



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)
BY: Development Manager
DATE: 6 December 2016
DEVELOPMENT: Construction of 1 no. 4 bedroom house together with garage and landscaping
SITE: Gate Lodge Stane Street Slinfold Horsham
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DC/16/2201
APPLICANT: Mr Sam Baker

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 one detached, four bedroom dwelling with garaging and landscaping.
- 1.1.2 Planning permission was granted for the cessation of the commercial uses, the removal of the associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge and to the immediate north of this site under application reference DC/15/0911 (considered by Committee on 15 July 2015 and 8 September 2015).
- 1.1.3 The proposal seeks to construct one, four bedroom, two storey detached dwelling with a double garage, associated car parking and amenity space. The dwelling will provide a kitchen with a dining room, living room, utility room, WC and integral double garage on the ground floor and four bedrooms (one ensuite) and a bathroom on the first floor. The accommodation will be arranged in an 'L' shape with a single storey double garage measuring 5.6 metres to its ridge sited at a right angle to the main accommodation which is some 7.5 metres in height. The dwelling at its longest and widest point is some 15 metres by 13 metres.

ITEM A05 - 2

- 1.1.4 The existing access and driveway off the A29 are to be retained and utilised, and extended to provide access to the property. A total of four car parking spaces are to be provided for the dwelling; two in the garage and two on the driveway, with space within the garage also being provided for the storage of bicycles and bins.
- 1.1.5 It should be noted that a further three dwellings of the same scale and design are proposed to be constructed to the immediate rear of Gate Lodge (ref DC/16/2201). Two of the dwellings will be located on the site previously granted permission for the construction of the three small bungalows, with the third dwelling proposed on land partially in a former commercial use and partially domestic curtilage associated with Gate Lodge.
- 1.2 DESCRIPTION OF THE SITE
- 1.2.1 The application site lies to the west of the A29, approximately 860m (as the crow flies) from the built-up area boundary of Slinfold. Walking into the village of Slinfold would involve walking along the A24 to join the Downs Link; a walk of approximately 1.2km to the edge of the village.
- 1.2.2 The site the subject of this application measures approximately 0.1 hectares and slopes slightly uphill from the A29. The site is well hidden from public view due to the mature planting that exists around its boundary and forms part of the residential curtilage associated with Gate Lodge.

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

ITEM A05 - 3

- 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 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 Slinfold was designated as a Neighbourhood Development Plan Area on 20 May 2014. A pre-submission version of the draft Slinfold Neighbourhood Plan was consulted on between 25 April 2016 and 6 June 2016.

2.5 PLANNING HISTORY

SF/3/73	Proposed erection of private dwelling	REF
SF/50/90	Change of use of dwelling to offices and erection of building for b1 use (outline)	REF
SF/2/92	Change of use of dwelling to offices & erection of building for b1 use (outline)	REF
DC/15/0911	Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge	PER
DC/16/0614	Non Material Amendment to previously approved application DC/15/0911 (Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge). Modest extension on the western side of the property, the replacement of the lounge window with double swing doors and moving the whole dwelling two metres to the west in order to increase the distance to the boundary to improve wheelchair access around the property.	REF
DC/16/2200	Cessation of commercial uses, removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping	PCO

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** – No drainage information has been submitted to make any appropriate comment or observations. Therefore drainage conditions should be applied

ITEM A05 - 4

before any works commence on site, that show full details of the measures to dispose of both foul and surface water

3.2.2 **Ecology Consultant** – Further assessment of the current site ecology and potential impacts from the proposed works to notable and protected species within the red line application and the associated zone of influence for the work is required. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies.

3.2.3 **Arboricultural Officer** – No objection.

3.3 OUTSIDE AGENCIES

3.3.1 **Southern Water** – No objection and advise the Environment Agency should be consulted directly regarding the use of private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposal to discharge surface water to the local watercourse.

3.3.2 **WSSC Highways** – The local highway authority has raised no objection to the application. They have advised that the plans demonstrate sufficient parking and turning space on site. A condition securing car parking and turning should be included should the application be approved.

3.4 PARISH COUNCIL

3.4.1 Slinfold Parish Council – objection to the application on the grounds that the proposal would result in the overdevelopment of the site

3.5 MEMBER COMMENTS

3.5.1 No comments received.

3.6 PUBLIC CONSULTATIONS

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

- The site is not in the open countryside
- Proposal will help with the housing supply in Slinfold and the wider area
- Good use of garden area whilst retaining an adequate garden for Gate Lodge
- Gate Lodge, which is a large property, will be freed up
- There is a reliable bus service along the A29
- Adequate parking and secure storage for cycles proposed
- Proposal in keeping with surrounding area
- New dwellings will not be seen from the A29
- Scheme makes good use of the site
- Landscaping in keeping with the area
- No overlooking issues

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The 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
 - Impact on trees

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.
- 6.3 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).
- 6.4 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.
- 6.5 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.
- 6.6 Whereas Policy 3 provides guidance on the scale of development within settlement boundaries, Policy 4 confirms that growth outside of settlements outside of the defined built up area boundaries will be considered only when set criteria is met.
- 6.7 The site is some 830 metres from the built up area boundary of Slinfold (as the crow flies) and some 1.2 kilometres (as the crow flies) from the village centre and the services and facilities that Slinfold provides. 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 Slinfold has to offer and the means of accessing the village by foot/cycle, it is highly likely that future residents of the property will be reliant on the use of private car to access services and facilities. The site is not therefore considered to be in a sustainable location.

ITEM A05 - 6

- 6.8 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.
- 6.9 Whilst permission was granted under application reference DC/15/0911 for the cessation of the commercial use, the demolition of the existing buildings and the construction of three bungalows on land to the immediate north, the scheme the subject of this application lies outside of the area previously granted planning permission and forms part of the residential curtilage associated with Gate Lodge. The strategic approach of the now adopted 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.
- 6.10 Therefore, whilst extant permission exists for the construction of three small bungalows on the land to the north of the application site, it is considered that the current proposal for the construction of a detached four bedroom dwelling on this site is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

Impact on the character and appearance of the surrounding area

- 6.11 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.
- 6.12 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 maintains 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.
- 6.13 As advised, the current scheme proposes the construction of a single dwelling on land to the rear of Gate Lodge. An additional application (DC/16/2200) has been submitted for a further three dwellings on the land to the rear of the existing residential property and on the former commercial site to the north of Gate Lodge. This would result in a total of four properties being proposed on the wider site. The dwelling proposed is significantly larger in its footprint, scale and massing than those previously granted permission on the site north

ITEM A05 - 7

of this site and on an area of land which is currently residential curtilage associated with Gate Lodge. Whilst the site in terms of its size may be of a sufficient size to accommodate the dwelling proposed in a more urban location, the proposed construction of a residential property in this rural location would have an adverse impact on the rural character and appearance of the area, by reason of its size and scale, and its relationship with site boundaries. The scheme as submitted is considered to represent a contrived and cramped overdevelopment of the site which would be out of keeping with the character of the immediate area which is rural in nature and is predominately characterised by detached dwellings set within large plots. The construction of a dwelling within the rear garden area of the existing property would represent a form of development which would be detrimental to the rural character and appearance of the area.

- 6.14 In addition, when this single dwelling on the site is considered in conjunction with both the approved dwellings on the site to the north, along with the three dwellings proposed under application DC/16/2200, it is considered that this would result in the overdevelopment on the wider site to the detriment of the rural character and appearance of the area. It is therefore considered that the proposal, by reason of its size and scale and its relationship with site boundaries, represents a contrived, cramped overdevelopment of the site which 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.

Highway safety

- 6.15 The applicant for the previous application for three small dwellings on the site to the immediate north (DC/15/0911) promoted the site for residential development on the basis that the loss of the existing commercial uses would significantly reduce the numbers of vehicular movements coming to and going from the site. Whilst it was accepted that a reduction in traffic movements, would be likely following the cessation of the existing commercial uses, the introduction of a residential use in this location would inevitably lead to additional domestic journeys in the vicinity. Whilst the implementation of the proposed scheme would be likely to have some overall benefit in terms of highway usage, the County Highways Authority advised in respect of the previous application that the site does not have a poor highway safety record and therefore this perceived benefit should only be afforded limited weight.
- 6.16 In respect of the current application, the Highway Authority has raised no objection to the application. It is advised that the plans demonstrate sufficient parking and turning space on site and that a condition securing car parking and turning should be included should the application be approved. In conclusion therefore it is considered that the proposal is not contrary to paragraph 32 of the NPPF and that there are no transport grounds to resist the proposal.

Trees

- 6.17 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 maintains 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 including the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features. Policy 31 requires development to demonstrate that it maintains or enhances the existing network of green infrastructure and states that

ITEM A05 - 8

proposals that result in the loss of existing green infrastructure will be resisted 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.

- 6.18 Whilst no tree survey or tree constraints plan has been submitted with the application, the Council's Arboriculturalist has advised that he has no objections to the application. A number of trees have been removed on the site and those that are to remain are either not of sufficient amenity value to warrant protection through a tree preservation order or will not be adversely impacted upon by the development.

Ecology

- 6.19 Whilst a preliminary ecological appraisal has been submitted dated September 2016, the Council's Ecology Consultant has advised that further assessment of the current site ecology and potential impacts from the proposed works to notable and protected species within the red line application and the associated zone of influence for the work is required.
- 6.20 The assessment will need to 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 need to identify whether any further protected species surveys are required to fully inform the application. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. Whilst no such concerns over the level of information provided with the previous application for the development of the land to the north was raised, the current application proposes the development of an area of the existing domestic curtilage associated with Gate Lodge and therefore further information is required.
- 6.21 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.
- 6.22 It is therefore considered that 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.

Conclusion

- 6.23 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. Whilst the site to the north has been granted consent for residential development and therefore there is extant permission for the construction of three small single storey dwellings on the adjoining site, the scheme the subject of this application seeks to develop land not previously considered and wholly within the domestic

ITEM A05 - 9

curtilage of Gate Lodge. The site has not been allocated for development in a neighbourhood plan or the Local Plan and is not essential to its countryside location. It is therefore considered that the proposal does not comply with policies 1, 2, 3, 4, 26 and 40 of the HDPF and paragraph 55 of the NPPF.

- 6.24 The proposed construction of a residential property in this rural location would have an adverse impact on the rural character and appearance of the area, by reason of its size and scale, and its relationship with site boundaries. The scheme as submitted is considered to represent a contrived and cramped overdevelopment of the site which would be out of keeping with the character of the immediate area which is rural in nature and is predominately characterised by detached dwellings set within large plots. 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.
- 6.25 In addition, further information is required to demonstrate that the proposed development can be implemented 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.

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, 26 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 proposal, by reason of the size and scale of the dwelling proposed and its relationship with site boundaries, represents a contrived, cramped overdevelopment of the site 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/16/2200
DC/16/2201
DC/15/0911