



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)

BY: Development Manager

DATE: 15 November 2016

DEVELOPMENT: Outline Permission for 1 new 2 bedroom dwelling

SITE: Spear Hill Spear Hill Ashington Pulborough

WARD: Chanctonbury

APPLICATION: DC/16/1895

APPLICANT: Mr Alastair Barnfield

REASON FOR INCLUSION ON THE AGENDA: The application, if permitted, would represent a departure within the meaning of the Town and Country Planning (Development Plans and Consultation Departures) Directions 1999

RECOMMENDATION: To refuse Planning Permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The proposal seeks outline consent, for a new detached dwelling, in respect of access and layout, with all other matters reserved for future determination.

1.3 The site layout shows the proposed dwelling set some 1m off the host dwelling's northern boundary, which would result in an overall gap between flank walls of some 4m. The proposed dwelling would be set off the northern site boundary by 0.6m. The front and rear building lines are shown comparable to those of the host dwelling.

1.4 The flared forecourt boundary would provide for parking, although no specific layout details have been provided in respect of the forecourt. Indicative plans show parking provision for two cars, whilst the host dwelling would retain space for 3 vehicles clear of the track.

1.5 Indicative elevations and floor plans show a two-storey property with comparable eaves and ridge heights as the host dwelling, and window proportions which also appear to be matching. The house is indicated to have a width of some 6.8m and a depth of some 6.5m. At ground floor, there would be a partial increase in depth from the rear wall of some 2.8m to accommodate the kitchen.

DESCRIPTION OF THE SITE

- 1.6 The application site comprises a plot of land adjacent to a detached house called Spear Hill. The site lies some 600m north of the defined settlement boundary of Ashington, and is therefore considered to be sited within the rural area. The host property is accessed along a track off Spear Hill, and is also a public right of way / bridleway. The track affords access to the application site, the host property and Spear Hill Barn, part of the curtilage of Spear Hill Cottage.
Spear Hill itself is a narrow country lane subject to a speed limit of 60m.p.h.
- 1.7 There appears to be a new electric gate fitted at the entrance of the access track with pedestrian access retained at the side.
- 1.8 The site is currently vacant apart from a dilapidated shed in the far northern corner. A boundary wall, some 2m in height runs along the southern boundary with the host property 'Spear Hill', while an evergreen hedge marks the boundary of the adjacent northern property 'Bramleys'.
Ground levels rise across the site towards the northern rear corner.

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
NPPF4 - Promoting sustainable transport
NPPF6 - Delivering a wide choice of high quality homes
NPPF7 - Requiring good design
NPPF11 - Conserving and enhancing the natural environment

RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**
HDPF1 - Strategic Policy: Sustainable Development
HDPF2 - Strategic Policy: Strategic Development
HDPF3 - Strategic Policy: Development Hierarchy
HDPF4 - Strategic Policy: Settlement Expansion
HDPF15 - Strategic Policy: Housing Provision
HDPF24 – Strategic Policy: Environmental Protection
HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
HDPF26 - Strategic Policy: Countryside Protection
HDPF31 – Green Infrastructure and Biodiversity
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF37 – Sustainable Construction
HDPF40 - Sustainable Transport
HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Ashington Parish Neighbourhood Plan area has been designated but no draft plan has yet been prepared.

PLANNING HISTORY

DC/16/1162 Two storey side extension, porch addition, single storey side extension, and rear porch canopy PER

3. OUTCOME OF CONSULTATIONS

The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at www.horsham.gov.uk

OUTSIDE AGENCIES

3.1 **West Sussex Highways** - No Objection.

- The Site is located within a rural location, and is not served via linking pedestrian footways, although it is understood a public footpath does exist off of the private track and leads towards Ashington. A limited bus service does serve this location, however there is a reliance on the use of a private car for regular commuting; Secure and covered cycle parking should be included to alleviate this reliance.
- Based on the information provided 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 that there are no transport grounds to resist the proposal. Conditions are advised

3.2 **Southern Water** - No Objection.

- There is a public water main identified within the access to the site which would require protection during the course of any construction works
- Conditions and Informatives are advised as the site lies some distance away from any nearby public foul sewer with no public surface sewers in the area to serve the site.

INTERNAL CONSULTATIONS

Environmental Health - No objections subject to appropriate planning conditions being applied. A site visit confirmed that there is made ground and evidence of burning within an area intended for amenity space. Planning conditions should be applied to investigate and mitigate against any potential land contamination of the site, address air quality and provide charging points for electric vehicles in line with HDC's Air Quality Action Plan, provide for surface water drainage, demolition, construction and operational phases of the build and a restriction against future external lighting.

PUBLIC CONSULTATIONS

3.5 **Ashington Parish Council Consultation** – Objection

- Site lies outside of BUAB of Ashington and quite a distance from it – therefore the site is in an unsustainable location

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- Reference to a footpath – path is not lit, is isolated, constantly overgrown and is a more a muddy path – personal safety issues
- Reliant on public cars for access to the village
- Although Ashington can cater for day to day needs, it is limited for other services such as dentist, doctors, wider variety of shops – public transport to larger towns is sporadic
- Site has not been submitted to the Neighbourhood Plan Steering Group for consideration, and is not allocated in the HDPF
- Council is able to demonstrate a 5-year housing land supply

3.6 **Public Consultations** - 1 letter of representation have been received (from 1 neighbouring residential property) objecting for the following reasons:-

- Plot was previously garden land for 'Bramleys' and was sold to 'Spear Hill' for purposes of building a garage, which was never carried out
- Surrounding properties all have generous gardens maintaining the rural nature of the area – proposed development would be on a small strip of land
- Current use of land does not impact on enjoyment of 'Bramleys' – proposed development would lead to harm to living conditions, particularly given that rear-facing bedroom and bathroom overlooking the site have clear glazing
- Key differences between application site and appeal referred to at Yew Tree Cottage, as other site lies immediately to the north of the village boundary in a development area with street lights, footpaths and easy access on foot to the village

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 It is considered that the main issues in the determination of the application are:

- Principle of the development
- Impact upon the surrounding countryside
- Impact on neighbour amenity
- Highways

Principle:

6.2 Policy 2 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.

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- 6.3 Policy 3 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 approximately 600m north of the village of Ashington, which has been categorised as a 'Medium Village', where a moderate level of services and facilities are available to residents. Policy 3 directs development towards towns and villages which have defined built up area boundaries, according to the hierarchy set out in Policy 3, whereas the application is located in open countryside.
- 6.4 Policy 4 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 the Parish Council is still in the process of preparing a Neighbourhood Plan.
- 6.5 Since the adoption of the HDPF in November 2015, the Council is able to demonstrate a full 5-year supply of housing land sufficient to meet the needs of the District to 2031, with a forecast that some 750 residential units will come forward by way of windfall sites (Policy 15).
- 6.6 The submitted statement recognises that the site lies beyond the settlement boundary and draws reference from an appeal decision at Haglands Lane, West Chiltonton (DC/14/2248 dated 10 December 2015), and in particular, paragraphs 20 and 23:

"In simple terms, the Council's position is that since the appeal site is beyond the settlement boundary and is not allocated in a Local Plan or Neighbourhood Plan, the appeal proposal would conflict with the HDPF. I do not believe that to be a proper interpretation of the wording of the policies I was taken to by the parties."

"Accordance or not with the Policy, and thus with the spatial strategy, therefore requires an assessment of a proposed windfall scheme against each of the criteria. To the extent that it is appropriate to take into account what is an ambiguous policy, that will be addressed under my other main issues. What, in my view, is clear however is that the Council is incorrect to argue that development proposed will be contrary to the HDPF Spatial Strategy as a matter of principle"

The proposal is therefore submitted on the basis that the site's close proximity to the village of Ashington results in a sustainable form of development, which is only some 10-15mins on foot to good public transport links and services. It is submitted that the proposal therefore forms a 'windfall' development which complies with local policies as demonstrated by the Haglands Appeal decision.

- 6.7 Reference is also made to another Appeal Decision, this time at Yew Tree Cottage (DC/14/1944 – Appeal decision; Allowed - October 2015). The then lack of housing land was referred to by the Inspector, who gave considerable weight to the aims of sustainable development as set out in the NPPF in favour of the local and out of date housing policies. The site's location immediately adjoining the village boundary, a petrol filling station, nearby housing and a nearby dual carriageway, resulted in the Inspector concluding that the site was closely linked to services provided by village and therefore in a sustainable location.

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- 6.8 More recently, an Appeal Decision (dated 12 September 2016) for residential development on land adjacent to Hatches, a site outside of the BUAB of West Chilton (DC/15/2758), has incorporated reference to the Haglands Appeal Decision. The Inspector dealing with the Hatches Appeal, asserted the following:

"I note that although the Inspector in this case correctly concluded that point 1 of Policy 4 precludes windfall sites on unallocated sites outside the settlement boundaries of built up areas, he then considered this not to be 'sensible' and suggested an altered wording of the policy to allow its interpretation to support the principle of windfall sites under Policy 15.

"However, I take the opposite view and consider that it would not be 'sensible' if land not previously developed but outside and adjoining a built up area boundary were to be regarded as a windfall site. Such an interpretation would effectively allow any owner of such land to claim 'windfall status', subject only to compliance with the criteria relating to such matters as landscape impact and accessibility to services in the other relevant policies.

Having regard to the large amount of land around the periphery of the various towns and villages listed in Policy 3, this would be likely to create a plethora of suggestions of sites 'unexpectedly becoming available'. This would allow development that, if permitted, would undermine the basis on which the HDPF envisages housing delivery in the District consistent with Policies 1, 2, 3 & 4 taken together and in accordance with the NPPF."

"However, I accept the Council's view that the existing definition has to be read in the context of its housing strategy, namely any sites outside the built up area boundaries coming forward only through allocations.

I can find no fault with this approach, which in any event through the wording of Policy 4, including criterion 1 requiring an allocation for housing in the HDPF or a Neighbourhood Plan, has been adjudged 'sound' by the Local Plan Inquiry Inspector. The appeal scheme is in clear conflict with Policy 4 and because a departure from it would be contrary to sound planning and undermine the adopted housing strategy I consider that this conflict would also be harmful."

- 6.9 Residential development on the site would therefore be contrary to the strategic approach to housing outlined in the adopted HDPF.

Impact on the Countryside Setting:

- 6.10 In respect of the countryside setting Policy 26 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.
- 6.11 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.
- 6.12 Policy 25 of the HDPF requires development to protect, conserve and enhance the landscape and townscape characters across the District, taking account of settlement characteristics and settlement separation; policy 32 of the HDPF requires new

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development to 'complement locally distinctive characters and heritage of the district', 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'; with policy 33 requiring development to relate sympathetically with the built surroundings.

- 6.13 The wider character of this location and the prevailing openness and fields, interspersed with generously proportioned properties and plots would be adversely diminished by way of the proposed development, set on a significantly smaller plot. Further intensification of residential development of the area would undermine the existing spacious qualities which the existing sporadic pattern of development creates.
- 6.14 The proposed development would therefore replace a currently open site with built development of a sizable mass set within a restricted plot. The small plot size and relative proximity to the host dwelling would not be reflective of the wider development in the immediate context which is characterised by detached dwellings on large and spacious plots.
- 6.15 Furthermore, the proposal is not of a scale, massing and appearance which relates sympathetically to the built surroundings, open spaces and landscape. As such, it would erode the rural character of the area and the appearance of the countryside, leading to a harmful effect on the character and appearance of the countryside, contrary to the provisions of local policies 25, 32 and 33.

Impact on Neighbouring Amenities:

- 6.16 Policy 33 of the HDPF seeks to avoid unacceptable harm to neighbouring amenity. Officers acknowledge the comments raised by neighbouring properties regarding loss of amenity and overlooking.
- 6.17 The closest residential property to the development would be the host property 'Spear Hill', just south of the boundary wall separating the two sites. Given the proposed building lines and massing of the proposed dwelling, minimal harm would occur to the residential amenities of the residents.
- 6.18 The northern neighbouring property 'Bramleys' is considered to be of some distance from the development site, with some 40m between flank walls of buildings. Therefore, there would also be minimal adverse harm to amenities, by way of loss of privacy, overlooking or light, occurring to the residents of this neighbouring property.
- 6.19 Note is made of the fact that there are rights of private access over the track. However, the proposed development would not affect these rights or block the track.

Highways and Traffic:

- 6.20 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 4 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.21 The Highway Authority assessed the proposed development on highway capacity, safety, and policy grounds. The existing substandard access from the track onto Spear Hill is noted, although it is also noted that this is a pre-existing access which has been in use without raising any evidence of highway safety concern. Planning conditions could be applied to secure improved visibility splays onto Spear Hill.

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- 6.22 Any resulting impact arising from the proposed development is therefore not considered to lead to any severe levels of intensification on the public highway network. The location of the development site along a Public Bridleway is also noted. Separate private land use permissions and restrictions apply to shared use of Public Bridleways and as such, the proposed development is not considered to adversely affect the Bridleway.

Conclusion:

- 6.23 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.
- 6.24 The proposed development has not been demonstrated as being essential to its countryside location and the scheme would have a harmful impact on the character of the rural countryside location.
- 6.25 The proposal therefore represents unsustainable development contrary to policies 1, 2, 3, 4, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015), and would fail to meet the definition of sustainable development within the National Planning Policy Framework. Accordingly, refusal is recommended for the proposal.

7. Recommendation: Application Refused

- 7.1 It is recommended that planning permission be refused for the following reasons:
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
 2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
 3. The proposed development, by reason of its scale, siting and design, would represent a harmful urbanising form of development which would be out of keeping with and detrimental to the rural character and appearance of the area. The proposal would therefore be contrary to policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015).