



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 09 January 2018

**DEVELOPMENT:** Erection of 2x detached single storey (with mezzanine floor) four bedroom dwellings following approval of previous application DC/17/1205 (Prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Use Class C3) and associated operational development. Revised application further to DC/17/0373).

**SITE:** Hermongers Farm Hermongers Rudgwick Horsham West Sussex RH12 3AL

**WARD:** Rudgwick

**APPLICATION:** DC/17/2354

**APPLICANT:** **Name:** Edmund O'Reilly Hyland **Address:** c/o agent

**REASON FOR INCLUSION ON THE AGENDA:** The recommendation represents a departure to the development plan.

**RECOMMENDATION:** To permit subject to conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks full planning permission for the demolition of the existing agricultural building and erection of 2no detached single storey dwellings, each with a mezzanine floor, incorporating associated curtilage land and parking areas. The existing building is a large agricultural building and is constructed with concrete walls, concrete pillars and a concrete floor, with corrugated roof sheeting. The building is currently in a bad state of repair with the south-eastern side completely open following the demolition of a section of the building.
- 1.2 Conversion of the agricultural building was granted under Prior Approval application ref: DC/17/1205. This conversion did not require planning permission being permitted under Class Q of the General Permitted Development Order 2015 (GPDO). This prior approval established that the existing agricultural building can be converted into a pair of semi-detached dwellings. This current planning application seeks the erection of 2no detached dwellings as an alternative to the permitted development conversion of the existing agricultural building.
- 1.3 The proposed dwellings would be identical in design utilising an 'L' shaped configuration and would be positioned to the north-western and central parts of the application site respectively. The proposed dwellings would have an overall width of approximately 19m

and a depth of approximately 15m and would measure approximately 5.2m in height. The overall floor area created for each house would measure approximately 201sqm which would be a reduction when compared to the permitted agricultural building conversion. The proposed dwellings would have traditional design in terms of materials, incorporating a brick base and black painted timber cladding making up the external walls, a clay tiled roof and timber framed fenestration.

## DESCRIPTION OF THE SITE

- 1.4 The application site relates to a 2 bay former agricultural building and an area of land located at Hermongers Farm, Hermongers Lane, Rudgwick. The application site is not located within any defined built up areas and is therefore considered to be situated within the countryside. The application site is located approximately 1.1km away from the closest built up area of Rudgwick. The application site is accessed by a narrow lane that leads to Hermongers Lane 312m to the north. The existing building on site is located amongst a cluster of dwellings, 2 of which (at Orchard Barns) have been permitted as barn conversions under a Class Q notification of the GPDO. These converted dwellings along with other development to the east and west of the site are associated with the wider Hermongers Farm holding. The agricultural building within the application is also subject to a Class Q conversion approval, under planning reference, DC/17/1205, allowing for the creation of 2no dwellings on site.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### 2.2 **National Planning Policy Framework**

#### 2.3 **Horsham District Planning Framework (HDPF 2015)**

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 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

#### 2.4 Supplementary Planning Guidance: Rudgwick Parish Design Statement

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Status – Rudgwick Parish has been designated as a Neighbourhood Development Area as of June 2016.

## 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0373	Prior approval of proposed change of use of agricultural building to 2 dwellinghouses (Use Class C3) and associated operational development	Prior Approval Required and REFUSED on 12.04.2017
DC/17/1205	Prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Use Class C3) and associated operational development. Revised application further to DC/17/0373	Prior Approval Required and PERMITTED on 17.07.2017

## 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

- 3.2 None.

### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection, condition advised for cycle parking
- 3.4 **Southern Water:** No Objection, advised to contact Environment Agency and explore means of foul sewage disposal

### PUBLIC CONSULTATIONS

- 3.5 **Parish Council Consultation:** No Objection.
- 3.6 **Rudgwick Preservation Society:** No Objection

## 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 main issues are the principle of the development in the location and the effect of the development on;
- The principal of development in this location
  - The character of the dwelling and the visual amenities of the countryside
  - The amenities of the occupiers of adjoining properties
  - The quality of the resulting residential environment for future occupiers

- The highways impacts of the proposal

### **Principle**

- 6.2 The application site is within a rural setting within a countryside location. Policy 3 of the HDPF states that will be permitted within towns and villages which have a defined built up area boundary (BUAB) where any development will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy. The application site is located outside of the nearest defined built up area boundary of Rudgwick and is therefore contrary to the strategic approach to housing set out in Policy 3.
- 6.3 Policy 26 of the HDPF relates to Countryside Protection and states that development outside of built up area boundaries must be essential to its countryside location and in addition must either; support the needs of agriculture or forestry, enable the extraction of minerals or disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. There is no justification in this context to suggest that the development would be essential to the countryside location, and it is therefore considered contrary to Policy 26 of the HDPF.
- 6.4 Notwithstanding the above, the conversion of the existing agricultural building to 2no residential properties has Prior Approval under Class Q of the GPDO, planning reference number DC/17/1205 and is permitted development. Class Q also permits building operations reasonably necessary to convert the building to a C3 residential use, including new walls, roofs and windows.
- 6.5 The prior approval application for change of use under Class Q of the GPDO allows the exiting agricultural building to be converted into 2no dwellings, with a total floor area of approximately 446sqm. This is a material consideration in the determination of this current planning application. The presence of a prior approval for 2 residential dwellings, which could still be implemented, represents a viable and realistic fallback position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of residential units on the site.
- 6.6 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 3 and 26 of the HDPF would not be warranted.

### **Character and appearance**

- 6.7 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.8 The proposal would involve the creation of 2no 'L' shaped dwellings within the existing site area of the agricultural building. A large area of hardcore ground material would be removed to facilitate the proposed dwellings as well as their proposed amenity space. The dwellings would be made up of black coloured timber cladding with a brick base making up the external walls, clay tiles and timber framed windows and doors, including large areas of glazing and rooflights allowing light into the proposed single storey dwellings. The principal elevation of plot 1, located towards the north-eastern corner of the site, would face south and the principal elevation of plot 2, located centrally within the site, would face west.
- 6.9 The proposed design and materials to be used for the dwellings are considered to be appropriate for this setting and would assist in softening their appearance within the countryside context. The removal of the hardcore area surrounding the existing building and provision of residential curtilage would serve to soften the appearance of the site, in terms of the context with the open green fields located to the north-west and north-east.

- 6.10 The application seeks to utilise the existing access, currently solely serving the existing agricultural building and access to the adjacent fields, located to the south-west. Plot 2, which is positioned centrally within the site as detailed above, would be set away from the main entrance by an additional 8m when compared to the existing agricultural building to be demolished. As such, plot 2 would be located approximately 26m away from the entrance to the site and the access lane. It is considered that the setting of the dwellings would have a reduced impact on the access lane and wider area compared to the existing building given the distance preserved. It is noted that the majority of the buildings in this vicinity are located in close proximity to the access lane. Whilst the proposed dwellings would be visible from this vantage point, given that the access lane is a private/un-adopted road and taking into account the positioning of adjoining properties, existing boundary treatments and the setting of dwellings within the site, it is considered that the proposal would have a neutral impact on the character of the street-scene and surrounding countryside.
- 6.11 The overall mass and scale of the proposed dwellings would be proportionate to the size of the existing building on site and the curtilage. The proposed dwellings represent an appreciable reduction when compared to the existing agricultural building on site, with the reduction in built form arguably an improvement on the existing arrangement. The design of the proposed dwellings is considered to be an improvement on the converted agricultural building which would result from implementation of the existing prior approval. The current application would therefore give greater control to the eventual development of the site, particularly in respect of detailed design and landscaping matters. This weighs in favour of supporting the current scheme, which as a consequence of the circumstances described above, is considered to accord with Policies 32 and 33 of the HDPF.

#### **Impact on neighbouring amenity**

- 6.12 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of the occupiers of nearby property. The 2no dwellings proposed would be located a greater distance away from the adjoining properties when compared to the existing agricultural building on site which is proposed to be demolished. A minimum of a 22m gap at the closest point would be preserved between plot 2 and the nearest properties at Orchard Barn located to the south-west. As there are no first floor windows proposed to the 2no dwellings, overall, it is not considered that any harm to residential amenity is likely to result from the proposals.

#### **The highways impacts of the proposal**

- 6.13 The proposal is for 2no new dwellings accessed via the existing access on to Hermongers Lane that serves the existing agricultural building. The existing access and parking areas for vehicles serving both properties have been indicated in the proposal. The Local Highway Authority has been consulted and has confirmed that there do not appear to be any existing highway safety issues in regards to the existing access and it is not considered that the additional dwellings would exacerbate any existing concerns. The LHA do not object to the proposal and, in light of the above, the proposed development is therefore deemed to be in accordance with Policies 40 and 41 of the HDPF.

#### **Conclusion**

- 6.14 The site is within a countryside location and has not been allocated for residential development, whilst the proposal does not represent a use essential to this countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of Prior Approval for the conversion of the existing agricultural building on the site to two dwellinghouses. This is considered to form a realistic fallback position carrying significant

weight in the planning balance. The proposed development would provide 2 purpose built dwellinghouses of a reduced footprint and massing than would result from implementation of the prior approval scheme, representing an improved appearance to the site compared to the development that could otherwise come forward on the site under the Prior Approval consent.

- 6.15 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, neighbouring amenity or highway safety. These benefits compared to the fallback position provided by the extant Prior Approval consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended. Conditions are suggested to ensure adequate boundary treatments, detailed use of materials to be provided and a landscaping scheme to confirm all hard and soft landscaping details are appropriate for the surrounding area.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.16 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.17 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	403	446	0
	<b>Total Gain</b>		
	<b>Total Demolition</b>		<b>446</b>

- 6.18 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.19 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is permitted subject to the following conditions-

- 1 A list of the approved plans
- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties along Hermongers Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, B, E, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/2354  
DC/17/1205