



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)

BY: Development Manager

DATE: 15 November 2016

DEVELOPMENT: Erection of 14 x residential units and erection of B1 building to the north of Vine Cottage

SITE: Vine Cottage Coolham Road Coolham Horsham

WARD: Billingshurst and Shipley

APPLICATION: DC/16/1974

APPLICANT: Mr Jamie Coad

REASON FOR INCLUSION ON THE AGENDA:

- More than five persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the Head of Service's recommendation.
- The application, if approved, would represent a departure from the Development Plan.

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for mixed use scheme for 14 residential units and a block of four industrial units with parking, a new access from Coolham Road, cycle and bin storage and landscaping throughout. The scheme also includes a children's play area, a wildlife pond and a bus stop.

1.3 The residential units are proposed to the south east and north west sections of the site. The new industrial units are proposed in a building in the north east corner of the site. The proposed residential units would comprise the following:

- Two pairs of semi-detached two-storey houses (two x 3 bedroom houses and two x 2 bedroom houses). These units would be market housing.
- Two single-storey blocks (four x 1 bedroom flats and two x 2 bedrooms flats). The intention is that these units would be market housing and would be first made available for locals who wish to 'downsize'. The applicant has referred to these units as 'intermediate' housing.

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- A two-storey building to provide 4 flats (two x 1 bedroom flats and two x 2 bedroom flats). These units would be affordable accommodation and would be offered to a Housing Association.
- 1.4 The two pairs of semi-detached houses and the two-storey building of four flats would all front Coolham Road set behind a new access way. The new access would be set behind a retained hedge and tree boundary. This access would be mainly used for pedestrian access to these units. The scheme indicates that there would be no access from Coolham Road to this access except in emergencies. Removal bollards are proposed to stop vehicle access to this road. Each of these units is shown with its own front and rear garden. The scheme includes four pitched roof garages for the market houses and cycle stores for the four flats of affordable accommodation. Nine parking spaces and two visitor parking spaces are also indicated for the block of flats. The houses and block of flats would have a traditional design with gable ends, pitched roofs and a mix of materials.
- 1.5 The two blocks of single-storey smaller residential units would be located in the south east corner of the site and would partly replace the existing rear garden of Vine Cottage. The buildings would have pitched roofs and would have facing brick. The buildings would face each other over a courtyard area. The courtyard area would include a proposed pergola building which would house a bin store. Each unit would benefit from its own private garden area. The Design and Access Statement states that these two buildings would have the appearance of converted agricultural buildings. The proposal includes 14 parking spaces for these units and 3 visitor spaces. The parking area is located north of the units. A lynch gate is proposed for the entrance to these units from the parking area.
- 1.6 The new industrial building is proposed in the north east corner of the site and would also have a converted agricultural building appearance. This building would have a 'C' shaped layout and would be part single-storey and part two-storeys. The building would include two first floor additions with pitched roofs which would allow additional space for two of the proposed units. The proposal states that these units would be for commercial use under Class B1. A total of 300 square metres of floorspace is proposed. The proposal includes 14 parking spaces for these units and separate bin storage and cycle racks.
- 1.7 The scheme would maintain the existing two-storey dwelling on site in the south west corner, known as Vine Cottage. The cottage would retain a reduced garden area. It is also proposed to retain an existing pitched roof garage on site for storage adjacent to Vine Cottage. The existing access to the site from Coolham Road is in between the cottage and the garage and would be stopped up. A new access would be formed to the north of the existing garage. The new access would require the removal of existing sheds on site and some boundary hedges. This would form the main vehicle access to the site from Coolham Road. The proposed pairs of semi-detached houses and block of four flats would be to the north of this access.
- 1.8 In summary, the proposal would provide the following:
- 6 x one bed units (2 for affordable housing)
 - 6 x two bed units (2 for affordable housing)
 - 2 x three bed units
 - A total of 36 residential car parking spaces, including 4 garages;
 - 4 x B1 units;
 - A total of 14 commercial car parking spaces.
 - Retention of Vine Cottage

DESCRIPTION OF THE SITE

- 1.8 The application relates to a square piece of land measuring 1.26 hectares which is used partly for a dwelling and partly for a business, both under the same ownership. The dwelling, known as Vine Cottage, and a garage are located in the south-west corner of the site. Vine Cottage is part of a pair of semi-detached properties and includes a large rear garden stretching back to the eastern boundary of the site. The existing access to the site is in between the garage and dwelling. The access leads to a small area for parking. North of the garage are some small outbuildings used for commercial storage. The area further north along the western boundary is also used for open storage as a builder's yard. In the north west corner of the site is a large storage building. The builder's yard and storage building are used in connection with the business on site. The applicant has stated that the existing business is for ground works and landscaping. The business is operated by the applicant who lives at Vine Cottage.
- 1.9 The remainder of the site is mainly open fields with scattered animal shelters and a pond. The west and south boundaries of the site are comprised of a substantial hedgerow and small trees. The north and eastern boundaries of the site comprise open wooden fences. With the exception of some small trees in the garden of Vine Cottage and trees along the western boundary, there are no other trees within the site. Along with the surrounding fields, the site has a predominantly level surface. In the north east corner of the site is a separate vehicular access from Coolham Road. This allows access to the site via a gate and also allows access to a separate agricultural building to the immediate north. The location plan indicates that this access is within the ownership of the applicant.
- 1.10 The area to the east of the site comprises open fields used for grazing. The area to the west of the site, across Coolham Road (B2139), is also mainly comprised of open fields and countryside. To the south of the site is a small ribbon of five properties that front Coolham Road with a few more scattered dwellings further south. To the immediate south of the site is Elm Cottage Stud. This equestrian use includes stables, a sand school and a unit of residential accommodation.
- 1.11 To the north of the site are two dwellings, an agricultural building and a garage. A farm lies to the north west of the site across Coolham Road. As existing, the site is partially contained from the road by a line of hedgerows and very exposed from the public footpaths nos.1965 and 1966. Public footpath no.1965 abuts the site on its north-eastern corner and continues towards the east away from the site. Public footpath no.1966 sits about 200m from the site's north eastern boundary and runs parallel to 1965. From these paths, characteristic views of open grassland fields bounded by hedgerows, woods, small copses, grazing sheep and horses are available. In this context the site is very rural in nature.
- 1.12 The site lies approximately 500 metres south of Coolham crossroads around which is the main part of Coolham village. This includes a development of about 40 properties with a school, village hall and public house. There are further sporadic developments along the four roads leading off from that crossroads.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

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- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10, 11 and 12.
- 2.3 Planning Practice Guidance (March 2014).

RELEVANT COUNCIL POLICY

- 2.4 The following policies in the HDPF are considered to be relevant:

Policy 1: Strategic Policy: Sustainable Development
Policy 2: Strategic Policy: Strategic Development
Policy 3: Strategic Policy: Development Hierarchy
Policy 4: Strategic Policy: Settlement Expansion
Policy 7: Strategic Policy: Economic Growth
Policy 9: Employment Development
Policy 10: Rural Economic Development
Policy 15: Strategic Policy: Housing Provision
Policy 16: Strategic Policy: Meeting Local Housing Needs
Policy 17: Exceptions Housing Schemes
Policy 24: Strategic Policy: Environmental Protection
Policy 25: Strategic Policy: The Natural Environment and Landscape Character
Policy 26: Strategic Policy: Countryside Protection
Policy 31: Green Infrastructure and Biodiversity
Policy 32: Strategic Policy: The Quality of New Development
Policy 33: Development Principles
Policy 35: Strategic Policy: Climate Change
Policy 36: Strategic Policy: Appropriate Energy Use
Policy 37: Sustainable Construction
Policy 38: Strategic Policy: Flooding
Policy 39: Strategic Policy: Infrastructure Provision
Policy 40: Sustainable Transport
Policy 41: Parking
Policy 42: Strategic Policy: Inclusive Communities

- 2.5 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The site is within the Parish of Shipley. An amended neighbourhood designation area was approved on the 16th May 2016. To date, a draft neighbourhood plan has not been produced.

PLANNING HISTORY

DC/04/0234	Replacement outbuilding	Permitted 29/06/2004
DC/06/1564	New vehicular access and erection of gates	Refused 20/10/2006

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.

INTERNAL CONSULTATIONS

- 3.2 **HDC – Housing (summarised):** Comment. The applicant proposes 29% affordable homes (4 units). The scheme is in compliance with Policy 16 of the HDPF which requires the provision of 20% on sites providing between 5 and 14 dwellings. The applicant proposes six units of 'intermediate' accommodation which are small open market bungalows. These units are not considered as part of the calculation of deliverable affordable accommodation.
- 3.3 **HDC - Strategic Planning (Summarised):** Objection. This proposal is principally for residential development in the countryside, on land outside of any designated built-up area boundary that is currently used for employment and is therefore contrary to the adopted strategy and is not planned growth within the Development Plan. Additionally, this development is not required in order for the District to meet its current 5-year housing land supply. The proposed development is not in accordance with the Development Plan and should therefore be recommended for refusal.
- 3.4 **HDC – Technical Services (Drainage):** Comment. No drainage information has been submitted to make any appropriate comments or observations.
- 3.5 **HDC – Refuse Collections Supervisor (summarised):** Comment. Further information is required regarding access to the site for refuse vehicles, the capacity of the shared road surface for refuse vehicles and the size and location of domestic and commercial bin provision.
- 3.6 **HDC – Environmental Health (summarised):** Comment. The proposed development comprises residential properties with gardens. This use is vulnerable to the presence of contamination through the current use or historic uses. As a minimum a phase one desk study should be submitted prior to any further consideration of this application.
- 3.7 **HDC – Parks & Countryside:** No objection.
- 3.8 **HDC – Ecology Consultant (summarised):** Objection. The scheme lacks a supporting baseline ecological survey. The lack of a survey means that they are unable to complete an adequate assessment of existing ecological features within the site and potential ecological impacts against relevant planning policies.
- 3.9 **HDC – Economic Development Manager (summarised):** Comment. In terms of employment land, there is a lack of supply of commercial sites in the District. The proposal would provide small units suitable for B1 use and would be a valuable addition to the overall supply. However, concern is raised over the loss of the existing builder's yard and the proximity of the proposed industrial unit to residential uses.
- 3.10 **HDC – Landscape Officer (summarised):** Objection. The scheme would adversely impact on the landscape character and visual amenity of the area. The scheme is not supported on landscape grounds.

OUTSIDE AGENCIES

- 3.11 **West Sussex County Council – Flood Risk Management Consultant (summarised):** Comment. Current mapping shows that the majority of the proposed site is primarily at 'low

risk' from surface water flooding and 'high/moderate risk' from ground water flooding. No Flood Risk Assessment/Drainage Strategy has been provided so there is insufficient information with regards to the drainage and flood risk proposals.

- 3.12 **West Sussex County Council - Highways (summarised):** Objection. Crucial information is missing in order to make a full assessment of the highways impacts of the proposal. This includes a road safety audit, swept path diagrams and car parking allocations in line with WSCC car parking standards.
- 3.13 **West Sussex County Council – Section 106 (summarised):** Comment. Contributions are required in relation to School Infrastructure (Primary, Secondary and 6th Form), Library Infrastructure, Transport and Fire & Rescue Service Infrastructure.
- 3.14 **NHS Coastal West Sussex Clinical Commissioning Group:** No comments received.
- 3.15 **Southern Water (Summarised):** No objection subject to the following:
- The exact position of foul sewers must be determined on site by the applicant before the layout of the development is finalised.
 - The applicant is to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
 - A condition is recommended requiring details of proposed means of foul and surface water sewerage disposal to be submitted to and approved by the Local Planning Authority prior to commencement of works.
- 3.16 **Environment Agency (summarised):** No objection.
- 3.17 **Natural England (summarised):** No comment. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 3.18 **Sussex Police:** Comment. The scheme includes active frontage with Coolham Road. Consideration should be given to natural surveillance across the development.

PUBLIC CONSULTATIONS

- 3.19 **Shipley Parish Council:** Objection. Without a local plan in place and detailed knowledge of the community needs and wishes, members felt that it was difficult to support a development of this size in the Parish.
- 3.20 **Coolham Village Hall Management Committee.** Comment. It is noted in the submission that reference is made to 'heating at Coolham Village Hall' and a 'village shop at Coolham Hall'. The Trustees would like it noted that this does not infer support of the proposal from the management committee and that no proposals have been presented to the Trustees.
- 3.21 **16** letters of support have been received. The grounds of support are as follows:
- The rural parish needs more housing. The scheme would be a positive addition to the area and provide much needed housing.
 - The scheme would widen diversity of people living in the area and strengthen the village infrastructure, services, schools and local commerce.
 - The removal of the builder's yard and associated storage facilities on this brown field site would enhance its immediate setting and improve the environment of the adjoining properties. The existing tree line with the proposed additional planting will minimise the visual impact of this low density design.
 - This is a well balanced application.
 - The scheme is within easy walking distance of local facilities.

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- The proposal will help older people downsize to a rural location. It would also allow for a mix of housing which will enable the development to cater for different age groups and add to the rural community.
- The commercial units will help Coolham increase its sustainability and generate employment.
- Access to the site is excellent with adequate sight lines out of the property.
- The proposal would generate more children for the local nursery.

3.22 **24** letters of objection have been received from local residents. The grounds of objection are as follows:

- The site opens up onto Coolham Road where the speed limit is 60mph. This is already a dangerous piece of road. It is already dangerous to exit neighbouring properties onto this road. The addition of 14 residential units and a commercial unit would cause concern for highway safety as there would be a severe increase in traffic. The proposal would result in noise disturbance, loss of privacy and pollution from traffic flow.
- The number of properties is not compatible and out of keeping with the rest of the village and this rural area. The scale of development is inappropriate for this area. The proposal would put a small housing estate in the middle of a field.
- The local school in Coolham does not have any additional capacity for additional pupils.
- The proposal was put forward as a potential site in the Strategic Housing Land Assessment and was considered non developable. This is not an allocated site and the principle of development is unacceptable in accordance with the HDPF.
- To describe this site as brownfield is misleading. A small proportion of the land is used for storing building materials. However, the majority of the land is garden or green open space which has been used for the keeping of livestock. The proposal does not meet the NPPF definition of brownfield land suitable for development.
- It is inaccurate to say that the adjoining sites are also brownfield. The site to the south is purely equestrian in nature.
- It is inaccurate to say there are limited employment opportunities in Coolham village. There is an excess of 25 business developments within the Shipley Parish.
- With respect to the five year housing land supply, the scheme does not take into account the meaningful and large scale developments taking place around Southwater and the District as a whole.
- A smaller development would be more appropriate which could be considered as part of the Shipley Neighbourhood Plan.
- The proposal would compromise the appearance of the landscape through the loss of trees and hedges. The scheme would impact on the appearance of this small hamlet and result in the erosion of the rural character of the area. The scheme is therefore contrary to Policies 25 and 26 of the HDPF.
- The proposal would result in a loss of privacy and light pollution given the proximity of units to adjacent properties. This is in direct conflict with this rural location.
- The Design and Access Statement comments that the site offers no natural habitat for barn owls and bats. Being in such a rural countryside location there is already thriving populations of different species of owl (including barn owls) as well as bats and various bird species to be seen on a daily basis around adjacent properties in their natural habitat. A housing estate next door is not required to bring wildlife to the area.
- There is a covenant on Vine Cottage which prohibits development.
- There is no footpath here to allow access from the site to the school at Coolham. This would lead to extra vehicles seeking parking outside the village school which is already a problem.

- The development is not sustainable in the long term especially as there are industrial units in the near area which are currently vacant. This does not support the fact that there is a short fall of accommodation for local businesses.
- It is also unsustainable as there are inadequate local services to support this development. The site is in an isolated location with no shops in Coolham, a limited bus service and no nearby railway station. This will make residents mainly reliant on private cars.
- There have been 5 reported incidences of pollution to a local water course within the last 3 years as a result of the drains not being able to cope with the sewage coming from the current residences adjacent to the proposed development. This proposed development will more than double the number of houses using the sewage system in this part of the village as well as introducing the possibility of contaminants from the industrial units.
- In the wider picture, the proposal to lay a footpath from the development to Coolham Crossroads would need the removal of mature hedging and would change the character of the area. This would also require the compulsory purchase of land.
- Allowing this proposal would set a precedent for further development in this rural area.
- The applicant is a parish councillor. This is a conflict of interest.
- None of the letters of support for this application are from local residents.
- The proposal would have a detrimental impact on St Cuthberts Retreat Centre located to the north east of the application site.
- It is unclear if the existing use as a builder yard is lawful.

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 This application is assessed against the relevant policies of the HDPF and the national planning policies contained in the National Planning Policy Framework (NPPF).
- 6.2 The main issues for the Local Planning Authority to consider in the determination of this application for planning permission are the principle of the proposed development in land use terms; the impact on the character and visual amenity of the landscape and locality; the impact of the development on the amenity of prospective and neighbouring occupiers; whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety; whether appropriate provision can be made for car and cycle parking, refuse storage/collection, drainage/flooding and; whether the development can be delivered without harming the interests of nature conservation, flooding and land contamination.

Principle of Development: Housing

- 6.3 In terms of housing supply, the Council can demonstrate that there is adequate housing land available to provide the required 800 dwellings per annum for a 5 year period. Policy 3 of the HDPF, confirms that development should be focused within Built-Up Area Boundaries. In addition to Built-Up Areas, it is recognised that, in order for some communities to be able to grow and develop, it will be necessary for them to expand beyond their current built form. Accordingly, Policies 3 and 4 note that, by allocating sites in the Local Plan or Neighbourhood Plans, it will be possible to meet the identified local needs of these settlements and provide an appropriate level of market and affordable housing, as well as maintaining the viability of smaller villages and towns. The Policy notes the importance of retaining the rural character of the District beyond these settlements. In this instance, the proposed site is well beyond any Built-Up-Area and is in a countryside location. The nearest built-up-area is over 3km away at Billingshurst. The nearest village at Coolham does not have a defined built-up-area in accordance with the HDPF. As such, Coolham falls within the category as an 'unclassified settlement' as outlined in Policy 3 of the HDPF. The Policy states that unclassified settlements are 'settlements with few or no facilities or social networks and limited accessibility, that are reliant on other villages and towns to meet the needs of residents.'
- 6.4 The HDPF outlines the settlement hierarchy for the District, which ensures that the most sustainable approach to delivering housing is taken. New development should be focused in the larger settlements of Horsham, Southwater and Billingshurst, with limited new development elsewhere, and only where it accords with an adopted Neighbourhood Plan. 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.
- 6.5 The application site is not allocated within a Made Neighbourhood Plan. An amended neighbourhood designation area was approved on the 16th May 2016 for Shipley Parish. As yet, there is no draft plan for the Parish. As the development site is outside a built-up-area, not allocated in a Neighbourhood Plan and not within a strategic development site, the principle of residential development in this location is, therefore, contrary to Policies 1, 2, 3 and 4 of the HDPF.
- 6.6 Whilst the site includes a dwelling and business with a garage and large storage building, the majority of the site is grassed. Additionally, whilst there are some dwellings and agricultural buildings to the north and south of the site, this location is clearly within a countryside setting being largely surrounded by open fields.
- 6.7 In this countryside location, the site is also considered against 'Countryside Protection' Policy 26 which protects the countryside against inappropriate development unless it is considered to be appropriate in scale and essential to its countryside location and must also meet one of the four criteria.
- Support the needs of agriculture or forestry;
 - Enable the extraction of minerals or the disposal of waste;
 - Provide for quiet informal recreational use; or
 - Enable the sustainable development of rural areas.
- 6.8 The proposed development does not meet any of these four criteria, nor is it considered to be 'essential' to its countryside location. Given the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum there is no overriding requirement or benefit for housing in this countryside location.
- 6.9 Policy 15 of the HDPF outlines the provision of 16,000 homes for the Horsham District within the period 2011-2031. The policy includes the provision of 750 units within 'windfall

sites'. The definition of windfall sites in the NPPF is 'sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.' As the Council can demonstrate a 5 year housing supply, any windfall sites should be located within the Built-up-Area boundary in accordance with the overarching development strategy of the HDPF and the NPPF definition.

- 6.10 Since the adoption of the HDPF, there have been numerous appeal decisions which support the Council's strategic approach to development and confirm that its policies are sound. Recently, appeal decisions have been received for proposed development at Old Clayton Kennels, Storrington Road and Land at Bax Close, Storrington. In both these appeals, permission was sought for development outside the Built-up-Area boundary of Storrington on sites not allocated for development in the Local Plan or a Neighbourhood Plan. In both appeals, it was found that the development hierarchy approach within the HDPF was correct. Additionally, Policy 4 of the HDPF was seen as an integral part of the spatial strategy and the plan-led approach to the delivery of sustainable development across the district. Failure to accord with this policy was seen as carrying significant weight.
- 6.11 For the reasons outlined above, the principle of residential development, outside the Built-Up-Area boundary, within the countryside, and where the land hasn't been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The development is not essential to its countryside location and the scheme is therefore contrary to Policies 1, 2, 3, 4, 15, 25 and 26 of the HDPF.

Principle of Development: Commercial Use

- 6.12 In relation to the new commercial building, the HDPF encourages economic development and the growth of existing businesses within the District. The overall policy approach of the HDPF is to steer expansion of employment sites within existing settlements rather than those located away from these settlements. In this instance, the site is outside any built-up area and is not allocated as a Key Employment Area.
- 6.13 Economic development is covered by Chapter 5 of the HDPF. This states that 'there is a lack of employment land in the district and much business accommodation stock does not meet the requirements of existing businesses or attract new businesses'. It also states that opportunities for small and medium businesses and business start-ups need to be provided in settlements across the district.
- 6.14 Policy 7 confirms that the Council will look to identify additional employment areas to meet the need for appropriate new business activity, and moreover, will support the formation and development of small, start-up and move-on businesses. Policy 9 of the HDPF relates to 'Employment Development' and confirms that the redevelopment of employment sites and premises outside Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for an employment use.
- 6.15 Currently the site has a mixed use as part residential and commercial. The commercial part of the site is limited to the western boundary with a garage, small outbuildings, an open storage area and large storage building. The remainder of the site is open fields and a dwelling. The proposal would result in the retention of the dwelling on site, additional dwellings, the loss of the existing commercial businesses on site and the provision of a new commercial building for Class B1 uses in the north east corner of the site.
- 6.16 The Economic Development Officer has commented that there is a lack of supply of commercial sites in the District and that the proposal would provide smaller Class B1 units which would be valuable addition to the overall supply. Concerns were raised by the officer

regarding the loss of the commercial floorspace on site and the proximity of the Class B1 units to residential properties (impact on residential amenity is addressed below).

- 6.17 Given the existing mixed use of the site, the principle of the loss of the existing business on site and its replacement with the proposed Class B1 units is considered acceptable. The existing business is limited to the west section of the site north of the existing dwelling. The rest of the site is not used as part of the business and is open fields or in residential use. In this respect, the commercial element proposed is comparable to the existing situation with the commercial unit limited to the north east section of the site. Additionally, the proposal would provide more usable commercial floorspace than currently exists on site with four new Class B1 units. This would offer employment opportunities for small businesses with good facilities. Whilst a replacement commercial unit is acceptable in principle, a replacement unit should be located in the position of the existing commercial units to limit the impact on the appearance of the area.
- 6.18 It is therefore considered that, taken in isolation, replacement commercial units would encourage economic activity and would be in accordance with the objectives of Chapter 5 of the HDPF. In this respect, the need for appropriate sites for employment opportunities outweighs the overarching objective of the HPDF to focus economic development within built up areas, given that the site is already partly in an employment use. The principle of the commercial units is therefore acceptable.
- 6.19 Notwithstanding the above, the inclusion of the commercial unit as part of an overall scheme for the development of this site is unacceptable as the building adds to the cumulative impact on the appearance of the site and surrounding area (as outlined below). Additionally, as the Council can deliver a five year housing supply, the principle objection to additional housing proposed, outside a built up area and not allocated within a Neighbourhood Plan or in the Local Plan, still stands. The provision of the employment unit does not override this in principle objection to the residential development of this site.

Dwelling Type and Tenure

- 6.20 The proposal is for 14 units of residential accommodation. The scheme indicates the following tenure mix:
- 4 houses for market housing.
 - 4 flats for affordable housing.
 - 6 flats for 'intermediate' housing.
- 6.21 The 'intermediate' housing would be the two blocks located in the south east corner of the site. The Design and Access Statement indicates that the intention is that these units would be controlled by a planning agreement or unilateral undertaking to be either first made available for locals who wish to downsize or the over 55's and retired. It is stated that this will free up existing dwellings which are needed locally and should be considered as a 'social' requirement. The applicant has included these units in the calculation of affordable housing resulting in a percentage of 70% affordable units.
- 6.22 The applicant has not submitted a legal agreement regarding these units. Moreover, the units are indicated as market housing and would not fall within the definition of affordable housing. The HDPF describes affordable housing as 'housing provided with a subsidy to enable the sale price or rent to be substantially lower than the prevailing market prices or rents in the locality, and where mechanisms exist to ensure that the housing remains affordable for those who cannot afford to access the market housing. The subsidy will be provided from the public and / or private sector. The definition of affordable housing includes key worker housing and shared ownership homes.'

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- 6.23 The 'intermediate' housing proposed would not fall within the HDPF or the NPPF's definition of affordable housing. It is stated that the housing would be offered to local residents who wish to downsize at a market value. As smaller units, the units would be cheaper than most of the houses in the area but are still market housing. The units are not being offered with a subsidy to enable the sale price to be lower than the prevailing market prices or rents in the locality. As such, the units are not considered as affordable housing.
- 6.24 In addition to the 6 smaller units, the scheme does include 4 units of affordable accommodation which will be offered to a Housing Association. Subject to the provision of a registered housing provider, these units would meet the definition of affordable housing. Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable. The 4 units would provide 29% affordable housing and would be in accordance with this policy. The Council's Housing Officer has commented that this is acceptable.
- 6.25 In accordance with the HDPF, the housing tenure target would be to provide 70% as social / affordable rented properties and 30% as intermediate / shared ownership properties. The exact size and tenure split of the units could be controlled by a suitably worded legal agreement, if all other aspects of the proposed development were considered acceptable.

Impact on landscape character and the visual amenity of the locality

- 6.26 The site is located in a countryside location with the majority of the site being grassed and open. Policies 25 and 26 of the HPDF are therefore applicable. Policy 25 seeks to protect the countryside against inappropriate development unless it is considered to be appropriate in scale and essential to that location. Policy 25 also states that the natural environment and landscape character of the District, including the landscape, landform and development pattern, will be protected against inappropriate development.
- 6.27 The site comprises of an outbuilding used for storage and surrounding open storage at the north western corner of the site, referred to in the Design and Access Statement as a builder's yard, the existing Vine Cottage (proposed to be retained), located in the south western corner and various scattered small animal shelters. These occupy a small portion of the site, concentrated in its majority on the western part. The eastern part of the site is grassed and not considered to be previously developed, or 'brownfield'. A small 'pond' is also present. The northern and western boundaries are very open with no hedgerows or other vegetation present and defined by an open wire livestock fence.
- 6.28 Although the site is also seen against the existing dwellings to the north and south arranged in a linear ribbon along Coolham Road, the presence of the open fields to the west and east of the site and surrounding landscape means it is seen in the context of rural countryside. In the Horsham District Landscape Character Assessment, the site falls within J2 Broadford Bridge to Ashington Farmlands Landscape Character Area. The overall character of the area is described as a low lying and relatively flat landscape becoming more gently undulating towards the southern and northern boundaries. The Assessment states that the sensitivity of this area to change is 'moderate'. The key sensitivities to change for this area are any large scale housing or commercial development, large scale farm buildings and small scale incremental changes which erode the character of the area.
- 6.29 The Council's Landscape Officer has commented that the landscape character sensitivity of the area is considered moderate, in other words, that the landscape may have some ability to absorb development although it is likely that some change in character would result. Based on the current proposal, the change in character is considered to be harmful and adverse. The predominantly rural character of the site will be significantly changed and tranquillity lost due to the increase level of activity in the countryside. The development would exacerbate the ribbon of development along Coolham Road. Furthermore,

development would erode the rural character of the surroundings and have an urbanising effect on the adjoining rural fields to the east.

- 6.30 Additionally, given the open nature of the site, it is considered that the proposed 1m wide hedgerow buffer would not be appropriate to successfully mitigate the visual effect the development would have on the area. An appropriate landscape buffer would be expected to both mitigate the adverse effect of the development proposals and to contribute to the landscape character of the area. Concern is also raised with the extent of trees and hedgerow vegetation needed to be removed to facilitate vehicular access into the site from Coolham Road. This would expose the development to views and exacerbate the perception of urbanising form along Coolham Road, further damaging the semi-rural character of the road.
- 6.31 Overall, the scheme is not supported on landscape grounds. The proposal results in an urbanising form of development which incorporates ancillary infrastructure including vehicular access onto the public highway, pedestrian access onto the public footpath, parking and boundary treatments. Whilst the area is considered to have moderate landscape value, the quantum of development is considered inappropriate and would result in the urbanisation of this area and in turn increase the overall level activity in the countryside. The proposal also fails to provide an appropriate buffer zone to mitigate the adverse effects of the proposed development on the users of the public footpath and to the landscape character of the area. This would adversely impact on the landscape character and visual amenity of the area. The scheme is therefore contrary to Policies 25 and 26 of the HDPF.
- 6.32 In terms of the appearance of the individual buildings themselves, no objection is raised to the approach taken. The proposed houses would be two-storeys in a traditional design with gable ends and pitched roofs. The houses are shown in brick with tile hung and timber clad elevations. The single-storey blocks of flats and the commercial building have been designed to appear as converted agricultural buildings. If recommended for approval, a condition could be imposed requiring the submission of details of materials to ensure the appearance of the buildings would be appropriate.
- 6.33 Whilst the design of the buildings is considered acceptable, the quantum of development proposed is considered unacceptable for this countryside location and would detract from the landscape character of the area, as outlined above.

Impact on the Amenity of Existing and Prospective Occupiers

- 6.34 Policy 33 of the HDPF states that developments are required to ensure they are designed to avoid unacceptable harm to the amenity of occupiers / users of nearby properties through, for example overlooking or noise. The existing site is bounded by open fields to the east. To the west the site is bounded by Coolham Road with further fields and a farm. To the north, the application site is bounded by an agricultural building and a garage. The nearest residential property to the north (2 Foxcroft Cottages) is set a distance of over 25m from the boundary with the application site. The proposed buildings to the northern section of the site are also set a significant distance from the boundary. Given this relationship, the scheme would not result in a significant impact on the amenity of any adjacent properties to the north, east or west of the site.
- 6.35 In relation to the properties to the south, Elm Cottage is the other half of the pair of semi-detached dwellings with Vine Cottage. To the rear of Elm Cottage is Elm Cottage Stud. This is an equestrian use and also includes a residential element. The proposal includes the retention of Vine Cottage with a reduced rear garden. The reduced rear garden would be the same length as the existing rear garden of Elm Cottage. The buildings proposed to the rear of Vine Cottage would be sited a distance of over 40m from Elm Cottage. Given

this distance, the proposal would not result in a significant impact on the amenity of the residents of Elm Cottage. With respect to the Elm Cottage Stud, this property is set a distance of over 20 from the boundary with the application site. The proposed buildings adjacent the boundary with the Elm Cottage Stud would be single-storey and set back from the boundary by 7m. Given this relationship, the proposed buildings would not have a significant impact on the amenity of the Elm Cottage Stud in relation to loss of light, outlook or an increased sense of enclosure.

- 6.36 Parking areas and access roads have been designed so as to be sited away from adjacent properties. This would help to avoid harmful levels of disturbance to existing occupiers. The exact design and location of street lighting could be controlled by condition, if all other aspects of the development were considered acceptable, and this would help to ensure that adjacent occupiers were not exposed to unacceptable levels of glare/light pollution.
- 6.37 The introduction of 14 no. dwellings and a commercial building would increase the noise levels generated by the site. There would be increased levels of disturbance to adjacent residential occupiers associated with, for instance, the comings and goings of vehicles and the use of rear gardens. However, it is not considered that this would result in an unacceptably harmful impact on the living environment of adjacent residents.
- 6.38 The plans indicate that all prospective occupiers would have access to a suitably sized area of private amenity space that would provide a safe and pleasant area of useable outside space, complemented by on-site open space provision. The scheme would also provide suitably sized accommodation with adequate outlook and light for the habitable rooms proposed.
- 6.39 A new industrial building is proposed in the north east corner of the site which would house 4 commercial units. The proposal states that these units would be for commercial use under Class B1. Class B1 uses are defined as offices, research and development uses and light industrial uses that can be carried out in a residential area without detriment to the amenity to existing or proposed properties. If recommended for approval, a condition could be imposed limiting the use of these units to Class B1. With this condition in place and having regard to the distance of the units from the nearest residential property, the use of the units would not result in a detrimental impact on the amenity of any adjacent properties.
- 6.40 In light of the above, it is considered that the development would avoid 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 effects of noise, vibration and dust during the construction period could be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan to be approved by the Local Planning Authority.

Contamination

- 6.41 Policy 24 of the HDPF states that the high quality of the district's environment will be protected through the planning process. Developments are expected to minimise exposure to and the emission of pollutants. This includes addressing land contamination and making* sure sites are appropriate for development taking into account ground conditions.
- 6.42 The Council's Environmental Health Team has commented that the proposed residential uses are vulnerable to contamination. This is because the current and historic use of the site may lead to the presence of contaminants that may need to be addressed. The Environmental Health Team has commented that as a minimum a phase one desk study is required to ascertain the condition of the site.

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- 6.43 Without this information, it is unclear as to whether the site is suitable for its new use taking account of ground conditions and potential pollution arising from previous uses. The Council is therefore unable to recommend any proposals for mitigation including land remediation. The scheme is therefore contrary to the requirements of Policy 24 of the HDPF and paragraph 121 of the NPPF.

Highway Impact, Access and Parking

- 6.44 The development will be served by a new private access from Coolham Road. The access is proposed adjacent to the existing garage on site. The scheme indicates that the existing access would be stopped up. The new access would lead to an internal road which would allow access to parking for the commercial and residential units. The scheme includes 50 parking spaces for the proposal.
- 6.45 West Sussex County Council (WSCC) Highways has commented that crucial supporting information is missing in order to make a full assessment of the highways impacts of the proposal. This includes a road safety audit, swept path diagrams and car parking allocations in line with WSCC car parking standards. Without this information, an assessment of highway impacts of the proposal cannot be made and it has not been shown that the proposal would not result in highway safety issues. The scheme is therefore contrary to Policy 40 of the HDPF and has failed to show compliance with paragraph 32 of the NPPF.
- 6.46 It should be noted that the applicant has submitted additional information in relation to WSCC comments which is currently being considered by the Highway Authority, and any further comments will be reported to the Committee.

Nature Conservation, Ecology and Biodiversity

- 6.47 Policy 31 of the HDPF states that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigate or compensate for this loss and ensures that the ecosystem service of the area is retained.
- 6.48 The Council's consultant ecologist has commented that the scheme lacks a supporting baseline ecological survey. The lack of a survey means that they are unable to complete an adequate assessment of existing ecological features within the site and the potential ecological impacts of the proposed development are unknown. It cannot therefore be established if the proposed development would result in harm to the ecological value of the site, or determine the form and level of any mitigation that may be required. The scheme is therefore contrary to the requirements of Policy 31 and paragraph 118 of the NPPF.
- 6.49 It should be noted that the applicant has submitted additional information in response to the ecologist's comments which is currently being considered and any update will be reported to Committee.

Flooding and Drainage

- 6.50 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. West Sussex County Council Flood Risk Management Consultant (WSCC) has commented that current mapping shows that the majority of the proposed site is primarily at 'low risk' from surface water flooding and 'high/moderate risk' from ground water flooding. No Flood Risk Assessment/Drainage Strategy has been provided. On this basis, WSCC and HDC Drainage and Flood Risk Officers have both commented that there is insufficient information with regards to the drainage of the site and any potential flood risk to existing or

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proposed development. It cannot therefore be ascertained if the proposed development would be at risk of flooding, or if the development would lead to an increase in flood risk to the surrounding areas.

- 6.51 Policy 38 of the HDPF also states that the impact of proposals on flood risk as a result of increased run-off or changing drainage patterns must be considered. Proposals are also required to incorporate the use of sustainable drainage systems or incorporate water management measures which reduce the risk of flooding. Without a proposed drainage strategy and appropriate assessment of flood risk, the proposal is therefore contrary to the requirements of the NPPF and to the objectives of Policy 38.

Renewable Energy

- 6.52 In accordance with Policies 35, 36 and 37 of the HDPF, if all other aspects of the development were considered acceptable, planning conditions could be used to promote the use of renewable energy sources and to restrict water use, control construction waste and to encourage the use of natural lighting and ventilation.

Refuse Collection

- 6.53 With respect to refuse collection, the Council would expect a full refuse strategy to be submitted. If recommended for permission, a condition could be imposed requiring full details of refuse provision including bin collection points and access for refuse vehicles to be agreed by the Local Planning Authority prior to development commencing.

Legal Agreement

- 6.54 In the event that planning permission were to be granted, Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards indoor and outdoor sports provision, community facilities, libraries, education, transport infrastructure, fire and rescue, transport infrastructure and affordable housing.
- 6.55 The developer contributions, secured in the event that planning permission is granted, would be allocated towards improvements within the local area, to ensure they benefit future residents of the development. The provision of a commuted sum for specific local projects is considered a fair approach to deal with the cumulative pressure of additional residents on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing facilities in the local area.
- 6.56 Although the applicant has confirmed a willingness to enter into a legal agreement to secure the necessary sums and affordable housing provision, such an agreement is not yet in place. The development is, therefore, contrary to Policies 16 and 39 of the HDPF.

Sustainable Development

- 6.57 The application is not considered as sustainable development. As outlined in Sections 6.3 – 6.11 above, the site is outside of any built-up-area boundary where development would be encouraged. The site is approximately 0.5km from Coolham Village. Coolham Village has limited facilities where residents are largely reliant on other villages and towns to meet their needs. The remainder of the area around the site is characterised by farms and sporadic residential dwellings throughout an area of mostly open countryside and agricultural land. The site is served by a single carriageway country road without pavements. Whilst bus services are offered in the vicinity of the site, these are restricted. Additionally, the closest railway station is Billingshurst which is located more than 5km from the site.

- 6.58 The level of activity associated with 15 dwellings and 4 business units would be significantly greater than that associated with the existing single dwelling and business on site. Even taking account of the activity and traffic movements generated by the existing builder's yard, it is considered that the proposed development would result in a greater level of activity and traffic movements than existing. Therefore, future residents of the development would be predominately reliant on private cars for transport and would also be reliant on adjacent villages and towns for the majority of their services and facilities. The proposal also lacks crucial supporting information regarding ecology, highway impact and parking information and a drainage strategy. Given the location of the site, the needs of the future residents of the site and the inevitable increase in traffic movements generated by this proposal, the scheme is considered as unsustainable development and the presumption in favour is therefore not triggered.

Conclusions

- 6.59 Taking all matters into account, the proposal is considered to represent an unsustainable form of development, on a site outside a defined built-up area boundary where the principle of residential development is unacceptable and cannot be supported. 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.
- 6.60 Whilst the principle of a replacement commercial unit could be acceptable, the commercial units add to the quantum of development which is considered inappropriate in this countryside location.
- 6.61 Additionally, the proposal would diminish the rural and open character of this particular part of the landscape, creating a discordant and uncharacteristically urbanised environment.
- 6.62 The proposal also lacks crucial supporting information regarding ecology, land contamination, highway safety impact and a drainage strategy.
- 6.63 The development is therefore considered harmful, even when weighed against the economic and social benefits of the scheme and as such, the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF, cannot be applied. When all material considerations are taken into account, and given appropriate weight in the planning balance, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits. The proposal is therefore recommended for refusal.

7. RECOMMENDATIONS

- 7.1 To refuse planning permission for the following reasons:
1. The proposed development is located in the open countryside, outside of any defined Built Up Area Boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Development 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 is not essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development that is contrary to the aims and objectives of the NPPF and Policies 1, 2, 3, 4, 15, 25 & 26 of the Horsham District Planning Framework (2015).

2. The proposal would diminish the rural and open character of this particular part of the landscape, creating a discordant and uncharacteristically urbanised environment harming the landscape character of the local countryside. The development is, therefore, contrary to the NPPF and Policies 25 and 26 of the Horsham District Planning Framework (2015).
3. Insufficient supporting information has been submitted to indicate that the development of this site would not result in a detrimental impact on highway safety. Given the location of the site, the needs of the future residents of the site and the increase in traffic movements that would be generated by this proposal, the scheme has not demonstrated that there would be no impact upon highway safety and it is therefore considered as unsustainable development. The scheme is therefore contrary to the requirements of Policy 40 of the Horsham District Planning Framework (2015) and NPPF.
4. Insufficient ecological assessments have been submitted to indicate that the development of this site would not result in a detrimental impact on the habitats of protected species or the ecological value of the site. The scheme is therefore contrary to the requirements of the NPPF and Policy 31 of the Horsham District Planning Framework (2015).
5. Insufficient information has been submitted regarding existing ground conditions and the potential for pollution from land contamination arising from previous uses. The scheme has therefore failed to demonstrate that the site is suitable for its new use taking account of ground conditions, potential pollution and the sensitivity of the new residential uses. The scheme is therefore contrary to the requirements of Policy 24 of the Horsham District Planning Framework (2015) and paragraph 121 of the NPPF.
6. Insufficient information has been provided to demonstrate the proposal is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and that it would not increase flood risk overall. The scheme is therefore considered contrary to the requirements of the NPPF and Policy 38 of the HDPF.
7. The proposed development makes no provision for securing affordable housing units, or for contributions towards improvements to education provision; transport infrastructure; libraries; fire and rescue services; sports facilities; community facilities; and is, therefore, contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

Note to Applicant:

1. The reason for refusal relating to infrastructure contributions and affordable housing provision 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.