



**Horsham
District
Council**

servicing our towns and villages

Park North, North Street, Horsham, West Sussex, RH12 1RL

Tel: (01403) 215100 (calls may be recorded)

Fax: (01403) 262985 DX 57609 HORSHAM 6

www.horsham.gov.uk

Chief Executive - **Tom Crowley**

Personal callers and deliveries: please come to Park North

E-Mail: CommitteeServices@horsham.gov.uk

Direct Line: 01403 215465

Development Control (South) Committee

TUESDAY 21ST FEBRUARY 2012 AT 2.00 P.M.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors: David Jenkins (Chairman)
Sheila Matthews (Vice-Chairman)
Roger Arthur
Adam Breacher
Jonathan Chowen
Philip Circus
George Cockman
David Coldwell
Ray Dawe
Brian Donnelly
Andrew Dunlop
Jim Goddard
Ian Howard
Liz Kitchen
Gordon Lindsay
Chris Mason
Brian O'Connell
Roger Paterson
Sue Rogers
Kate Rowbottom
Jim Sanson

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 17th January 2012 (attached)
3. To receive any declarations of interest from Members of the Committee – *any clarification on whether a Member has an interest should be sought before attending the meeting.*
4. To receive any announcements from the Chairman of the Committee or the Chief Executive
5. To consider the following reports and to take such action thereon as may be necessary

Chief Executive
Interests of Officers
Head of Planning & Environmental Services
Appeals
Decisions on Lawful Development Certificates



INVESTOR IN PEOPLE

Applications for determination by Committee - Appendix A

Item No.	Ward	Reference Number	Site
A01	<i>Pulborough and Coldwaltham</i>	DC/11/0952	Land North of Highfield Stane Street Codmore Hill
A02	<i>Chanctonbury</i>	DC/11/2486	Woodmans Farm London Road Ashington
A03	<i>Chantry</i>	DC/11/2633	The Oaks Hampers Lane Storrington Pulborough
A04	<i>Chanctonbury</i>	DC/11/2418	Plot 4 Bramblefield Crays Lane Thakeham
A05	<i>Henfield</i>	DC/11/1151	The Gardeners Nep Town Road Henfield
A06	<i>Steyning</i>	DC/11/2673	88 High Street Steyning
A07	<i>Cowfold, Shermanbury and West Grinstead</i>	DC/11/2378	Sake Ride Farm Wineham Lane Wineham Henfield

- 6.** Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

DEVELOPMENT CONTROL (SOUTH) COMMITTEE
17th JANUARY 2012

Present: Councillors: David Jenkins (Chairman), Roger Arthur, Adam Breacher, Jonathan Chowen, Philip Circus, David Coldwell, Ray Dawe, Brian Donnelly, Andrew Dunlop, Jim Goddard, Liz Kitchen, Chris Mason, Brian O'Connell, Roger Paterson, Sue Rogers, Kate Rowbottom, Jim Sanson

Apologies: Councillors: Sheila Matthews (Vice-Chairman), George Cockman, Ian Howard, Gordon Lindsay

DCS/135 **MINUTES**

The minutes of the meeting of the Committee held on 20th December 2011 were approved as a correct record and signed by the Chairman.

DCS/136 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor David Coldwell	DC/11/2323	Personal – he knew one of the supporters.

DCS/137 **ANNOUNCEMENTS**

There were no announcements.

DCS/138 **APPEALS**

Appeals Lodged
Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>
DC/11/0567	Hatches House, East Street, West Chiltington.	Mr Ian Walter
DC/11/1630	Land West of Downsview, New Hall Lane, Small Dole.	Mr K Vangelov
DC/11/1210	Bellows, Bramlands Lane, Woodmancote, Henfield	Mrs Karen Robbins
EN/11/0331	The Holt, Merrywood Lane, Thakeham.	Mr J Gamble
EN/11/0244	Sopers Farm, Peppers Lane, Ashurst.	Mr G Harrison

DCS/138 Appeals (cont.)
Public Inquiry

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>
EN/11/0177	Sussex Topiary, Naldretts Lane, Rudgwick. Enforcement Notice 1 - without planning permission, the use of the building constituting a mobile home with cladding for residential purposes. Enforcement Notice 2 - without planning permission, the construction of a building consisting of a mobile home with cladding.	Mr D Hatch

Appeal Decisions

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>	<u>Decision</u>
DC/11/0149	Ty Gwyn, Nightingale Lane, Storrington	Mr and Mrs White	Dismissed
DC/11/0834	2 Bohemia Cottages, Georges Lane, Storrington	Mr and Mrs D Crouch	Dismissed
DC/11/1296	21 Penn Gardens, Ashington	Mr Brian Haulkham	Allowed
DC/11/1123	Woodcrest, Crossways Park, West Chiltington	Mr and Mrs N Coughtrey	Allowed
DC/11/1328	Old Oaks, Spinney Lane, West Chiltington	Mr Dudley Broster	Allowed

DCS/139 **PLANNING APPLICATION: DC/11/1992 - ERECTION OF STABLE BLOCK AND HAY BARN TO REPLACE EXISTING PLANNING FOR FOUR STABLES, TACK AND FEED ROOM GRANTED UNDER DC/10/0220. RETROSPECTIVE PERMISSION FOR RELOCATION AND ENLARGEMENT OF SAND SCHOOL PERMITTED UNDER DC/10/0220 FROM 20 X 40M TO 25 X 60M AND RETROSPECTIVE PERMISSION FOR A ROLLED STONE TRACK AND HARD STANDING AREA**
SITE: LAND EAST OF JACKETS HILL, STORRINGTON ROAD, THAKEHAM
APPLICANT: MR ANGUS GORDON (ASAP INVESTMENTS)

The Head of Planning & Environmental Services reported that this application sought planning permission for the erection of a stable block and hay barn to

DCS/139 Planning Application: DC/11/1992 (cont.)

replace existing permission for four stables, tack and feed room granted under DC/10/0220 but not implemented; retrospective permission for the relocation and enlargement of sand school permitted under DC/10/0220 from 20 x 40m to 25 x 60m and retrospective permission for a new rolled stone track and hard standing area.

The proposed barn would be in two main parts. The larger barn element would measure 24 metres by 6.5 metres with a ridge height of 7.4 metres. The secondary element would measure 24 metres by 10 metres with a ridge height of 4.88 metres. The overall floor area of the building would measure 396 square metres. Amended plans had been received altering the internal layout of the barns, providing four internal stables, a tack room, a feed room and the rest of the floor area would be used solely for agricultural purposes. Although the amended plans reduced the number of stables proposed, the overall size of the barns would remain the same.

The site was located in a countryside location, to the north of Storrington and to the south of Thakeham.

Government Policies PPS1 and PPS7; Local Development Framework Core Strategy Policies CP1 and CP15 and Local Development Framework General Development Control Policies DC1, DC2, DC9 and DC29 were relevant to the determination of this application.

Relevant planning history included:

DC/09/1247	Private stables and exercise school facilities for 4 horses.	Withdrawn
DC/10/0220	Private stables and exercise school facilities for 4 horses.	Granted
DC/11/1392	Prior notification for the erection of an agricultural farm building.	Prior approval not required
DC/11/1862	Temporary siting of a caravan for use during construction works and for overnight site security.	Refused
DC/11/1971	Prior notification for the erection of an agricultural farm building.	Withdrawn

The comments of Horsham & District Access Forum, the Arboricultural Officer, Natural England, Southern Water, the West Sussex County Council Ecologist and the Highways Authority were noted. The Parish Council objected to the application and it was noted that a subsequent letter of no objection had been sent in error. The Public Health & Licensing and Strategic & Community Planning Departments raised no objections to the application and their comments were noted. The Landscape Architect objected to the proposal and his comments

DCS/139 Planning Application: DC/11/1992 (cont.)

were noted. The Environment Agency reported that they had no comments to make. Thakeham Village Action objected to the proposal. Ten letters of objection and 19 letters of support had been received. The applicant had also sent a further letter of support. A representative of Thakeham Village Action and a member of the public spoke in objection to the application and a statement was read out on behalf of an objector. The applicant and a member of the public spoke in support of the application.

The main issues in the determination of this application were considered to be the effect of the development on the visual amenities and character of the rural area and whether the development materially affected neighbouring occupiers.

The applicant had originally sought to relocate Pulborough Equestrian Centre to the application site where he would offer liveries (grass, part and full livery), lessons, horse sales and professional facilities for hire. However, the applicant had submitted amended plans and details which removed the horse walker from the application and amended the internal layout of the barns. The applicant had stated that the site and buildings would be used for private use and not in connection with the commercial equestrian use he had run from Pulborough Equestrian Centre. Therefore, the letters of support from customers carried little weight in the determination of the application.

Numerous site visits had taken place over the last couple of months and it appeared that no agriculture was being undertaken on the unit. Based on the storage requirements for hay taken from 18 acres of land, it was clear that the barn would be over and above that required for hay storage on the unit. The barns would have a cubic content of 1054.8 cubic metres which was substantially greater than the 357 cubic metres required for the stated land area. At a site visit on 4th January 2012 it was observed that the access track and hardstanding had been laid; the sandschool had been built; a log cabin was situated on site and the applicant was currently residing within it; and eight stables had been erected, all without the benefit of planning permission. At the time of the visit there were 15 horses on site, nine of which were in a field to the west of the application site which the applicant was renting.

The proposed development would introduce a large permanent building and an access track and hardstanding, which were already in situ, into what was an otherwise undeveloped stretch of rural land. Local Development Framework policies sought to protect the countryside and its landscape character from development inappropriate in form and scale. The proposal would also amount to additional sporadic development in this location and its scale would result in a significant increase in the level of activity at the site.

Members therefore considered that the size, design and siting of the barn, access track and hard standing would represent an unacceptable form and scale of development that would have a detrimental impact on the rural character and

DCS/139 Planning Application: DC/11/1992 (cont.)

visual amenities of this countryside location. Also, the proposal would constitute an undesirable element of sporadic development in the rural area

RESOLVED

- (i) That application DC/11/1992 be refused for the following reason:
 - 01 The proposed barns and the retention of the sandschool, access track and hard standing by reason of their size, siting and design would represent an unacceptable form and scale of development that would have a detrimental impact on the rural character and visual amenities of this countryside location. Furthermore the proposal would constitute an undesirable element of sporadic development in the rural area. The proposal thus conflicts with policies DC1, DC2, DC9 and DC29 of the Horsham District Council Local Development Framework: General Development Control Policies (2007), and policies CP1 and CP15 of the Horsham District Local Development Framework Core Strategy (2007).
- (ii) That, subject to the expediency of taking such action, enforcement action be taken to secure the removal of the unauthorised development.

DCS/140 **PLANNING APPLICATIONS: DC/11/2110 (PLANNING) & DC/11/2112 (LISTED BUILDING CONSENT) - RENOVATION OF REDUNDANT FARM BUILDING AND CHANGE OF USE TO RESIDENTIAL ACCOMMODATION (SOUTH DOWNS NATIONAL PARK)**
SITE: BEEDING COURT, SHOREHAM ROAD, UPPER BEEDING
APPLICANT: MR & MRS JON & LOUISE BUNNING

The Head of Planning & Environmental Services reported that this application sought planning permission and listed building consent for the renovation of a redundant farm building and change of use to residential accommodation.

The building was an old piggery located within the grounds of Beeding Court, a Grade II Listed farmhouse. It was proposed to convert the building into a 2-bed residential unit with lounge, kitchen, bathroom and en-suite.

The site was located in the countryside, within the South Downs National Park, and 215 metres from the built up area boundary of Upper Beeding. The

DCS/140 Planning Applications: DC/11/2110 & DC/11/2112 (cont.)

application site measured approximately 11 metres by 55 metres and the piggery building measured 21.2 metres by 4.1 metres, with a ridge height of 3.5 metres. Access to the site would be achieved via the existing access to Beeding Court and The Old Granary.

Government Policies PPS1 and PPS3; Local Development Framework Core Strategy Policies CP1 and CP15; Local Development Framework General Development Control Policies DC1, DC2, DC4, DC9, DC13, DC24 and DC40; and the South Downs Management Plan 2008-2013 and South Downs Planning Guidelines 2008 were relevant to the determination of this application.

Relevant planning history included:

DC/11/1282	The renovation of the redundant farm building and change of use to residential accommodation.	Withdrawn
DC/11/1037	The renovation of the redundant farm building and change of use to residential accommodation.	Withdrawn

The comments of Building Control, the Design & Conservation Officer, the Aboricultural Officer and Southern Water were noted. The Head of Public Health & Licensing and the West Sussex County Council Ecologist raised no objections to the proposal, subject to conditions. West Sussex Highway Authority and Natural England raised no objection and their comments were noted. The Parish Council also raised no objection. The applicant had provided additional information regarding drainage works. Three letters of objection and one letter of support had been received. The applicant and a member of the public spoke in support and two members of the public spoke in objection to the proposal.

The main issues in the determination of this application were considered to be the principle of the development, the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area.

The current application had addressed all of the issues previously raised following the withdrawal of a previous application (DC/11/1037) in August 2011. The potential for non residential use within the barn had been explored but it was considered that the estimated costs of renovation to enable a storage use would not be justifiable. In addition, it was noted that the next door premises comprised a complex of barn conversions which offered commercial office space and these had been empty for two years. It was also considered that a commercial use would be inappropriate given the proximity of the barn to other residential properties.

It was now proposed that vehicular access to the barn would be achieved via the

DCS/140 Planning Applications: DC/11/2110 & DC/11/2112 (cont.)

existing entrance which would retain the majority of the mature trees on site and the southern elevation had been designed to take on board English Heritage Guidance and the Design & Conservation Officer's comments. A full Heritage Statement had also been submitted with the application.

The barn was considered to accord with the requirements of Policy DC24 as it was not in an isolated location, being close to the built-up area of Upper Beeding. The barn was also considered to be of a scale that would be able to provide residential accommodation without extensions and it had been demonstrated that the building was capable of conversion without substantial reconstruction.

Members, therefore, considered that the application was acceptable

RESOLVED

- (i) That a planning agreement be entered into to secure community facilities and transport infrastructure contributions.
- (ii) That, upon completion of the agreement in (i) above, applications DC/11/2110 and DC/11/2112 be determined by the Head of Planning & Environmental Services. The preliminary view of the Committee was that the applications should be granted.

DCS/141 **PLANNING APPLICATION: DC/11/1747 - RETENTION OF A TIMBER STRUCTURED TREE HOUSE**
SITE: 24 MANOR ROAD, UPPER BEEDING, STEYNING
APPLICANT: MISS TERESA SANDERS

The Head of Planning & Environmental Services reported that this application sought retrospective planning permission for the erection of a timber structured tree house within the rear garden of this dwelling. The tree house had been in situ since late June 2011 and the application had been submitted following a complaint and a subsequent planning compliance investigation.

The dwelling was located on the eastern side of Manor Road, within the designated built-up-area of Upper Beeding. The site comprised a semi-detached, 2-storey dwelling with a rear garden approximately 25 metres long. There was an attached neighbouring dwelling located to the north of this dwelling and further neighbouring dwellings were located to the south and east of the site.

Government Policy PPS1; Local Development Framework Core Strategy Policies CP1 and CP3; and Local Development Framework General Development Control Policies DC2 and DC9 were relevant to the determination of this application.

DCS/141 Planning Application: DC/11/1747 (cont.)

There was no relevant planning history.

The Parish Council raised no objection to the application. One letter of objection and one letter of support had been received. The applicant spoke in support of the proposal.

The main issues in the determination of this application were considered to be the siting and form of the development and the effect of the development on the residential amenity of neighbouring residents and the character of the area.

The tree house had been erected within the north-eastern corner of the rear garden of the property, in close proximity to the boundary of the attached neighbouring dwelling to the north. The boundary consisted of a 1.8 metres high close boarded fence and the tree house was situated approximately one metre from the fence. The tree house, which was built on stilts adjacent to an existing tree on the rear boundary of the site, was approximately 3.5 metres high, 1.8 metres wide and 1.3 metres deep.

The rear garden of the attached neighbouring dwelling was visible from inside the tree house, as the doorway and window of the tree house were located above the height of the boundary fence of the neighbouring dwelling. Whilst the tree house was partially obscured by the branches of the adjacent tree, this did not provide adequate screening to the neighbouring garden and it was considered that the presence and position of the tree house was intrusive and gave the perception of overlooking to the occupiers of the neighbouring dwelling. It was therefore considered that the retention of the tree house would have an adverse impact upon the residential amenities of the occupiers of the neighbouring dwelling.

Members, therefore, considered that the application in its current form was unacceptable. However, it was suggested that a site meeting be held with the applicant and the local Members to consider whether a suitable compromise could be reached.

RESOLVED

That application DC/11/1747 be refused for the following reason:

- 01 The tree house by virtue of its height and siting in close proximity to the rear garden and private amenity space of the neighbouring dwelling results in a structure that appears overbearing, gives rise to overlooking and has an adverse affect upon the existing residential amenities of the occupiers of the attached neighbouring dwelling to

DCS/141 Planning Application: DC/11/1747 (cont.)

the north. As such the proposal would conflict with policy DC9 of the Horsham District General Development Control Policies (2007).

DCS/142 **PLANNING APPLICATION: DC/11/2323 - TO ADD A NEW FLOOR TO THE EXISTING BUNGALOW WITH PITCHED ROOF, DORMER WINDOWS TO THE FRONT AND DOUBLE HEIGHT GLAZED SECTION TO THE REAR SITE DENE HOLLOW, NEW HALL LANE, SMALL DOLE, HENFIELD**
APPLICANT: MRS AUDREY PEARSON
(Councillor David Coldwell declared a personal interest in this application as he knew one of the supporters).

The Head of Planning & Environmental Services reported that this application sought planning permission to add a first floor to the existing bungalow, with a cat slide roof and two dormer windows on the front elevation and a full height rear elevation with double height 'hay cart' style access. The proposed change to the property would see the height increased from approximately 4.5 metres to 8.2 metres, although the overall footprint would remain the same.

The application site was a detached bungalow located to the south of New Hall Lane, within the built up area.

Government Policy PPS1; Local Development Framework Core Strategy Policy CP3 and Local Development Framework General Development Control Policy DC9 were relevant to the determination of this application.

Relevant planning history included:

HF/35/88	Planning permission for front and rear single storey extensions, replacement garage, new covered way.	Granted
HF/60/90	Planning permission for single storey extensions.	Granted
HF/93/97	Planning permission for the change of use of land to the keeping of horses and construction of a sand school.	Granted

The Parish Council raised no objection to the application and the applicant spoke in support of the proposal.

The main issues in the determination of this application were considered to be the impact of the proposal in terms of design, neighbour amenity and on the street scene and wider area.

It was noted that the street as a whole was made up of properties of varying

DCS/142 Planning Application: DC/11/2323 (cont.)

sizes and architectural styles and, as such, the design of the current proposal would not be out of keeping with properties within the wider street scene.

The additional windows on the first floor side elevations would be obscure glazed bathroom windows and would be unlikely to result in an unacceptable level of overlooking. Whilst the introduction of a first floor would create some overlooking into the neighbouring gardens from the rear, this would be at an oblique angle. It was also likely that the increased height of the bungalow would create some overshadowing but the orientation of the site was such that this was likely to be limited. Therefore, whilst it was acknowledged that there would be some impact on neighbouring properties in terms of overlooking and overshadowing, it would not be sufficient to justify refusal.

Whilst it was acknowledged that properties of a similar design to that proposed were generally situated within larger plots, Members considered that the current proposal would not result in an unsympathetic addition nor that it would have an adverse impact on the street scene.

RESOLVED

That application DC/11/2323 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, to allow the framing of appropriate conditions. The preliminary view of the Committee was that the application should be granted.

DCS/143 **PLANNING APPLICATION: DC/11/2529 - CONSTRUCTION OF SINGLE MINI TENNIS COURT (RESUBMISSION OF APPLICATION REF DC/11/1770)**
SITE: STORRINGTON LAWN TENNIS CLUB, GREYFRIARS LANE, STORRINGTON, PULBOROUGH
APPLICANT: STORRINGTON LAWN TENNIS CLUB

The Head of Planning & Environmental Services reported that this application sought planning permission for the construction of one mini tennis court to the south of Court 8, close to the southern boundary of the site. The proposed court would measure in total 7.5 metres by 15 metres and would be surrounded by a 2.7 metre high fence. The proposal also included the construction of a 450 millimetres wall between the southern boundary and proposed court and an additional retaining wall of approximately 350 millimetres between Court 8 and the proposed mini court.

The application site was located within the built up area of Storrington, although the southern and western boundaries of the site bordered the countryside. The South Downs National Park was approximately 300 metres to the south and 100 metres to the south east of the site.

DCS/143 Planning Application: DC/11/2529 (cont.)

The southern end of the site consisted of a grassed bank which was approximately 2.5 metres high and marked the boundary from Court 8 to the countryside beyond. The eastern boundary was marked by substantial vegetation and screened the tennis club from the properties beyond. The southern boundary was marked by a one metre mesh fence and the western boundary by a hedge approximately one metre in height.

Local Development Framework Core Strategy Policies CP1, CP2 and CP14 and Local Development Framework General Development Control Policies DC2, DC9 and DC22 were relevant to the determination of this application.

Relevant planning history included:

SR/67/95	Erection of new club house Site: Pavilion Greyfriars Lane Storrington	Granted
SR/41/00	Erection of floodlighting Site: Storrington Lawn Tennis Club Greyfriars Lane Storrington	Granted
DC/08/0949	Installation of floodlighting for courts 6, 7 and 8	Withdrawn
DC/08/1465	Surgery to 5 Lime trees	Granted
DC/08/1892	Installation of floodlights on Courts 6 and 7 to include the erection of 6.5 metre poles and 1000 watt lights	Granted
DC/11/1576	Variation of Condition 2 (The floodlighting hereby approved on Courts 6 and 7 shall only be illuminated from 16:00 to 20:00 Monday to Friday and from 16:00 to 18:00 Saturdays and Sundays) of planning permission DC/08/1892 (Installation of floodlights on Courts 6 and 7 to include the erection of 6.5m poles and 1000w lights) to extend hours to 22:00 weekdays and weekends	Granted
DC/11/1770	Construction of two 'mini tennis' courts	Withdrawn

The Head of Housing & Community Services supported the application. The comments of the Landscape Architect were noted. The Parish Council raised no objection to the proposal and 11 letters of support had been received. The applicant's agent and two members of the public spoke in support of the application.

The main issues in the determination of this application were considered to be the impact on the character of the adjoining countryside and the amenities of the occupiers of adjoining properties.

DCS/143 Planning Application: DC/11/2529 (cont.)

The proposal was a resubmission of a previous application (DC/11/1770) which had sought to build two mini tennis courts to the south of Court 8. This application had been withdrawn following concerns in respect of the possible over development of the site and the adverse impact on the countryside beyond, as well as the lack of information supplied with the application.

The current proposal involved cutting into the bank to create a level surface, inserting a French drain and building retaining walls to the south and north of the proposed court.

In terms of the impact on the amenity of the occupiers of neighbouring properties, the nearest properties were located over 20 metres from the application site. Whilst the fencing would be visible from these properties, it was not considered that it would have a significant impact on these properties and no flood lighting was proposed.

Members considered that the proposal would not represent over development of the site; that the facility would be beneficial to the local community and that the proposed planting scheme would improve the site. Members, therefore, considered the application to be acceptable.

RESOLVED

That application DC/11/2529 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, following the receipt of a satisfactory landscaping scheme. The preliminary view of the Committee was that the application should be granted.

DCS/144 **PLANNING APPLICATION: DC/11/2382 - CONVERSION OF SINGLE STOREY BUNGALOW TO TWO STOREY HOUSE**
SITE: BARTONS, WEST CHILTINGTON ROAD, STORRINGTON
APPLICANT: MR JOHN KENNEDY

The Head of Planning & Environmental Services reported that this application sought planning permission for the extension and alteration of Bartons to form a two storey house in a modern style. The proposal would result in the extension of the existing three bedroom property to form a five bedroom house. The dwelling would be extended to the north east with a single storey extension replacing the existing detached outbuilding and lean-to, and to the south west by infilling an existing car port. A second floor would be added to the central original part of the dwelling and would be 10.6 metres wide at its widest point and 10.4 metres long. The height of the building would be 5.5 metres with a flat roof, 1.4 metres higher than the existing property.

The application also proposed to render the external walls of the ground floor,

DCS/144 Planning Application: DC/11/2382 (cont.)

and provide cedar tongue and groove cladding to the first floor. The application would result in the change in appearance of the property from a simple single storey bungalow to a modern, functional two storey house. The application also sought permission to demolish the existing outbuilding and replace it with a home office and bathroom.

The application site was situated on an area of land between West Chilington Road and Greenhurst Lane, outside the defined built up area. The property was an individually designed detached bungalow and was one of three properties located on an area of raised land between the two roads. The site was screened from West Chilington Road by mature hedge and planting.

Government Policies PPS1 and PPS7; Local Development Framework Core Strategy Policies CP1, CP2, CP3 and CP19 and Local Development Framework General Development Control Policies DC1, DC2, DC9 and DC28 were relevant to the determination of this application.

There was no recent planning history related to the site.

The Parish Council objected to the application. Two letters of support and one letter of comment had been received. The two applicants spoke in support of the proposal.

As the application building was situated within a small group of houses which were all individual in design, it was considered that a modern contemporary design would not appear out of keeping in this instance. Although the first floor extension would have windows in its western elevation, it was not considered that these would have an adverse impact on the amenities of adjoining properties.

Concerns had been raised regarding the size of the proposed roof terrace which would be within four metres of the boundary of the property. However, amended plans deleting the doors allowing access to the terrace had been received. As a result, it was considered that the opportunity for the use of the flat roof as a terrace would be removed and any issues with regards to the perception of overlooking, noise or loss of privacy would be reduced.

The application also sought consent to demolish an existing outbuilding and rebuild a detached office in a similar style to the proposed dwelling. It was considered that the proposed office would be in keeping with the style of the extended dwelling and would not have an adverse impact on neighbouring properties.

It was considered that the proposed extensions would not appear prominent in this location. The flat roofed modern design proposed would keep the height of the building low and allow the creation of a more distinctive building.

DCS/144 Planning Application: DC/11/2382 (cont.)

Members considered that the proposed alterations and extension to the existing property were acceptable subject to the applicant being advised that the existing screening should be retained.

RESOLVED

That application DC/11/2382 be granted subject to the following conditions:

01	A2	Full Permission
02	J13	Removal of Permitted Development Windows
03	F3	Site Lighting
04	J3	Ancillary Residential Accommodation "office accommodation" "Bartons"
05	L1	Hard and Soft Landscaping
06	M1	Materials "for the proposed extension and alterations" to replace "proposed buildings"
07	O1	Hours of Working
08	O2	Burning of Materials

REASONS

ICAB1 The proposal does not materially affect the amenities of neighbouring occupiers.

ICTN1 The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

DCS/145 **PLANNING APPLICATION: DC/11/2256 - CHANGE OF USE TO RACEHORSE SANCTUARY WITH REVISED ACCESS AND HORSE WALKER TOGETHER WITH 6 EXTERNAL TIMBER STABLES**
SITE: BRIDGE HILL FARM, THAKEHAM ROAD, COOLHAM
APPLICANT: THE RACE HORSE SANCTUARY

The Head of Planning & Environmental Services reported that this application sought planning permission for the change of use of land from agriculture to a Racehorse Sanctuary, with the subdivision of the existing building to form 15 stables, a feed room, rug room, office/storeroom and fodder and bedding storage. The application also sought permission for six external stables, a sand school and horse walker. A new access was also proposed for the site with an extended hardstanding for parking and turning.

The existing buildings on the site were a mixture of modern portal framed buildings and a traditional barn, cartshed and courtyard. It was proposed that the largest building on the site would be converted into stables, with the smaller buildings, some of which were in a state of disrepair, used for storage purposes associated with the equestrian uses of the site. The proposed external stables

DCS/145 Planning Application: DC/11/2256 (cont.)

would be located to the south of the existing buildings, each block containing three stables 3.75 metres wide, 11.35 metres long and 2.4 metres high. The proposed sand school, enclosed by post and rail fencing, would be 60 metres long by 20 metres wide. The proposed horse walker would have a diameter of 13.7 metres and be 3.4 metres high. Both facilities would be located to the south west of the main buildings.

The proposed new access would be located 15 metres to the north of the existing access. The original access would be removed as part of the application and a hedgerow planted to reflect the existing boundary treatment.

The application site was situated on the western side of the B1239 Coolham Road, to the north of the settlement of Coolham.

Government Policies PPS1, PPS7 and PPG13; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP15 and CP19 and Local Development Framework General Development Control Policies DC1, DC2, DC9, DC23, DC29 and DC40 were relevant to the determination of this application.

There was no recent planning history relating to the site.

The Council's Public Health & Licensing Team and the Parish Council raised no objections subject to conditions. The comments of West Sussex County Council Highways were noted.

As the majority of the stables would be located within the existing buildings on the site, the proposal would not result in a significant change in the overall appearance of the property. The proposed external stables would be located to the rear of the existing buildings and, being of low height, would be screened from public view by the existing buildings and the boundary treatment. The stables would also be in close proximity to the retained buildings on the site and would not, therefore, result in the consolidation of sporadic development in the countryside.

Also, as the proposed sand school and horse walker would be located close to the proposed stables and in view of the character of the surrounding area, it was considered that the facilities proposed would not be out of keeping with or detract from the rural character of the area.

It was considered that the likely level and type of vehicular activity associated with the proposal would be acceptable. In addition, the proposed new access would allow better visibility from the site and, provided that the hedgerow was reinstated, would not harm the overall rural character of the locality.

Members therefore considered that the proposal was acceptable, as it would not

DCS/145 Planning Application: DC/11/2256 (cont.)

have an adverse impact on the character of the area or the amenities of adjoining properties.

RESOLVED

That application DC/11/2256 be granted subject to the following conditions:

- 01 A2 Full Permission
- 02 D10 Floodlighting
- 03 D11 Sand Schools
- 04 S4 Surface Water (option A)
- 05 The stables, horse walker and ménage hereby permitted shall only be used in association with The Race Horse Sanctuary as a charity and shall not be used for commercial purposes or in connection with any form of commercial riding establishment. Reason as per J7a
- 06 J7 (b) Stables
- 07 L1 Hard and Soft Landscaping
- 08 M1 Approval of Materials
- 09 O1 Hours of Working
- 10 O2 Burning of Materials
- 11 The buildings shall not be brought into use until details of the waste management scheme including frequency of stable cleaning, storage, and collection/disposal methods has been submitted to and approved in writing by the local planning authority. Waste should then be dealt with in strict accordance with the approved scheme.
- 12 Stable waste/manure is to be stored at least 30metres from the site boundary and there shall be no burning of stable waste on site. *Reason: To enable the Local Planning Authority to control the disposal of waste in accordance with Policy DC29 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 13 F3 Site Lighting
- 14 G1 Parking Provision – submitted plans
- 15 G5 Recycling
- 16 H1 Access
- 17 H3 Existing Access Closed

DCS/145 Planning Application: DC/11/2256 (cont.)

REASONS

ICAB1 The proposal does not materially affect the amenities of neighbouring occupiers.

ICTN1 The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

The meeting closed at 4.00pm having commenced at 2.00pm.

CHAIRMAN

**Report to Development
Control (South) Committee**



**Horsham
District
Council**

21st February 2012

By the Chief Executive

INFORMATION REPORT

Not exempt

Interests of Officers

EXECUTIVE SUMMARY

Alex Gander, Support Services Manager (Operational Services), has declared an interest in planning application DC/11/2632 for internal and external alterations and new roof line at Acorns, Bramlands Lane, Woodmancote. The interest arises because the applicant is the officer's father. The officer has confirmed that he will take no part in the processing or determination of the application.

The declaration has been made in accordance with Paragraph 18 of the Officers' Code of Conduct, which requires officers' interests in planning applications to be declared.

The declaration of interests by officers, and their non-participation in the processing and determination of planning applications ensures the protection of the public's rights

RECOMMENDATIONS

The Committee is recommended to note the report

REASONS FOR RECOMMENDATIONS

To ensure the requirements of the Council's constitution are met

Background papers
Email dated 27/01/12

Consultation

Ward affected

Contact
Lesley Morgan
Ext. No. 5123

DEVELOPMENT CONTROL (SOUTH) COMMITTEE
21ST FEBRUARY 2012
REPORT BY THE HEAD OF PLANNING & ENVIRONMENTAL SERVICES

APPEALS

1. **Appeals Lodged**

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

2. **Written Representations/Householder Appeals Service**

DC/11/1732 Construction of 3 bed detached dwelling with associated access, parking and amenity.
Sandown, Amberley Road, Storrington, Pulborough, RH20 4JQ.
For: Mr Mark Upton Brown

DC/11/0486 Erection of 1.5 storey dwelling (3-bed) with associated pedestrian access.
Little Barton, Hampers Lane, Storrington, Pulborough, RH20 3HZ.
For: Mr I Sexton

DC/11/1652 New one storey dwelling-house with associated vehicular access, underground garage (Land to the rear of Little Barton, Hampers Lane).
Little Barton, Hampers Lane, Storrington, Pulborough, RH20 3HZ.
For: Mr I Sexton

DC/11/1480 Erection of 3 (2-storey x 5-bed) houses (Outline planning permission with some Reserved Matters) (South Downs National Park).
Land South of Kingsmead Close, Bramber West Sussex
For: Mr Richard Maile

DC/11/2271 New dwelling and detached garage in rear gardens of West Winds and Tillington, Melton Drive.
West Winds, Melton Drive, Storrington, Pulborough, RH20 4BL.
For: Whittington Homes Ltd

Development Control (South) Committee
21st February 2012
Decisions on Lawful Development Certificates

DC/11/2176 - This was an application for a covered link that had been constructed between the Kitchen of the main dwelling and the swimming pool to be declared lawful. The evidence supplied and documents in the Councils records supported the claim that the covered walkway had been insitu for a period in excess of four years.

DC/12/0040 – Parkfield Farm, Washington – This was an application for proposed development to be declared as lawful. In 1972 the applicant had applied for planning permission to erect an agricultural workers cottage. The question was had he implemented the permission and therefore was it still live. The applicant produced evidence that in 1974 footing and the sub-base of the dwelling had been constructed. He had then experienced financial difficulties and further construction halted. Under the Town and Country Planning Act 1971, Planning consents, if begun within five years of the consent date would remain live until completion. The future completion of the dwelling approved in 1972 was therefore lawful.



Horsham
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DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21st February 2012

DEVELOPMENT: Outline planning application for 103 dwellings and open space

SITE: Land North of Highfield Stane Street Codmore Hill West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/11/0952

APPLICANT: Hanbury Properties Ltd

REASON FOR INCLUSION ON THE AGENDA: Category of Development

RECOMMENDATION: To grant outline consent subject to the completion of a Sec 106 Agreement to secure contributions in respect of air quality monitoring, community facilities, transport infrastructure, education, fire and rescue and the provision of open space, fire hydrants and a public footpath.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks outline consent for the erection of 103 dwellings and open space. Approval is here sought of the proposed layout and means of access with all other matters reserved. The application has been amended during the course of its consideration. The main revisions are that the number of dwellings has been reduced from 114 to 103 units and the corresponding amendment to the proposed layout and a reduction in the width of the vehicular access. Whilst the application is in outline form the applicant has indicated that the proposed development would comprise the following mix of units:- 5 x 2 bed coach houses, 4 x 2 bed apartments, 48 x 2 bed houses, 25 x 3 bed houses, 19 x 4 bed houses and 2 x 5 bed houses.
- 1.2 The application site has an area of 5.4 hectares and the proposed density of development is given as an average across the site of 26dph including the formal amenity space and roads. The development density is denser towards the eastern boundary bordering Stane Street at densities of 30-35dph, gradually becoming less dense towards the western boundary at 19-21dph.

- 1.3 The proposed development would contain affordable housing provision although the application form states that the mix of affordable homes is to be confirmed. It is understood that the applicants wish to provide 40% affordable housing in accordance with policy CP12.
- 1.4 There is no existing vehicular access to the site so it is therefore proposed to create a new access off Stane Street at the south-eastern corner of the application site. The access to the proposed development would be by way of a new traffic signalised junction onto the A29 just to the north of the railway bridge. A new footway/cycleway would be provided through the new development between the new site access and Stane Street Close. The scheme as originally submitted incorporated a 3 lane junction, however, this has been reduced to a 2 lane junction to limit the impact on the character and appearance of Stane Street.
- 1.5 235 car parking spaces would be provided as well as 228 cycle parking spaces.

DESCRIPTION OF THE SITE

- 1.6 The application site lies to the north of Pulborough on the western side of the A29. The site is roughly rectangular in shape and was formerly put to arable use. The site sits approx. 3.5 - 4 metres high above the A29 and its eastern boundary is marked by a steep sided tree embankment. The land slopes gently from northeast to southwest. The eastern and western boundaries of the site consist of mature hedging interspersed with trees whilst the northern and southern boundaries are less dense in nature.
- 1.7 To the north of the site is Stane Street Close which contains a number of residential properties at an apparent lower density than is proposed under the terms of the application. The land immediately to the west of the site is laid out as horse gallops, through which Footpath no. 1995 runs in a north-south direction and from which there are clear views of the application site and the South Downs beyond.
- 1.8 The application site is outside of any built-up area as currently defined by the Horsham District Local Development Framework. The applicant states that the proposal has been submitted under the terms of the Facilitating Appropriate Development SPD which seeks to deliver small housing sites capable of delivering housing in the short term and to maintain the Council's rolling 5 year housing land supply.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS3, PPS7 & PPG13
- 2.3 Policies SP1, CC1, CC2, CC3, CC4, CC5, H1 & H3 are among the policies of the South East Plan relevant to the determination of the application.

RELEVANT COUNCIL POLICY

- 2.4 Policies CP1, CP2, CP3, CP4, CP5, CP9, CP12, CP13 & CP19 of the Core Strategy are relevant to the determination of the application.

- 2.5 Policies DC1, DC2, DC3, DC5, DC6, DC7, DC8, DC9, DC10, DC18 and DC40 of the General Development Control Policies Document are relevant to the determination of the application.
- 2.6 Guidance contained within the Facilitating Appropriate Development (FAD) SPD and the Planning Obligations SPD is also relevant to the determination of the application.

PLANNING HISTORY

- 2.7 PL/21/58 – Planning permission was refused for residential use of the land and subsequently dismissed on appeal.
- 2.8 PL/26/78 – Planning permission was granted for the change of use of land from agricultural to recreational use. The application was submitted by Pulborough Rugby Football Club but never implemented.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 The Head of Strategic & Community Planning made the following comments on the scheme as originally submitted:

“This application needs to be considered against the Horsham District Local Development Framework, in particular the adopted Core Strategy (2007), the General Development Control Policies (2007) DPD, the Facilitating Appropriate Development (FAD) SPD (May 2009) and the Planning Obligations SPD. The Inspectors Report into the Site Specific Allocations of Land (2007) DPD is also relevant. National policies are also relevant to the consideration of the applications, in particular PPS3, Housing, PPS1, Delivering Sustainable Development, PPS7, Sustainable Development in Rural Areas, PPG24 Planning and Noise, PPG 17, Planning for Open Space, Sport and Recreation and PPG13, Transport.

As you are aware the planning policy position at regional level has been subject to change with further changes proposed through the Localism Bill, which it is anticipated will be enacted towards the end of this year. A successful High Court Challenge on the revocation of the Regional Spatial Strategies has meant that the South East Plan is in place and is the most up-to-date lawful development plan guiding development in the District, including housing targets. However, a subsequent further High Court Challenge failed, so that the letter from the Chief Planning Officer, CLG, stating that the Government's intention to revoke the RSS's should be considered as a 'material consideration' in the determination of planning applications, can be taken into account. The Core Strategy (2007) remains part of the development plan, though for the moment the housing targets are set by the South East Plan. As of today, the Council is unable to demonstrate a five year housing land supply under the requirements of the South East Plan. The Annual Monitoring Report (AMR) 2009/2010 shows a shortfall of 1218 dwellings or a 3.6 year (73%) supply; a significant shortfall. Under the Core Strategy targets, the AMR 2009/2010 shows that the Council is just able to show a five year housing land supply (101.1%).

The Council has been actively working towards a planned approach to housing land supply through a draft Interim Statement; Managing Development in Horsham District. This was published for consultation for a period of 8 weeks ending on the 18th March 2011. The Draft Interim Statement sets out options for development in order to address this Council's short term housing requirements, including options for large scale residential development at west of Southwater and east of Billingshurst. This document was prepared with

representatives of the local community. The outcome of the consultation process will inform the way forward for the Council, giving a clear steer in seeking to meet our five year land supply requirements. A report of the analysis of the consultation responses was reported to the Strategic Planning Advisory Group on the 14th June 2011: no decision has been taken as to whether the Council pursues a 'planned' or 'unplanned' approach. I understand that a report will go to cabinet on the 21st July and a decision will be made at full Council on the 7th September 2011. In the meantime, then, we do need to have regard to the provisions of paragraph 71 of PPS3, which states that where the Council can't demonstrate a 5 year housing land supply "they (LPA's) should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69".

The application site lies in the countryside outside of the Built-Up Area Boundary (BUAB) of Pulborough as defined on the Proposals Map (2007) and as such would normally be considered contrary to planning policy – Policy CP1, Landscape and Townscape Character of the Core Strategy and Policy DC1 of the General Development Control Policies (2007). However, in light of the Council's current lawful position in relation to 5 year housing land supply, the proposal also has to be considered in light of the FAD SPD. By virtue of the fact that the site adjoins the BUAB along its northern boundary and that Pulborough is a Category 1 settlement, as defined by Policy CP5 of the Core Strategy and is therefore considered capable of sustaining some expansion, infilling and redevelopment; the development of this site can, in principle, be considered acceptable in accordance with Criteria 1 of the FAD SPD.

In relation to Criteria 3 of the FAD SPD, which states that "*the scale of development adjoining a Category 1 settlement does not exceed around 150 dwellings, individually or cumulatively, to accord with the aims of policies CP1, CP3, CP8, CP9, CP19 and DC9*", the proposal could technically be said to fall down. This is because this proposal itself is for 114 dwellings and permission was granted for 87 units at Oddstones (DC/09/0488) and 13 units at Glebelands (DC/10/0375); both on appeal. However, because currently under the SE Plan targets, the shortfall in 5 year housing land supply is considered *significant*, the arguments against the additional dwellings over and above 150, would, in my opinion, need to be backed up by other site specific objections which in turn would need to be backed up by robust evidence.

You, as Case Officer, should be aware of Members views when considering the Marringdean Road, Billingshurst application (DC/10/0939) in February this year. Because the draft Interim Statement proposals, with the option for 500 homes East of Billingshurst was under consideration, which meant a larger possible cumulative impact had to be taken into account, Members considered the proposals premature and the application was refused.

Although that decision was contrary to the Officers recommendation, it is worth noting my comments at the time: "The determination of this application would ideally await the outcome of this process, so that the decisions of the Council are based around identified concerns and aspirations of our communities, in accordance with the Government's 'localism' agenda. Moreover, in terms of the scale of development in Billingshurst, delaying determination would allow us to properly consider the cumulative impact of this proposal for 150 dwellings, plus a possible c500 scheme (as proposed in the Draft Interim Statement), as well as the already permitted scheme for 67 dwellings at Land East of Stane Street." However, in that case, and now, the need to determine the application is understood; it is not reasonable to keep waiting for the new legislation before making a decision, the Government have made it clear that they expect Council's to deliver housing, and the applicant could appeal against non determination after the 13 week period.

Nevertheless, we do need to establish the position regarding infrastructure. The Council's Infrastructure Study (May 2010) shows certain tipping points, particularly in respect of primary education in Pulborough. You should, therefore, seek the comments of the appropriate bodies. Also the issue regarding the possible new pedestrian footbridge needs to be fully assessed along with the timeframe that other monies still remain available for this potential project. In respect of the footbridge the Inspectors decision in the Oddstones case is relevant:

I accept that, where London Road crosses the railway, the footway is narrow and is only on one side of the road, and I agree that this is not ideal. But nevertheless, the path is reasonably level and is fenced from the carriageway. I saw on my visit that it is quite well used, and I am not aware of any significant history of accidents. I therefore find no real evidence that the railway crossing acts as a barrier to movement between the different parts of Pulborough. I note that options for improvement or replacement are under consideration by the Pulborough Village Transport Plan Group. But the appellants' planning obligation includes a transport contribution of £138,040, and it seems to me that this sum could go some way to help bring forward such a scheme. In the meantime, I note that the Highway Authority did not object to the appeal proposals on safety grounds. Overall therefore, I do not consider that this issue significantly weakens the appeal site's sustainability, and I see no clear reason why this matter should prevent development from proceeding as now proposed.

The County Council's view on increased numbers using the bridge needs to be established; though the Inspector did not feel this in itself significantly weakened the sites sustainability. In other words, if you are considering refusing the application on any such issue you need to ensure that there is substantial, robust and clear evidence to support the view.

Another matter for consideration in terms of principle is whether the development individually or cumulatively prejudices the comprehensive, long term development strategy set out in the Core Strategy and /or the review of the Core Strategy – Criteria 5 of the FAD SPD. The Inspector in the Oddstones appeal decision (DC/09/0488) took the view that unless the development actually hinders or holds back other developments in the Core Strategy or prevents something being taken through the Core Strategy Review, it can not be considered contrary to this criterion. In the Hilland Farm case, Billingshurst (DC/09/1794) this was reiterated despite the process being further advanced. Although I do not necessarily fully agree with the stance taken by the Inspector, we have to be mindful that in this case at the current time his reasoning is likely to still stand.

As background then, in relation to the Core Strategy Review work, a number of sites in Pulborough were identified in the published document "Leading Change in partnership to 2026 and beyond, Core Strategy Review, Consultation Document, September 2009", under Strategic Site Option 9; with a total of circa 280 dwellings for Pulborough. After evaluating the consultation comments and doing further work on the potential of the options to deliver development, it was considered that five of the options should be excluded from any further investigations because their locations meant it would be harder to create cohesive communities with sufficient services to meet the needs of future residents; Pulborough was one of them.

Allowing this site to come forward would not in theory prevent the Council continuing to look at Pulborough through the Core Strategy Review process, although it is the case with 87 units allowed at Oddstones, 13 at Glebelands, and a potential 114 here that would be insufficient further capacity for development to be considered strategic in this location.

Nevertheless, the Inspector didn't see this as problematic, particularly in light of the 5 year housing land supply issue.

It is worth noting that the Council published a Pulborough Position Statement in January 2010, as an interim response to the Inspectors final report into the Council's Site Specific Allocation of Land DPD in 2007, which recommended a wider study of the area: *'Pulborough has an unconventional urban form and now requires a comprehensive study to determine the optimum locations for further development.'*(pg 7). The Position Statement states:

"In order to ensure the genuinely sustainable future development of Pulborough and to respond to the issues raised by the Village Transport Plan Group and the wider community, the Council considers that a comprehensive approach to future development is appropriate",

And: "The current pedestrian connectivity across Pulborough is limited and in particular linkages between the north and south of the settlement. The Pulborough Village Transport Plan Group identified the need for a new pedestrian crossing over the railway line as a high priority. The Council considers that the provision of this is an essential requirement before any new development north of the railway line can be considered sustainable. Several sites have been proposed or put forward to the Council north of the railway line and it is considered appropriate that contributions from a combination of these sites, if permitted, should provide for the construction of the new bridge in order for their development to be deemed genuinely sustainable and satisfy criteria 5 and 11 of the FAD document."

Taking *all* of the above comments, into account, then, I do not consider that an objection in terms of Criteria 5 alone could be sustained; and re-iterate that only if there is robust evidence relating to the wider infrastructure issues and more specific details of the scheme, should objection be raised.

Although in principle the site maybe considered acceptable, there are then other issues which do need to be addressed. The pedestrian bridge across the railway is key issue and clearly further work needs to be done on this.

The application provides 40% affordable housing units and therefore meets the target set out in Policy CP 12, Meeting Housing Needs, of the Core Strategy. The mix of affordable houses provided should be reflective of the overall development, and take account of the comments of the Housing Development & Strategy Manager.

The housing mix, as a whole, is, in my view, considered broadly acceptable with regards to Policy DC 18, Smaller homes / Housing Mix. The policy aims to ensure that the correct mix of housing is provided within the District and whilst the scheme does not provide for the 64% target of 1 & 2 bedroom dwellings stated in the policy, the policy does provide flexibility in response to locality and character of the area and allows for the outcomes of future Strategic Housing Market Assessments (SHMA) to be taken into account. In light of the outcome of the latest SHMA, and the location of the development on the edge of an existing Category 1 settlement, it is considered the proposed housing mix, in this instance, is appropriate. The comments of the Housing Development & Strategy Manager should be sought in respect of the affordable housing provision.

The scheme should incorporate renewable energy in accordance with Policy DC8; you are best placed to assess whether the proposals are sufficient to meet the aims of the policy.

Similarly, you are best placed, along with the Design & Conservation Officer and Landscape Officer, to assess whether the scheme accords with the criteria in Policy DC 9, Development Principles.

Conclusion

In conclusion, from a strategic perspective in the current circumstances at this time, there is no objection to the development of this site in principle, subject to an appropriate Section 106 legal agreement. I would stress that the pedestrian bridge across the railway is a key consideration along with other infrastructure requirements and these should be fully explored and you should be satisfied that these matters are adequately dealt with. You should also ensure that the aims of other policies set out in the Local Development Framework are met.”

- 3.2 Following the receipt of amended plans and the changing circumstances in relation to national planning guidance, the Head of Strategic and Community Planning provided the following update and additional comments:

“The Localism Bill has now been enacted so that the intention to revoke the South East Plan is enshrined in law. The weight given to the ‘intention’ has increased; however, until such a time that the Plan is revoked, it remains the most up-to-date development plan for the area in relation to housing targets.

The Annual Monitoring Report (AMR) 2010/2011 has now been published. It shows a shortfall of 1,077 dwellings or a 77% supply against the South East Plan. The 73% supply given in last years AMR had been described by Inspector’s in recent appeal decision letters as a ‘significant’ shortfall, and although there has been a slight increase in supply it seems likely that the shortfall would still be considered significant. Under the Core Strategy targets, the AMR 2010/2011 shows that the Council is able to show a five year housing land supply (105.8%).

You will be aware that the Council took the decision not to pursue the Interim Statement approach but rather to respond to planning applications on an ad hoc basis whilst working on the longer term review of the Core Strategy.

As previously explained the application site lies in the countryside outside of the Built-Up Area Boundary (BUAB) of Pulborough as defined on the Proposals Map (2007) and as such would normally be considered contrary to planning policy – Policy CP1, Landscape and Townscape Character of the Core Strategy and Policy DC1 of the General Development Control Policies (2007). However, in light of the Council’s current lawful position in relation to 5 year housing land supply, the Council’s approach is to consider the proposal in light of the criteria based approach set out in the Facilitating Appropriate Development (FAD) SPD (2009). By virtue of the fact that the site adjoins the BUAB along its northern boundary and that Pulborough is a Category 1 settlement, as defined by Policy CP5 of the Core Strategy and is therefore considered capable of sustaining some expansion, infilling and redevelopment; the development of this site could, in principle, be considered acceptable in accordance with Criterion 1 of the FAD SPD.

In relation to Criterion 3 of the FAD SPD, which states that “*the scale of development adjoining a Category 1 settlement does not exceed around 150 dwellings, individually or cumulatively, to accord with the aims of policies CP1, CP3, CP8, CP9, CP19 and DC9*”, the proposal could technically be said to fall down. This is because this proposal itself is for 103 dwellings and permission was granted for 87 units at Oddstones (DC/09/0488) and 13 units at Glebelands (DC/10/0375); both on appeal. However, because currently under the SE Plan targets, the shortfall in 5 year housing land supply is considered *significant*, the arguments against the additional dwellings over and above 150, would, in my opinion, need to be backed up by other site specific objections which in turn would need to be backed up by robust evidence. The Marringdean Road, Billingshurst application (DC/10/0939) referred to in relation to this point in my previous comments has subsequently been allowed on

appeal; the Inspector referred to that development as 'evolutionary', 'not radical' making it acceptable within the spirit of the document despite taking numbers over the 150 (to 217).

Another matter for consideration in terms of principle is whether the development individually or cumulatively prejudices the comprehensive, long term development strategy set out in the Core Strategy and /or the review of the Core Strategy – Criterion 5 of the FAD SPD. The Inspector in the Oddstones appeal decision (DC/09/0488) took the view that unless the development actually hinders or holds back other developments in the Core Strategy or prevents something being taken through the Core Strategy Review, it can not be considered contrary to this criterion. In the Hilland Farm case, Billingshurst (DC/09/1794) this was reiterated despite the process being further advanced. Although I do not necessarily fully agree with the stance taken by the Inspector, we have to be mindful that in this case at the current time his reasoning is likely to still stand. In other words, substantial, robust and clear evidence would be required to justify refusal on this basis.

In addition to the background given in my previous comments, the Inspector in his decision on Marringdean Road considered the review process to be in its early stages and that a prematurity argument would not be justified at this stage. Moreover it was noted that the Council has taken the decision to respond on an ad-hoc basis to planning applications (rejecting the draft Interim Statement approach) whilst working on the review.

I remain of the view, therefore, that at the present time an objection in terms of Criteria 5 alone could not be sustained; and re-iterate that only if there is robust evidence relating to the wider infrastructure issues and more specific details of the scheme, should objection be raised.

These matters will also feed into your consideration of the deliverability of the scheme; a requirement on Criterion 18 of the FAD SPD. As an outline planning application it is considered that the applicants should be prepared to accept a time limited permission having regard to new policy development. The aim of the FAD SPD is to address the shortfall in five year housing land supply. An adopted review of the Core Strategy is anticipated in spring 2014. Note: Condition 1 of the Marringdean Road decision for full planning permission states 'the development hereby permitted shall begin not later than 18 months from the date of the decision'.

As stated previously, you need to have regard to national guidance and in particular the provisions of paragraph 71 of PPS3, which states that where the Council can't demonstrate a 5 year housing land supply "they (LPA's) should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69".

Paragraph 69 sets out five points that Planning Authorities should have regard to when deciding applications and to help I have set those out below with a comment:

a. *Achieving high quality housing* – It is considered that the quality of the scheme and the housing would be best judged by the case officer. Pulborough Parish have been working on a Parish Design Statement, currently in draft, which may offer further guidance on design and quality issues.

b. *Ensuring developments achieve a good mix of housing...* The mix of housing should be considered against Policy DC18, Smaller Homes/ Housing Mix of the General Development Control Policies (2007) DPD, taking into account the Strategic Housing Market Assessment (May 2009). Affordable Housing policies are referred to later. The Housing Development & Strategy Manager will be able to comment in relation to the mix of the affordable housing element of the scheme.

c. *The suitability of a site for housing, including its environmental sustainability.* – Clearly you will receive up-to-date comments in this respect from specialist officers, which will enable you to make a judgement as to whether the site is suitable. The criteria in the FAD SPD are also relevant and will need to be met.

You should note that the wider site (7.5 hectares) extending down to the railway line was indicated yellow, that is, 'developable' in the Interim Strategic Housing Land Availability Assessment (June 2009 - available on the web site). The wider site was also considered as an Alternative development Site at the time of the Site Specific Allocations of Land (SSAL) (2007) examination: residential development of the site was considered unnecessary at that stage but was not ruled out at a later stage.

The Oddstones appeal decision should also be looked at for direction on this issue bearing its mind its proximity to the appeal site and location north of the railway line; paragraphs 17 to 24 are particularly relevant.

**I have attached the relevant extract at the end of my comments for ease.

d. *Using land effectively and efficiently.* – It is considered that this is a detailed element of the proposal and, therefore, should be assessed by the case officer.

e. *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives...* Housing objectives are set through the policies in the development plan and the issue of need and demand are addressed through housing land supply as considered above. The spatial vision for the District is set out in Chapter 3 of the Core Strategy (2007) and as part of that vision paragraph 3.9 states: '*Our aim will be to protect the distinctive character of the smaller towns, villages and hamlets within the District, accepting that some communities have already experienced major change in recent years.....*'. This then is relevant to Pulborough. The spatial objectives, set out in paragraph 3.17, flow from the spatial vision. Using these nine spatial objectives, it is considered that a number of these will relate to the comments from the specialist officers and will need to be assessed and balanced by the case officer. These will also need to be balanced against the housing land supply position as set out above.

The draft National Planning Policy Framework (published July 2011) is also a material consideration to be taken into account, in particular the approach towards housing supply is of interest. Within the draft document it states that '*the Government's key housing objective is to increase significantly the delivery of new homes*' (paragraph 107). The five year supply requirement also remains; '*local planning authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements*' (paragraph 109). The draft NPPF also mentions an additional housing allowance; '*The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land*' (paragraph 109). However, in the Council's response to the consultation, it considered that there needs to be further clarification around the additional 20% requirement when calculating the housing land supply position.

Further comments and up-dates on other considerations

In terms of infrastructure, I note that you have received the County Council's response regarding both education and highways issues which you will need to give due consideration to. I understand that the highway authority raise no objection to the proposals subject to an appropriate agreement and conditions.

Previously I had suggested that the pedestrian bridge across the railway as a key issue for the village being considered a priority in the Pulborough Village Transport Plan (February

2010) (available on the Parish Council web site). I still consider this aspiration to be a village priority which since the adoption of the Village Transport Plan carries more weight than at the time of the Oddstones appeal. However, the comments of the Inspector in relation to this issue – see paragraph 20 (in extract below) - are also relevant. Moreover, as the highway authority are not raising an objection to the proposal on safety grounds, this then is a matter for you to balance against the other issues, in particular the current 5 year housing land supply position. I understand that contributions previously ‘ring fenced’ to put forward to this project were time limited and as a result may now have been allocated elsewhere which may put in doubt the project. This needs further investigation.

The amended application continues to provide 40% affordable housing units and therefore meets the target set out in Policy CP 12, Meeting Housing Needs, of the Core Strategy. The mix of affordable houses provided should be reflective of the overall development, and take account of the comments of the Housing Development & Strategy Manager.

My original comments on housing mix remain relevant: The housing mix, as a whole, is, in my view, considered broadly acceptable with regards to Policy DC 18, Smaller homes / Housing Mix. The policy aims to ensure that the correct mix of housing is provided within the District and whilst the scheme does not provide for the 64% target of 1 & 2 bedroom dwellings stated in the policy, the policy does provide flexibility in response to locality and character of the area and allows for the outcomes of future Strategic Housing Market Assessments (SHMA) to be taken into account. In light of the outcome of the latest SHMA, and the location of the development on the edge of an existing Category 1 settlement, it is considered the proposed housing mix, in this instance, is appropriate. The comments of the Housing Development & Strategy Manager should be sought in respect of the affordable housing provision.

The scheme should incorporate renewable energy in accordance with Policy DC8; you are best placed to assess whether the proposals are sufficient to meet the aims of the policy.

Again, you are best placed, along with the Design & Conservation Officer and Landscape Officer, to assess whether the scheme accords with the criteria in Policy DC 9, Development Principles. I believe the proposal has been amended to address these issues.

Conclusion

I remain of the view that from a strategic perspective in the current circumstances at this present time, there is no objection to the development of this site in principle, subject to an appropriate Section 106 legal agreement. You should ensure that the aims of other policies set out in the Local Development Framework, including the criteria in the FAD SPD, are met and that you have had particular regard to PPS 3 in particular paragraphs 71 and 69. The advice of specialist officers in relation to highways and education matters needs considered as I originally commented. The pedestrian bridge remains a key priority in the Pulborough Village Transport Plan and if possible we should seek to work with the community and West Sussex County Council in this respect towards apposite outcome.”

- 3.3 The Council’s Landscape Architect originally objected to the proposed scheme but following the revisions to the proposal, he has now withdrawn his objection for the following reasons:-

“Following my landscape objection the applicants have responded positively and have made significant revisions to the layout, scale (establishing height parameters), form and illustrative design shown within the DAS (which includes considerable additional supporting detail) and have submitted an addendum to the landscape and visual assessment.

On balance, subject to making some additional relatively minor amendments to the height parameters plan, I would be of the opinion that the proposals would no longer be likely to cause significant adverse landscape character and visual impacts and would reduce the effect of perceived visual coalescence/strip development between the settlements of Codmore Hill and Pulborough and therefore my objection could be withdrawn.

I have set out below a summary of my previous comments and identified how and to what extent they have been addressed, taking into consideration a summary response note received from the applicant.

1. *The unacceptable likely adverse visual impact of the development close to medium distance views from the west and northwest looking towards the application site and to the South Downs beyond.*

Key elements that the applicants have introduced to try and address this are:

- Creation of an east x west open space that reduces the amount of built form adjacent to the west boundary;
- Reductions in density towards the west boundary and siting of more of the development towards the east boundary which is less visible by nature of the topography;
- Cutting into the slope towards the northern boundary to reduce the scale of development, whereby buildings on the northwest boundary will appear as single storey development;
- Variation in orientation and roof heights that avoids a build-up in massing and creates permeability between buildings;

Having studied the revised verified photomontages, particularly comparing those for views 2 and 3 with those for the original development proposal, I consider overall the development would be less visually prominent and more of the backdrop of the downs would be seen. However I would nonetheless register concern about the relative visual prominence of houses on plots 14, 15,16, 48-51 , 57-60, and 63-68, also taking account of the massing of some of them.

I would therefore strongly recommend the max ridge height of 14,15 and 16 is reduced from the proposed 9m to 5.5m single storey and of the rest reduced from the proposed 9m to 8m.

2. *Impact on the existing green gap between Codmore Hill and Pulborough that forms a clear visual break between the two settlements, creating the impression of coalescence*

Key element that has sought to address this :

- Provision of a large east-west open space that widens out adjacent to the gallops area where the current visual separation of the settlements is most strongly perceived from and consideration of the height parameters of the development

On this issue I would still register concern as the width of the existing gap is still considerably reduced in the revised proposals and this is evident in the revised

photomontage. However I believe this could be sufficiently addressed to avoid an objection being maintained by the same minor amendments sought in para 1 above to the height parameter identified as necessary above.

3. *Significant loss or erosion of views enjoyed by and harm to the visual amenity to the residents of Stane St Close.*

Key elements that the applicants have introduced to try and address this are :

- Creation of a further east x west linear open space on the north boundary that will have an open character that will afford views to the Downs for all residents to enjoy rather than a screening solution of the former proposal;
- Proposed houses will front onto this open space so that Stane Street Residents will not have to look into any back gardens and associated garden paraphernalia;
- Buildings on the northwest boundary will appear as single storey development and most buildings on the northeast boundary are single storey as well;
- Creation of a north x south linear open space that affords a wide visual break between development and maintains long views to the Downs and St Mary's church;
- Some wide visual breaks between houses on the north boundary that will allow longer southerly views;
- Stane Street residents are intended to be offered the opportunity to freely access the open space network and make use of the formal and informal recreation opportunities.

I am happy on balance with these proposals. Whilst the full splendour of some of the current panoramic views will no longer be available it is accepted not all residents enjoy these views and compared with the previous proposals there is less harm to visual amenity.

4. *Provision of a new footpath within the site, running parallel to Stane St, could offer the potential for enjoyment of panoramic views from the site by walkers and local residents. Current layout limits these views.*

Key elements that address this are :

- The footpath route has b maintained and there will be framed southerly views from it towards the Downs;
- The open space network configuration offers many more potential locations where attractive views will be available

I anticipate the two smaller open spaces in the north east and south east corner of the site will provide opportunities for framed views

5. *It is considered the proposed development will result in the substantive loss of key characteristic south facing panoramic views towards the South Downs, and to Pulborough Church and the historic settlement around it and to Park Hill Mound and therefore will adversely affect the landscape character of the area.*

On balance it is considered that adequate consideration has now been given to

the characteristic views with the design of the open spaces affording outward views from the development. It is evident that generally local character characteristics have now had a strong influence in shaping the revised masterplan which is landscape led and I now consider the scheme responds much more positively to its visual setting and location.

6. *The proposed 3 lane width + vehicle entrance will have a significant adverse landscape and visual impact upon the semi-wooded character and features of the A29 Stane Street, not significantly mitigated by proposed planting.*

Key elements proposed to address this:

- Two-lane width junction instead of a three lane width junction reducing the impact on the Stane Street frontage;
- The east boundary will be further reinforced by new planting.

There will still be some adverse landscape impact but I am satisfied this will be much less than that from a three lane junction. Additional strengthening planting can be secured through discharge of the reserve matters.

7. *Would not positively complement the historic townscape character of the area.*

Key elements that that address this

- The layout has been strongly influenced by those attractive Pulborough characteristics predominantly found in the historic core such as: narrow access lanes; short front gardens; short terraces; utilizing the sloping topography to create strong boundary thresholds; views over open space; low housing density and scale.

I would commend the applicants for the revised layout in this respect”

- 3.4 The Council’s Landscape Architect is also supportive of the landscape strategy and the open space provision as generally the layout ensures most of the open spaces are overlooked by development. Whilst an issue remains of the surveillance of the open space in the south-west of the site, he is of the view that the nature of the proposed use – community orchard and informal space is such that he does not think that it would be a significant problem.
- 3.5 The Design & Conservation Officer expressed concern with regard to the application as originally submitted but raises no objection to the amended proposal on the following grounds:

“My previous consultation response centred on the issue regarding the demonstration that the development of the site related well to Pulborough, and reflected the character and development pattern of the settlement, as well as had no adverse impact on the landscape character and views towards St.Marys Church. Since this, the applicant has engaged new designers and a different approach to demonstrating the impacts, as well as designing the site have been submitted.

The re-submitted design and access statement is a thorough and well researched document, which outlines the local development pattern and character in Pulborough, as well as assessing and improving upon the layouts of other recently approved schemes in the district. Generally, this information, along with the proposed layout, demonstrates that the site could be developed sensitively, without adversely affecting the built-up character of Pulborough. The impact on the landscape is best commented on by the Council’s Landscape Officer.

Access:

The primary access is from the existing A29 at the south of the site. This is welcomed as it connected immediately into the broader network. The sites proximity to the built up area of Pulborough, and immediately adjacent to Codmore Hill, helps to incorporate development in a sustainable location, without the need for encroachment further on the rural character of the area.

Pedestrian access is via the access point to the south, as well as the north and the footpath to the west. It is disappointing that further vehicular access could not be gained via the north of the site, as this would allow the development to be more than a cul-de-sac, however I understand the constraints in the layout of the land and existing development prohibit this. A cycle route and pedestrian links to the countryside are welcomed.

Layout:

The proposed layout has been informed by local development pattern, as set out in the DAS. It has been design to include a hierarchy of streets, and an organic development pattern, centering on a principle street and informal square, and green space to the west. The layout also includes a number of smaller character areas, including countryside edge village, formal development facing the park to the north, village green and lane areas and village mews areas. Although the key to the success of these spaces are with the details, the general approach for each character area is supported.

Building heights:

A specific building heights plan has been included to inform the development, especially as it is on a slope with views to and from the national park. Generally up to nine metres is acceptable for a two storey dwelling, with traditional roof pitch, using appropriate design and materials. In my opinion, there needs to be variation between roof pitches and dwelling heights at two storeys, otherwise the development can appear overly uniform. There also needs to be sufficient height in the buildings to appropriately enclose a space and create character. On balance I feel then proposed heights are appropriate to the context and the layout.

In conclusion, it has been demonstrated through the revised DAS and master plans that the development responds appropriately to the character of Pulborough and utilises good urban design principles. It meets the criteria in FAD policy 6, 7 & 14 in relation to design and layout, as well as core strategy policy CP3 and development management policy DC9. I therefore raise no objection."

3.6 The Arboricultural Officer has no objection to the proposal and has advised as follows:

"I have now visited the site and considered the amended site layout (*drawing number DLA/1480/L003.02, dated 25 Nov 11*).

In arboricultural terms I have few issues with this proposal. I note the following:

- The creation of the new access into the site from Stane Street will require considerable excavation resulting in the complete loss of the foliage on the top and side of the steep bank above the road. Although there are some considerably sized oak trees to the north and south of the proposed gap, within the area to be removed the foliage is limited to extensive hazel coppice, largely unmanaged and overgrown, with some Field maple and blackthorn. I do not object to its removal.
- The treeline along the rest of the bank to the north of this is important for screening and in its own right, but the form of the proposed layout, and siting the access path between the

trees and the new dwellings, is pleasing as the trees are unlikely to be harmed by the development, nor come under threat from post development pressures due to shading issues.

- The principal hedgerow along the western boundary - recently hard topped by the electricity utility contractors under the power lines - is largely retained and only in the south-west corner of the site are rear gardens backed on to it. The gardens here are sufficiently large, however, for this not to become a problem.
- The two fairly large ash trees on the site peripheries - one on the western boundary part of the hedgerow and one off-site beyond the northern boundary - will not be adversely affected.

The form of the layout on this site is respectful of the trees around the peripheries, and unlikely to result in material harm from development or post development pressure for tree removal. This scheme appears to meet with the provisions of policy DC9 of the General Development Control Policies Framework document (*December 2007*) and is therefore satisfactory. Accordingly I register NO OBJECTION to the proposals.”

- 3.7 The Housing Strategy & Development Manager notes the intention to provide 40% affordable housing and has agreed with the applicant that a mix of affordable rent and intermediate would be provided with some bungalows being made available for disabled or elderly occupants. He further advises that the applicant has indicated that he would zone an area of land for a self-build project which would form part of the affordable housing provision. In this respect, the willingness to provide disabled access bungalows and to consider facilitating a self-build scheme is to be welcomed.
- 3.8 Whilst the Council has no history of localised flooding in this area, the Head of Corporate Services required further details of how the surface water scheme would be maintained and managed after completion. Following the submission of further details in this regard, the Head of Corporate Services has advised that he is satisfied with the proposed surface water design subject to the imposition of appropriate drainage conditions.
- 3.9 The Head of Public Health & Licensing has advised that air quality monitoring at Swan Corner, Pulborough has indicated that traffic is contributing to elevated levels of nitrogen dioxide. Monitoring data over the past few years shows levels that are close to exceeding the National Air Quality Objective for nitrogen dioxide. Whilst the area will continue to be monitored, he is concerned about the cumulative impact of traffic generated by development in and around Pulborough village. PPS23 states that air quality is a material consideration in the planning process and that the cumulative impacts of developments should be considered. For this reason, should the application be recommended for approval, the Head of Public Health & Licensing has recommended a condition requiring a Low Emission Strategy be adopted to help to mitigate the traffic impacts of the development.

OUTSIDE AGENCIES

- 3.10 The County Surveyor raises no objection to the proposal subject to conditions and the completion of a Section 106 Agreement to secure contributions in respect of transport, fire and rescue and education. He has made the following comments on the application:

Overview

This outline planning application is for the proposed development of 104 new dwellings (amended from 114 new dwellings) together with public open space on an area of land that lies immediately to the west of the A29 London Road and to the south of Stane Street Close, Pulborough. A property known as ‘Highfield’ lies to the south of the site and the western boundary of the site adjoins open countryside. The main vehicular access to the

proposed development would be from a new traffic signalised junction onto the A29 London Road close to the southern boundary of the site, linked to the existing pedestrian crossing installed about two or three years ago.

I confirm that the applicant has sought pre-application advice from West Sussex County Council and that there have been recent correspondence and meetings with officers to discuss the highway and transportation implications of the development proposal. The scope of the supporting Transport Assessment has been discussed and agreed and the transport aspirations of the village, as set out in the Pulborough Village Transport Plan (February 2010), discussed. I understand that the applicant has also discussed the proposal with the Parish Council and held a public exhibition in the village setting out its development plans and inviting comment.

As you are aware, in recent years, there have been several new developments in the northern part of Pulborough. This has included the redevelopment of the former Riverside Concrete Works with circa 136 dwellings (now known as Riverside), the extension of the J Sainsbury food store, and the current development at 'Oddstones' with 87 dwellings (allowed at planning appeal). A number of transport issues have been identified with development in this northern part of the village and, in particular, problems of safe pedestrian connectivity to the shops and services in the southern part of the village. Following public consultation, the Village Transport Plan includes a number of village priorities to be primarily delivered by existing and future development funding.

Highways and Transport

Walking

The site is located within a reasonable walking distance of many local facilities including two supermarkets (Sainsbury and Tesco), a doctor's surgery and pharmacy, and St.Mary's primary school. There are also a range of other shops and community facilities within a longer walk of the site including Pulborough station. The footway links to the site are, however, substandard – particularly the route alongside the A29 between New Place Road and Stane Street Close. This footway is narrow, especially where it crosses the railway bridge, and rises in a steep cutting between the bridge and Stane Street Close (opposite Sopers Cottages). Its narrowness and proximity to live traffic can be intimidating for pedestrians and can also make it difficult for pedestrians with pushchairs and mobility scooters to pass each other. Indeed, there is just enough width between the bridge parapets and guard railing for mobility scooter users to negotiate, but leaves little space for other pedestrians passing. Therefore, in order to address some of these footway deficiencies, the applicant is to provide a new footway/cycleway through the development between the new site access and Stane Street Close so that pedestrians/cyclists have a safer and more pleasant alternative route to the footway along the A29. The applicant is also prepared to make a significant contribution towards providing a new footbridge over the railway line alongside the existing railway bridge thereby removing the existing footway between the bridge parapet and guard railing. £100k of funding has already been ring fenced towards this footbridge (which is identified as a priority in the Village Transport Plan) and further funding will be coming forward from the recently commenced Oddstones development opposite Sainsbury. As a result, there could be sufficient funding coming forward within the next 24 months to deliver a footbridge and therefore the County Council has recently instructed its consultants to carry out a feasibility study and subsequent public consultation. As regards the section of footway to the south of the railway bridge, this is still rather narrow, but could be improved by cutting back the vegetation to the fence line.

In addition to the new footway/cycleway and financial contribution to a potential new footbridge, the County Council has requested that the applicant provide a new public footpath route between the western boundary of the site and an existing Public Footpath

1995 that runs north/south from Church Place across the gallops to Hill Farm. This footpath link should run east/west and follow the existing field boundary to a point where it would connect in to FP1995. This link is considered highly desirable as it would provide improve the recreational links to the site and would offer an alternative walking route to Pulborough station without having to walk along the A29.

Walking improvements required

- The provision of a new pedestrian link through the development between the new site access road and Stane Street Close (planning condition).
- A financial contribution to providing a new footbridge across the railway line (Section 106 ring fenced towards footbridge for 5 years with contribution being used for other transport improvements for up to 10 years if new footbridge not feasible)
- Clearance of overhanging vegetation on the footway south of the railway bridge to New Place Road junction (planning condition)
- Delivery of footpath link between the development site to FP1995 (Section 106)
- Maintenance plan for the existing embankment along the development site frontage with the A29 (Section 106)

Cycling

It is acknowledged in the Village Transport Plan that there are very few off road cycling facilities in the Pulborough area and that most cyclists have to share road space with other traffic. Although this is not a particular problem along residential roads, cycling along the A29 can be intimidating because of the volume and size of vehicles using it. There is very little scope for improving cycling in the village, but the applicant has agreed to provide a new cycleway link through the development so that cyclists using the A29 can avoid having to use that section of the road within the cutting which is generally quite dark due to overhanging tree canopies. It is considered that the new cycleway link will offer a safer and more pleasant alternative route to the A29 although it is acknowledged that cyclists will have to rejoin the A29 at the new signal junction.

Cycling improvements required

- The provision of a new cycle link through the development between the new site access road and Stane Street Close (planning condition)

Public Transport – Bus

The development is within a short walk of the nearest bus stops which are located just to the north of Stane Street Close. These stops are served by the hourly Compass 100 service which is the most frequent bus service serving the village and provides travel between Burgess Hill, Pulborough, Billingshurst and Horsham. The bus stops, however, would benefit from the provision of bus shelters, seating and raised kerbing to allow easier access.

Public transport improvements required

- The provision of bus shelters, seating and raised kerbs at the two bus stops north of Stane Street Close (Section 106)

Public Transport - Rail

Pulborough is fortunate in having a railway station on the Arun Valley mainline with regular services to London and the South Coast. However, the station is not particularly well related to the main population centres in the village being located on its western outskirts.

The main pedestrian routes to the station are along the A283 which lacks a footway along its northern side and from Church Place via a twitten known as the 'cinder path'. At the moment, the most convenient walking route to the station from the site is south along the A29 and then into Church Place and along the cinder path. However, the provision of a new recreational public footpath link westwards from the development to connect up to the existing public footpath running north/south to Church Place would provide a more pleasant alternative route to the station, particularly during the Summer months. The station itself, however, does have its own issues in relation to access to the northbound platform and also with car parking which is over spilling along the A283 due mainly to a lack of spaces but also to avoid parking charges. These are two existing issues which will need to be discussed with Network Rail and the rail operator to see whether there are any solutions to the problem.

Traffic Generation

As previously advised, the applicant has sought pre-application advice from WSCC as to the scope of the Transport Assessment (TA). The model split, trip rate and trip distribution figures indicated in the TA are accepted and consistent with the figures provided for the Oddstones development which was won on appeal. The impact of the additional traffic on the network has been tested in accordance with WSCC's Transport Assessment Methodology. The two junctions tested in the traffic analysis are the new traffic signalised access serving the development and the Stane Street Close/Riverside roundabout as the extra traffic movements at both of these junctions would be above the testing thresholds. Both junctions have been found to operate satisfactory in traffic capacity terms post-development. It should also be noted that the traffic assessment of these junctions was originally carried out based upon a potential development scenario of 150 dwellings, so the assessment is considered more than robust for a proposed development of 104 dwellings. WSCC is therefore satisfied that the likely traffic generation figures and junction assessments in the TA are satisfactory.

Access

The access to the proposed development is by way of new traffic signalised junction onto the A29 just to the north of the railway bridge. This junction would incorporate the existing controlled pedestrian crossing that was installed at the time of the Riverside development and also a new pedestrian crossing across the new access road itself. A two lane approach is shown on the new access road approach to the A29 which would allow traffic to turn left and right out of the access simultaneously hence reducing queuing within the development and reduce hold-ups on the main road. The traffic signals will have queue recognition loops on the approaches to the traffic signals which will turn the main road traffic lights green before long queues start building up; particularly over the railway bridge on the northbound approach to the junction.

A Stage 1 Road Safety Audit (RSA) has been carried out of the new junction and a Designers Response has been prepared to the audit findings. This has been reviewed by WSCC's lead safety auditor who has found no fundamental issues with the audit findings. However, there will be a few amendments needed to the Designers Response, most of which can be dealt with at the Stage 2 detailed design stage.

- Amended Designers Response required.

Public Rights of Way

As previously mentioned, the applicants are prepared to provide a new public footpath link to FP1995. This would provide a desirable direct link to the countryside to the west of the site and would complement the existing public right of way network.

Internal Access and Parking Layout

This is an outline planning application and my understanding is that the internal access and parking arrangements are reserved matters at this stage. However, the indicative master plan layout shown on drawing no. 10.034/05/revD should not raise too many issues. It would appear though that the applicants are only proposing to offer the first 40m or so of the access road for adoption with the rest remaining private. Although I have no objections to this in principle, I would require that the new north/south cycleway within the development is also adopted and also an east/west route to new public footpath that crosses the field to the west.

- The new north/south cycleway within the development would need to be adopted as would an east/west cycleway link to the new public footpath route.

3.11 Following the submission of amended plans, the County Surveyor further advised:

“As a result of a number of planning issues with the layout, a revised indicative layout has now been submitted which reduces the number of dwellings from 104 to 103 and amends the junction arrangement onto the A29 Stane Street to reduce its impact on the existing hedgerow and bank.

This has the effect of reducing the carriageway width to two lanes rather than three. A further Technical Note -November 2011 (Ref: HANB/11/1345 PJC TN01) has been submitted by the applicants in support of the revised junction proposals.

The revised junction arrangement onto the A29 Stane Street is considered acceptable in principle as there would normally be no reason for a two lane side road approach for a development of this size. It would mean that there are slightly longer delays for motorists waiting to leave the site at certain times due to greater priority being given to main road traffic flows. However, as there is no alternative access or potential short-cutting issues then this would not be a problem. The existing pedestrian crossing would still be incorporated into the new junction. West Sussex County Council's Traffic Engineering team has reviewed the Technical Note and confirm that the changes made to the junction still show that it would operate within capacity. The changes also incorporate acceptable solutions to comments which were made to Technical Advice Note PUSS-011138-100 relating to Drawing 2010/1184/001, although some items would still need to be addressed at the detailed design stage.

The revised indicative housing layout is quite different to that previously submitted, but would appear generally satisfactory in terms of access and parking. A new footway will be provided through the development from the new access to Stane Street Close to the north which will give pedestrians an alternative to using the footway adjacent to the A29 Stane Street. A new cycle route would also be provided from Stane Street Close to the new junction using internal access roads and would be provided with advanced stop line priority at the new traffic signals. It is likely that some of this route would be across private areas, so some form of legal clause would be required to allow permanent public user rights over these areas. In addition, a new public footpath link would be provided from the site westwards to join up with an existing public footpath that heads southwards to Church Place and Pulborough station.

In summary, there are no highway objections to this latest planning layout subject to the planning conditions as previously recommended. A Section 106 planning agreement would also be required to secure the required infrastructure and service contributions.”

3.12 The County Archaeologist has no objection to the proposal subject to suitable heritage safeguards to be secured by condition.

- 3.13 The County Ecologist has no objection to the principle of development on the site. Given the scheme has been amended to avoid sensitive ecological receptors, the application is in accordance with Natural England Standing Advice and with one exception no further ecological surveys would be required. In this respect, any trees, which have a potential for bats and may require some works, should be checked by a licensed bat worker for bats immediately prior to works and appropriate actions taken should any bats be found.
- 3.14 Natural England reiterates the above advice with regard to bats and also advises that even if bats are not using the site boundaries for roosting they may be using them for foraging and commuting. Any proposed lighting scheme for the site should therefore ideally be low level and directional and avoid light-spill onto the boundary features as far as possible. In addition, the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- 3.15 Sussex Police comments that the design and layout of the development features outward facing dwellings which create good defensible space and clear lines of surveillance. The road layout will allow the residents to exercise control and self police their own environment. Where parking courts are hidden away they have the potential to become targets for crime, to combat this it is recommended that rear garden boundary fencing be 1.5 close board fencing topped with 300mm trellis to provide observation from the gardens to the rear parking areas.
- 3.16 Southern Water advises that a public water trunk main crosses the site and its position must be determined before the layout of the proposed development is finalised. However, no objection is raised to the proposal subject to the imposition of appropriate conditions.
- 3.17 The Environment Agency has no objection in principle to the proposal but advises that it will be necessary to prevent pollution of surface and/or groundwaters especially during the site works. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways, during and after the proposed works.

PUBLIC CONSULTATIONS

- 3.18 Pulborough Parish Council objected to the plans as originally submitted as concern was expressed as to whether the village could accommodate the number of units proposed and the likely impact on the local schools and the sewage and drainage system. However, the Parish Council has no objection to the revised plans and considers the applicant has made useful modifications to the plans and meet all the criteria in the design/layout of the proposed site. The Parish Council has asked that consideration be given to the following comments:
- a) The issue of a shortage of Primary School places was considered but it was noted that St Mary's had advised the Parish Office that when the 2 new classrooms are completed there will be the potential for another 50 spaces.
 - b) It will put the sewage and drainage works under more strain.
 - c) The proposed footpath around the edge of the development would need to remain open to the Public in perpetuity with no possibility that access is restricted at any time in the future for use by residents only of any new development.
 - d) All properties should have a water butt for rain water and consideration be given to collection of grey water for use in toilets.
 - e) The pathway (clearly lit) could give way to an easy escape route for criminals down to the station (Members were made aware of the footpath already leading from Church Place across the fields via Valentines Barn)

- f) Wildlife is a sensitive area and the wasteland proposed is a vital part and must remain a green area.
 - g) Could HDC impose a planning condition that the access road must be completed before any house building starts with NO construction vehicles, including contractors own vehicles, entering or parking in Stane Street Close.
 - h) To avoid traffic build up, Members requested that there should be sensor lights installed at the access road onto the A29. This must be linked to a new control system for New Place Road which serves the local school and 500 houses. This needs to be installed at the same time and strongly discussed with West Sussex County Council.
 - i) The width of the footpath along the A29 needs to be looked at with the lack of maintenance as the bank is collapsing on to the pathway and needs urgent attention.
- 3.19 The Parish Council has requested that should the application receive approval, the Parish Council would like it noted that the 106 monies for transport be 'ring-fenced' for the new bridge and the 106 monies for Community be put to good use for the refurbishment of the pavilion and the parish room. It would also like it noted that there is absolutely no requirement for a contribution towards any public art. The recreation spaces should also remain as shown on the plans.
- 3.20 The Pulborough Society strongly objects to the proposal on the grounds of over-development of the village; unsuitable site access; lack of employment will mean more commuters; pressure on the local school; adverse impact on local wildlife; noise and disturbance to the residents of Stane Street Close; limited public consultation by the developer; lack of garaging and footpaths to serve the development and the inability of the water and sewage systems to cope with increased demand.
- 3.21 The South Downs Society objects to the application. Whilst it is not considered that the proposed development would in itself have a major visual impact on the national park provided existing screening is maintained and enhanced in perpetuity. However, concern is expressed about any precedent that may be set by such a permission. The layout of Pulborough lacks coherence and the opportunity should be taken in the evolving core strategy for Horsham to enhance this structure. Significant housing allocations should be subject to a major evaluation and public consultation so that their overall and relative implications, including their impact on the national park, can be safely established.
- 3.22 The CPRE Sussex – Horsham and Crawley District has objected to the proposal on the grounds that Codmore Hill is a Category 2 settlement and the proposed development would result in a major extension of the existing settlement for which no need has been established.
- 3.23 The Pulborough Community Partnership has commented on the application and has stressed that the impact of the development should be fully assessed and effectively mitigated and any promised community benefits or other aspects of planning gain are properly verified. Fundamental to this benefit is the footbridge across the railway line and a condition should be placed upon the developers to ensure that they, WSCC and Network Rail put in place a properly agreed, surveyed, engineered, costed and date-scheduled plan for building the footbridge and the plan must be agreed and published before the application is approved. There is concern that the footbridge would never materialise and one of the primary justifications for allowing the development would be lost.
- 3.24 Billingshurst Parish Council has expressed the following concerns:
- Premature development which would have an adverse impact on the countryside
 - Would result in the coalescing of several settlements along the A29

- Increase in the volume of traffic would bring disturbance and danger to people, particularly school children
- Access to the site could be problematic with increased traffic
- Unsustainable location
- Development of a Greenfield site and resultant adverse impact on the habitat and wildlife
- Lack of local need with 250 houses for sale in Pulborough
- Development could compromise existing flooding risks.

3.25 7 letters of support and 10 letters of comment have been received.

3.26 148 individual letters of objection have been received on the following grounds:

- Dangerous access and too close to the existing access to Highfield
- Destruction of beautiful views
- Alternative sites in Pulborough which would be more suitable
- Loss of peaceful enjoyment of home
- Mass urbanisation
- Noise and dust from construction
- Loss of sunlight and privacy
- Increase in traffic
- Pulborough has taken a lot of development all within proximity to Stane Street Close
- Increase in crime rate
- Infrastructure at breaking point
- Disastrous impact on wildlife and in particular badgers, dormice, bats and slowworms
- Lack of primary and secondary educational institutions – village school is at full capacity
- Drainage and water supply is stretched to maximum
- Few jobs in the village therefore commuters would add to the traffic problem
- Works to the bank alongside the A29 would result in a loss of trees and natural habitat
- Loss of a beautiful piece of countryside
- Inadequate public consultation
- Lack of parking at railway station
- Lack of employment would lead to more people living on social housing benefits
- Loss of village identity – would become a commuter town with no community spirit
- Adverse impact on education for future generations
- Currently over 259 houses for sale in Pulborough area therefore why build more
- Adverse impact on character of the village – town houses not in keeping
- Overlooking of Stane Street Close – loss of privacy
- Proposed tree line will cause over-shadowing
- Inadequate parking provision
- Noise and light pollution
- Installation of traffic lights will lead to congestion
- Site is elevated and cannot be well hidden – will dominate views from the surrounding area
- Over-development of area surrounding Stane Street Close
- Loss of agricultural land
- Affordable housing would not be taken up by locals but people moving from Horsham and Crawley
- Third major development within ½ mile of each other in 5 years

- Lead to coalescence of settlements
- Opposes government objectives and national planning policies – unsustainable on the grounds of low levels of local employment, lack of protection of the environment, greenfield site and lack of access to infrastructure and key services.
- Dangerous precedent for further expansion to west of the railway line.

3.27 The Campaign to Protect Rural Pulborough Village strongly objects to the proposal on the same grounds as listed above.

3.28 112 people have signed pro forma letters objecting to the development.

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 It is considered that the principal issues in the determination of the application are i) whether the proposal is acceptable in principle having regard to central government and development plan policy ii) the effect of the development upon the character and appearance of the area and iii) highway safety

6.2 The application has been submitted under the auspices of the FAD SPD. This document has arisen from the need to provide 'flexibility' to ensure that there is sufficient housing supply during the life of the existing adopted Core Strategy. The document sets out the requirements against which those planning applications for development, put forward by landowners/developers as a response to the evolving circumstances, on greenfield and brownfield sites which adjoin defined settlement boundaries in the District will be considered.

6.3 The approach put forward in the document is a criterion based one to enable all stakeholders to determine if sites may be considered suitable for development. Sites put forward under this policy approach should be 'deliverable' at the time that the site is put forward for planning permission. In the case of housing, there is likely to be a specific need in the short term, therefore sites should be capable of delivering housing completions within the five year period up to 2013.

6.4 A willingness to develop is not the only criterion which governs the permitting of potentially suitable sites. LDF policy also requires that development is in 'sustainable' locations. Category 1 settlements are considered sustainable locations, as these are town and villages with a good range of services and facilities, as well as some access to public transport; they are also deemed capable of sustaining some expansion. In the case of Category 2 settlements only small scale development within the settlement and minor extensions to the settlement may be permitted providing that they address a specific local need. In both cases any site would be expected to adjoin the defined Built-up Area Boundary.

- 6.5 The scale of development will impact on the deliverability and the sustainability of a development. The size of all developments that come forward under this approach will be considered in terms of their scale in relation to the settlement to which they are attached.
- 6.6 The three issues of deliverability, sustainability and scale form the basis for the approach to be taken in considering proposals on greenfield and brownfield sites which adjoin defined settlement boundaries.
- 6.7 The SPD sets out a number of criteria against which development proposal will be assessed. These include:

- The site boundary is contiguous (at least one boundary must physically adjoin in whole or part) with an identified Built-Up Area Boundary to accord with policies CP5 and CP8 of the Core Strategy.

The scale of the development adjoining a Category 1 settlement does not exceed around 150 dwellings, individually or cumulatively, to accord with the aims of the policies CP1, CP3, CP8, CP9, CP15, CP19 and DC9. Any development adjoining a Category 2 settlement would be expected to be of a much smaller scale in accordance with policies CP3, CP5, CP8, CP15 and DC1, DC9.

- The impact of the development individually, or cumulatively, around the edges of a settlement does not result in the actual or perceived coalescence of settlements in accordance with policy DC3.

- The impact of the development individually, or cumulatively, does not prejudice comprehensive, long term development, in order not to conflict with the development strategy set out in the Core Strategy and/or not to prejudice the review of the Core Strategy.

The landscape and townscape character is protected, and conserved and/or enhanced, in accordance with policies CP1, DC2, DC4, DC9, DC11 and DC12

The biodiversity of a site is protected, conserved and enhanced where relevant, in accordance with policies CP1 and DC5

Existing natural features, such as woodland, trees and hedgerows are retained wherever possible, in accordance with policies DC2, DC6 and DC9

The site and proposed development is sustainable in accordance with PPS1, PPS3, PPG13, and the Core Strategy (2007) in particular policies CP5, CP8, and CP9. A sustainability report must be submitted with any planning application following the criteria and scoring guidelines set out in the Appendix.

- In order to assess and where necessary compare sites adjoining the same settlement, the advice in paragraph 75 of PPG13, that is, the length of short journeys that are likely to be replaced by walking are those under 2km, shall also be used. Sites where it is possible to walk to a wide range of facilities will be considered preferable to sites which are further away and make car journeys into town/village centres more likely

- The development is of a high quality, in all aspects, including layout and design, to accord with policies CP3 and DC9. In addition, high standards of sustainable construction are expected as well as the inclusion of renewable and low carbon energy generation where feasible, in order to comply with policies CP2 and DC8.

- Where housing is proposed there is a mix of housing sizes, types and tenures in accordance with policy CP12; on developments of more than 15 dwellings up to 40% of the dwellings are required to be 'affordable' dwellings, and a mix including smaller units is required by policy DC18.

- The proposal satisfies the criteria relating to transport and access set out in policy DC40. Note that criteria b of Policy DC40 requires that the development is of an appropriate scale to the transport infrastructure in its location. Infrastructure contributions may be required. A Green Travel Plan will be required for developments that exceed Travel Plan thresholds.

- The Council is satisfied that the site is deliverable and sufficient evidence is provided to demonstrate this. Applicants must be prepared to accept time limited permissions which have regard to new policy development

- 6.8 It can be seen from the above criteria that, potentially, the application site could fall within the remit of the SPD and therefore could be considered for development. However, it would be necessary to meet the requirements of all the criteria for a favourable recommendation to be given to construct 103 dwellings on a site outside of the built-up area.
- 6.9 The comments of the Head of Strategic & Community Planning are outlined at Paras 3.1 & 3.2 and Members will note that from a strategic perspective, in the current circumstances, that there is no objection in principle to the development of the site, subject to an appropriate Section 106 legal agreement.
- 6.10 More specifically, the application site lies in the countryside outside of the Built-up Area Boundary of Pulborough as defined in the Proposals Map of the Local Development Framework and as such would normally be considered contrary to Policy CP1. However, in light of the Council's current lawful position in relation to 5 year housing land supply, the Council's approach is to consider the proposal against the criteria outlined in the FAD SPD. Given the site adjoins the Built-up Area of Pulborough along its northern boundary and that Pulborough is a Category 1 settlement as defined by Policy CP5 and is therefore considered capable of sustaining some expansion, infilling and redevelopment, the development of the site could, in principle, be acceptable in accordance with Criterion 1 of the FAD SPD.
- 6.11 Having regard to the Criterion that the scale of the development adjoining a Category 1 settlement should not exceed around 150 dwellings, individually or cumulatively, the proposal could technically be said to fail against this particular requirement. This is because the current application is for 103 dwellings and permission has previously been granted on appeal for 87 units at Oddstones (DC/09/0488) and 13 units at Glebelands (DC/10/0375). However, because currently under the SE Plan targets, the shortfall in the 5 year housing land supply is considered significant, the argument against the additional dwellings over and above 150, would, in the opinion of the Head of Strategic & Community Planning, be need to be backed up by other site specific objections which would in turn need to be backed up by robust evidence.
- 6.12 Another matter for consideration in terms of principle is whether the development individually or cumulatively prejudices the comprehensive, long term development strategy set out in the Core Strategy and /or the review of the Core Strategy – Criterion 5 of the FAD SPD. The Inspector in the Oddstones appeal decision (DC/09/0488) took the view that unless the development actually hinders or holds back other developments in the Core Strategy or prevents something being taken through the Core Strategy Review, it can not be considered contrary to this criterion.

- 6.13 The Head of Strategic & Community Planning therefore remains of the view that at the present time an objection in terms of the above criterion could not be sustained and reiterates that only if there is robust evidence relating to the wider infrastructure issues and more specific details of the scheme, should an objection be raised.
- 6.14 The proposed housing mix is also considered broadly acceptable by the Head of Strategic & Community Planning in terms of Policy DC18. Whilst the scheme does not provide for the 64% target of 1 & 2 bedroom units as stated in the policy, nevertheless, the policy does provide flexibility in response to locality and character of the area and allows for the outcomes of future Strategic Housing Market Assessments (SHMA) to be taken into account. In light of the outcome of the latest SHMA, and the location of the development on the edge of an existing Category 1 settlement, he considers the proposed housing mix is appropriate.
- 6.15 It is also important to note that normal development management criteria must be fulfilled to ensure that the document complies with the criteria set out in the SPD. Development considered under the FAD document must, for example, respect townscape character, complement the character of the settlement and be of high quality in terms of layout and design.
- 6.16 Guidance in PPS3 further states that good design is fundamental to using land efficiently and such requirements are further embodied in Local Development Framework policies such as Policy DC9. The views of the Design & Conservation Officer were sought as part of the consultation process and her comments are reproduced at Para 3.5 above.
- 6.17 Whilst she expressed concern with regard to the layout of the site as originally submitted and as to how it reflected the character and development pattern of the settlement, its impact on the surrounding landscape and views towards St Mary's Church, it is clear from her comments on the amended scheme that she considers the site could be developed sensitively, without adversely affecting the built-up character of Pulborough. In her view, it has been demonstrated through the revised plans that the development would respond appropriately to the character of the village and would utilise good urban design principles. The proposal would therefore accord with the relevant criteria in the FAD SPD in relation to design and layout.
- 6.18 With regard to the impact on the surrounding landscape, the Council's Landscape Architect formally objected to the original scheme for the reasons set out in Para. 3.3. In response to this objection, the applicant submitted a revised scheme which is considered to address the previously highlighted concerns. In this respect, significant revisions to the layout, scale, form and illustrative design have been incorporated into the scheme. Consequently, the Landscape Architect is of the opinion that the development would be less visually prominent and more of the backdrop of the South Downs would be visible when viewed from the west. The introduction of a large east-west open space within the layout has also addressed the concern that the proposed development would lead to the perceived coalescence between Codmore Hill and Pulborough. Such features as narrow access lanes, short front gardens, short terraces, use of the sloping topography, views over open space and low housing density are also considered to complement the historic townscape character of the area. In addition, the proposed three lane width junction which would have had a significant adverse landscape and visual impact upon the semi-wooded character and features of the A29 has been reduced to a two lane width junction thereby reducing the impact on the Stane Street frontage. As a result of these amendments the Landscape Architect has withdrawn his objection.
- 6.19 The County Surveyor has provided very detailed comments on the proposal and has advised that there are no highway objections to the indicative layout subject to conditions and the completion of a Section 106 Agreement to secure the required infrastructure and

service contributions and the provision of a new public footpath route between the western boundary of the site and an existing Public Footpath 1995 that runs north/south from Church Place across the gallops to Hill Farm. This footpath link would run east/west and follow the existing field boundary to a point where it would connect in to FP1995. This link is considered highly desirable as it would improve the recreational links to the site and would offer an alternative walking route to Pulborough station without having to walk along the A29.

- 6.20 In particular, he is satisfied that the likely traffic generation figures and junction assessments in the submitted Transport Assessment are satisfactory. With regard to the proposed access, he has advised that a Stage 1 Road Safety Audit has been carried out at the new junction and a Designers Response has been prepared to the audit findings. This has been viewed by WSCC's lead safety auditor who has found no fundamental issues with the audit findings and he has confirmed that all outstanding issues in this regard have now been agreed. The County Surveyor has also confirmed that he has no objection to the revised junction arrangement into the A29. Whilst it would mean that there would be slightly longer delays for motorists waiting to leave the site at certain times due to greater priority being given to main road traffic flows he does not consider this would be a problem as there is no alternative access or potential short-cutting issues. The existing pedestrian crossing would still be incorporated into the new junction and the Technical Note has confirmed that the junction would still operate within capacity.
- 6.21 The County Surveyor has also advised that a number of transport issues have been identified with several recent developments in the northern part of Pulborough – the re-development of the Riverside Concrete Works, the extension of the Sainsbury's store and the current development at Oddstones – in particular, problems of safe pedestrian connectivity to the shops and services in the southern part of the village. Following public consultation, the Village Transport Plan includes a number of village priorities to be primarily delivered by existing and future development funding and the provision of a footbridge over the railway line has been identified as a priority. The applicant has indicated that he is prepared to make a significant contribution towards the provision of a footbridge. Furthermore, £100k of funding has already been ring fenced towards this footbridge and further funding will be coming forward from the Oddstones development. As a result, there could be sufficient funding coming forward within the next 24 months to deliver a footbridge and therefore the County Council has recently instructed its consultants to carry out a feasibility study and subsequent public consultation.
- 6.22 The site is located within a reasonable walking distance of many local facilities including two supermarkets (Sainsbury and Tesco), a doctor's surgery and pharmacy, and St.Mary's primary school. There are also a range of other shops and community facilities within a longer walk of the site including Pulborough station but all within 1-2km. All of the village facilities are therefore within the distance that is regarded as walkable in the FAD SPD. The proposed development would also provide a connection to the existing footpath to the west to facilitate and encourage such journeys on foot. There are also bus stops just to the north of Stane Street Close with an hourly service throughout the day. In the circumstances the site is considered to be in a reasonably sustainable location thereby meeting Criterion 12 of the FAD SPD.
- 6.23 In response to the comments of the Head of Public Health & Licensing the applicant has submitted a Low Emission Strategy (LES). In this respect, the Head of Public Health & Licensing has advised that the provision of electric vehicle charging points for each residential property with off-street parking and/or a garage together with 2 electric vehicle charging points in communal areas for visitors is an acceptable measure to accelerate the uptake of low emission technologies. The other measures identified within the LES document to promote modal shift away from car travel are also accepted. He therefore raises no objection to the proposal subject to the payment of a contribution of £250 per

property towards local air quality monitoring which could be secured by way of a legal agreement.

- 6.24 With regard to the impact of the development on the residents of Stane Street Close, the revised scheme has incorporated amendments to protect the amenities of neighbouring occupiers. In this respect, the majority of the proposed dwellings along the northern boundary of the site would either be single storey in height or split level. Cutting into the slope towards the northern boundary would reduce the scale of the development whereby the buildings on the northwest boundary would appear as single storey development. Furthermore, the separation distances between the proposed dwellings on this boundary and the dwellings in Stane Street Close would be a minimum of 21 metres which is the Council's adopted privacy standard. It is therefore considered that the residential amenities of existing residents would not be adversely affected by the proposed development in terms of overlooking and loss of privacy.
- 6.25 The concerns of residents in respect of the proposed development's impact on the wildlife in the area and the water and sewage infrastructure are noted and the respective statutory consultees have been duly consulted. However, subject to the imposition of appropriate conditions, no objection has been raised in respect of these matters and reasons for refusal based on these issues could not therefore be substantiated. Reference has also been made to the planning history of the site which it is maintained gives added weight to the objections of Pulborough residents that the site is unsuitable for any development, that any such development would have a severe impact upon pre-existing traffic and sewerage problems and that the site needs to remain undeveloped to preserve the degree of separation between the two settlements of Pulborough and Codmore Hill. However, the two previous applications on this site were submitted in 1958 and 1978 and circumstances have changed significantly in the intervening period. The Development Plan for the District currently includes the South East Plan which sets the housing targets for the District and against which there is a significant shortfall in the 5 year housing supply. The County Surveyor and the Council's Landscape Architect have both thoroughly assessed the application and are satisfied that the revised scheme would not have an adverse impact on highway safety and the visual amenities and character of the surrounding area.
- 6.26 With regard to financial contributions towards infrastructure requirements arising from the development, it is noted that the County Council have requested the following contributions:- £607,142 for education; £200,430 for transport infrastructure, £26,128 for libraries and £10,520 for fire and rescue. A community facilities contribution of £207,664 would also be payable. However, it should be noted that these sums are provisional figures at this stage since the precise sums would be dependent upon the number and type of affordable housing units.
- 6.27 In conclusion, it is acknowledged that there are strong local objections to the application, however, it has been demonstrated through the revised design and access statement that the site could be developed sensitively without adversely affecting the built-up character of Pulborough. It is also considered that the proposal would not be likely to cause significant adverse landscape and visual impacts and the revised scheme would reduce the effect of perceived visual coalescence/strip development between the two settlements of Pulborough and Codmore Hill. Given the Council's position with regard to the current 5 year housing supply and the comments of the various consultees on the amended scheme, it is not considered that there is any justification for the refusal of the application on planning grounds. Furthermore, the proposal would facilitate the erection of a footbridge over the railway line which has been identified as a priority in the Village Transport Plan and which would be an undoubted community benefit. Therefore, for the reasons stated above it is your officers view that the proposed development meets all the criteria outlined in the FAD SPD and is therefore acceptable.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be granted subject to the following conditions and the completion of a Legal Agreement to secure financial contributions, fire hydrants and the provision of a footpath.

1. A1 – Outline Permission...please amend time limit for ARM from 3 years to 18 months
2. D6 – Finished Floor Levels
3. D10 – Floodlighting
4. E3 – Fencing
5. G6 – Recycling
6. H10 – Cycling Provision
7. L1 – Hard and Soft Landscaping
8. L6 – Burning of Materials
9. M1 – Approval of Materials
10. O1 – Hours of Working
11. H4a – On Site Parking
12. H6 – Wheel Washing
13. M8 – Sustainable Construction
14. L2A – Protection of trees
15. Construction of the development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.
Reason: To ensure that the development is properly drained.
16. The developer must agree with Southern Water prior to commencement of the development the measures to be undertaken to protect the public water supply main.
17. The development hereby permitted shall not be commenced unless and until the traffic signal access from the site to the public highway (A29) has been designed, laid out and constructed in all respects to the satisfaction of the LPA (and broadly in accordance with drawing no. 2010/1184/001 rev E)
Reason : In the interests of highway safety
18. No more than 50 dwellings on the development shall be occupied until a new pedestrian/cycle path link has been provided between the new access road and Stane Street Close in accordance with plans and details to be submitted to and approved by the LPA.
Reason : In the interests of pedestrian and cyclist safety
19. The development hereby permitted shall not commence unless and until details of the construction car parking area, the loading/unloading area for deliveries, site offices provision and materials storage have been submitted to and approved by the LPA
Reason : In the interests of highway and site safety.
20. No dwelling shall be occupied unless and until it has been provided with access and car parking to at least base course level in accordance with plans and specification to be submitted to and approved by the LPA.
Reason : To ensure that each dwelling has safe and adequate access and car parking.

21. No more than 100 dwellings shall be occupied unless and until a landscape management plan has been prepared and submitted to the LPA for approval, including the embankment that runs along the site frontage with the A29.

Reason : To ensure long term maintenance of the embankment in the interests of pedestrian safety.

22. No dwelling shall be occupied unless and until footpath clearance works have been carried out within the public highway between New Place Road and the A29 railway bridge.

Reason : In the interests of pedestrian safety.

23. No works affecting trees with a potential to provide roosting provision for bats shall be undertaken without a check for bats being carried out by a licensed bat handler immediately prior to the works. The findings of these surveys and any required mitigation measures arising should be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works affecting the trees in question. If the further surveys identify the presence of one or more bat roosts then all works must stop and the requirement for a license must be assessed.

Reason: To ensure that the proposed work does not harm any individual bat or group of bats and is in accordance with The Conservation (Natural Habitats, &c.) Regulations (1994/2010).

24. No development shall be carried out on the land until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological works in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that archaeological features on the site will be properly recorded before development.

Note to Applicant

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk

8. REASONS FOR RECOMMENDATIONS

ICAB1 – The proposal does not materially affect the amenities of neighbouring properties.

ICAB3 – The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

IDP1 – The proposal is consistent with the provisions of the development plan.

Background Papers: DC/11/0952



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning & Environmental Services

DATE: 21st February 2012

DEVELOPMENT: Continued use of former farm buildings as 4 self contained dwellings & 1 to be occupied by owner / farm manager, provision of parking for 10 cars and use of further building as farm office

SITE: Woodmans Farm, London Road, Ashington

WARD: Chanctonbury

APPLICATION: DC/11/2486

APPLICANT: Mr J Sheehan

REASON FOR INCLUSION ON AGENDA: Neighbour request to speak & request to revoke a Section 106 agreement previously agreed at Committee.

RECOMMENDATION: To grant planning permission subject to the completion of a legal agreement tying the ownership of the buildings to the rest of the farm holding and revoking legal agreement No. 703.

1. THE PURPOSE OF THIS REPORT

To consider the planning application and to seek approval of this committee to revoke the Section 106 agreement as requested.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for the continued use of former farm buildings as 4 self contained dwellings & 1 to be occupied by the owner / farm manager, provision of parking for 10 cars and use of a further building as a farm office. The dwellings would be subject to a S106 legal agreement which would prevent the sale of the application buildings away from the larger landholding at any point in the future but would allow them to be let out on a six month shorthold basis.

- 1.2 Unit 1 (The South Barn) provides a lounge/diner, kitchen, 3 bedrooms, en-suite, bathroom, utility and this would be occupied by the owner / farm manager only. Unit 2 (Woodmans Barn) provides a lounge/diner, kitchen, utility to the ground floor and 3 bedrooms, an en-suite and bathroom to the first floor level. Unit 3 (Woodmans Cottage) provides a lounge, kitchen, bathroom and 2 bedrooms. Unit 4 (The Cart Shed) provides a lounge, kitchen, bedroom and bathroom. Unit 5 (Farm Office) provides a farm office with WC. Unit 6 (The Granary) provides a lounge and kitchen to the ground floor level and 2 bedrooms and a bathroom to first floor level. The units would all have a private amenity area and parking area.
- 1.3 This proposal also seeks to vary a Deed of Revocation and Agreement under Section 106 of the Town and Country Planning Act 1990 which was completed 3rd July 1996 (Reference S106 0703). The agreement states that “the owner agrees with the Local Planning Authority:
- 4.2 the three proposed residential dwellings shown in the approximate position edged blue on the area plan and marked units 1, 3 and 6 shall at all times be occupied by the owner or by a person employed by him in connection with the use of the land (including any dependants of such a person residing with him) and no other.”
- 1.4 Application WX/5/95 permitted the conversion of the disused barns to form 2 holiday accommodation units, 3 dwellings and parking in August 1996. This application was subject to the S106 being completed and signed.

DESCRIPTION OF THE SITE

- 1.5 The site is located in a countryside location to the east of the A24. The site has direct road access via the A24 through an electric gate and down a single track road. The farm consists of 6 brick built barns (subject of the application) and numerous other portal framed agricultural barns which are used for lambing, overwintering facilities for the cattle, storage of hay, equipment and machinery. Part of one of the barns is used for stabling for up to 18 horses. The agricultural unit comprises of 171 acres of land of which 140 acres are farmed. A livestock operation is run from the farm which consists of 250 breeding ewes and 40 beef cattle. The sheep are lambed in April of each year whilst the beef cattle are bought as stores and fattened prior to sale. The farm is run and managed by a full time employee who lives off site.

PLANNING HISTORY

- 1.6 Application WX/4/89 for the change of use of agricultural building to provide stabling for horses was permitted in 1989.

Application WX/5/95 for the conversion of existing disused barns to form 2 holiday accommodation units, 3 dwellings and parking was permitted in 1996.

Application WX/3/02 for a 24 hour security unit in connection with the racing stables at Woodmans Farm, Permitted 2002.

Application WX/5/02 for the retention of training gallops for racehorses, permitted 2002.

Application WX/9/02 sought variation of Condition 4 on WX/3/02 to allow sleep over facilities in security unit, Permitted 2002.

Application WX/15/02 for the conversion of building into security/sleeping accommodation, Permitted 2002.

Application WX/5/03 for the conversion of existing barn to 1 holiday unit for all year round use, permitted 2003.

Application DC/09/1406 for the removal of all occupancy restrictions relating to Unit 1 (Owners Farmhouse), Unit 3 (Woodmans Cottage), Unit 6 (The Granary) and removal of Condition 10 was withdrawn in October 2009.

There is no other relevant planning history for the site.

2. INTRODUCTION

RELEVANT POLICY

2.1 Town and Country Planning Act 1990

RELEVANT GOVERNMENT POLICY

2.2 PPS1, PPS3 & PPS7.

RELEVANT COUNCIL POLICY

2.3 The following policies of the Local Development Framework Core Strategy (adopted February 2007) are relevant in the assessment of this application: CP1 – Landscape and Townscape Character & CP15 – Rural Strategy.

2.4 The following policies of the Local Development Framework, General Development Control Policies Document (December 2007) are relevant in the assessment of this application: DC1 – Countryside Protection & Enhancement, DC2 – Landscape Character, DC9 – Development Principles, DC23 – Sustainable Farm Diversification, DC24 – Conversion of Agricultural and Rural Buildings for Industrial, Business or Residential Uses and DC40 – Transport & Access.

3.0 OUTCOME OF CONSULTATIONS

OUTSIDE AGENCIES

3.1 Natural England has commented that this proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development.

- 3.2 The Environment Agency has no comment to make on this application.
- 3.3 Southern Water has commented that “The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness. The Council’s Building Control officer’s technical staff or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

PUBLIC COMMENTS

- 3.4 Wiston Parish Council has stated that they object to the application on the following grounds:
- Councillors were concerned that the farm is not viable and that owners are now undertaking considerable property development that would produce an income significantly in excess of the shortfall created by the farm not being profitable;
 - There could be no justification for such development in the countryside;
 - Increased fast heavy traffic was ruining the track;
 - Outside lights were noticeable;
 - Increased traffic through the security gate was causing extra electricity usage.
- 3.5 3 letters of objection have been received on the grounds of:
- Increased traffic would cause damage to the lane which already has pot holes;
 - The cost of the telephone entry gate will go up with increased use;
 - We would be prepared to look at a more limited residential use of perhaps 3 units;
 - of the buildings have already been let in breach of the current planning occupancy restrictions since 2009;
 - The arrival of the tenants on a permanent basis has already caused considerable increase in the volume of traffic on the bridle path;
 - Some tenants are renting stables at the farm therefore we have horseboxes and deliveries queuing at the gate to gain access;
 - The access/egress onto the A24 is unsafe;
 - PPS7 states development must meet sustainable development objectives;
 - The access road is a public bridleway;
 - If this application is approved it would increase the number of properties along the access road from 6 to 11 properties;
 - Noise;
 - Light pollution from outside floodlighting, roof lights and floor to ceiling glass on both sides of Unit 2;
 - All dust bins are left at the gate with Woodmans Farmhouse (neighbouring property in separate ownership);
 - A comprehensive farm diversification plan has not been submitted with the application;

- What is proposed is not a farm diversification in any normal sense but is a residential scheme designed to generate considerable income well in excess of what is needed to cover farm losses;
- The development doesn't accord with the requirements of Policy DC24;

3.6 No other representations have been received to public notification on the application at the time of writing this report. Any further comments received will be reported verbally at the committee meeting.

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 ASSESSMENT

6.1 The main issues in determination of this application are considered to be the principle of the development, the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area.

6.2 The proposal has to be assessed against Policies DC23 and DC24 of the General Development Control Policies 2007. Policy DC23 covers sustainable farm diversification and states:

“Proposals for new rural enterprises within established agricultural holdings will be permitted if:

- a) they form part of a comprehensive farm diversification scheme;
- b) appropriately located existing buildings are re-used where possible;
- c) new and replacement development is in scale with the surroundings and well related to existing buildings on the site;
- d) the diversification scheme would not harm the countryside's rural character, landscape, historical landscape features and wildlife by the nature and level of activity.”

Policy DC24 covers conversion of agricultural and rural buildings for industrial, business or residential uses and states:

“Outside the defined built up areas, conversion of agricultural, forestry or rural buildings to business, commercial or residential development will be permitted where:

- a) the building is suitably located in that it is not in an isolated position in relation to infrastructure, amenities and services;
- b) the building is of suitable scale for the level of activity proposed and of suitable construction which is not so derelict as to require substantial reconstruction, and for proposals for residential use, is of traditional construction and/or architectural/historic interest

6.3 The site was originally run by the Sheehan Family as a Racing Yard until the death of Patrick Sheehan, some years ago. All the racehorses were sold and the site and buildings have remained vacant other than the more modern agricultural buildings which have remained in agricultural use. Within the last 2 – 3 years, three of the application buildings have been let out, in order to generate an income to supplement the farms losses. A couple of the tenants also keep their horses at the farm and make use of the stables on site. However, this has resulted in the applicant being in breach of conditions and legal agreement No. 703.

6.4 All the buildings have in the past been granted consent for residential conversion with restrictions to be used as holiday lets, security accommodation/sleepover facilities or to provide accommodation for the owner and/or farm workers. Unit 1 has consent to be used as residential accommodation for a farm worker permitted under WX/5/95 and is tied via a legal agreement to the owner or an employee in connection with the land, Unit 2 has consent to be used for holiday accommodation under WX/5/03, Unit 3 has consent to be used for residential accommodation for a farm worker permitted under WX/5/95 and tied via legal agreement to the owner or a person employed by them in connection with the use of the land, Unit 4 has consent to be used as security accommodation and sleep over facilities for a shepherd linked to the use of Woodmans Farm for agricultural and equestrian purposes permitted under WX/15/02, Unit 5 has consent to be used for security accommodation and sleep over facilities in connection with the racing stables permitted under WX/9/02 and Unit 6 has consent to be used as residential accommodation for a farm worker permitted under WX/5/95 and is tied via legal agreement to the owner or a person employed by them in connection with the use of the land.

6.5 The application has been amended since it was originally submitted to try and accommodate the views of neighbouring occupiers. The 5 self contained rentable dwellings originally proposed have been reduced to 4 self contained dwellings with the fifth dwelling (Unit 1 - closest to the neighbour) being occupied only by the owner / farm manager. The site was originally used for a commercial equestrian use which would have generated considerable noise, general disturbance and traffic movement in its hay day. The barns have already been converted under previous consents as they are considered to have historic and architectural merit which would be best preserved through conversion. The barns are not considered suitable to be used for industrial or commercial purposes due to the close proximity of Woodmans Farm House which is in separate ownership. Therefore, it is considered that residential use would be the best use for these particular barns in this location as residential use would generate the least noise, activity and disturbance. The barns are considered to be of a scale that can provide residential accommodation without the need for extensions in accordance with the aims of Policy DC24.

- 6.6 Woodmans Farm also runs a livestock holding that employs a farm manager on a full time basis. The farm runs a flock of 250 breeding ewes and 40 beef cattle which has traded at a loss in recent years. The agent has stated that the applicant has been forced to look at alternative sources of income to help subsidise the losses from the agricultural enterprise. The agent has stated that "The rental income that is now being achieved from the application buildings offsets the declared losses on the agricultural enterprise experienced in the past 3 years." The agent has also stated that "In order to ensure, in the longer term, that the rental income of the application buildings provides an alternative source of income for the agricultural enterprise run from the Farm, it is envisaged that any planning approval would be the subject of a Legal Agreement preventing the sale of the application buildings away from the larger landholding at any point in the future." It is considered that this legal agreement would ensure that the farm would continue to operate as one planning unit and the income from the lettings would help support the continued livestock business at the farm.
- 6.7 The comments made by the objectors are duly noted and it is considered that many of the concerns raised can be addressed via the imposition of conditions on any consent granted. Conditions will be imposed to control the use of external floodlighting and the location of waste and recycling bins. However, it is considered that the maintenance of the bridleway (access track) and the use of the electric gate is a civil matter between the parties involved. It is also considered that it would be unreasonable and unenforceable to attach a condition to any consent which states that farming activities have to continue at there current level or above.
- 6.8 It is considered that it has been demonstrated that the proposal forms part of a farm diversification scheme and the buildings are appropriately located existing buildings. It is considered that the diversification scheme would not harm the countryside's rural character through the level of activity proposed as the proposed use would result in fewer traffic movements and noise than the original commercial equestrian use that was run on site. Therefore, it is considered that the proposal is in accordance with Policy DC23.
- 6.9 With regard to the request to revoke Section 106 0703, the purpose of the previously agreed legal agreement was to restrict the occupation of units 1, 3 and 6 to the owner or by a person employed by him in connection with the use of the Land. The owners of the site in 1996 and stated within the legal agreement were Patrick Joseph Sheehan, Eileen Sheehan and John Sheehan. However, Patrick Sheehan (Father) passed away in 2006, Eileen Sheehan (Mother) and John Sheehan (Son) are not capable of running the farm. The farm ceased to be used as a racing yard after 2006 and has since been looked after by Tim Sheehan (Second Son). Tim Sheehan has sought to rent the farm out as a whole to an equestrian business but has had no interest in the farm as a whole. Therefore, under this current application he is looking to revoke the existing legal agreement and enter into a new S106 legal agreement to tie all the buildings to the main farm holding which would prevent any of the buildings being sold off separately to the land.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be granted subject to the following conditions, the completion of a S106 legal agreement that ties the ownership of the buildings to the rest of the agricultural holding and revoking legal agreement No. 703.

- 1) A2 Full Permission
- 2) Unit 1 (The South Barn) shall only be occupied by the owner and/or farm manager of Woodmans Farm only.
Reason – To enable the LPA to control the use of the site and because other uses would be contrary to Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies 2007.
- 3) Within 3 months of the date of this decision, the roof lights to be removed from Unit 2 (Woodmans Barn) and Unit 6 (The Granary) shall be removed and the openings blocked up and re-tiled in matching roof tiles.
Reason – M1 reason
- 4) Before development commences precise details of the design, the materials and method of glazing for the conservation style roof lights to be installed in Unit 6 (The Granary) and Unit 1 (The South Barn) shall be submitted to and approved by the Local Planning Authority in writing. The agreed roof lights shall be installed and will thereafter conform to the approved details.
Reason – M1 reason
- 5) M4 Matching Materials
- 6) E3 Fencing
- 7) L1 Hard & Soft Landscaping
- 8) O1 Hours of Working
- 9) D10 Floodlighting
- 10) G5 Recycling
- 11) J10 Removal of Permitted Development - Dwellings

8. REASONS FOR RECOMMENDATION:

IDP1 The proposal is consistent with the provisions of the development plan

Background Papers: DC/11/2486 & Section 106 0703

Contact Officer: Kathryn Sadler

8106 703

DATED *Brd July* 1996

Between

- (1) The Owner: P J SHEEHAN E SHEEHAN
and J SHEEHAN
- (2) The Mortgagee: THE GOVERNOR AND COMPANY OF
THE BANK OF IRELAND
- (3) Local Planning Authority:
HORSHAM DISTRICT COUNCIL

A G R E E M E N T

under the Town and Country Planning
Act 1990 Section 106 and other powers

Land at: Woodmans Barn Farm, London
Road Wiston West Sussex

I.R. Davison M.A.

Chief Solicitor
Horsham District Council
Park House, North Street
Horsham, West Sussex RH12 1RL
DX57609 Horsham
Reference SAH/AGT/368

Committee: Area 2 Plans Sub-Committee

Date : 18th July 1995

Minute No: 510

WP Ref: 49\legal/WOODMANS



AGREEMENT dated 3rd July 1996 BETWEEN

- (1) The Owner: PATRICK JOSEPH SHEEHAN EILEEN SHEEHAN and JOHN SHEEHAN all of 31 Longmeadow Findon Valley Worthing West Sussex and whoever for the time being is the freeholder of the land or any part of it
- (2) The Mortgagee: THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND whose registered office is at 178 Balham High Street London SW17
- (3) The Local Planning Authority: HORSHAM DISTRICT COUNCIL of Park House North Street Horsham West Sussex RH12 1RL

1. Definitions

In this Agreement:

- 1.1 Whenever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually
- 1.2 A reference to an Act of Parliament refers to the Act as it applies at the date of this Agreement and any later amendment or re-enactment of it
- 1.3 'agreed' or 'approved' means in writing
- 1.4 'the Application' means the application (reference WX/5/95) made by the Owner concerning the land for planning permission to convert existing disused barns to form 5 units of residential accommodation
- 1.5 'the Development' means the development of the Land proposed by the Application or permitted by planning permission granted pursuant to the Application or carried out substantially in accordance with the permission
- 1.6 'the Land' means the land at Woodmans Barn Farm London Road Wiston West Sussex shown for identification purposes only edged red on the area plan and comprised within title number WSX 116261
- 1.7 'the area plan' means the plan numbered 1 attached to this Agreement

2. Enabling Provisions

THIS Agreement is made pursuant to the Town and Country Planning Act 1990 Section 106 (as substituted by the Planning and Compensation Act 1991) the Local Government Act 1972 Section 111 and all other enabling powers and has been entered into pursuant to the Area 2 Plans Sub-Committee's resolution of 18th July 1995 (Minute No. 510)

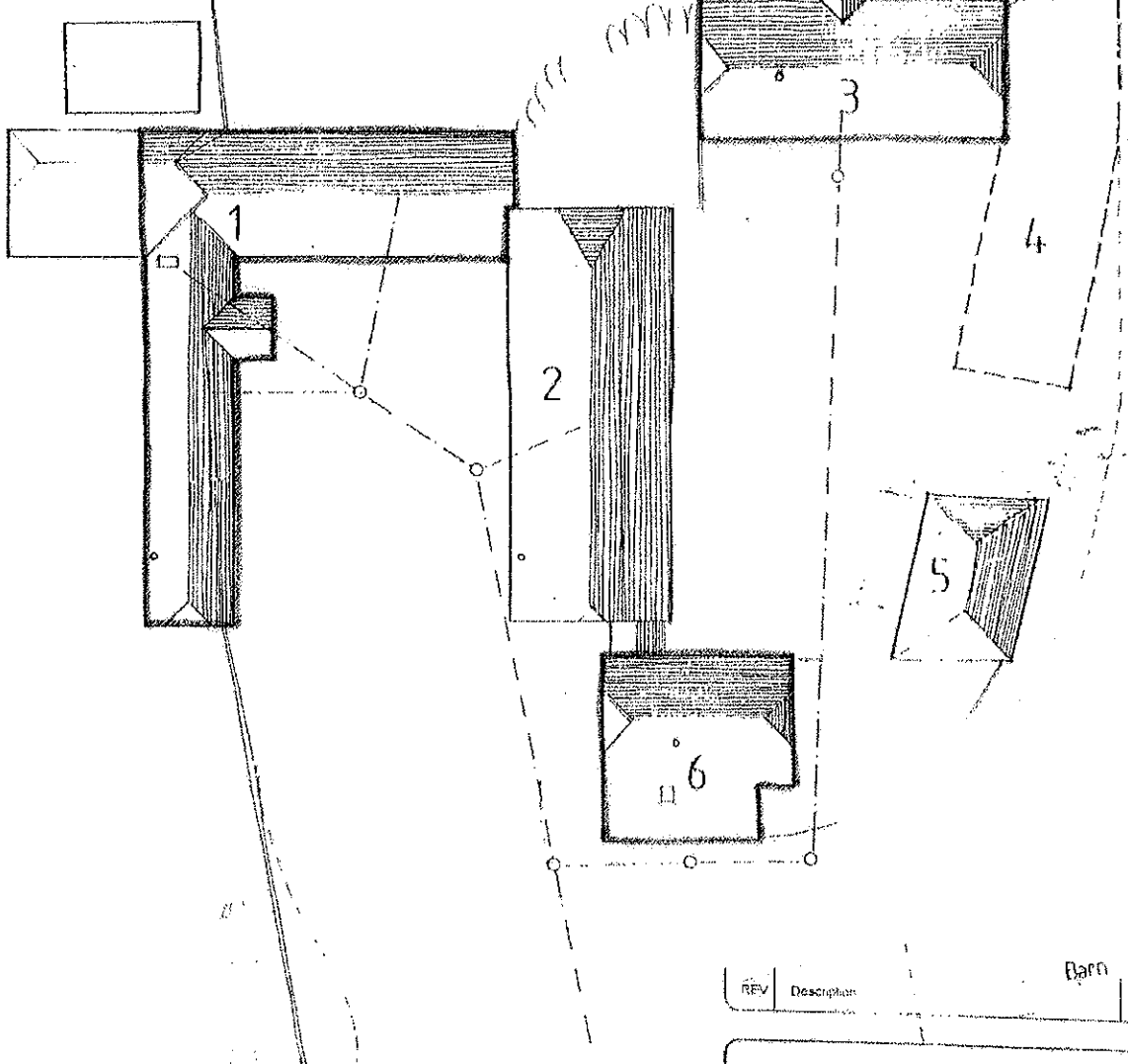
reported to the Architects before work commences
only are to be taken from the drawing - DO NOT

This drawing is to be used for construction purposes only
and remains the property of the Architects

470 Rectory

23/7/96
Pharos Parsons

to Section
E Sheds



REV	Description	Date	By

CONVERSION OF EXISTING
BARN

SITE PLAN 1:200

HORSHAM DISTRICT COUNCIL
DEPOSITED PLAN
Rec'd 16 MAR 1995
No. WX-5-95

17 Blackhouse Way
West Sussex
Tel 01403 252414

Horsham
RH12 1NU
Fax 01403 268094

2 Parsons Mead
Surrey
Tel 0181 086 6431

Croydon
CR0 3SU
Fax 0181 666 0704

14 Elm Grove Road
Tel 0181 676 4497

London
SW11 0BT
Fax 0181 876 3480



Scale	Date	REV
1:200	APRIL '95	
1:5000	Drawn by AFB	94-61-1

3. Commencement

THIS Agreement shall come into effect upon the date hereof but the obligations in Clause 4.2 and 4.3 shall become effective only on and after the commencement of the Development in accordance with the Town and Country Planning Act 1990 Section 56

4. Owner's Obligations

THE Owner agrees with the Local Planning Authority:

- 4.1 not to dispose or part with possession of the Land otherwise than in its entirety
SAVE THAT the Owner be permitted to carry out minor boundary changes to the Land subject to obtaining the Local Planning Authority's prior written approval
- 4.2 the three proposed residential dwellings shown in the approximate position edged blue on the area plan and marked units 1 3 and 6 shall at all times be occupied by the Owner or by a person employed by him in connection with the use of the Land (including any dependants of such a person residing with him) and no other
- 4.3 to remove from the Land the unauthorised mobile homes stationed thereon by 30th December 1996 or upon completion of Units 3 and 6 shown in the appropriate position edged blue on the area plan whichever is the sooner

5. Costs

The Owner agrees with the Local Planning to pay the legal costs which the Local Planning Authority incurs in preparing and entering into this Agreement

6. Mortgagee's Consent

The Mortgagee consents to the Owner entering into this Agreement and acknowledges that this Agreement binds the land

7. Agreements and declarations

The parties agree:

- 7.1 nothing in this Agreement constitutes planning permission
- 7.2 nothing in this Agreement fetters or restricts the exercise by the Local Planning Authority of any of its powers
- 7.3 the obligations contained in Clause 4 are planning obligations for the purpose of the Town and Country Planning Act 1990 Section 106
- 7.4 this Agreement constitutes a deed
- 7.5 this Agreement is enforceable by the Local Planning Authority

SIGNED and DELIVERED as

his deed by the said

PATRICK JOSEPH SHEEHAN

in the presence of:



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning & Environmental Services

DATE: 21st February 2012

DEVELOPMENT: Construction of a 3 bedroom chalet bungalow with attached double garage in the front garden of the Oaks and demolition of existing 4 bay garage and replacement double garage next to the existing property.

SITE: The Oaks, Hampers Lane, Storrington

WARD: Chantry

APPLICATION: DC/11/2633

APPLICANT: Mrs Brenda McMichael

REASON FOR INCLUSION ON AGENDA: Request to Speak (Heath Common Residents Association)

RECOMMENDATION: To grant permission subject to the completion of a legal agreement to secure financial contributions towards community facilities.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposed dwelling would be located within the front garden of The Oaks. The proposed plot would measure approximately 50m in depth by 16m in width with the resultant plot measuring 45m in depth by 28m in width. A 3.3m wide access would also be provided to the northern side of the proposed dwelling to give vehicular access to The Oaks.
- 1.2 The proposed dwelling would measure 9.8m in width by 7.5m in depth and would have a ridge height of 6.1m. A rear gable projection is proposed which would

project out by 4.6m and measure 6.3m in width with a ridge height of 5.5m. There would also be an attached garage to the northern elevation which would measure 4.9m in width by 5.6m in depth with a ridge height of 5.3m. The dwelling would be sited within 0.2m of the southern side boundary of the site but 4.8m would be retained to the northern side boundary.

- 1.3 The accommodation would provide a kitchen/breakfast area, hallway, study, lounge, dining room and utility to the ground floor level. The first floor would provide three bedrooms, an en-suite and bathroom. A basement is also proposed which would provide a family room. The double garage would also provide an office area within the roof space of the building.
- 1.4 The existing 4 bay garage on site would be demolished and replaced by a double garage with store above which would be used by the occupiers of The Oaks (existing house on site). The garage would measure 7.5m in width by 5.6m in depth and would have a ridge height of 5.3m.

DESCRIPTION OF THE SITE

- 1.5 The application site is on the western side of Hampers Lane and is on the edge of the Heath Common Character Area. The site is within the built-up area as defined by the Local Development Framework. The front eastern and the side northern boundary consists of a post and rail fence, the southern boundary consists of a low level wire fence and the western end of the site is where the existing dwelling is sited. The land on the site rises up towards the west side of the site. There are several trees of the site and there is a line of trees to the northern side boundary which are in close proximity to the boundary but are within the garden of Barton Lodge (Neighbouring Property). The nearest residential dwellings are to the north, comprising Little Barton and a recently constructed dwelling in its front garden called Barton Lodge.

PLANNING HISTORY

- 1.6 SR/19/65 Belcon concrete garage, permitted April 1965
- SR/26/65 Bedroom and bathroom extension, permitted May 1965
- SR/52/73 Formation of separate vehicular access, permitted June 1973
- SR/90/02 Conservatory, permitted October 2002
- DC/07/2545 Erection of 1 x 4 bed detached dwelling with 2 bay detached garage, Withdrawn December 2007.
- DC/08/2475 Erection of 2 x 4 bed farmhouse style dwellings each with a 2 bay detached garage and provision of a 3 metre wide footpath to serve the country park, Refused August 2009.
- DC/11/0350 Construction of a four bedroom farmhouse style property with attached double garage in front garden, Withdrawn May 2011.

DC/11/0969 Construction of a 4 bed farmhouse style property with attached double garage in front garden of The Oaks and transfer of land to Horsham District Council, Refused July 2011

There is no other relevant planning history for the site.

2. **INTRODUCTION**

RELEVANT POLICY

2.1 Town and Country Planning Act 1990

RELEVANT GOVERNMENT POLICY

2.2 PPS1, PPS3 & PPG13.

RELEVANT COUNCIL POLICY

2.3 The following policies of the Local Development Framework Core Strategy (adopted February 2007) are relevant in the assessment of this application: CP1 – Landscape and Townscape Character, CP3 – Improving the quality of new development & CP5 – Built up areas and previously developed land.

2.4 The following policies of the Local Development Framework, General Development Control Policies Document (December 2007) are relevant in the assessment of this application: DC9 – Development principles, DC15 – Heath Common and West Chilmington Character Areas and DC40 – Transport & Access.

2.5 Guidance contained within the Heath Common Village Design Statement is also relevant.

3.0 **OUTCOME OF CONSULTATIONS**

INTERNAL CONSULTEES

3.1 The Arboricultural Officer has stated “I visited the site on 23rd January 2012, and as you will recall met with you and the developer on 25th January, subsequent to which amended plans were submitted. I have now examined these, most pertinently the block plan (*drawing number 05/2011 @1:200*). I note the following:

1. Trees to be removed.

A total of seven trees are to be removed. These include:

The two large Silver birches close to Hampers Lane: These two trees have large decaying basal wounds, and are in poor condition. Although noticeable from the public lane, and therefore of amenity value, they can be classified as category ‘R’ trees requiring removal.

Three small fruit trees in the existing garden area to The Oaks: these are very small trees of very low amenity value. One is completely dead, having suffered from Honey fungus infection (*Armillaria spp.*).

A semi-mature Scots pine tree to the west of the apple trees, visible from Hampers Lane, but at a considerable distance. Of some amenity value, this tree is fair but not especial; I consider it a category 'C' tree, typical of the area. I record no objection to its removal.

The large oak tree to the north-east of the existing dwelling. This tree was originally intended to be retained, but at my inspection I found a distinct basal cavity and associated 'bottling' around the base, a clear indication of internal decay. It also appears to be infected with Honey fungus. It has been hard topped, and is now a poor specimen. I support its removal.

2. Protection of existing trees, particularly those off-site along northern boundary.

This line of 12 trees is not especial; many have been topped. Nonetheless, they represent quite an important landscape amenity feature, and provide an important screen between the two existing properties. They are on slightly higher land than the site, which itself rises distinctly from south to north. In consequence, the lateral roots of these trees will be severely damaged unless ground levels in the area are retained unaltered, and in addition protected.

Following our discussions with the applicant, I note the proposals to achieve this by constructing a 'no-dig' type driveway above the existing land in accordance with the recommendations at APN12 (mis-stated on the plans as 'APN1'). This will require the erection of a small supporting wall of some type on its southern edge, as indicated on the amended plans. This retaining wall will lie on the very outer edges of the RPA's of the line of 12 trees, and is accordingly satisfactory.

3. New site entrance.

Considerable excavations will be required to form a new entrance from Hampers Lane into the higher land in this part of the site. However, despite the presence of some large laurel bushes close by – off-site – I record no objection to this on arboricultural grounds.

4. Drainage.

The submitted details regarding drainage will have no impact upon the retained trees on the site, and are satisfactory.

4. Summary

Provided the submitted details in regard to the construction of the new driveway are suitably enforced by condition, I feel that this scheme can be constructed without causing unnecessary harm to the retained trees. Accordingly I register no objection to the scheme. However, as it will be the principle means of entry into the site for

construction traffic, it is necessary to ensure that the new driveway is constructed, save for its final top dressing, BEFORE any other works are commenced.”

OUTSIDE AGENCIES

- 3.2 West Sussex Highway Authority has stated “I refer to your consultation in respect of the above planning application and would provide the following comments.

You will be aware that there have been several appeals for residential developments in this area relating to highway issues. Therefore consideration needs to be given to the principle of residential development, in this non sustainable location served by the substandard private road network. In January 2009 the access was considered sufficient for the needs of 2x4 bedroom houses, therefore on the information available we have available no concerns would be raised to this reduced scheme at the site.

WSCC did not seek a contribution for a similar proposal at this site in 2011, so we cannot reasonably seek contributions for this latest application.”

- 3.3 Southern Water has stated that they “require a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent “A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, S023 9EH Tel 01962 858688 or www.southernwater.co.uk

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The Council’s Building Control officers technical staff or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Please find attached a plan of the water main records showing the approximate position of a public water distribution main in the immediate vicinity the site. The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

All existing infrastructure including protective coatings and cathodic protection should be protected during the course of construction works. No excavation mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.

For further advice, the applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, S023 9EH Tel 01962 858688 or www.southernwater.co.uk

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.”

PUBLIC COMMENTS

3.4 Heath Common Residents Association has objected to the application on the grounds of:

- We note that this application does not seek to incorporate any AL19 land for rear garden amenity as in previous proposals;
- It is important to recognize the setting of the proposal, it is the first dwelling on the west side when entering the BUAB of Heath Common from the south;
- The land to the south and east of The Oaks is covered by policy AL19 and effectively designated as countryside albeit that some of the land is within the ownership of the applicant;
- Much of the justification for the proposal revolves around the permission granted for Barton Lodge under reference DC/07/0881 at a time when curtilages within a residential property were clearly stated to be previously developed land;
- Set a precedent for other tighter infill development;
- HCRA is of the view that there will be impact on neighbour amenity for all three properties particularly with reference to the remodeling of the driveway and additional
- traffic movements close to residential properties;
- The design is not of a high standard;
- HCRA is reluctant for the permission for Barton Lodge to set a precedent for the prevailing pattern of development in Hampers Lane.

3.5 Washington Parish Council has objected on the grounds of:

- The site is at the 'entrance' to Heath Common, and the current property sits well back from Hampers Lane and does not impinge on the Street Scene;
- Applications within Heath Common for houses on such as these are at odds with the Heath Common VDS;
- Additional traffic would use this substandard private lane;

3.6 No other representations have been received to public notification on the application at the time of writing this report. Any further comments received will be reported verbally at the committee meeting.

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 ASSESSMENT

6.1 The main issues in determination of this application are considered to be the principle of the development, the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area.

6.2 The Local Development Framework Core Strategy has identified two categories of settlements which are considered appropriate to have a defined built-up area. These settlements are categorised as a reflection of their relative position in a “settlement sustainability hierarchy” by virtue of their ability potentially to accommodate different levels of additional development. Category 1 settlements are classified as towns and villages with a good range of services and facilities as well as some access to public transport – capable of sustaining some expansion, infilling and redevelopment. The site is within the built up area of Storrington which is a Category 1 Settlement and therefore infill is acceptable in principle subject to other Development Plan policies.

6.3 Policy DC9 states planning permission will be granted for development which:

- a) make efficient use of land whilst respecting any constraints that exist;
- b) do not cause unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking;
- c) ensure that the scale, massing and appearance of the development is of high standard of design and layout;
- d) are locally distinctive in character, respect the character of the surrounding area;
- e) use high standards of building materials, finishes and landscaping;

6.4 The site has been subject to numerous planning applications for residential development over the past few years which have either been refused or withdrawn. These applications differ from this one as the application site for those applications included the land to the south of the current application site which is classified as countryside and country park as covered by policy AL19 of the Site Specific Allocations of Land document which states that proposals which could assist in the formation of the Country Park will be encouraged.

6.5 The Heath Common Residents Association & Washington Parish Council have objected to this current application and the issues raised by them will be addressed within the assessment. No other objections have been received in relation to this application. The Arboricultural Officer has no objection to the application provided the no dig construction of the new driveway is suitably enforced by condition.

- 6.6 With regard to the proposed dwelling in the front garden of The Oaks, it is noted that immediately to the north, a similar style dwelling was granted permission in 2007 in the front garden of Little Barton, which is now called Barton Lodge. The approved ridge height of this property is 8 metres, therefore the proposed dwelling with its ridge height of 6.1m would be 1.9m lower. It is acknowledged that the plot width is narrower than the plot at Barton Lodge (to the north), however the dwelling proposed on this plot is considered to be proportionate to the size of the plot. Barton Lodge is substantially larger than the dwelling proposed in this application.
- 6.7 Two additional applications for an infill dwelling have been refused in the rear garden of Little Barton under references DC/11/1652 & DC/11/0486. The dwelling was considered unacceptable due to its siting on the most elevated north easterly corner section of the site, restricted site area caused by the protected trees on site (TPO trees), proximity to neighbouring occupiers and the lack of resultant amenity area for the existing dwelling (Little Barton). Therefore, it is considered that this current application is substantially different from those at Little Barton as there are no TPO trees at 'The Oaks', the land levels between the proposed dwelling and surrounding properties are not substantially different and the rear amenity area for 'The Oaks' will not be reduced from its current size.
- 6.8 The plans have been amended in order to give a greater distance between the proposed garage for the new house and the northern side boundary where a line of trees exist. The distance between the garage and the northern side boundary measures 4.8m. The garage has now been attached to the house in order to give a greater distance to the boundary to allow for the tree roots. The applicant is also proposing to use a no dig technique for the new access track in accordance with APN12 and the Arboricultural Officers comments. This will prevent the roots of the trees being damaged by the weight of vehicles.
- 6.9 The dwelling would be set approximately 19m back from the front boundary of the site which is considered acceptable as Barton Lodge is set approximately 18m back from their front boundary. A rear garden of 19m in depth by 15.5m in width would be provided for the new dwelling. The rear garden for the existing dwelling would be retained as it currently is on site. A new garage is proposed for The Oaks as the current 4 bay garage would be demolished to create space for the new access track.
- 6.10 It is considered that it would be difficult to justify grounds of refusal in this particular case given that it would be sited within the built up area where infill is considered acceptable in principle, the dwelling would be of a scale that is proportionate to the size of the plot and it is considered to be of a scale and character that would be in keeping with the character of the area. The resultant garden area for The Oaks is considered to be acceptable as the proposal would not alter the size of the rear garden. It is therefore recommended that the application be granted permission subject to the completion of a legal agreement.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be granted subject to the following conditions and the completion of a legal agreement securing financial contributions of £2387 towards community facilities.

- | | | |
|----|-----|---|
| 01 | A2 | Full Permission |
| 02 | D5 | No windows ...northern elevation of the dwellings and northern elevation of the garage |
| 03 | D6 | Finished Floor Levels |
| 04 | E3 | Fencing |
| 05 | L1 | Hard and Soft Landscaping (to include soft landscaping to the front boundary and to the southern boundary of the site) |
| 06 | M1 | Approval of Materials |
| 07 | V6 | Removal of Permitted Development...Classes A-E |
| 08 | M8 | Sustainable Construction |
| 09 | | No development of any kind, including preliminary groundworks and excavation, shall commence on the site prior to the installation of the new driveway along the northern site boundary which shall be fully installed save for the final top dressing surface, along with required retaining wall constructed of stepped sleepers as indicated on the amended site drawing 05/2011, in full accordance with the 'no-dig' technique set out in the publication Arboricultural Practice Note APN12, 'Through the Trees to Development' (<i>Patch & Holding, 2007</i>) published by the Arboricultural Advisory and Information Service.
Reason: To protect the roots of the trees on the neighbouring property from damage by root compaction or severance in accordance with policy DC9 of the General Development Control Policies Framework document (<i>December 2007</i>). |
| 10 | D10 | Floodlighting |
| 11 | H4b | Construction Material Storage |
| 12 | O1 | Hours of Working |

8. REASONS

ICTN1 The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

Background Papers: DC/11/2633

Contact Officer: Kathryn Sadler



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DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21 February 2012

DEVELOPMENT: Retrospective permission for erection of stock fencing and two wooden gates

SITE: Plot 4 Bramblefield Crays Lane Thakeham

WARD: Chanctonbury

APPLICATION: DC/11/2418

APPLICANT: Mr Richard Munday

REASON FOR INCLUSION ON THE AGENDA: Member request: Cllr Jenkins and Cllr Arthur

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This is a retrospective application for the erection of stock fencing. The fencing has been erected around the perimeter of the site to a height of approximately 1.2metres and is post and wire fencing. The gates are traditional five bar gates and are of a typical agricultural scale and size, they have been located on the North West and south west perimeter of the site. In addition to this there has been internal post and wire fencing erected to allow for goats to be kept on part of the site and amended plans have been sought during the application process to show this.

DESCRIPTION OF THE SITE

- 1.2 The application site is located outside of the Built up Area and has an Article 4 direction attached to it.
- 1.3 The application site sits within a field to the north east of Bramblefield and to the west of the B2139. The site is approached by an unmade track to the north of Crays Lane. The site itself sits at a slightly elevated position from the surrounding

fields. The field itself has been subdivided and sold off in to individual plots. A number of fences and gates have already been erected on this site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT COUNCIL POLICY

- 2.2 Policy CP1 (Landscape and Townscape Character) of the Core Strategy (2007)
- 2.3 Policies DC1 (Countryside Protection and enhancement) and Policy DC9 (Development Principles) of the General Development Control Policies (2007)

PLANNING HISTORY

- 2.4 There is no relevant planning history for the application site.
- 2.5 However there have been a number of other applications for fencing in close proximity to the application site:

DC/11/1233: Plots 5 and 6: Erection of 1.2m stock fencing and wooden gate: Approved

DC/11/1755: Plot 3: Retrospective permission for stock fencing and 12 foot galvanised gate: Approved

DC/11/1897: Plot 2: Proposed stock fencing, gate and storage shed: Refused (this was refused on the basis of the storage shed)

DC/11/2604: Plot 1: Retrospective permission for erection of stock fencing and agricultural gate to northern boundary: Approved

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Thakeham Parish Council objects to the division of agricultural land into small plots and believes their fencing encourages uses more appropriate to allotments or gardens (hobby farming) leading to visual clutter which denigrates the countryside. The Council recognises that this strong objection will be dismissed by HDC and does not wish to speak should the application be referred to the Area South 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 the

application. Consideration of human rights is an integral part of the planning assessment set out 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 consideration in this application is the impact of the proposal on the countryside location in which it sits. The reason for this application is because an Article 4 Direction has been placed on the land for the erection of gates, walls, fencing and other means of enclosure. The original field has been subdivided and these have been sold off into individual plots.
- 6.2 In terms of the impact on the wider landscape, the site is relatively well screened from the road and the perimeter fencing which has been erected is typical of that seen on agricultural land. In addition to this there are a number of other plots in close proximity to the application site with similar fencing which has been approved.
- 6.3 The internal fencing is also post and rail fencing and covers approximately 10 per cent of the site area. It has been claimed verbally by the applicants that the internal fencing will be used to contain the goats and can be moved within the application site when this is considered necessary.
- 6.4 A field shelter has been erected on the site, which does not form part of this application and it is contended by the applicant that this does not require planning permission. This, along with structures in adjacent plots will be investigated in due course.
- 6.5 Overall it is considered that the fencing which has been erected is in keeping with the rural location and would not unduly impact on the character and visual amenities of the locality. As a result it is considered that the proposal meets the aim of planning policy and it is recommended that retrospective planning permission is granted.

7. RECOMMENDATIONS

- 7.1 That retrospective planning permission is granted.

Note to Applicant

The applicant is advised that the erection of any outbuildings would require the benefit of planning permission and would be unlikely to be acceptable.

8. REASONS FOR RECOMMENDATIONS

- 8.1 ICAB2B: The proposal does not materially affect the amenities or character of the locality

Background Papers: DC/11/2418

Contact Officer: Emma Greening



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning & Environmental Services

DATE: 21st February 2012

DEVELOPMENT: Change of use of public house with self contained flat to four-bed single family dwelling house

SITE: The Gardeners, Nep Town Road, Henfield

WARD: Henfield

APPLICATION: DC/11/1151

APPLICANT: Mr & Mrs McIlhagga

REASON FOR INCLUSION ON AGENDA: Officer Referral

RECOMMENDATION: To grant planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal is for the change of use of the public house with self contained flat to the first floor to a four-bed single family dwelling house. The proposal would change the use of the ground floor of the building from a pub to residential accommodation. The ground floor was used as a bar area, toilets, kitchen and private room for the pub use and it is proposed to be used to accommodate a lounge, study, kitchen, dining room, family room, utility, entrance hall and shower room. No external changes are proposed.

DESCRIPTION OF THE SITE

- 1.2 The site is located within the built up area of Henfield and is located within Henfield Conservation Area. The building is sited on the southern side of Nep Town Road and is on a corner with Weavers Lane. The pub is a prominent corner property and the residential properties surrounding the site are largely Victorian in character. The area is predominantly residential in nature. There is a yard area to the rear of

the pub which would be used as a private garden area and there is off street parking for two cars to the front of the building.

PLANNING HISTORY

- 1.3 There is no relevant planning history for the property.

2. INTRODUCTION

RELEVANT POLICY

- 2.1 Town and Country Planning Act 1990

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1 & PPS3.

RELEVANT COUNCIL POLICY

- 2.3 The following policies of the Local Development Framework Core Strategy (adopted February 2007) are relevant in the assessment of this application: CP1 – Landscape and Townscape Character, CP5 – Built Up Areas and Previously Developed Land & CP14 – Protection and Enhancement of Community Facilities and Services.
- 2.4 The following policies of the Local Development Framework, General Development Control Policies Document (December 2007) are relevant in the assessment of this application: DC9 – Development Principles, DC12 – Conservation Areas & DC19 – Employment Site / Land Protection.

3.0 OUTCOME OF CONSULTATIONS

INTERNAL CONSULTEES

- 3.1 Strategic & Community Planning has stated that “The application should be considered against the Core Strategy (2007) and General Development Control Policies (2007). The application is for a change of use of a public house to residential and therefore it should comply with Policy DC37 (Neighbourhood and Village Shops), specifically criteria 4. The site is within a Conservation Area, so Policy DC 12 (Conservation Areas) should be considered along with the detail of the proposal against Policy DC 9 (Development Principles) and this should be assessed by the Case Officer.”

OUTSIDE AGENCIES

- 3.2 The District Valuer at DVS Worthing carried out an assessment of the property and his report states:

“Valuation Methodology - I have considered both the Market Value of the property and indeed the value assuming continued use as a public house. Best evidence of

the former is the sale of the property in 2010. In order to establish the latter, I have considered the trading figures from when the pub was last operational and that trade which could reasonably be expected if the pub were run to its full potential.

Market Commentary/Valuation considerations - The press regularly reports on the significant number of similar such establishments closing every week since the business proves unsustainable. The economic climate has reduced the number of customers and the popularity of 'wet trade only' pubs has in itself reduced significantly. Success in this sector tends to be where the establishment has diversified commonly with food sales but even to include small village shops, post offices and community based facilities. Otherwise large chains of pubs offering reduced price drinks and often with a sports bias are less susceptible to the sectors general decline. Given that the landlord withdrew support for continued operation providing the latter at the subject premises would not be an obvious option to improve trade.

The documents submitted in support of the planning application contend that the property suffered significant competition from other establishments on the High Street and that any possibility of diversification was mitigated by its location out of the village centre. Irrespective of diversification, the property would also have required significant refurbishment in order to generate improved trade.

The documents indicate that the last tenant struggled to make a living from the pub and that beer sales fell from 2003 - 2009 by 40%. The last available data on volume of sales at only 120 barrels is evidence of this. The pre rent profit of £31,400 submitted versus a rent of £19,000 demonstrates that the pub was generating a low income. When the pub ceased operating, the landlord company was unable to attract a new tenant and therefore offered the pub for sale in 2009.

The figures mentioned above may be indicative that the pub was not being run to its full potential and that it was unable to attract sufficient trade. Indeed I am of the opinion that the trade could have been Improved and that a reasonable expectation of gross receipts would be in the sum of £95,000 per annum.

In 2009, specialist agents Fleurets were instructed to market the property. A for sale board was erected, 7200 parties advised of availability, 204 parties sent or viewed the sales particulars and 8 parties actually viewed the property.

Seven offers were made but only one at £250,000 specifically cited the intention to continue use as a pub. Others were either for residential use or not stated.

The property was purchased for £320,000 on an unconditional basis in May 2010 in the knowledge that planning permission for change of use would be required.

Valuation - Given that the property was purchased on an unconditional basis and mindful of the other interest received, I am of the opinion that the Market Value of the property is £320,000 (three hundred and twenty thousand pounds).

I am of the opinion that the value of the property assuming continued use as a pub based on the expectation of receipts is in the sum of £162,000 (one hundred and sixty two thousand pounds).

Conclusion - The pub appears to have suffered significantly from the smoking ban and its competitors proved successful at developing a maintainable food trade. Therefore, as a 'wet led' pub, decline was difficult to avoid. Notwithstanding this there was potential to improve trade to some extent.

I consider that the property was exposed to the market sufficiently with view to attracting interest from a pub operator. The marketing generated an acceptable amount of interest and indeed offers for the property. As such I consider that the marketing price was also acceptable namely that it did not prevent interest from those interested as running it as a pub.

I agree with the notion that diversification was mitigated by its location and suggest that although the pub was not serving food and that its running could have been improved, there was in any case little opportunity for the establishment to improve its trade sufficiently. Indeed the fact that interest in continued use as a pub did not generate offers equivalent to the property's Market Value is testament to the fact that the operation was no longer viable. It would have been uneconomical for the vendor to have sold the property at less than Market Value."

- 3.3 Southern Water has commented that they "require a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, S023 9EH Tel 01962 858688 or www.southernwater.co.uk

There are no public surface water sewers in the vicinity to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

We request that should this application receive planning approval, the following condition is attached to the consent. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water.

- 3.4 West Sussex Highway Authority has stated "the application provides 2 parking spaces for the converted dwelling, however these are off street spaces located within the public highway, and cannot therefore be allocated to the dwelling without the implementation of a Traffic Regulation Order. WSCC would comment, however, that the provision of 2 spaces would be appropriate to serve the demand for the new dwelling. WSCC does not anticipate that the proposal will have a negative impact on highway safety in this location."

PUBLIC CONSULTATIONS

- 3.5 Henfield Parish Council has no objection providing that parking outside the premises is within the curtilage and that the application complies with DC36 and CP14.
- 3.6 8 letters of support have been received on the grounds of:
- The Gardners Arms would be better used as a residential property than as a pub;
 - The pub was uninviting, tired and dated in its appearance;
 - Henfield has many other public houses which are more suited to be used as a pub;
 - The behaviour of the people who drank at the pub became worse, there would be vomit and beer cans outside the pub;
 - The pub played loud music till late at night;
 - People would gather outside the pub swearing and making a lot of noise;
 - Parking was often impossible;
 - Life has been so peaceful since the pub closed its doors;
 - There are too many licensed drinking establishments in Henfield to sustain all of them as profitable businesses;
 - There are 6 other pubs in Henfield;
- 3.7 1 letter of no objection has been received stating:
- The property will look better than it does at the moment as it doesn't do anything for the area;
- 3.8 One petition with 122 signatures has been received stating they have no objection to the proposal and that there are enough places with an alcohol licence in the Henfield District and that by changing the property to a private dwelling it will enhance the neighbourhood.
- 3.9 One petition with 16 signatures has been received stating they object to the application as it would result in the loss of a local amenity.
- 3.10 4 letters of objection have been received on the grounds of:
- The change of use will lead to loss of jobs;
 - The pub was somewhere where people within Nep Town Road could meet and talk;
 - In the mid 1980's – 90's the pub thrived, it was well run and busy;
 - The pub has become run down and badly managed with Enterprise Breweries killing off the pub by high lease costs, employment of not particularly visionary pub lease holders;
 - The premises need to be refurbished then they would make an excellent gastro restaurant or Italian/French Restaurant;

- The pub requires a decent landlord to run it;
- The most recent landlord had a full time job at M&S and showed no interest in running the pub. The previous tenants of the pub (Colin Atkins & Anne Marie McHugh) ran a profitable business;

3.11 No other representations have been received to public notification on the application at the time of writing this report. Any further comments received will be reported verbally at the committee meeting.

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 ASSESSMENT

6.1 The main issues in determination of this application are considered to be the principle of the development, the effect the change of use will have on the surrounding landscape and on nearby residential occupiers.

6.2 The proposal has to be assessed against Policy CP14 of the Core Strategy 2007 which states:

Development proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted.

For other circumstances, as a minimum it will be necessary to demonstrate that continued use as a community facility or service is no longer feasible having regard to appropriate marketing, the demand for the use of the site or premises, its usability, and the identification of a potential future occupier. Where it cannot be shown by these or other means that the community facility or service is surplus to requirements, such a loss may be considered acceptable provided that:

- a) an alternative facility or equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or
- b) a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses of an appropriate proportion of the site.

- 6.3 The Gardeners Arms was owned by Enterprise Inns Limited from 1996 to 2010 and during this time was let to two tenants. The agent states that the tenants struggled to make a profit despite Enterprise Inns charging a competitive rent of £19,000 per annum. Enterprise Inns has confirmed that between 2003 to 2009 beer sales fell by 40% with the last MAT volume being only 120 barrels.
- 6.4 Enterprise Inns instructed a specialist agent (Fleurets) to market the pub at the end of 2009 which ran till its sale in May 2010. Fleurets have confirmed that 7200 parties were advised of the availability of the public house via their database and that 204 parties were sent sales particulars. Over the marketing period, only 8 parties viewed the premises with these parties being a mix of those wishing to convert the pub to residential use and those considering continuing trading as a public house. However, there were only two serious offers on the property both parties sought to change the use of the pub to residential. The applicants finally bought the pub in May 2010 for £320,000.
- 6.5 The area is fairly high density with many terrace properties with on street parking. The pub has no car park and anyone visiting the site would have to park on street. The agent has stated that there was limited opportunity to make up for the falling beer sales through diversification into a restaurant as its residential location and lack of off street parking mitigated against diversification. The agent states that The Gardeners Arms requires significant investment to allow for refurbishment and such investment is not justified given the prospective returns that would have been available to future operators.
- 6.6 Henfield has a population of approximately 1800 people and seven other drinking establishments within the parish. The Gardeners Arms is located within a predominantly residential location, approximately 400 metres from the High Street. It is considered that there are alternative facilities which are of better quality and scale to meet the community need and all are located in an equally accessible location within the vicinity. There are four public houses within the High Street in Henfield which include The White Hart, The Plough, The George and The Henfield Tavern, all of which are within walking distance of Nep Town Road.
- 6.7 The concerns raised by the objectors are acknowledged. It is considered that the closure of the pub will lead to the loss of jobs for people who were employed there and it will result in the closure of a local pub. However, Policy CP14 requires an assessment of whether the community facility is no longer feasible having regard to appropriate marketing, the demand for the use of the premises, its usability, and the identification of a potential future occupier. It also looks at whether there are alternative facilities available to meet community needs in an equally accessible location within the vicinity.
- 6.8 Having consulted the District Valuer on the proposal he is of the view that the property was exposed to the market sufficiently with a view to attracting interest from a pub operator. He considers that the marketing generated an acceptable amount of interest and indeed offers for the property. As such he considers that the marketing price was acceptable namely that it did not prevent interest from those interested running it as a pub. He is of the view that diversification was mitigated by its location, although the pub was not serving food and that its running

could have been improved. It was considered that there was little opportunity for the establishment to improve its trade sufficiently. The fact that interest in the continued use as a pub did not generate offers equivalent to the property's Market Value is testament to the fact that the operation was no longer viable. The Valuer states that "It would have been uneconomical for the vendor to have sold the property at less than Market Value."

- 6.9 The agent refers to a couple of other planning decisions where consent has been granted to change the use of a pub to residential. The most recent being The Elephant & Castle in West Chilton (DC/09/1731) and The Nelson Public House in Trafalgar Road, Horsham (DC/07/2569). The Nelson Public House was located in a back street residential location but within walking distance to other competing drinking establishments like The Gardeners Arms. The Nelson was considered at appeal and the Inspector stated that "I saw that The Nelson appears to be at a disadvantage to its nearest competitors in that it lacks their main road visibility. That would hamper the ability to draw custom from a wider area...there are alternative public houses and restaurants within walking distance for the local community and there is also community halls nearby. I conclude that alternative community facilities of equal or better quality and scale are available and that the quality of life for local residents would not be materially harmed." It is considered that The Gardeners Arms is comparable to The Nelson as both are located within residential areas, both lack main road visibility and both require substantial improvement.
- 6.10 While it is arguable whether the best efforts were made to ensure that the pub thrived as a business and in general the loss of any community facility is to be regretted, it does appear that adequate marketing was undertaken to allow a new user to take over the running of the pub, therefore it is considered that a refusal would be difficult to justify, given the conclusions of the District Valuer, other similar decisions and given the information submitted with the application. Therefore, on balance it is considered that the proposal meets the requirements of Policy CP14 of the Core Strategy 2007.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be granted subject to the following conditions:
- 1) A2 Full Permission
 - 2) O1 Hours of Working

Note to Applicant

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, S023 9EH Tel 01962 858688 or www.southernwater.co.uk

8. Reasons

ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.

Background Papers: DC/11/1151

Contact Officer: Kathryn Sadler



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DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South
BY: Head of Planning and Environmental Services
DATE: 21st February 2012
DEVELOPMENT: Form opening in wall at rear (Conservation Area Consent)
SITE: 88 High Street Steyning West Sussex BN44 3RD
WARD: Steyning
APPLICATION: DC/11/2673
APPLICANT: Mr N Hempleman

REASON FOR INCLUSION ON THE AGENDA: Officer's referral

RECOMMENDATION: To grant conservation area consent.

1. THE PURPOSE OF THIS REPORT

To consider the conservation area consent application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks conservation area consent for the insertion of a 3.5 metre wide opening within an existing flint wall located along the eastern boundary of 88 High Street. Timber gates approximately 2 metres high will be installed within this opening which will enable delivery vehicles to access the site from car park located to the east of the site.
- 1.2 The proposed opening is anticipated to result in the loss of one car parking space adjacent to the eastern boundary of the site.

DESCRIPTION OF THE SITE

- 1.3 The application site is located within the built up area and within the Steyning Conservation Area. The property comprises a two storey building which faces the High Street to the west and Tanyard Lane car park to the north and east.
- 1.4 The ground floor of the building incorporates a greengrocers store and planning permission has been recently permitted for a replacement shop front. Vehicular access is currently gained to the rear of the store via the High Street and a narrow entrance to the north of the building.
- 1.5 The northerly and easterly boundaries of the site are enclosed by brick and flint walls. The 3 metre high flint wall to the eastern boundary of the site is overgrown with ivy.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Council Local Development Framework, Core Strategy (2007) –CP3 & CP5.
- 2.4 Horsham District Council Local Development Framework, General Development Control Policies (2007) –DC9, DC12 & DC40.

PLANNING HISTORY

- 2.5 DC/11/0609 – In 2011 Planning permission was granted for the retention of new shop front with canopy.

DC/09/2315 – In 2010 Planning permission was granted for the existing car park to be extended creating an additional 21 car parking spaces.

DC/09/0318 – In 2009 Planning permission was granted for one illuminated fascia sign.

ST/127/03 – In 2004 Planning permission was granted for the installation of a satellite dish for connection to ATM.

ST/122/03 – In 2004 Planning permission was granted for the installation of entrance doors and air conditioning unit.

ST/115/03 – In 2003 Planning permission was granted for one fascia and one projecting sign.

ST/119/02 – In 2002 Planning permission was granted for a new shop front.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 The Council's Estate Management and Valuation Surveyor has raised no objections to the principle of the applicant creating a rear vehicular access into the rear of 88 High Street Steyning subject to a satisfactory agreement being reached between HDC as land owner and the applicant for a vehicular access licence over Newmans Gardens Car Park and compliance with Planning Permission. The Council's Estates Surveyor has also advised that the Council's Car parks Section has raised no objections to the proposal and that the Council as Land owner will, upon agreement of terms, ordinarily consult with the Parish Council and local Councillors as a matter of course.
- 3.2 The Council's Parking Services Manager has advised that he has no objection to the proposal for a rear entrance to no. 88 High Street, Steyning.

OUTSIDE AGENCIES

- 3.3 Steyning Parish Council have objected to this application on the basis that the loss of one/two car parking spaces and they would like to see plans of where the creation of replacement car parking spaces will be constructed.

PUBLIC CONSULTATIONS

- 3.4 One letter of neighbouring objection has been received and the following concerns have been raised:
- It was approximately 18 months ago that Steyning & District Community Partnership along with the Parish Council and HDC created an extra 21 spaces as residents had indicated they wanted more spaces for shopping and visits to the Health Centre and Care Home. This proposal will result in at least one space being lost and possibly two due to the awkward and steep gradient leading from the car park to the new access. Also the space directly adjacent to the proposed gates will be very 'tight' to the entrance.
 - To enter the premises vehicles will have to reverse either as they enter or when they leave the property onto the immediate area of the public car park and then it will be difficult for lorries/vans to leave the car park via the one way flow of traffic and the tight turning.
 - This is publicly owned car park and spaces shouldn't be lost to the advantage of a commercial enterprise especially as this property already has High Street vehicular access.
 - If permission is granted this could lead to a number of other businesses, organisations and residents requesting special treatment.

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 the application. Consideration of human rights is an integral part of the planning assessment set out below.

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

- 5.1 It is not considered that the proposal would have a material impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The principal issues are the effect of the development on the local car parking facilities and the visual impact on the character of the Conservation Area.
- 6.2 This proposal seeks to install an approximately 3.5 metre wide new opening within the existing easterly flint boundary wall which is covered in ivy. Timber gates measuring 2 metres high will be installed and will enable a new entrance into the rear of the application site for delivery vehicles over the publicly owned car park. The proposed entrance will result in the loss of one end car parking space adjacent to the eastern boundary of the site and will also take up the small inclined area of land adjacent to the north-easterly corner of the site which currently holds a pole sign.
- 6.3 Vehicular access to the site can currently be gained via the High Street entrance to the north of the building. The agent has however advised that the use of this entrance often involves delivery vehicles clipping the adjacent Listed Building at 90 High Street. Currently

delivery vehicles therefore park outside the store which causes further traffic congestion in the High Street and a potential hazard for pedestrians trying to cross the road at the zebra crossing outside of the store.

- 6.4 In the consideration of this application, it is noted that planning permission DC/09/2315 has now been implemented for the extension to the car park which has provided an additional 21 spaces. It is however considered that the loss of one car parking space will not cause any significant impact on the number of parking spaces within the public car park. The Council's Property Services and Parking Services departments have also raised no concerns in relation to the loss of one car parking space.
- 6.5 With regard to concerns relating to further requests for vehicular accesses and the associated loss of car parking spaces within the public car park, it is noted that properties to the north of the application site already have a shared vehicular access through the car park. If any further applications were however made which affected the provision of car parking spaces these would need to be assessed on their own merits by the Council's Estates Management department.
- 6.6 In terms of their visual appearance, it is considered that the proposed opening and gates will not cause any detriment to the character of the Conservation Area. The flint wall is not currently visible from within the car park due to the ivy which has completely covered the wall. The provision of the 2 metre high timber gates is not considered to cause any visual impact on the appearance of the Conservation Area and the existing wall and ivy is to be retained.
- 6.7 In conclusion, it is considered that the proposed opening and gates to the rear of the site will not cause any adverse impact on the appearance or character of the Conservation Area.

7. RECOMMENDATIONS

- 7.1 It is recommended that conservation area consent be granted subject to the following conditions:

01. LB15A Conservation Area 3 Year Time Limit

02. No development shall be commenced unless and until the proposed materials and colours to be used for the proposed gates are submitted to and approved by the Local Planning Authority. The gates shall thereafter conform to the approved details.

Reason: To ensure that the development remains in keeping with the appearance of the Conservation Area and in accordance with policy DC12 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 7.2 Note to applicant:

1. Prior to the commencement of development, the applicant is advised to liaise with the Council's Estate Management and Valuation Surveyor to obtain consent for the development which affects Horsham District Council owned land.

8. REASONS FOR RECOMMENDATIONS

ICAC1 The proposal would preserve the character of the Conservation Area.

Background Papers: DC/11/2673 & DC/09/2315

Contact Officer: Rebecca Tier



DEVELOPMENT MANAGEMENT REPORT

- TO:** Development Management Committee South
- BY:** Council Solicitor
- DATE:** 21st February 2012
- DEVELOPMENT:** Application for certificate of lawfulness relating to change of use of building to single dwelling house.
- SITE:** Land at Sake Ride Farm, Wineham Lane, Wineham, West Sussex
- WARD:** Cowfold, Shermanbury and West Grinstead
- APPLICATION:** DC/11/2378
- APPLICANT:** Mrs Jacqui O'Connell
- REASON FOR INCLUSION ON AGENDA:** Applicant is wife of and joint owner with Councillor Brian O'Connell
- RECOMMENDATION:** That grant of a Certificate of Lawfulness, subject to amending the application plan, be delegated to the Head of Financial and Legal Services.

THE PURPOSE OF THIS REPORT

To consider the planning application.

1. The Application

The application is for a Certificate of Lawfulness for conversion of a former outbuilding to a dwelling house (change of use of building to a single-dwelling house)

2. The Proof required

If a Certificate of Lawfulness is to be granted the Council must be satisfied that the applicant has proved on the balance of probability that the building changed use to use as a single-dwelling house and has been capable of such use for a period of 4 years

3. The Evidence submitted

Statutory Declaration of Jacqui O'Connell dated 11th November 2011: She claims that she had lived on the farm since 2002. The barn was converted between September 2004 to July 2005 and contained two bedrooms, bathroom, art room, lounge and kitchen. The first tenant went into the property on 4th February 2007 and moved out on 4th May 2008 (Melanie Hayman). The second tenant (Mr Andriuskevicius) moved in on 5th May 2008 and in May 2009 a Mr Ridzvandicius also moved in. There is no separate metre and the utilities are included in the rent. A separate BT line was put in in November 2006

Evidence submitted with her statement included:

- a valuation report referring to the recently converted outbuilding sited "close to the road" dated September 2005;
- copies of tenancy agreements for 5th May 2008 – 31st October 2008, 1st November 2008 to 30th April 2009, 1st May 2010 to 30th April 2011 and 1st May 2011 to 30th April 2012 to Mr Andriuskevicius and Mr Ridzvandicius;
- BT bills for two different numbers at Sake Ride Farm (although the specific addresses for the Office and the Dairy have been added by hand) dated November 2006;
- Invoices purportedly showing purchase of building materials and aerial installations for the Dairy (although there is nothing on the invoices to show that this is what it is for). Aerial invoice dated 18th July 2005, supply and fit of power unit and cabling invoice dated 23rd December 2006, and invoice for doors windows , timber and slates dated between October 2004 and May 2005;
- Letter addressed to Ms Melanie Hayman at Sake Ride Farm dated 1st October 2007

Statutory declaration of Lorna Redvers dated 11th November 2011 who is the mother of the applicant and claims that she frequently visits the site and therefore confirms that Ms Hayman occupied the Dairy from February 2007 to May 2008 when Mr Andriuskevicius took up occupancy.

Statutory declaration of Mr Andriuskevicius dated 3rd November 2011 stating that he took up occupancy in May 2008 and then his friend joined him in May 2009. He claimed he was still there at the time of the declaration.

Evidence submitted with his statement included:

- Letter from HSBC to Mr Andriuskevicius at The Dairy dated 27th November 2009
- Letter from DVLA to Mr Andriuskevicius at The Dairy dated 16th June 2010
- Copy of tenancy agreement from 5th May 2008 to 31st October 2008 and 1st November 2008 to 30th April 2009
- Letter to Mr Ridzvandicius at The Dairy from Lloyds TSB dated June 2010

Summary of Evidence submitted

The evidence produced relates to the letting out of The Dairy building since May 2008. The statement of Mrs O'Connell suggests that the barn was converted by 2005 and the valuation report supports this statement. There is a gap in the tenancy agreements for a period of 1 year between 1st May 2009 and 30th April 2010. The only evidence covering this period is the HSBC letter to Mr Andriuskevicius dated 27th November 2009.

No evidence has been provided regarding the outside space or the curtilage of the dwellinghouse, despite the fact that the redline of the application plan extends further than the walls of The Dairy.

4. The Council's evidence

Questionnaires

Questionnaires were sent out to local residents. The following responses were received:

- Abbeylands Farm: Not aware of The Dairy building being used as a dwelling
- 1 Abbeylands Cottages: Not aware of The Dairy building being used as a dwelling
- Roma Farm: Known the property for 27 years and is aware of The Dairy being used as a dwelling for about 5 years
- Wyndham Farm: State that they drive past the entrance and is aware of the use of The Dairy as a dwelling "only by seeing cars".

Council Tax records

The Dairy has only recently been added to the system for Council Tax purposes, being banded on 2nd December 2011.

Electoral Role

The last form submitted signed and dated 25th October 2011 by Mr O'Connell included Mr Andriuskevicius and Mr Ridzvandicius at Sake Ride Farm. It is understood that The Dairy has only been added as a separate entity by the Council in response to this LDC.

Parish Council

The Parish Council provided no evidence to either support or contradict the claim.

Local Member

Had no historic knowledge of this site.

Aerial Photograph (included)

The 2007 aerial photograph shows a smaller curtilage around The Dairy than the redline on the application plan. The land to the east is separated from The Dairy by a fence but is not clearly separated from the agricultural land to the North.

Enforcement Records

The only file relating to the site was in 2002 regarding an agricultural occupancy condition breach.

Planning History

DC/09/1896 - Change of use of two buildings to indoor stables and indoor turn out area, retention of sand school, livery use and amend Condition 7 on Consent SH/10/93 (agricultural occupancy condition) to include a person working in equestrian employment – Application Withdrawn

There are no references made to The Dairy building on this application.

The law

The Court held in *F W Gabbitas v SSE and Newham LBC* [1985] JPL 630 that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability". The LPA should proceed on the basis that neither the identity of the applicant (except to the extent that he or she may or may not be able personally to confirm the accuracy of any claim being made about the history of a parcel of land), nor the planning merits of the operation, use or activity, are relevant to the consideration of the purely legal issues which are involved in determining an application.

In the case of *Gravesham BC v Secretary of State for the Environment* 47 P & CR 142 the court concluded that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day-to-day private domestic existence. In coming to that conclusion, the court firmly rejected the notion that a building which had that characteristic ceased to be a dwellinghouse because it was occupied only for a part or parts of the year or at infrequent or irregular intervals or by a series of different persons.

The case of *Welwyn Hatfield Borough Council v Secretary of State for Communities and Local Government and another* [2011] UKSC 15 held that where a person had carried out a positive act of deception to conceal any breach from a LPA for the necessary period laid down in s.171(B) to allow the development to become lawful, then the applicant should not gain the benefit of the statutory provisions. The emphasis was on a positive act of deceit.

The case of *Newland v Secretary of State for Communities and Local Government and another* [2008] EWHC 3132 (Admin)], makes it clear that a single dwelling and its residential curtilage must be considered a single planning unit and therefore the four year must be applied to the garden as well.

Burdle v Secretary of State for the Environment [1972] 3 All ER 240 is the leading case on defining the planning unit and states that the planning unit can normally be determined by examining what is functionally and physically separate.

Subsection (4) of section 193 provides for a LDC to be issued in respect of all or part of the land specified in the application. Circular 10/97 states that this is intended, along with the LPA's power under section 191(4) to issue a certificate of a different description from that applied for, to give the LPA a reasonable degree of flexibility in cases where it would be helpful to the applicant to receive a certificate in terms which may differ slightly from the terms of his application, as an alternative to refusing a certificate altogether. For example, a lesser area of land may be included.

5. Conclusion

The Applicant must prove on the balance of probability that the building had been converted to a single dwelling house four years before the date of the application (14th November 2007)

The applicant has provided precise and unambiguous evidence that The Dairy was converted before September 2005 (the date of the valuation report). Whilst the applicant has not provided any copies of tenancy agreements between 2005 and May 2008, the statutory declaration of both Mrs O'Connell and Mrs Redvers state that it was occupied from February 2007. This is supported by a letter addressed to Ms Melanie Hayman at Sake Ride Farm dated 1st October 2007. Whilst on its own the letter would be far from conclusive, as it does not contain the specific address of The Dairy, in conjunction with the statements (and the evidence from the occupier of Roma Farm) it is considered to support the claims. The Council holds no evidence to contradict these statements. Therefore, applying the case of

F W Gabbitas v SSE and Newham LBC set out above, the Council has no good reason to refuse the application in this regard.

Whilst the applicant has not provided evidence of the occupation of the dwelling for the period between 1st May 2009 and 30th April 2010, the case of *Gravesham BC v Secretary of State for the Environment* indicates that as long as the building provides the necessary facilities for day-to-day living, even if it is temporarily unoccupied, it will satisfy the requirements of a dwellinghouse. The applicant does not have to prove occupation of the dwellinghouse for the four year period, only that there has been a building that satisfies the requirements of a dwellinghouse on the site for four years. Given the evidence in support of occupation prior to this period and after this period, it is considered that on the balance of probability the applicant has proved this element.

The Council cannot prove that there has been any positive action of deceit in this case. The *Welwyn Hatfield* principal cannot therefore be applied.

The application plan draws a redline around a significant area, however no evidence has been provided with regard to the use of the outside for uses in association with The Dairy. Usually change of use of land would normally engage the 10 year rule. However, the case of *Newland v Secretary of State for Communities and Local Government and another* makes it clear that a single dwelling and its residential curtilage must be considered a single planning unit and therefore the four year rule must be applied to the outside space as well. The issue is one relating to the planning unit.

An examination of the 2007 aerial photograph, and applying the principles in *Burdle*, it would appear that there is a clear demarcation of the area around The Dairy and that this area is smaller than the area applied for. In comparison, the area between The Dairy and the road is clearly not physically separated from the surrounding agricultural land.

Applying section 193(4) of the Act, the recommendation is to amend the application plan so as to include the smaller area.

7. RECOMMENDATIONS

It is recommended that grant of a Certificate of Lawfulness for the conversion of The Dairy to use as a single-dwellinghouse, subject to amending the application plan, be delegated to the Head of Financial and Legal Services.

REASON: No enforcement action can be taken and it is therefore lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended).

Contact Officer: Jocelyn Brown