



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 07 August 2018

DEVELOPMENT: Proposed siting of a container as temporary residential accommodation for a 36 month period

SITE: Windacres Farm Church Street Rudgwick West Sussex

WARD: Rudgwick

APPLICATION: DC/17/2605

APPLICANT: **Name:** Mr John Bailey **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: The application represents a Departure from the Development Plan. The applicant is a Councillor of Horsham District Council.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in retrospect, and is for the erection of a temporary unit of residential accommodation for a 36 month period on land to the east of the Rudgwick Metals redevelopment site (DC/16/2917). The proposed unit of accommodation would measure 8m x 3m, and 2.5m in height with a flat roof. The unit has the appearance of a shipping container, and is finished with an olive green colour to match the adjacent agricultural building.
- 1.2 The unit has an access door and window on the front elevation and a small window on the rear elevation serving the internal bathroom. The unit is self-contained and consists of a studio-style living arrangement with a bed and kitchen/cooking facilities in the main section, and a separate bathroom/WC with shower. It has an electricity supply and is heated by convection and fan heaters, and a storage water heater. Concrete paving slabs have been laid outside the front elevation of the unit.

DESCRIPTION OF THE SITE

- 1.3 Windacres Farm comprises a total of 33ha of land, and is located to the north east of Rudgwick village. The application site is located approximately 400m to the east of Church Street and the Rudgwick Conservation Area. The land between the site and Church Street comprises open fields, beyond which are the commercial premises of Rudgwick Metals (a

metal cutting and storage business) located approximately 170m to the west of the application site, as well as several residential dwellings set in large plots along Church Lane and Highcroft Drive. The site is accessed from Church Street via an existing access to the south of Windacres Lodge and Windacres Barn.

- 1.4 The application site is located 100m to the east of the defined Built-Up Area Boundary of Rudgwick and therefore, is located in the countryside. The site is located to the northern end of an open field which is sited south of an existing vehicular access track linking the Rudgwick Metals site to Godleys lane to the east. The site is located within a quiet area of undulating open field which slopes gently in a southerly direction towards Godleys (a residential property approximately 400m to the south of the application site). The field boundary to the west of the site contains a line of semi-mature oak trees and hedging which partially screens the proposed residential unit from views to/from the West. The surrounding vegetation on the North, East and South does not afford much screening, leaving the unit quite visible, to varying degrees, from the surrounding PROWs and dwellings. There is no evidence of livestock on the holding.
- 1.5 The residential unit of accommodation subject to this planning application is already erected on site, and largely reflects the plans accompanying the application submission. At the time of the latest site visit Officers were unable to view inside the unit, but it appeared from the outside and anecdotal evidence that it was being occupied as a dwelling.
- 1.6 Concrete slabs have been laid to the front of the unit (beneath the front door), and asphalt has been laid in the area immediately fronting this, leading to the existing access track. The hard standing has not been proposed as part of this planning application. A large oil tank was also present on site, but at the time of the site visit appeared to be unconnected. To the immediate east of the unit is a large agricultural storage building with surrounding concrete hardstanding, which has been recently completed.
- 1.7 Construction is in the early stages of pre-commencement works on the Rudgwick Metals site to the west, which has the benefit of planning permission for 55no. residential units and B1 commercial units (DC/16/2917). This redevelopment includes the demolition of Windacres Lodge and Windacres Barn in order to construct a new vehicular access from Church Street to the wider site, as well as to properties adjacent including; Windacres House, Windacres Cottage and Windacres Bungalow.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2012)

Horsham District Planning Framework (HDPF, 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 20 - Rural Workers Accommodation

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 37 - Sustainable Construction
Policy 41 - Parking

Community Infrastructure Levy (CIL) Charging Schedule

April 2017 (Adopted 1st October 2017).

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 Rudgwick Parish Council is designated as a Neighbourhood Development Plan area (June 2016). The Parish Council are at the early stages of preparing a plan (pre-Reg 14 evidence gathering stage). The Parish Council are assessing sites but a draft plan has not yet been prepared. Very limited weight can therefore be given to the NDP status in Rudgwick.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.4 The below applications are the most recent and relevant application relating to this site:

DC/17/2410	Retrospective application for the erection of an agricultural storage building	Withdrawn
DC/16/2917	Demolition of 2 x existing dwellings, industrial and agricultural outbuildings and erection of 55 dwellings, 3 x offices (B1 Use Class) and industrial building extension (B2 Use Class) with associated access, drainage and landscape works	Application Permitted on 05.04.2017
DC/12/1339	Demolition of existing building and erection of replacement agricultural building	PriorApproval Permitted With Conditions on 19.09.2012
DC/09/1623	Redevelopment of site with mixed use scheme including demolition of existing 2 dwellings, derelict farm buildings and workshops and erection of 36 dwellings, parking barns, 3 x B1 office units and 3 x B1 shed units, a community facility (meeting rooms, coffee shop) and extension to existing industrial unit	Application Permitted on 08.08.2013
DC/09/1231	Relocation of Agricultural Building and demolition of existing building - Prior Notification	PriorApproval Permitted With Conditions on 22.09.2009

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 Landscape Architect:** Objection
(Summarised Comments) *'This building represents an inappropriate development in the countryside and negatively effects and alters the agricultural landscape character of the site and can therefore cannot be supported on landscape grounds'.*

'This building is not intended for agricultural use and will therefore alter the landscape character by its introduction. It will contribute to the cumulative change of the area in tandem with the barn erected beside it and the housing development to the West. Although the visual impact may be low the principle of introducing a dwelling, however temporary, to this site is one which cannot be supported on Landscape character grounds'.

3.3 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

3.4 **Southern Water:** No Objection

(Summarised Comments) *'The applicant is advised to contact the Environment Agency directly regarding the use of a sewerage treatment plan which disposes of effluent to sub-soil irrigation. The applicant is also advised to contact Southern Water for a formal application for connection to a public sewer. In addition, the Council's Building Control department should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development'.*

3.5 **WSCC Highways:** No Objection

(Summarised Comments) *'There is no evidence to suggest that the [existing] junction is operating unsafely, or that the proposed temporary dwelling would exacerbate an existing safety concern. Whilst a formal parking layout has not been provided both the plans and WSCC mapping show that there is sufficient space within the site for vehicle parking and turning. The LHA do not anticipate a material increase in vehicle movements to and from the site during peak hours for this 36 Month duration'.*

PARISH COUNCIL

3.6 **Rudgwick Parish Council:** Objection

Objection on the basis of:

- *no justifiable agricultural need for someone to live there*
- *development on agricultural land in the country side*
- *36 months being an excessively long period for temporary housing.*

PUBLIC CONSULTATIONS

3.7 5 letters/emails have been received, all objecting to the planning application. The main (summarised) reasons for objection include:

- No agricultural need to justify a residential presence
- 36 months is an excessive amount of time
- The unit should be sited within the built-up area boundary
- The proposed location will establish a residential footprint on a green field site
- If approved a permanent application will follow, leading to further development
- The unit is already being occupied therefore is unlawful
- No agricultural activities have taken place on site for many years

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
- Character and landscape impact

The Principle of the Development

- 6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that there is an overarching presumption in favour of sustainable development, and paragraphs 2 and 12 state that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF states that proposed development that conflicts with an up-to-date Local Plan should be refused unless there are other relevant material considerations that would indicate that the development would otherwise be acceptable. The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015 and forms the up-to-date development plan for the District. Rudgwick Parish Council was designated as a Neighbourhood Plan Area in 2016, but there is no 'made' Neighbourhood Development Plan (NDP) for this area at present.
- 6.3 The application site is not within a defined Built up Area Boundary (BUAB) and is therefore considered to form part of the District's countryside. HDPF Policy 26 (Countryside Protection) is therefore of key importance when determining this application. This policy makes provision for development in the countryside where certain criteria are complied with. Policy 26 aims to protect the countryside from inappropriate development and states that development in these locations would only be considered acceptable if it is essential to the countryside location and meets one of four criteria, including meeting the needs of agriculture or forestry or enabling the sustainable development of rural areas. In addition to this, in order to be acceptable under Policy 26, any proposal in the countryside must be of a scale appropriate to its countryside character and location.
- 6.4 The planning statement submitted with the application states that the proposed residential unit is required to provide the applicant with temporary accommodation to live in whilst his current house (Windacres Lodge) is being demolished to make way for the new access road and footpath as part of the permitted 55-unit redevelopment at Windacres Farm. The intention is that the applicant will occupy one of the new houses when complete. No evidence has been submitted with the application to explain why the applicant needs to live on site, or that there is no other realistic option to meet his temporary accommodation needs (i.e. existing rental accommodation).
- 6.5 With regard to the four criteria of policy 26, it is not proposed by the applicant that the temporary residential unit is required for any agricultural purposes (i.e. the requirement to tend to animals etc), to enable the extraction of minerals, for quiet recreation use, nor to enable the sustainable development of the rural area. As a result, the unit does not meet any of the four criteria required by policy 26 of the HDPF, therefore by virtue of its countryside location, is not considered to be acceptable in principle.

Character and Landscape Impact

- 6.6 Policies 25, 32 and 33 of the HDPF seek to maintain a high level of quality and design of new development by ensuring proposals complement locally distinctive characters, and relate sympathetically with the built surroundings, open space and landscapes adjoining the site. In addition, policy 33 requires that high standards of building materials, finishes and landscaping are proposed to achieve attractive developments particularly in sensitive locations.
- 6.7 Whilst it is appreciated that the proposed unit would be temporary in nature, it is proposed to be in-situ for a period of 36 months which is thought to be a relatively long period of time for a build-out of 55 units. The applicant has not supplied information about the developer's proposed build-out programme, or when a house would be ready for permanent occupation nor justified why the unit is required for 36 months. With this in mind, and in conjunction with its countryside location outside the built-up area boundary, it is considered that the unit would have a relatively long-lasting visual impact that should be assessed for its suitability.
- 6.8 It is appreciated that the proposed temporary accommodation is sufficient for the applicant's requirements, but the external appearance of the proposed unit is very industrial in appearance and does not in any way compliment the character of the Sussex countryside it is located within. The Council's Landscape Architect was consulted and has objected to the development, noting that the building represents an inappropriate development in the countryside and negatively effects and alters the agricultural landscape character of the site. It is considered that although the visual impact may be low, the principle of introducing a dwelling, however temporary, to this countryside location is one which cannot be supported on landscape character grounds.

Conclusion

- 6.9 It is considered that a temporary unit of accommodation of this type would be acceptable in principle if it was located within the built-up area boundary, and if the period of use was reduced to the absolute minimum in order to justify its presence. However, as presented, the proposed unit is not considered to be reasonably required as it fails to meet any of the criteria specified in policy 26 of the HDPF, and the applicant has failed to explain why suitable temporary accommodation is not available elsewhere. In addition, the period of time proposed (36 months) has not been justified or explained, and the impact on landscape character, whilst relatively small, is considered unacceptable and contrary to the requirements of policies 25, 26 and 33 of the HDPF.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is refused for the following reasons:
1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the temporary residential dwelling is essential to this countryside location, or reasonably required for the period of time proposed. The proposal therefore fails to represent the sustainable development of the countryside contrary to Policy 26 of the Horsham District Planning Framework.
 2. The temporary residential dwelling has introduced an inappropriate, incongruous and obtrusive built form into a sensitive countryside location which fails to relate sympathetically to the character and visual amenity of the surrounding landscape, contrary to Policies 25 and 33 of the Horsham District Planning Framework.