



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)
BY: Development Manager
DATE: 6 December 2016
DEVELOPMENT: Erection of two bungalows
SITE: Coombdale Two Mile Ash Road Barns Green Horsham
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DC/16/2247
APPLICANT: Mr & Mrs Vernon Jennings

REASON FOR INCLUSION ON THE AGENDA: The application if permitted would represent a departure from the Development Plan as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and more than 5 representations have been received of a contrary view to the Officer recommendation.

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

1.1 DESCRIPTION OF THE APPLICATION

- 1.1.1 The application seeks full planning permission for the construction of two dwellings along with garages and the stopping up of the existing vehicular access at the junction of Trout Lane and Two Mile Ash Road and the relocation of the existing hedgerow on a revised line to allow for improved visibility at the junction.
- 1.1.2 The dwelling on plot 1 would be some 9.5 metres in width by 13.9 metres in length and 6.5 metres to its highest point and would provide 2 bedroom accommodation with a kitchen, living/dining room and two bathrooms on a single level. A detached double garage measuring some 5.9 metres in width by 5.6 metres in length will be sited to the south of the dwelling and will be 4.5 metres to the ridge and 2.3 metres to the eaves. It will have a catslide roof to the rear elevation. A cycle/refuse store measuring 2.5 metres by 1.7 metres will be provided to the west of the garage. Access to the site would be from Trout Lane.
- 1.1.3 The dwelling on plot 2 would be some 8.5 metres in width by 16.6 metres in length and 6.1 metres to its highest point and would provide 3 bedroom accommodation over the two floors with an open plan kitchen, living and dining room, utility room, WC and ensuite

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bedroom on the ground floor and two ensuite bedrooms (one with a balcony) within the roofspace. The property will have an attached single garage. Access to the site would be from Two Mile Ash.

- 1.1.4 A section of hedge measuring approximately 80 metres along Two Mile Ash from its junction with Trout Lane would either be relocated or a new hedge replanted further back to enable improved sight lines. The hedge along Trout Lane would remain as existing. The existing access at the junction of Trout Lane and Two Mile Ash Road will be stopped up.

1.2 DESCRIPTION OF THE SITE

- 1.2.1 The application site forms part of land within the ownership of the owners of Coombdale, a residential property located approximately 460 metres from the built-up area boundary of Barns Green. The site is relatively level with a number of mature trees.

- 1.2.2 The application site itself measures 35.9 metres by 50.6 metres and is adjoined to the north by Two Mile Ash Road, to the east by the curtilage of Coombdale, to the south by agricultural fields and to the west by Trout Lane with residential properties beyond.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT GOVERNMENT POLICY

- 2.2.1 The following sections of the National Planning Policy Framework (2012), hereinafter referred to as the 'Framework', are relevant to the consideration of this application (Note: This list is not exhaustive and other paragraphs of the Framework are referred to where necessary within the contents of the report):

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

- 2.2.2 National Planning Policy Guidance 2014 (NPPG).

2.3 RELEVANT COUNCIL POLICY

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

Policy 1 – Strategic Policy: Sustainable Development
Policy 2 – Strategic Policy: Strategic Development
Policy 3 – Strategic Policy: Development Hierarchy
Policy 4 – Strategic Policy: Settlement Expansion
Policy 15 – Strategic Policy: Housing Provision
Policy 16 – Strategic Policy: Meeting Local Housing Needs
Policy 25 – Strategic Policy: The Natural Environment and Landscape Character
Policy 26 – Strategic Policy: Countryside Protection
Policy 31 – Strategic Policy: Green Infrastructure and Biodiversity
Policy 32 – Strategic Policy: The Quality of New Development
Policy 33 – Development Principles

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Policy 35 – Strategic Policy: Climate Change
Policy 37 – Sustainable Construction
Policy 39 – Strategic Policy: Infrastructure Provision
Policy 40 – Sustainable Transport
Policy 41 – Parking

2.4 RELEVANT NEIGHBOURHOOD PLAN

2.4.1 The Parish of Itchingfield was designated as a Neighbourhood Development Plan Area on 1 September 2015.

2.5 PLANNING HISTORY

I/19/65	Garage for 2 cars with vehicular access.	PER
I/13/81	Extension.	PER
I/15/82	1 mobile home.	PER
I/21/89	Single storey ext.	PER
I/16/97	Erection of 1 house and garage	REF
DC/06/1931	Change of use of land to agricultural and horticultural equipment and materials storage, bund, 2 containers and 2 lights (Land opposite The Cottage, Trout Lane, Barns Green)	WDN
DC/06/2659	Change of use to agricultural and horticultural storage yard and retention of 2 containers	REF
DC/08/0452	Erection of agricultural food and machinery store and track	WDN

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.

3.2 INTERNAL CONSULTATIONS

3.2.1 **Drainage Engineer** – The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways, however no details and sizing of the proposed soakaways have been supplied. The design should be informed by infiltration testing and designed in accordance with BRE Digest 365. Therefore drainage conditions should be applied that ensure the proposed soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding to other buildings and third party land.

3.3 OUTSIDE AGENCIES

3.3.1 **Southern Water** – A public water distribution main lies within the site. Its exact position must be determined on site before the layout of the proposed development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree

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planting should be carried out within 4 metres of the public water main without consent from Southern Water. There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

3.3.2 **WSCC Highways** – The Local Highway Authority does not consider that the proposal for two dwellings would have ‘severe’ impact on the operation of the Highway network, therefore is not contrary to the NPPF (paragraph 32), and that there are no transport grounds to resist the proposal. Conditions in respect of achieving acceptable visibility splays, providing adequate car parking, blocking up the existing access, constructing new accesses to an acceptable standard, providing cycle storage and providing details of construction plant and material storage are recommended.

3.4 PARISH COUNCIL

3.4.1 *“Itchingfield Parish Council recommends for approval subject to the entrances/exits of the new buildings being in the right place.”*

3.5 MEMBER COMMENTS

3.5.1 No comments received.

3.6 PUBLIC CONSULTATIONS

3.6.1 12 letters/emails of support have been received which raise the following comments:

- There is a lack of bungalows in Barns Green.
- Good design.
- Highway safety improvements and improved visibility splays.
- A shame if the applicant and his wife were forced to move away.
- Improve the appearance of the junction of Trout Lane and Two Mile Ash.
- Good use of redundant land.
- Allowing local people to relocate to smaller properties.
- Recent village survey highlighted need for bungalows and small infill sites.
- Barns Green has a rising age profile with few properties within the village for people wishing to downsize.
- Sited within boundary of existing property and not on agricultural land.

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.

4.2 The Human Rights Act 1998 seeks to protect the rights and freedoms of individuals, and includes the protection of property, the right to respect of a private life, and the right to enjoy the property peacefully. The Human Rights Act 1998, as interpreted by the Courts, makes clear that the effect on the rights of an individual (and their personal circumstances) as a result of any decision within the planning process, must be a necessary and proportionate response to a legitimate public interest consideration. This should have regard to evaluating whether a particular decision does not contravene the applicant’s rights to home and family under the Act when balanced against specific and contravening factors such as the protection of the character of the surrounding area and the amenity of adjacent residential properties, with particular reference to policy considerations, ie. the Core Strategy (2007) and Horsham District General Development Control Policies (2007).

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- 4.3 The Equality Act 2010 applies to local planning authorities and the planning decision process of the Public Sector Equality Duty (PSED) under S.149 (1) of the Act. It is necessary to set out the PSED for the purpose of this report.
- 4.4 The authority must, in the exercise of its functions, have due regard:
- (a) to the need to eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Disability is a protected characteristic for the purposes of the Act.

- 4.5 A recent court case refers to six principles in discharging the Public Sector Equality Duty (PSED), demonstrating that any decision is reached in a fair, transparent and accountable way that is compliant with the Act. The public authority is directed to properly analyse all relevant material by reference to a proper evidence base. There must be due regard to identified Equality policy objectives of the Council, as found within the Single Equality Scheme, in taking any decisions that may affect disabled persons in terms of those policies. This is to be discharged (and in the mind of the Committee) at the time when the decision which is being made may impact on such policy objectives. This duty is to be carried out with an open mind, and with reference to any non-statutory guidance that may be applicable, and is not a duty that can be delegated to a non-Council body to discharge. It is a continuing duty and hence will be further engaged in any further process which may result from the Committee decision. Finally, it is stated to be good practice to keep proper and adequate records of all decisions which are relevant to the Council's duties as stipulated via the Equality Act 2010.
- 4.6 An Equality Impact Assessment is the process of assessing the impact of existing or proposed functions, policies or services in relation to their consequences for residents with different protected characteristics. This includes looking for both positive and negative consequences, and involves anticipating these and making sure that, as far as possible, any negative consequences are minimised and opportunities for promoting equality are maximised. A formal equality assessment is not a necessary requirement of the obligation to have regard, although one may be commissioned voluntarily.
- 4.7 The medical analysis in this matter, through obtaining an independent medical opinion on the evidence of the applicant's disablement and needs, and through assessing the consequences of any decision in this application, is in practice similar to such an Equality Impact Assessment. The planning outcome in this matter should subsequently feed through as a datum to the reviews of the Council's policies and practices in the Single Equality Scheme 2013-2015, with particular reference to priority 4.01 of the Council's Action Plan, providing adjustment thereafter in order to refine Development Control and Enforcement policies where appropriate.
- 4.8 Thus, having applied the foregoing process to any decision in terms of the impact on the Council's ability to discharge its PSED, regard should be had to the need for an understanding of the impact on individuals so affected by the decision, and to the effect of any mitigation to reduce such adverse impact. However, it is clear from recent case law that the PSED is only one factor in coming to a decision, and thus can be balanced against other relevant factors including countervailing policy considerations and the weight to be given to them. Thus, in a 2013 case, the courts regarded a planning decision as being justified by the benefit on the wider community, which was achieved by that decision outweighing the adverse impact on those with protected characteristics.

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- 4.9 In conclusion, it is appropriate in this case to assess the impact of any decision on the Council's Equality policy objectives (Single Equality Scheme), held under the Equality Act 2010, when discharging the Public Sector Equality Duty (PSED), and to otherwise have regard to the rights of the applicant under the Human Rights Act 1998, measured against local amenity and the interest of neighbouring residential occupiers, and other relevant Council policy considerations.

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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Affordable housing and infrastructure contributions
- Highway impacts
- Ecology

Principle of development

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking.

Five year housing land supply

- 6.3 Paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development*" and that "*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".
- 6.4 The applicants agent considers that "*at the end of the very first 5-year period from 2011 to 2016 there will almost certainly be a shortfall of no less than 500 houses not built that will need to be addressed in future years, compounding the difficulty of maintaining the increased house building requirements foisted on the Council by the Examination Inspector*" and therefore paragraph 49 of the NPPF should apply. The recently adopted HDPF does provide for a 5-year housing land supply plus a buffer of over 5%, as confirmed by the Inspector's Examination Report of 8th October, which found the Plan sound. The Inspector's Report (paragraph 49) calculates the 5-year supply requirement plus 5% buffer as 4976 dwellings. He notes that the delivery trajectory from April 2015 to March 2020 is 5803 dwellings. He therefore concluded that the Council has a 5 year supply "*with a considerable degree of flexibility to take account of any slippage on major sites*". He noted that "*even without the Neighbourhood Plan sites the five year supply requirement is just met*".
- 6.5 The latest position with regards to the 5 year housing supply was produced in May 2016 and is set out in the Housing Authority Monitoring Report Mid Yearly Update. This report calculates the 5-year requirement plus 5% buffer as 5014 dwellings. The delivery trajectory, which has been calculated from April 2016 to March 2021 following the update, has been calculated as 5,728 dwellings. Consequently, the Council can demonstrate that it has a 5

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year supply that has a considerable degree of flexibility to take account of any slippage on major sites, or indeed the projected progression of Neighbourhood Plan sites.

Compliance with locational strategy

- 6.6 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 55 of the NPPF and policies 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.7 Policy 2 of the HDPF is an overarching policy that covers location and amount of development in terms of economy, housing, retail and infrastructure. It sets out the spatial strategy to 2031, which seeks to influence development in order to maintain the District's unique rural character, whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment.
- 6.8 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.9 Whereas Policy 3 provides guidance on the scale of development within settlement boundaries, Policy 4 relates to the manner in which growth of settlements in the hierarchy through development outside the defined built-up area boundaries will be considered.
- 6.10 The site has not been allocated for development in any made neighbourhood plan or within the HDPF. No draft neighbourhood plan currently exists for the parish of Itchingfield however it is understood that the site has been put forward by the applicant for residential development in the neighbourhood plan. It is therefore considered that the proposal is contrary to Policy 4.
- 6.11 The applicant has advised that the *"...housing development being carried out in the village catered primarily for open market housing for young families with a few affordable houses in view of the substantial outlay in school facilities that were funded by the development. The development did not however cater for those in the village who wish to downsize, generally because of their age, ill health or death of a partner etc."* The applicants wish to downsize to a smaller single storey property whilst remaining in the village. They have also advised that *"...There are other local residents nearby who have expressed a desire to also move into a bungalow. For a small sector of the local community there is a need, in particular, for bungalows of the kind proposed in this application."* Whilst the proposal would provide two small properties that could be occupied by local residents looking to downsize, the strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. The applicant's agent has also advised that a benefit of the scheme would be the freeing-up of two large dwellings in village which are likely to be occupied by families who will bolster the local school and other facilities. Whilst this may be the case, there are no guarantees that both proposed properties will be occupied by residents within the village, the positive benefits of the scheme would apply to any well designed proposal for housing, including in a more sustainable location that accorded with the development plan. On these grounds the proposal is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

Sustainability of the site

- 6.12 The applicant's agent is of the opinion that the built-up area boundaries as defined in the HDPF are for policy purposes only and is not reflective of the developed area of the village. It is considered by the applicant's agent that "*Because this is a rural area where traffic flows are not high and there are wide verges with horse riders frequently present, it is considered it is safe to walk or cycle the very short distance to the village centre where there are day-today convenience facilities as well as a school, pub and recreation facilities etc.*" The site is some 460 metres from the built up area boundary of Barns Green and some 700 metres from the village primary school, some 900 metres from the village recreation ground, village hall and play area and just under 1km to the village public house, village store and post office. Whilst some of the route is paved once within the defined built up area boundary, the majority is unpaved, unlit and relatively narrow with narrow grass verges (at times no verges). Policy 40 of the HDPF which relates to sustainable transport seeks to ensure that development proposals promote a re-balancing in favour of non-car modes as a means of access to jobs, homes services and facilities. Consistent with this paragraph 35 of the NPPF suggests that development should be located and designed where practical to (amongst other criteria) give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. Given the location of the site, the distance to the limited services and facilities that Barns Green has to offer and the means of accessing the village by foot/cycle, it is highly likely that future residents of the properties will be reliant on the use of private car to access services and facilities.
- 6.13 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should 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. The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities. The proposal does not involve the conversion of existing rural buildings. The proposal therefore fails to accord with the NPPF and with Policy 26 of the HDPF.
- 6.14 The applicant's agent is of the opinion that the site comprises of previously developed land within the curtilage of the existing residential dwelling on the site. Whilst the site may be brownfield land and one of the core principles within the NPPF is to encourage the effective use of land by reusing land that have been previously developed provided that it is not of high environmental value, the fact that the development would reuse previously developed land in accordance with that criteria would not overcome the harm arising from the location of the site outside of a built-up area boundary and within the countryside.
- 6.15 In conclusion and as discussed above, the strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. On these grounds the proposal is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

Personal circumstances of the applicant

- 6.16 The applicants have advised that they have lived in Barns Green for over 40 years and during that time have been heavily involved in the village life with Mr Jennings being on the Board of Governors at Muntham House School for over thirty years and Chairman for six years, involved in raising funds for various charities via the Barns Green Half Marathon being Chairman since 1998 and also helping out when the family were young in a number of self-help projects to do with the primary school. Mr Jennings is also on the Steering Committee for Itchingfield Neighbourhood Plan. He was honoured with a British Empire Medal in 2015 for his involvement with the local community.
- 6.17 Now their family have left home, Mr and Mrs Jennings have advised that they are both coping with either hip/knee replacements with Mr Jennings suffering from asthma and COPD and Mrs Jennings suffering from severe Osteoarthritis, which now affects her whole body and they find maintaining their current property and grounds too large to cope. They have advised that they have no real option but to downsize into a bungalow, whilst also wishing to remain in the village and part of this community in which they have lived and served for over 40 years.
- 6.18 Whilst there is sympathy with the personal circumstances of the applicant and his wife, it is not considered that they outweigh the conflict of the proposal with the locational strategy as set out in the HDPF. There may well be a need for the applicant and his wife to downsize to a bungalow and there may not at the present time be any suitable accommodation available within their preferred location, however it should be borne in mind that the development will remain long after the personal circumstances of the applicant have ceased to be material.

Impact on the character and appearance of the surrounding area

- 6.19 The application site is situated in a rural location, where development is sporadic and organic in form. Section 7 of the NPPF provides guidance relating to design and states that good design is a *"key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.20 Policy 25 of the HDPF seeks to ensure that development proposals protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and mains settlement separation. Policy 26 requires proposals to be of a scale appropriate to its countryside character and location, and not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects and/or conserves and/or enhances the key features and characteristics of the landscape character area in which it is located. Policy 32 requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.21 Whilst the site may be of sufficient size to accommodate two dwellings, the proposed construction of residential properties in this rural location would have an adverse impact on the rural character and appearance of the area. No tree survey has been produced at the time of writing the report and, it is likely that a number of mature trees will need to be removed along with a number of mature shrubs and vegetation. At the present time, the

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site is fairly inconspicuous and appears as an area of green space within the ribbon of development on the edge of Barns Green.

- 6.22 Whilst the site in the past may have been used as domestic curtilage in association with Coombland, from a recent site visit undertaken, it is clear that the application site has been fenced off, is overgrown and does not appear to have been used as such for some time. It is considered that the introduction of the dwellings with their associated domestic built form, paraphernalia and lighting, would have an adverse visual impact on the character and appearance of the area. It is therefore considered with regards to the current application that the proposal would not meet the requirements of policies 25, 26, 32 and 33 in this respect.

Highways

- 6.23 Highway safety improvements are proposed as part of the scheme to develop the site for two residential properties. These improvements include the removal of the access at the junction of Trout Lane and Two Mile Ash Road and the resiting/replanting of the hedgerow along Two Mile Ash Road from its junction with Trout Lane to improve visibility at the junction.
- 6.24 The Highway Authority has not raised an objection to the application. It has however raised a number of queries with the proposed visibility splays and car parking provision but consider that these issues can be resolved by way of conditions should planning permission be granted.
- 6.25 In respect of the access to Plot 1, the Highway Authority is satisfied with the visibility splays proposed however it is noted that the full extent of the southern splay is cut off from the plan and require that the full extent of the splay be shown. Plot 1 is provided with a double garage however the internal dimensions do not meet with the Highway Authority's requirements for a double garage capable of providing two car parking spaces and bicycle storage. In respect of Plot 2, the Highway Authority has advised that, again, the splays have been cut off from the plan and therefore it is not possible to assess whether they pass wholly through either land under the applicants control or maintainable public highway. From an inspection of local mapping it would appear that the full extent of the eastern splay would pass through a small slither of land that is not maintainable highway and has not been included within the ownership edge of the site therefore the applicant should demonstrate maximum achievable visibility wholly in land under their control or highway boundary. This may not extend to the previously annotated 90 metres. However, considering the posted speed limit is 30 mph the Highway Authority are satisfied that sufficient visibility will still be demonstrable and that it can be secured via condition.
- 6.26 The existing historical access on the corner of Trout Lane and Two Mile Ash Road will be closed off and the kerb line reinstated, under licence obtained from WSCC Highways, as part of the proposal. In respect of improvements to the junction of Trout Lane and Two Mile Ash Road, the Highway Authority are satisfied that the junction will be improved by setting back part of the hedgerow thus improving visibility to the east. A splay of 5 metre by 90 metres to the east has been demonstrated and can be secured via condition.
- 6.27 Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Consequently, it is considered that there are no transport grounds to resist the proposal.

Ecology

- 6.28 No ecology survey has been submitted in support of the application. There are a number of structures on the site that will be removed as part of the development of the site along with the removal of vegetation, including potentially a number of trees, Further information is

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required to confirm whether any of the trees or buildings scheduled for removal, or with potential to be impacted by the proposals, are suitable to support roosting bats. Such an assessment will determine whether notable and/or protected species may be impacted and if so, the measures that will be required to avoid, mitigate or compensate for such impacts. The assessment will also identify whether any further protected species surveys are required to fully inform the application. Therefore the current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies.

- 6.29 Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before the planning permission is granted. Policy 31 of the HDPF seeks to ensure that proposals maintain or enhance the existing network of green infrastructure and do not result in the loss of existing green infrastructure unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. The policy goes on to require development proposals to contribute to the enhancement of existing biodiversity, and create and manage new habitats where appropriate.

Conclusion

- 6.30 The applicant's agent has advised, in the submitted supporting statement, that there are a number of material considerations that must be afforded weight and put into the balance. These considerations have been discussed above and are the housing shortfall in the District, local housing need, the built form and visual impact of the scheme, the removal of the 'dangerous' access, the improvement in visibility at the junction of Trout Lane and Two Mile Ash Road, the sustainable location of the site and the bolstering of local facilities. It is not considered that the material considerations put forward by the applicant outweigh the significant harm that would be caused by allowing the construction of two dwellings on this site.
- 6.31 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. The site has not been allocated for development in a neighbourhood plan or the Local Plan and is not essential to its countryside location. Whilst there is sympathy with the personal circumstances of the applicant and his wife, it is not considered that they outweigh the conflict of the proposal with the locational strategy as set out in the HDPF. It is therefore considered that the proposal does not comply with policies 1, 2, 3, 4, 25, 26, 32, 33 and 40 of the HDPF and paragraph 55 and Section 6 of the NPPF.
- 6.32 In addition, further information is required to confirm whether any of the trees or buildings scheduled for removal, or with potential to be impacted by the proposals, are suitable to support roosting bats. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. The proposal is therefore contrary to Policy 31 of the HDPF and provisions within the NPPF.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is 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, 4 and 40 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 dwellings by reason of their siting, plot subdivision, and associated intensification of domestic paraphernalia would be out of keeping with the character of the area and would represent a form of development which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.
4. Insufficient information has been submitted with the application to demonstrate that the proposed development can take place without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

Background Papers: DC/16/2247