



TO: Planning Committee South
BY: Development Manager
DATE: 17 January 2017
DEVELOPMENT: New live/work dwelling with continued B1 light industrial use
SITE: The Piggery West End Lane Henfield West Sussex
WARD: Henfield
APPLICATION: DC/16/2538
APPLICANT: Mr & Mrs Lee McCatty

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received contrary to Officer recommendation

RECOMMENDATION: To refuse permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application is a resubmission of previously refused application (DC/16/1356) that was considered by Planning Committee on 20 September 2016. No amendments have been made to the scheme but additional information in the form of a land registry map showing development on the site in 2003 and the submission of a Unilateral Undertaking to tie the residential dwelling to the commercial use of the site has been submitted.
- 1.3 The proposal seeks full planning permission for the erection of a new dwelling on the site, to be occupied in connection with the existing B1 Industrial business on the site. The existing workshops in association with the business would be retained, with the existing access also retained and the hardstanding re-built and extended up to the proposed dwelling.
- 1.4 The proposed dwelling would be positioned to the south-west of the site, within 6.1m of the western boundary, and 10m of the southern boundary. The dwelling would extend to a length of 24.6m and a total depth of 7.4m, incorporating a pitched roof extending to an overall height of 6m. The proposed dwelling would incorporate two oak gable features to the northern elevation, and would be finished in oak featheredge board to the walls and cedar shingles to the roof. The dwelling would be of a single storey with attic space

incorporated, and would provide 4 x bedrooms (including master bedroom with ensuite), kitchen/dining/family room, bathroom, utility room, and boot room.

DESCRIPTION OF THE SITE

- 1.5 The application site is currently within Class B1 (Business) use, occupied by a local joinery business. The site consists of 3 x workshop buildings used as a machine room, assembly workshop, and joinery store, with two separate sheds on the site utilised for the storage of raw timber.
- 1.6 The site is accessed from the south of West End Lane, outside of the designated built up area of Henfield. The site lies to the rear of a ribbon of residential development, with the dwellings fronting the highway and positioned approximately 68m from the proposed site of the dwelling. The surrounding landscape consists of an orchard and a number of mature trees, with open countryside to the south.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework**

NPPF1 - Building a strong, competitive economy
NPPF3 - Supporting a prosperous rural economy
NPPF6 - Delivering a wide choice of high quality homes
NPPF7 - Requiring good design
NPPF14 - Presumption in favour of sustainable development

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
HDPF7 - Strategic Policy: Economic Growth
HDPF9 - Employment Development
HDPF10 - Rural Economic Development
HDPF15 - Strategic Policy: Housing Provision
HDPF16 - Strategic Policy: Meeting Local Housing Needs
HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
HDPF26 - Strategic Policy: Countryside Protection
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 **Henfield Neighbourhood Development Plan 2015 – 2035**

Following a court decision on 13 October 2016, Henfield Neighbourhood Development Plan has been quashed. The Parish Council is currently considering how they will move forward. Henfield Parish continues to be covered by the Horsham District Local Plan, and this plan remains the current and up to date plan for the area.

PLANNING HISTORY

HF/5/01	Change of use of redundant agricultural buildings to b1- business use & extension of existing b1 use to adjoining buildings Site: The Piggery West End Lane Henfield	REF
HF/117/88	Change of use from garage/workshop to shoe repair workshop Comment: Appeal allowed 09/11/89 (From old Planning History)	PER
HF/10/97	Erection of 3 dwellings (outline) Site: Land Adj Willows West End Lane Henfield	REF
HF/58/98	Demolition of existing light industrial and agricultural buildings and erection of a single dwelling house Site: Land Adj Willows West End Lane Henfield	REF
HF/107/99	Conversion of buildings into one dwelling Site: The Piggery West End Lane Henfield	REF
DC/15/1078	New single dwelling with existing access drive and existing septic tank	WDN
DC/16/1356	Proposed live/work unit in connection with existing B1 light industrial use of site	REF

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 **Public Health and Licensing (Env. Health)** consulted on 11 November 2016. The response received can be summarised as follows: No objection subject to conditions.
- 3.2 **Env Management, Waste and Cleansing**, consulted on the 11 November 2016. The response received can be summarised as follows: No objection.

OUTSIDE AGENCIES

- 3.3 **West County Highways**, consulted on 11 November 2016. The response received can be summarised as follows: No Objection, subject to secure cycle storage condition.
- 3.4 **Southern Water**, consulted on the 11 November 2016. The response received can be summarised as follows: No Objection.
- 3.5 **Environment Agency**, consulted on the 11 November 2016. There was no response from this consultee at the time of report preparation.

PUBLIC CONSULTATIONS

- 3.6 **Parish Council Consultation**, consulted on the 11 November 2016. Their comments can be summarised as follows: No Objection
- 3.7 17 letters of support were received. These can be summarised as follows:

- In keeping with surroundings
- Use of sustainable materials considered a benefit
- Proposed development is on a brownfield site
- No further impact upon highway network
- Impact on local economy and community benefit
- Added security to neighbouring properties

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 application seeks full planning permission for the erection of a new dwelling to be occupied in conjunction with the B1 use of the site.

Principle of Development

- 6.2 Policies 3 and 4 of the Horsham District Planning Framework state that development will be permitted within towns and villages that have defined built-up areas. Any 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 settlement hierarchy. Outside of built-up areas, the expansion of settlements will be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development meets identified local housing needs and/or employment needs; the impact of the development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape features are maintained and enhanced.
- 6.3 Furthermore, policy 26 seeks to ensure the protection of the countryside, and states that development outside of the built-up area boundary should protect the countryside against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following 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.
- 6.4 In addition, paragraph 55 of the National Planning Policy Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need to for an agricultural worker to live at or near the site; where such development would represent the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to enhancement of the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 6.5 The proposal seeks to erect a dwelling on the site, which as stated within the Design and Access Statement, would be occupied in connection with the existing joinery business (under Class B1 Industrial Use) on the site.
- 6.6 The site lies approximately 1.6km from the centre of Henfield, and is positioned outside of the designated built-up area. For this reason, in policy terms, the site is located within a countryside location. As stated within policy 26 of the HDPF, development outside of built-up area boundaries must be essential to its countryside location, and in addition meet one of the stated criteria. The proposed dwelling would not be related to agriculture or forestry, would not enable the extraction of minerals or the disposal of waste, and would not provide for quiet informal recreational use. Furthermore, whilst it is noted that the applicant operates the joinery business on the site, no justification has been provided to outline an essential need for the applicant to live on the site, and in any event it is not considered that a business such as this would require an on-site presence
- 6.7 A copy of a title deed dated 3 March 2003 has been submitted to support the assertion by the applicant that the site is brownfield land. This document indicates that a number of agricultural buildings were positioned through the south-western corner of the site, most of which have since been removed from the site. The buildings currently present on the site are all used in connection with the B1 Industrial use of the site and registered under a separate title as indicated on the submitted title deed.
- 6.8 Previously Developed Land (Brownfield Land) is defined in Annex 2 of the National Planning Policy Framework as:
“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas; and land that was previously developed, but where the remains of the permanent structure have blended into the landscape in the process of time.”
- 6.9 The site as indicated on the title deed would, under the definition in Annex 2 of the NPPF, be considered brownfield land. Whilst there is a presumption in favour of redevelopment of previously developed land, as stated within section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Therefore, whether the site is brownfield is not the key factor in determining whether the site is suitable for residential development, and Policies 3, 4, and 26 of the HDP are of greater and significant weight in the determination of the application, defining and guiding the spatial strategy of the District.
- 6.10 In regards to policy considerations, nothing has changed since the previous application originally submitted under planning reference DC/16/1356. Whilst a Unilateral Undertaking has been put forward by the applicant to ensure that the residential dwelling is tied to the business use of the site this is not considered to overcome the in principle policy objections to the scheme; namely that the proposal is not essential to its countryside location and would represent unsustainable development of the countryside.
- 6.11 Therefore, whilst living on the site in close proximity to the business may be desirable it is not considered essential. As such, given the nature of the development and its position outside of the built-up area, the proposal is not considered to enable the sustainable development of the rural area or meet any of the other criteria as stated within policy 26 of the Horsham District Planning Framework. Therefore, the proposed residential dwelling is considered to be contrary to policies 1, 2, 3, 4 and 26 of the HDPF.

Character of the site and surroundings

- 6.12 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.13 The proposed dwelling would be of a single storey, extending to a length of 24.6m and a total depth of 7.4m, incorporating a pitched roof extending to an overall height of 6m. The proposed dwelling would incorporate two oak gable features to the northern elevation, and would be finished in oak featheredge board to the walls, and cedar shingles to the roof.
- 6.14 The wider surroundings are characterised by two storey detached and semi-detached dwellings that front the public highway, along a continuous build line. These are of an eclectic vernacular incorporating facing brick, tile hanging, and render, with hardstanding built in front. Although positioned within close proximity to this ribbon of residential development, the set back and setting of the site as a whole is more reflective of the surrounding countryside than the urbanised development to the north. The proposed design of the dwelling seeks to reflect this rural character, utilising natural materials that would be reflective of the countryside character of the site and surroundings.
- 6.15 Whilst the local vernacular of the surrounding properties consist of facing brick, tile hanging, and render, it is recognised that the site itself reflects a rural context, set back from the built form of the surroundings. The proposed finish and design of the residential dwelling, utilising a 'natural' finish of cedar shingles and oak cladding is therefore considered to appropriately reflect the context of the site and the landscape character of the area. Furthermore, although set back from the recognised build line of the surroundings, the proposed siting is considered to reflect the built form of the workshop and associated buildings within the site itself. As such, the scale and siting of the dwelling is considered to sit appropriately within the site and the context of the surroundings, in accordance with policies 25, 32 and 33 of the HDPF.

Amenities of the occupiers of neighbouring properties

- 6.16 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.
- 6.17 The proposed dwelling would be positioned to the south-west of the site, approximately 68m from the rear elevation of the adjacent properties. Whilst noted that the boundary treatment of the adjacent properties consists of post and rail fencing, the distance between the proposed dwelling and neighbouring properties is considered sufficient so that the proposal would not result in unacceptable outlook or loss of privacy. It is proposed to plant mixed deciduous and coniferous landscape screening to the north, west and south of the site, and whilst this cannot be relied upon to make a scheme acceptable, this is considered sufficient to mitigate potential impact. Therefore, given the distance between the properties, and the addition of landscape screening, the proposal is not considered to result in harm to the amenities of neighbouring properties, in accordance with policy 33 of the HDPF.

Existing Parking and Traffic Conditions

- 6.18 Policy 41 of the HDPF states that development should provide safe and adequate parking, suitable for all anticipated users.
- 6.19 The proposal would utilise the existing, established access, with hardstanding provided to the front of the dwelling. This established access would continue to service the joinery

workshops, as well as the new dwelling. No previous highway issues have been raised with the use of the established access, and this conclusion is retained by WSCC Highways within the consultation response submitted. As such, the residential nature of the development is not considered to result in further intensification or impact upon public highway safety, in accordance with policy 41 of the HDPF.

Other Matters

- 6.20 The proposed development is located within the curtilage of, and in close proximity to, existing commercial activities. However, given the site is within B1 use, which is suitable in residential areas, and the dwelling would be occupied in association with the business use, it is not considered necessary to require any further assessment of noise exposure.
- 6.22 The application identifies that the site has a history of agricultural use and proposes to introduce residential receptors onto this land. A Contamination Assessment has been submitted, with the Environmental Officer consulted for comments. The response concurs with the recommendation within the submitted report, and as such, no objection is raised, subject to conditions were the application to be approved.

Conclusion

- 6.23 The proposed residential dwelling, located outside of the built up area, would not accord with the criteria as outlined within policy 26 of the HDPF, and is therefore considered to result in unsustainable and inappropriate development within the countryside, contrary to policies 1, 2, 3, 4 and 26 of the HDPF.

7. RECOMMENDATIONS

The application be refused on the following grounds:

- 1 The proposed development is located in the 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 Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location. Consequently, it represents unsustainable development contrary to policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).