



TO: Planning Committee South

BY: Head of Development

DATE: 19th June 2018

DEVELOPMENT: Demolition of existing storage warehouses and erection of 2 dwellings using existing access

SITE: Blackgate Lane Nursery Blackgate Lane Pulborough West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/18/0686

APPLICANT: **Name:** Peter Ireland **Address:** Blackgate Lane Nursery Blackgate Lane Pulborough West Sussex RH20 1DG

REASON FOR INCLUSION ON THE AGENDA: The recommendation of the Head of Development would represent a departure from the development plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Building 1 is currently a flat-roofed structure set close to the application site's northern corner and accessed from the southern corner of the plot, alongside No.1 St Richards Cottages. The existing building is clad in black painted timber with a low brick plinth and windows and doors in the south-west, south-east and north-western elevations. The foot-print is some 40sq.m and the building is set some 39m off the site's front boundary.
- 1.2 Building 2 is a black-painted timber-clad building with a pitched roof, located alongside No.1 St Richards Cottages, with existing doors and windows in the south-west, north-east and north-western elevations. The footprint is some 52sq.m and it is set some 32m off the front boundary of the site
- 1.3 Prior Notification under Class P of the General Permitted Development has been granted on the site for the conversion of the two existing storage buildings to residential use (DC/17/0982).
- 1.4 The proposal would seek to demolish both of the existing structures on the land and replace these with two purpose-build single storey residential dwellings, but re-located and re-sited on the land forward of their existing positions. Building 1 would move forwards by some 8m and southwards by about 5m.

- 1.5 Building 2 would move forward from its current position by some 8m, increasing the separation distance from the boundary with 1 St Richards Cottages by an additional 1m.
- 1.5 Building 1 would be a 1-bed dwelling as per the approved Prior Notification and Building 2 would be a 2-bed dwelling. Each new dwelling would be clad in black timber weatherboarding with timber-framed doors and windows. Externally, the new dwellings would be provided with windows and doors and roof-lights as per the submitted plans, with pitched roofs.
- 1.4 Additionally, both new dwellings would share the same existing vehicular access off Blackgate Lane, with parking areas to both dwellings created alongside the front boundary hedge, as well as the provision of dedicated bin stores and new defined curtilages.
- 1.5 The associated Design and Access Statement sets out that the existing buildings are to be demolished as part of the proposal.

DESCRIPTION OF THE SITE

- 1.6 The wider application site formerly comprised a plant nursery, with an associated agricultural workers dwelling, set on the eastern side of Blackgate Lane, just north of Pulborough.
- 1.7 The site lies directly off Blackgate Lane, which in turn is accessed off the A24, between the villages of Pulborough to the south and Billingshurst to the north. The site lies in a countryside location and is surrounded by arable and grazing lands, with some woodlands and equestrian paddocks interspersed. Abutting the southern site boundary is a row of four cottages (St Richards Cottages), and a further dwelling lies on the western side of Blackgate Lane.
- 1.8 Aerial photos clearly show the site's former nursery use diminished between 2001 and 2007, and the grounds fully turned to residential land by 2012 with the exception of what appears to be a small domestic scale veg plot in the northern corner of the gardens. In early 2017, a Lawful Development Certificate was granted on the property, establishing that the agricultural use of the former nursery had ceased, and that the dwelling had been occupied purely in a residential manner for at least 10 years preceding the application (DC/16/2859).
- 1.9 The current application concerns two detached buildings located centrally to the site, and alongside the southern boundary and St. Richards Cottages. A site visit revealed that the two buildings on site are currently used for storage purposes of equipment, tools and paperwork associated with the applicant's landscaping business, and appear to have been used as such for some time.
- 1.10 The Council recently granted a Prior Notification under Class P of the General Permitted Development on the site for the conversion of the two storage buildings to residential use, with Building 1 being converted to form a 1-bed dwelling, and Building 2 converted to form a 2-bed dwelling (DC/17/0982 - June 2017). Access to the proposed new dwellings was to be as per the existing access to the southern part of the site. Prior Notification was approved subject to a contaminated land investigation and remediation condition, details of which have been approved in March 2018 under reference DISC/17/0489.

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

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 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

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 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.3 RELEVANT NEIGHBOURHOOD PLAN

Pulborough is a designated Neighbourhood Plan Area. To date no draft plan has been prepared.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/0100	Erection of 2 new build dwellings, the creation of a new highway access and associated parking following approval of previous application DC/17/0982 (Prior Approval for Change of Use from B8 storage / warehouses use to residential dwellings)	Withdrawn Application on 27.03.2018
DC/18/0101	Erection of 2 new build dwellings, the creation of a new highway access and associated parking following approval of previous application DC/17/0982 (Prior Approval for Change of Use from B8 storage / warehouses use to residential dwellings)	Withdrawn Application on 27.03.2018
DISC/17/0489	Approval of details reserved by condition 1 on DC/17/0982	Application approved on 08.03.2018
DC/17/0982	Prior Approval for Change of Use from B8 storage / warehouses use to residential dwellings	Prior Notification Approved on 26.06.2017

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection

- 3.3 **HDC Strategic:** Comment

It is considered that the proposed development of 2 dwellings outside of the Built-up Area Boundary (BUAB) of Pulborough and within the countryside, would conflict with policies 4 and 26 of the HDPF or accord with the settlement hierarchy approach sought in Policies 3 and 15. However the unique circumstances, taking into account the Prior Approval for the change of use of the two storage buildings to residential, may justify an exception to policy subject to on-site assessment and other consultee comments.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection

- Access will be achieved via the existing point of access as considered acceptable under DC/17/0982.
- The proposal does not result in a material intensification in vehicular activity being associated with the site to that already approved under DC/17/0982.
- Sufficient parking and turning provision has been demonstrated on site to accommodate the anticipated demand.
- The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.
- Conditions would be advised in the event of approval to secure vehicular parking and turning

- 3.5 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

- 3.6 **Pulborough Parish Council:** No Objection

- 3.7 No neighbour representations have been received within the statutory 21-day neighbour consultation period.

- 3.8 In the event of any further public consultations being raised in response to the public notice, then these will be reported to the Committee

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

Principle of Development

- 6.1 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages that have defined built-up areas, with any infilling and redevelopment required to be of an appropriate nature and scale to maintain characteristics and function of the settlement. Policy 4 of the HDPF states that outside built-up area boundaries 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 is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services; the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.2 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. Consistent with this, Policy 26 of the HDPF 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.
- 6.3 Although the buildings lie within a rural area, poorly served by public transport options and public footpaths to local services and community facilities, it is noted that there is a degree of residential accommodation immediately around the application site. Therefore, the site is not considered to be 'isolated' in its context in relation to paragraph 55 of the NPPF.
- 6.4 Since the adoption of the Horsham District Planning Framework in November 2015, the Council is able to demonstrate a full 5-year housing land supply to meet the needs of the District to 2031. The policies within the development plan set out the spatial strategy for sustainable development within the District by establishing a development hierarchy, and setting out policies that allow settlements to grow and expand over the lifetime of the plan.
- 6.5 As stated within Policy 4 of the Horsham District Planning Framework, development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan. The application site is not allocated for development in the Local Plan, nor is the Pulborough Neighbourhood Plan at an advanced stage. Therefore, it is considered that the principle of the proposed development within the countryside is contrary, to the overarching spatial strategy and principles of the National Planning Policy Framework and Local Development Plan.

- 6.6 However, of material reference is the Prior Notification on the site that exists for the conversion of the existing two storage buildings to residential dwellings and the subdivision of the site to form two separate residential curtilages (DC/17/0982).
- 6.7 For clarity, the prior approval application for change of use under Class P of the GPDO allows the existing storage buildings to be converted each into 1no dwelling. The information pertaining to the prior approval application indicated that the existing shape, form and height of the building would remain. Further works to insert new windows and doors would be subject to additional planning consent. The information provided was considered to satisfy the requirements of Class P and the development for the change of use may be lawfully enacted as described above. There is nothing to suggest at this stage that the applicant could not implement this change of use to the existing structures on the site, which would have to be completed within 3 years of the date of consent (ie by 26 June 2020).
- 6.8 This extant consent is a material planning consideration in the context of this current full planning application, notwithstanding the overall policy position within the HDPF which seeks to resist new dwellings in the countryside. The extant permission for the conversion of the two units under Class P represents a viable and likely fall-back position for the applicant and as such it forms a material consideration that weighs heavily in favour of the proposed development.

Design and Appearance

- 6.9 HDPF policy 25 requires development to protect, conserve and enhance the landscape and townscape characters across the District, taking account of settlement characteristics and settlement separation. Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district' and 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'. Policy 33 requires developments to relate sympathetically with the built surroundings.
- 6.10 The overall mass and scale of the proposed dwellings would match to the size of the existing buildings on site and would be appropriately set within the site boundary. Whilst the proposed dwellings would be detached, repositioned and re-orientated marginally from existing buildings, their overall footprint and scale would be the same and they would retain a generous distance of separation from the public highway and neighbouring development, respecting the open and rural character of the site. The current application would give greater control to the eventual development of the site, particularly in respect of detailed design and landscaping matters by way of condition. This weighs in favour of supporting the current scheme, which is considered to accord with Policies 25, 32 and 33 of the HDPF.
- 6.11 The resulting size of the curtilages to each new dwelling would be larger than the plots to the terraced dwellings at St Richards Cottages to the south, with both new dwellings having a curtilage of around 1000sq.m each. However, both Blackgate House and Firstones have larger 'residential' curtilages which helps to contribute to the spaciousness of the residential development in the immediate vicinity of the site. The prior approval granted only extends to the curtilage of the buildings and did not include any garden area, therefore some concern is raised to the extent of the gardens now proposed and any potential impact these could have on the character and appearance of the area, resulting in more harm when compared to the prior approval. However to allow smaller gardens could potentially result in small pockets of land which may not serve any useful purpose.
- 6.12 Furthermore, future development within these curtilages could be controlled, to an extent, by way of permitted development (PD) rights, which currently restrict development forward of the front building lines. To ensure that any subsequent development within these plots remains suitable to the rural location of the site, it is considered that a planning condition

would be appropriate to remove PD rights for extensions, roof alterations and all other structures within the curtilage.

- 6.13 In summary, the proposal is of a scale, massing and appearance which relates sympathetically to the built surroundings, open space and prevailing landscape pattern when compared to the existing buildings on the site and their permitted conversion to residential use. As such, it would not unduly erode the rural character of the area and the appearance of the countryside, and would maintain the overall character and appearance of the countryside, in accordance with local policies 25, 32 and 33.

Amenity Impacts

- 6.14 Policy 33 of the HDPF (2015) states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.15 The design and placement of windows and doors takes account of the proximity to adjoining residential boundaries, particularly in the southern neighbour at No.1 St Richards Cottages, with no facing windows onto the common boundary. Similarly, the placement of the proposed parking area is directly adjacent to the flank wall of the house, and so would not adversely impinge on the amenities of the occupants at No.1 and their enjoyment of the rear private garden.

Highways Impacts

- 6.16 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. Chapter 4 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.17 The Local Highways Authority has assessed the proposal as not having an adverse material increase in vehicular activity at the site compared to the extant permission, with all access to be via the existing site access point. For this reason no objection is raised to the proposed development, which is considered to accord with policies 40 and 41

Conclusions

- 6.18 The proposed development would be located outside of a built up area boundary and on a site not allocated for development within the HDPF 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 development is not considered essential to this countryside location. The proposal therefore fails to comply with policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015).
- 6.19 Although contrary to the above policies, there is an existing extant permission for the conversion of the storage buildings to be demolished into residential dwellings under Class P of Schedule 2, Part 3 of the General Permitted Development Order 2015. This current proposal seeks the demolition of the existing timber storage buildings and the erection of two new-build dwellings of a largely identical scale and form as an alternative to this extant permission, albeit relocated within the plot. The extant permission for the conversion of the existing buildings to form two new dwellings on the site represents a viable fall-back position for the applicant and a material consideration that weighs heavily in favour of development.
- 6.20 The proposed development is considered to be of an appropriate scale, design and separation which would not have a detrimental impact upon neighbouring amenity or the prevailing countryside character of the area. Therefore, having regard the fall-back position

afforded by the extant permission, this current application to reposition the permitted dwellings, along with associated curtilage creations and associated parking areas within the site is considered to be acceptable as a departure from local and national planning policy.

6.21 COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

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	83.43	83.43	0
	Total Gain		83.43
	Total Demolition		

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

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 Approve the application subject to the following conditions:

1 **Approved Plans Condition**

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 vehicle wheel-cleaning facilities have been installed at the site entrance and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: As this matter is fundamental in the interests of road safety and in accordance with Policy 40 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 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).

- 5 **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, including new driveways, external lighting, bin stores, cycle stores and boundary fences, shall have been 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).

- 6 **Pre-Occupation Condition:** No development shall be occupied prior to the contamination remediation measures set out and approved under DISC/17/0489 have been carried out.

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).

- 7 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any dwelling hereby permitted, the parking turning and access facilities for that dwelling shall have been implemented in accordance with the approved details as shown on plan 001 received on 29 March 2018 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development 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 until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 001 and the details as approved under Condition 5. The cycle parking facilities shall thereafter be retained as such for their designated use.

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).

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling or use in accordance with drawing number 001 and the details as approved under Condition 5. 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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 11 **Post Occupation Condition:** Upon the first occupation of the dwellings hereby permitted the existing buildings 1 & 2 indicated on plan 001 shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter both buildings shall have been demolished (including the removal of foundations), all materials arising from such demolition removed from the site, and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority under condition 5.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plans and submitted Design and Access Statement.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **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, C & E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) 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 the rural location of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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