates to rural economic development, and states that enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social, and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity, will be supported in principle. Any development should be appropriate to the countryside location.
- 6.12 The existing vineyard has been operating for approximately 7 years on a one acre plot, which contains 900-1000 vines. The grapes are grown on the site, picked, and transported to Worthing where they are processed into sparkling wine. A statement submitted with the application indicated that expansion of the vineyard is planned, which looks to include a further 2 acres of vineyard. The principle of the expansion of the enterprise is considered to contribute to the wider rural economy, which would be suitably contained with the rural setting.
- 6.13 The proposed new gated access would facilitate a safer access with improved visibility, compared to the existing arrangement. Given that the potential expansion of the enterprise may result increased use of the access, it is considered that the requirement of the improved entrance to the site would be justified. With this and the above in mind, the proposal is considered in accordance with policy 10 of the HDPF.

### **Conclusion**

- 6.14 The application has been proposed in order to provide an improved vehicular access to the site, which would ensure enhanced visibility on the street. Given the proposal's siting and modest scale, it is not considered that it would have a detrimental impact on the character or setting of the site's rural location, and is therefore considered acceptable. The principle of the proposal is reinforced by the Council's rural economic development policies, and would positively contribute to the wider rural economy. Furthermore, there are no transport grounds to resist granting permission for the proposal.

## **7. RECOMMENDATIONS**

- 7.1 That the application be approved, subject to the following conditions and informative:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.
  2. No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes to be used for the proposed access have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.  
**Reason:** To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).
  3. No part of the development shall come into use until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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**Reason:** In the interests of road safety in accordance with policy 40 of the Horsham District Planning Framework.

4. No part of the development shall come into use until such time as the existing vehicular access onto Nutbourne Lane has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of road safety in accordance with policy 40 of the Horsham District Planning Framework.

5. No part of the development shall come into use until visibility splays of 2.4 metres by 26 metres and 2.4 metres by 36 metres have been provided at the proposed site vehicular access onto Nutbourne Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

**Reason:** In the interests of road safety in accordance with policy 40 of the Horsham District Planning Framework.

6. The existing Public Right of Way footpath will be retained in situ, and shall not be obstructed or restricted in any way during construction, and subsequent to the completion of works. The path must remain open and accessible at all times, unless a temporary closure is required for the purpose of protecting public safety.

**Reason:** In the interest of public amenity and safety, and public enjoyment of the existing Public Right of Way footpath

7. No part of the development shall come into use until full details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)

## INFORMATIVE

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Background Papers: DC/16/1564