



Development Control (South) Committee
TUESDAY 17TH FEBRUARY 2015 AT 2.00pm
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:

David Jenkins (Chairman)	
Sheila Matthews Vice-Chairman)	
Roger Arthur	Liz Kitchen
Adam Breacher	Gordon Lindsay
Jonathan Chowen	Brian O'Connell
Philip Circus	Roger Paterson
Roger Clarke	Sue Rogers
George Cockman	Kate Rowbottom
David Coldwell	Jim Sanson
Ray Dawe	Diana van der Klugt
Brian Donnelly	Claire Vickers
Jim Goddard	

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 20th January 2015 (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:

Development Manager

- (a) Appeals

(b) Applications for determination by Committee

Item No.	Ward	Reference Number	Site
A1	<i>Chantry</i>	DC/14/0921	Old Clayton Boarding Kennels, Storrington Road, Washington, Pulborough
A2	<i>Chantry</i>	DC/14/0915	Old Clayton Boarding Kennels, Storrington Road, Washington, Pulborough
A3	<i>Billingshurst and Shipley</i>	DC/14/1769	Land West of Parbrook House, Natts Lane, Billingshurst, West Sussex
A4	<i>Billingshurst and Shipley</i>	DC/14/2273	Oaklands Park, Emms Lane, Brooks Green, Horsham
A5	<i>Pulborough and Coldwaltham</i>	DC/14/2006	18 Lower Street, Pulborough, West Sussex
A6	<i>Chantry</i>	SDNP/14/05872/FUL	Chalets 1-4, Greenacres Farm, Washington Road, Storrington, Pulborough
A7	<i>Steyning</i>	SDNP/14/05688/FUL	Highfield, Bostal Road, Steyning

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
20th January 2015

Present: Councillors: David Jenkins (Chairman), Sheila Matthews (Vice-Chairman), Roger Arthur, Philip Circus, George Cockman, Brian Donnelly, Gordon Lindsay, Brian O'Connell, Sue Rogers, Jim Sanson, Diana Van Der Klugt, Claire Vickers

Apologies: Councillors: Adam Breacher, Jonathan Chowen, Roger Clarke, David Coldwell, Ray Dawe, Jim Goddard, Liz Kitchen, Roger Paterson, Kate Rowbottom

DCS/71 **MINUTES**

The minutes of the meeting of the Committee held on 16th December 2014 were approved as a correct record and signed by the Chairman.

DCS/72 **INTERESTS OF MEMBERS**

There were no declarations of interest.

DCS/73 **APPEALS**

Appeals Lodged

Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Officer Recommendation</u>	<u>Committee Resolution</u>
DC/14/1054	Burrows, Birch Tree Lane, West Chiltington	Grant	Refuse
DC/14/0578	St James Cottage, Old Boundary Lane, West Chiltington	Grant	Delegated

Appeal Decisions

<u>Ref No</u>	<u>Site</u>	<u>Officer Recommendation</u>	<u>Committee Resolution</u>	<u>Decision</u>
DC/14/0405	Cootham Cotage, Chapel Lane, Cotham	Refuse	Delegated	Dismissed
DC/14/1274	Blaxton Down, Blackstone Lane, Blackstone, Henfield	Refuse	Delegated	Dismissed

DCS/74 **PLANNING APPLICATION: DC/14/2007 – VARIOUS WORKS TO EXISTING NURSERY OPERATION INCLUDING ERECTION OF NEW MULTI-PURPOSE MAIN BUILDING FEATURING RETAIL, OFFICE, EXHIBITION AND ANCILLARY FACILITIES AND SITE STORAGE SHED. FORMATION OF NEW VEHICULAR ACCESS TO THE A281 TOGETHER WITH CAR PARKING AND SERVICE ROAD AND THE PROVISION OF NEW BOUNDARY SECURITY FENCING**
SITE: JACK DUNKLEYS, BIRCHFIELD NURSERY, KIDDERS LANE, HENFIELD
APPLICANT: MR MICHAEL GOODCHILD

The Development Manager reported that this application sought planning permission for demolition of existing buildings and the erection of two buildings: a 'horticultural centre' which would include offices, shop, meeting room and café; and a 'service building' for potting and storage of equipment and materials. The description of the application, as printed in the report was amended by removing the word 'accommodation', for the avoidance of doubt, and replacing it with 'facilities'. Approximately 2,260 square metres of the site would be covered by polytunnels, including some that were already on the site. There would be a new access onto the A281 and a customer parking area.

The horticultural centre would be two-storey and measure 23 metres by 23 metres with a ridge height of 10 metres. The roof would be pyramidal with the upper portion glazed to provide light to the central atrium. The service building would have four roller shuttered bays and measure approximately 20 metres by 11 metres with a ridge height of 4.5 metres.

A 2.3 metre high metal mesh fencing around the north, east and south boundaries of the sales area was proposed, with a gate to the main vehicle entrance. The extent of proposed fencing had been reduced during consideration of the application.

The application site was located on the western side of the A281 and south of Kidders Lane, where the current access was. There were several structures on the site, including two timber buildings adjacent to the western boundary, a marquee, portacabin and gazebo, all of which would be demolished. There were a number of mature trees around the edge of the site, but no lower level planting, leaving the site exposed. There was a large roughly surfaced parking area in the northern part of the site.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council raised no objection to the application. 126 letters of objection and 17 letters of support had been received. Two petitions in support of the application, one with 145 signatures and one with 11 signatures, had also been received. Three members of the public spoke in objection to the proposal

DCS/74 Planning Application: DC/14/2007 (Cont.)

and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the principle of development and its effect on the character of the area.

Members discussed issues relevant to the proposal including the history of the site, in particular the removal of trees and foliage which had been undertaken without commencing development of planning permission DC/11/1250. Other issues of concern that were considered by members included: the number of objections that had been raised by members of the public; the design of the main building, in particular its height, in comparison to the previously approved building; the impact that the removal of screening and other foliage had had on the site and the surrounding area; the need for fencing and drainage solutions along the border with Birchfields; and the proposed opening hours.

Members balanced the potential economic and social benefits of the proposal against the potential harm and concluded that the height and scale of the horticultural centre, in this prominent location, was not in keeping with the character and appearance of the surrounding area and would have a detrimental impact and was therefore unacceptable.

RESOLVED

That planning application DC/14/2007 be refused for the following reasons:

- 01 The proposed horticultural centre building, by reason of its scale and massing, would result in a prominent appearance when viewed from Kidders Lane and the A281, at odds with the rural character of the site and locality. The proposal would therefore not relate sympathetically to its surroundings and results in harm to the character and appearance of the site and locality. The proposal is contrary to Policies CP1, CP3, CP15 of the Horsham District LDF Core Strategy (2007) and Policies DC1, DC2 and DC9 of the Horsham District LDF General Development Control Policies (2007).

DCS/75 **PLANNING APPLICATION: DC/14/1091 – AMENDMENT TO PLANNING PERMISSION DC/14/0089 (ERECTION OF 15 DWELLINGS COMPRISING 6 X 3-BED, 3 X 2-BED, 5 X 2-BED FLATS, 1 X 1-BED FLAT, 26 PARKING SPACES AND IMPROVEMENT OF EXISTING ACCESS PURSUANT TO OUTLINE APPLICATION DC/12/1975). AMEND THE SITING OF PLOTS 10-15 & DETACHED CYCLE STORE WITHIN THE SITE, AND AMEND THE NUMBER OF SOCIAL HOUSING BED SPACES TO 3 X 2-BED AND 3 X 1-BED FLATS FROM 5 X 2-BED AND 1 X 1-BED FLATS.**
SITE: MILDREN HOMES DEVELOPMENT SITE, RECTORY LANE, ASHINGTON
APPLICANT: CROUDACE HOMES

The Development Manager reported that this application sought permission for a minor material amendment to DC/12/1975. The proposal sought to amend the 'approved plans' condition, substituting plans originally specified for amended versions, with regards to the building of flats comprising plots 10 to 15. The proposed amendments were as follows.

- Relocation of the building two metres further into the site, leaving a total gap of 5.9 metres to the western boundary.
- The bike store would be relocated from the front of the building to the rear.
- The 2-bedroom flats would be altered to 1-bedroom flats.
- The pedestrian access onto Penn Gardens would be removed.

Construction of the dwellings permitted by DC/12/1975 had commenced.

The application site was located to the west of Ashington, approximately 140 metres from the built-up area boundary and directly north of Penn Gardens, a development of 24 houses. It was accessed via Rectory Lane.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The response from the Housing Services Manager, as contained within the report, was considered by the Committee. The Parish Council had raised no objection. No letters of representation had been received.

Members noted the officer's planning assessment and considered whether the proposed amendment was acceptable. The building would be moved to avoid construction too close to overhead power lines which crossed the south western corner of the site, and would retain an acceptable distance from Plot 9.

Members discussed issues relevant to the proposal including the revised size of affordable units, which would contribute towards a recognised need for 1-bedroom affordable units within the district.

DCS/75 Planning Application: DC/14/1091 (Cont.)

Members concluded that the proposal was acceptable in principle.

RESOLVED

- (i) That a legal agreement, or Deed of Variation to the agreement in connection with DC/12/1975 to secure affordable housing, be entered into.
- (ii) That, on completion of the agreement in (i) above, application DC/14/1091 be determined by the Development Manager. The preliminary view of the Committee was that the application should be granted.

The meeting closed at 2.55pm having commenced at 2.00pm.

CHAIRMAN

DEVELOPMENT CONTROL (SOUTH) COMMITTEE
17TH FEBRUARY 2015
REPORT BY THE DEVELOPMENT MANAGER

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

Ref No.	Site	Appeal	Officer Recommendation	Committee Resolution
DC/14/0152	Brigstone Farm, Harbolets Road, West Chiltington	In Progress	Refuse	Delegated
DC/13/2437	Brook Place, Horsham Road, Cowfold	In Progress	Refuse	Delegated
DC/14/0049	Brook Place, Horsham Road, Cowfold	In Progress	Refuse	Delegated
DC/14/2037	Newbrook Riding Stables, Pound Lane, Upper Beeding	In Progress	Non - Determination	Non - Determination

3. Appeal Decisions

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

Ref No.	Site	Appeal	Officer Recommendation	Committee Resolution
DC/13/1296	Steyning Sports Centre, Horsham Road, Steyning	Allowed	Grant	Refuse
DC/14/1264	Land to the rear of Cornerways, Pound Lane, Upper Beeding	Allowed	Refuse	Delegated
DC/14/1644	Hobshorts Farm, Rookcross Lane, West Grinstead	Dismissed	Refuse	Delegated



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee

BY: Development Manager

DATE: 17th February 2015

DEVELOPMENT: Outline planning permission for demolition of the existing kennels and cattery, associated buildings and structures including three of the four existing residential dwellings with Old Clayton retained and redevelopment of the site to provide up to 41 dwellings with new vehicular access (All matters other than access to be reserved)

SITE: Old Clayton Boarding Kennels Storrington Road Washington Pulborough

WARD: Chantry

APPLICATION: DC/14/0921

APPLICANT: Abingworth Strategic Limited

REASON FOR INCLUSION ON THE AGENDA: This is a Major planning application

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application as originally submitted sought outline planning permission for the demolition of all outbuildings and two staff bungalows within the kennels site and the dwelling and outbuildings within the West Clayton Farm site, with the retention of only the listed dwelling Old Clayton. In light of concern raised by the Heritage and Conservation Consultant, the Applicant amended the scheme to retain a number of courtyard buildings to the west and north west of the listed building. However the proposed development remains the construction of up to 41 dwellings. This will result in a total of 42 dwellings on the site, with the retention of the existing dwelling Old Clayton. Details of access are submitted for approval at this stage, with matters of scale, layout, landscaping and appearance reserved for subsequent consideration, although indicative layout, scale and landscaping are provided.
- 1.2 The area of the site is 2.10 hectares, equating to a density of 20 dwellings per hectare. The indicative housing mix set out in the Design and Access Statement comprises eleven 5-bedroom dwellings, nine 4-bedroom dwellings, twelve 3-bedroom dwellings and nine 2-bedroom dwellings. 40% of the new dwellings are proposed to be affordable, comprising six 3-bedroom dwellings and nine 2-bedroom dwellings. However, the revised indicative layout necessitates the removal of one of the larger 5-bed dwellings, and replacement of

one of the affordable dwellings with two 1-bed flats. The revised scheme would retain the level of 40% affordable housing.

- 1.3 The development would be served by a new vehicle access in approximately the same location as the existing eastern site access.

DESCRIPTION OF THE SITE

- 1.4 The application site lies to the west of the village of Washington on the northern side of the A283. The site lies within Washington Parish, but is very close to Storrington and Sullington Parish, to the west. The site is roughly rectangular in shape. The South Downs National Park boundary lies adjacent to the eastern boundary of the site and opposite on the southern side of the A283. The neighbouring site to the west is being developed to provide 78 dwellings (see outline planning permission DC/10/1457 and reserved matters application DC/13/0609). Other than the adjacent new development, the majority of the surrounding area is characterised by sporadic residential development. The dwelling Old Clayton is a grade II listed building, and a number of the existing outbuildings are therefore curtilage listed.

- 1.5 The application is supported by a number of detailed studies, which include:-

- Design and Access Statement
- Planning and Heritage Statement
- Archaeological Desk Based Assessment
- Transport Statement
- Landscape Appraisal
- Drainage Feasibility Study
- Flood Risk Assessment
- Noise Impact Design Development Note
- Environmental Noise Survey and Site Suitability Assessment
- Air Quality Assessment
- Extended Phase 1 Habitat Survey
- Sustainability Statement
- Arboricultural Impact Assessment
- Phase 1 Assessment (Desk Study) (land investigation)

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 3, 4, 6, 7, 8, 10, 11 and 12.

RELEVANT COUNCIL POLICY

- 2.3 The development plan consists of the Core Strategy (CS) (2007), the General Development Control Policies (2007) DPD, the Site Specific Allocations of Land (2007) DPD and the Proposals Map (2007). Other relevant local development documents are the Facilitating Appropriate Development (FAD) SPD (May 2009) and the Planning Obligations SPD.

- 2.4 Policies CP1, CP2, CP3, CP4, CP5, CP9, CP12, CP11, CP13 & CP19 of the Core Strategy and 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.
- 2.5 The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the Examination will re-open to consider only the issues outlined in the Initial Findings. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

2.6 PLANNING HISTORY

WS/7/01	Erection of 13 kennel units and kitchen	Permitted
WS/53/03	Stationing of mobile home no1 occupied by kennel staff	Permitted
DC/04/2084	Erection of 2 staff dwellings in replacement for 2 existing mobile homes	Permitted, subject to a Legal Agreement restricting occupation to kennel staff only.
DC/14/0915	Listed Building Consent for Demolition of Outbuildings around 'Old Claytons'	Pending consideration

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

- 3.2 **HDC Engineering Section**: No objection in respect of flood risk. Recommend conditions in respect of drainage.
- 3.3 **HDC Parks and Countryside**: No objection, subject to a contribution to off-site green space provision, to be secured by way of a Legal Agreement. The area of Sandgate Park that the Council already owns is nominated for an off-site green space contribution towards access and habitat enhancements.
- 3.4 **HDC Environmental Health Officer**: No objection, subject to conditions in respect of further investigation of contaminated land. Concludes that it is unlikely that noise from the kennels would be the source of an audible statutory noise nuisance to occupiers of the Milford Grange development.
- 3.5 The Council's **Landscape Consultant** raised no objection in their initial consultation response. On receipt of further information, the Council's **Landscape Consultant** issued a further consultation response, which raises objection to the scheme and includes the following points:
- The development would have an adverse urbanising impact on the attractive rural landscape character and quality of the SDNP, particularly the open rural landscape to the east and the attractive setting of the SDNP as perceived along the A283.
 - The landscape impact is likely to be cumulative when considered in combination with adverse impact resulting from the adjacent new development.
 - The proposal will erode two of the identified special qualities of the SDNP, namely Tranquil and Unspoilt Places and Diverse Inspirational Landscapes.
 - There will be some adverse impacts in short, middle and long distance views from local rights of way within the SDNP.
 - Failure to show retention of mature trees and sections of hedgerow which contribute to the character of the site and locality demonstrates poor design.
 - The indicative layout does not show any robust planted buffer at the SDNP boundary and does not take account of or respond to the existing settlement and townscape character within the SDNP and nearby.
 - Proposal is not considered to meet the environmental role of planning set out in the NPPF and is contrary to section 7 of the NPPF (Requiring Good Design).
 - A key statutory purpose of the SDNP is to conserve and enhance the natural beauty of the landscape. The proposal is considered to be contrary to this.
- 3.6 **HDC Heritage Consultant**: Objection. Summary of response to the initial scheme:

Recommend refusal of listed building consent for demolition on the grounds that the case for substantial demolition of the courtyard buildings to the west and northwest, forming part of a post medieval regular courtyard farmstead, are significant in terms of their heritage value and association with the main listed building, is unjustified and unwarranted. Their demolition would harm the historic setting and experience of the heritage assets within this predominantly isolated and rural landscape. It would also remove the historical association of the farm house with its farm buildings and practically eradicate the significance of the farm group.

The applicants have failed to explore other options for the retention of the courtyard buildings as set out in paragraph 133 of the NPPF The substantial loss of the courtyard buildings and harm to the significance of the heritage asset is not outweighed by substantial public benefits in respect of the heritage asset, due to the demonstrable that would arise.

Recommend refusal of planning permission for residential development on the grounds that the proposed redevelopment of the site would detract from the significance of the heritage asset, Old Clayton, not only through the loss of its historic courtyard but the historical relationship between farm house and farm building, and would sever its current association with the rural landscape.

The proposed residential development would have a significant urbanising impact on the site, the rural environment and setting of the heritage asset both in the immediacy and from within the South Downs National Park. The harm that would arise would be substantial and permanent and would fail to enhance the setting of the listed building, changing the dynamics of the relationship with the site, and both views to and from it.

The **Heritage Consultant** has also considered the revised scheme, which retains the western courtyard buildings and part of the northern courtyard buildings. Comments in respect of the revised scheme include the following points:

- Previous comments still stand.
- Existing reception/shop appears to have been in existence prior to 1948.
- No historic or design justification for the proposed quantum of development, further intensification of the site and its urbanity.
- There does not appear to be any case for 'enabling' development here associated with maintenance of the listed building.

3.7 The **HDC Strategic Planning Officer** highlights the lack of a 5-year housing land supply, and the recent Inspector's initial findings arising from the Horsham District Planning Framework examination in public, in which he set out that the concentration of growth in the main settlements of Horsham, Southwater and Billingshurst to be sound, rather than greater dispersal around the district which he considered to be less sustainable. Given that the overall strategy is considered sound, it is recommended that great weight is afforded to it, and therefore the proposal for development in an unsustainable location is not considered to be necessary at the current time in order to contribute to the 5-year supply. Concern is also raised in respect of loss of employment associated with the kennel use, noting that the Inspector's findings expressed concern in respect of employment uses within the District.

3.8 The **HDC Collections Supervisor** raises concern in respect of the detail of the indicative layout, in terms of its width and construction.

OUTSIDE AGENCIES

3.9 **West Sussex County Council- Monitoring and Records**: A S106 contribution of £325,525 for education, libraries, waste, fire and transport should be sought.

3.10 **The South Downs National Park Authority**: Objects. Summary of response (no change in respect of amended plans):

- The existing access would need to be widened and visibility splays improved, which would have an urbanising impact on the setting of the SDNP.
- The introduction of 41 dwellings on this site, with associated urban layout of access roads, domestic gardens, lighting etc in this rural location outside the settlement boundary would exacerbate the urbanising of this predominantly rural location.
- The principle of such intensive urban development in this rural location on the edges of the National Park has the potential to be harmful to the special qualities and landscape setting of the SDNP.
- The SDNPA are concerned that existing planting, together with new planting is not sufficient to provide an appropriate, essential and effective soft-scape transition from the

proposed urban form to open rural countryside on both the southern and eastern boundaries, resulting in substantial urban built form impact on the fringe of the countryside setting of the SDNP.

- The development would be clearly visible and open viewed against the predominant rural landscape of the locality and the wider open countryside setting of the SDNP from the elevated bridleway leading up to the South Downs Way National Trail and nearby open access land on the Downs, approximately 1.6-1.8km to the south.
- The lighting seen at night from various places in the SDNP has the potential to be detrimental to the dark night skies objective of the SDNP, and potentially on wildlife within the SDNP.

3.11 **Environment Agency:** No comments provided due to the low risk of the development type and location.

3.12 **English Heritage:** Advise that they do not consider that it is necessary for this application to be notified to English Heritage under the relevant statutory provisions.

3.13 **West Sussex County Council Archaeologist:** No objection, subject to conditions.

3.14 **West Sussex County Highway Authority:** Initially responded 21st August 2014 requesting additional information, and have been in discussion with the Applicant's Transport Consultant in respect of the application. However, despite additional information and amended drawings being received, the Highway Authority remain concerned due to an increased risk to highway safety and likely obstruction to the free flow of traffic on the A283. It is recommended that a full right-turn lane is provided, or the current site access should be retained as the sole access to the site, but no agreement has been reached on this matter.

3.15 **Storrington and Sullington Parish Council** raise a strong objection, including the following points:

- The proposed development is extremely dense, particularly adjacent to the new Milford Grange site and is out of character with the area.
- The proposals would mean that the listed building (Old Clayton) would be completely surrounded. The listed building Chanctonbury Lodge (about 180 metres west on Storrington Road) should also be taken into consideration.
- The access from the A283 is unacceptable.
- The site is not included in HDC's Local Plan which is currently under inspection nor is it included in the list of sites in our emerging Neighbourhood Plan and of course is outside the built-up area.
- Members also agree with all of Washington Parish Council's objections.
- Members question the fact that the site would be sustainable, owners would not be able to walk to the village to purchase their weekly shopping and very much doubted that they would cycle.
- Whilst the site is technically brownfield, it is indeed outside of the built-up area and not in Horsham's Plan and is not an allocated site.
- In fact, what has become apparent whilst conducting Neighbourhood Plan surveys is that residents of all surrounding villages want to protect the gaps between each individual village.
- Members felt that it should be noted that the kennels had not received any noise complaints before the new development (Milford Grange) had been built, and that these had only resulted since residents had moved into the new development. The kennels had been in existence for many years before the development had been approved.

3.16 **Washington Parish Council** strongly object on the basis that:

- Traffic flow will be increased onto a major arterial road at peak times.

- The creation of a 4th entrance/exit in close proximity to 3 others will increase congestion and compromise safety.
- The proposed development is premature and does not take into account the provisions of the Emerging Local Plan or the proposed Neighbourhood Plan.
- The proposal contradicts the reasons given for the reduction in homes by the Inspector on the neighbouring development and is therefore contradictory to an existing finding. The proposal has an adverse impact on the rural environment both in terms of ecology and view. The housing would be clearly visible from the SDNP.
- The provision for 'affordable housing' is neither guaranteed in respect of number, availability to local people or affordability and therefore provides no benefit or support to the proposal.
- Washington and the proposed site is not a Category A site and the proposal constitutes overdevelopment and unnecessary urbanisation. There is a real danger of "ribbon development" along the A283, diminishing the countryside between Storrington & Washington.
- The proposed development does not constitute part of the existing development ('keys seamlessly') but is a further and separate isolated development.
- There is no provision for facilities within the site itself or its surrounds for the impact on infrastructure that the further increase in housing will create in terms of health, leisure and education.
- Air quality will be further compromised.
- Light pollution will be increased in a no light area.
- No changes to original comments in light of amended plans.

PUBLIC CONSULTATIONS

- 3.17 Twenty seven **letters of objection** have been received, which include the following points:
- Overdevelopment of the site.
 - Density is higher than the surrounding area.
 - Further ribbon development, contrary to Neighbourhood Plan guidelines.
 - Proposal would decrease the strategic gap between settlements.
 - Unsustainable site with, no facilities without a car journey.
 - The kennels are a working business.
 - Traffic onto the A287 is already a nightmare, and the development will exacerbate this.
 - Will create a traffic rat-run through Heath Common.
 - Development at Milford Grange already increased usage of Hampers Lane, a quite single-track road.
 - No traffic calming is proposed.
 - The listed building will not sit well in an estate environment.
 - Development will enclose and over-power the listed building.
 - Urbanisation of a rural area.
 - Field to the rear is used for exercising dogs and is not a brownfield site.
 - Light pollution in an area with no street lighting.
 - Noise and pollution not inkeeping with current schemes to reduce pollution in Storrington.
 - Overburdening of local services, particularly schools and medical facilities.
 - Adjacent development does not set precedent for the proposal.
 - Adjacent site included benefits such as delivery of community land east and west of Hampers Lane, direct access to the Heath Common network of bridleways and an extensive Unilateral Undertaking.
 - Noise mitigation should be put in place in accordance with the permission at the adjacent Cemex site.
 - Anyone purchasing a house at the adjacent site will be aware of the kennels.
 - The kennels are a welcome amenity to Washington and the surrounding area.

- The application should not be considered until all of the Highway Authority's queries are answered.
- Many of the letters of support referring to plight of the kennels are from addresses some distance from the kennels.
- 10% reduction in CO2 emissions would be counteracted by the increase in traffic and pollution transporting children to schools.
- Loss of existing employment use.
- Parking problems in the area will be exacerbated.
- There is sufficient new housing in the area.
- Future residents are likely to want fences adjacent to Washington Road.
- The site should be used for community business and facility if the kennel were to close.
- Loss of habitat.

3.18 Twenty eight **letters of support** has been received, which includes the following points:

- Continuation of the kennels in this location is impossible.
- Complaints from new occupants have already been received.
- The kennels causes new residents of the adjacent site more noise than imagined.
- Construction works distress boarding dogs.
- Lights and traffic at night at the adjacent site will distress boarding dogs.
- Noise levels will increase as more people move in and dogs are unsettled by the noise of new neighbours.
- The kennels would relocate to a new site without loss of jobs
- The kennelling service is vital to the community and should continue at a more suitable site.
- Proposal compliments the adjacent scheme.
- Support the provision of affordable housing for people with a local connection and local workers.
- The arguments that allowed the adjacent site apply to this proposal.
- Proposal will reduce traffic compared to the kennels and reduce congestion.
- There are links to public amenities and a regular bus service, which is due to be improved in connection with the adjacent development.
- Tree planting would enhance views.
- The day care part of the kennels business should be extended and developed.
- Growing kennels business would benefit from a larger site.
- Developing smaller sites will share the need for new homes across the District without having the significant local disruption big sites cause.
- Scheme appears very well thought through.

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 principal issues in the determination of the application are whether the proposal is acceptable in principle having regard to both central government and local Development Plan policies, highway safety, and the effect of the development upon the character and

appearance of the area. The site has been put forward for consideration in the Strategic Housing Land Availability Assessment, and has been assessed as deliverable given the single ownership and the landowners intention to develop, but development would still need to be subject to the development management process including consideration of relevant planning considerations, and the site is not allocated for development by the Council. The SHLAA is a theoretical exercise to show what sites could potentially be available for planning permission in the District. It does not preclude the normal planning application process nor does it allocate sites for development. The SHLAA forms a useful starting point for the consideration of sites that may be suitable for allocation for residential development in Neighbourhood Plans. However this site is not allocated for development at the current time in a Neighbourhood Plan. Therefore, although the site is included in the SHLAA, it is not allocated for development and consideration must be given to the principle of development.

- 6.2 Members will be aware that the District is currently experiencing a shortfall in housing land supply. Recent appeal decisions within the District suggest that any shortfall in a five year land supply is an important material consideration that carries significant weight in decision making. This imposes an even stronger presumption in favour of planning permission being granted for sustainable development. In cases where there may be other issues or harm arising from a proposed development, the provision of new housing must be balanced against the harm identified when assessing whether development is sustainable and appropriate. In light of the identified shortfall of housing supply, the application should be considered in relation to the Facilitating Appropriate Development (FAD) SPD which allows for flexibility in the location of development outside of the built-up area boundaries, to ensure that there is sufficient housing supply during the life of the Core Strategy, and provides guidance as to the location and size of developments that could be appropriate.
- 6.3 The FAD SPD sets out the requirements against which those planning applications for development on sites (both greenfield and brownfield) which adjoin defined settlement boundaries in the District will be considered, and contains a number of criteria which must be complied with in order for a proposal to be considered 'appropriate'. Although Storrington is a category 1 settlement, where the FAD SPD allows for cumulative development of up to about 150 dwellings outside of built-up area boundaries, appropriate development sites should be contiguous with the built-up area boundary, which this site is not. The site is between Storrington and Washington, and although the eastern extreme of the current application site does not extend beyond that of the new development at the adjacent site to the north and west, its location closer to the road than the new development and set at a higher ground level than it (there is a substantial difference in land levels towards the north of the site), would make the proposed development more prominent in public viewpoints, particularly from the A283, than the adjacent development. The prominence of the proposal would also result in perceived encroachment towards the settlement of Washington, reducing the visual break between Storrington and Washington. The site is not located in a sustainable location, with poor access by public transport and few services or facilities located in walking distance of the site. As such, the location of the site is not in accordance with the FAD SPD. Furthermore, the NPPF sets out that new development should be located and designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities, and that the social role of sustainable development involves creating a high quality built environment with accessible local services. The unsustainable location of the site therefore does not weigh in favour of the proposal. In addition, the Inspector's initial findings in respect of the examination of the emerging HDPF (19.12.2014) advises that the overall strategy to concentrate growth in the main settlements of Horsham, Southwater and Billingshurst is sound, rather than the alternative strategy of greater dispersal around the District, which he considered to be less sustainable. This site is somewhat distant from the settlement of Storrington, which is about 1 km from the built-up boundary further west along the Washington Road. The Strategic Planning Officer advises that although the HDPF is

therefore not yet adopted and the Council do not have a 5-year housing land supply, the acceptance of the Council's overall strategy as sound by the Inspector is a material consideration and should be afforded great weight. As such, the Strategic Planning Officer does not consider it necessary for this site to be developed for residential use at the current time, given the unsustainable location. Intensification of the residential use of this site is therefore contrary to Policy DC1 and the FAD SPD.

- 6.4 The Heritage Consultant highlights the relevant legislative framework in respect of development and heritage assets such as listed buildings. In particular, the duty of the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest is noted. The NPPF sets out that the environmental role of sustainable development includes contributing to protecting and enhancing the built and historic environment. The demolition of curtilage listed buildings is dealt with separately by application DC/14/0915 (also on this agenda). However, that demolition is integral to the proposal, given that it is required in order to achieve the density of development proposed. The Heritage Consultant raised concern in respect of the loss of the courtyard buildings, which reflect the medieval farmstead pattern and are integral to the setting of the listed building. In light of this concern, the Applicant revised the indicative layout to show the retention of courtyard buildings to the west of the main dwellinghouse. However, the Heritage Consultant remains of the opinion that the proposal would be harmful to the listed building and its setting, particularly given the removal of part of the northern courtyard group which appears in some form on maps dating from 1843 and therefore is curtilage listed, in addition to the western courtyard which is now proposed to be retained. In contrast to the existing scattered assortment of single storey buildings on the site, the proposed development of 41 dwellings would necessitate development in much closer proximity to the listed building, with the indicative layout showing new development to the rear and side of the listed building, and set further forward than the new development at the adjacent site, which is set back from the highway by over 40 metres, allowing the listed building to be the more prominent feature of the street scene. Although the proposed layout is indicative only, it gives a good indication of the type of development which the developer expects to bring forward at the reserved matters stage, and in this case the number of units being sought, along with the indicative scale, is likely to involve fairly high buildings in close proximity to the listed building, as the indicative site sections show the new buildings to be greater in height than the listed dwelling. The proposed amount of the development would therefore not only swamp the immediate setting of the listed building, reducing its significance particularly when viewed from the south, it would also create a more intensive and higher density development, removing the rural setting of the listed building to the detriment of its significance in the landscape. The proposal is therefore contrary to Policy DC13.
- 6.5 In terms of the impact of the proposal on landscape character, as well as the Heritage Consultant's concern in respect of the rural setting of the listed building being important to its value and significance as a heritage asset, the SNDPA and the Council's Landscape Consultant also comment on the impact of the proposal on landscape character. The SDNPA identify the urbanising of this predominantly rural location on the edge of the National Park, the existing and proposed boundary planting which is insufficient to provide an appropriate transition from the urban to rural areas, the increase in traffic and the additional external lighting affecting the Park's dark skies objectives as resulting in harm to the SDNP. The Council's Landscape Consultant did not initially raise objection to the proposal, but on receipt of additional information their view is that the proposal would result in landscape harm, when viewed from the SDNP.
- 6.6 The site is currently occupied by a number of buildings, concentrated mainly towards the western side and south, with more open areas to the east and north. The NPPF is clear that although previously developed land is land which is or was occupied by a permanent structure and includes the curtilage of the developed land, it should not be assumed that

the whole of the curtilage should be developed. As such, the presence of existing buildings on parts of the site is not justification alone for development across the entire site. In this case, existing development is concentrated towards the western part of the site, away from the SDNP boundary to the east. Furthermore, the existing buildings to be demolished are all single storey in height, with the only two storey building (the listed dwelling Old Claytons) being retained. Replacing a scattered assortment of modest single storey buildings, concentrated mainly to the western part of the site, with dwellings of at least two storeys in height (indicative details show up to 2.5 storeys) across the entirety of the site, including adjacent to the SDNP boundary, results in a significant impact on the character of the site and its value as part of the rural landscape and setting of a heritage asset. Although the site is adjacent to a number of dwellings under construction, most of the adjacent site is set at a much lower land level, and therefore the rear part of the adjacent site is screened by land levels as opposed to vegetation, particularly from the SDNP to the east. As a result of the topography of the area, the extent of the adjacent development is not as prominent in the landscape as the current proposal would be. The Landscape Consultant highlights the importance of boundary screening to soften the appearance of development when viewed from the SDNP, however the indicative layout and landscaping schemes show loss of some existing mature trees and hedgerows, and do not allow sufficient space for substantial boundary planting outside of residential curtilages, with no parts of the site indicated as being reserved for screening planting or landscape buffer areas. The reduction of developable area would result in a more cramped layout for the 41 dwellings proposed than that shown on the indicative drawing, which would have a more urban appearance than that currently shown. The proximity of buildings to the SDNP boundary is of particular concern given the indicative scale of buildings proposed, up to 10 metres in height, which would create a harder, more urban edge to the SDNP, and would not respect the smaller scale of farmhouses, cottages and other dwellings associated with the strongly rural character of the SDNP, or the low height, low density development in larger plots in nearby Health Common. The Landscape Consultant notes that the adjacent new development is set back from the boundary with the SDNP, is separated by a communally managed, structure planted buffer and is set down at a lower ground level in comparison to the proposed scheme. When viewed from the road, the new development would affect the setting of the SDNP due to loss of trees and hedgerows and the proximity of large dwellings to the SDNP boundary. In addition, there are highway works underway in connection with the adjacent development, and some additional highway works likely to be necessary to accommodate this proposal. The Landscape Consultant highlights these works as contributing to the cumulative urbanising effect of the development.

- 6.7 In conclusion therefore on the matter of the impact of the proposal on the character and appearance of the area, there are clear and harmful implications of the urbanisation of this site in terms of landscape character and the setting of the SDNP, the setting of a heritage asset and the reduction of the gap between the settlements of Storrington and Washington. While it is noted that the proposed layout and scale are indicative only, the indicative information submitted at the outline stage serves to provide a good indication of the developer's intention for the layout they expect to bring forward at the reserved matters stage. Furthermore, the concerns above relate to the amount of development, which could not be satisfactorily addressed through an alternative layout. As such, the proposal would result in harm to the open and rural character of the area and to the setting of the SDNP. The proposal therefore does not fulfil the environmental role of sustainable development and is contrary to the NPPF and to Policies CP1, DC1 and DC2.
- 6.8 The County Highway Authority has objected to the proposal on the basis of increased risk to highway safety and likely obstruction to the free flow of traffic on the A283. Although solutions have been suggested by the Highway Authority, these have not been incorporated into the proposal by the Applicant. In the absence of clear information to demonstrate that the proposal would be acceptable in highway safety terms, Officers cannot conclude that there would be no harm to highway safety arising from the

construction of 41 dwellings on this site, and the proposal is contrary to Policies CP19 and DC50. The concern of the HDC Collections Supervisor are noted in respect of the width, alignment and construction of the access road for collections vehicles, however layout is a reserved matter and the number of units proposed could be accommodated while ensuring suitable access for collections vehicles.

- 6.9 The application site is set at a higher level than the adjacent residential dwellings under construction. However, the spacing between the buildings means that the proposal would not result in an overbearing or visually intrusive appearance when viewed from those neighbouring dwellings. The layout of the adjacent development is such that the dwellings under construction face the application site and are separated from the application site by their access road. As such, the proposal would not involve direct overlooking of any private gardens and no objection is raised in terms of the privacy of neighbouring residents.
- 6.10 The supporting information submitted with the application sets out that part of the reasoning behind this proposal is the need for the kennels to relocate as a result of noise complaints from occupiers of the adjacent new development, which is still under construction. The matter of the relationship between residential development and the existing kennels was considered by the Inspector determining DC/10/1457, who observed that the sound of barking dogs was only audible in the part of the site adjacent to the kennels, and considered that acoustic fencing should reduce, if not eliminate, the risk of disturbance to future occupiers by boarded dogs and vice versa. He therefore included condition 16 in his decision notice, which requires a scheme of acoustic mitigation including along the northern and western boundaries of the kennels site to be approved and installed prior to occupation of the dwellings. It is noted that acoustic barrier fencing has only been erected on part of the boundary thus far and details pursuant to condition 16 of DC/10/1457 are currently under consideration. However, the Council's Environmental Health Officer does not consider it likely that noise from the kennels would become the source of an actionable statutory nuisance to occupiers of the new development, and confirms that there have been no noise complaints since 2012 (which was not substantiated and therefore did not progress to formal action). Furthermore, the supporting information indicates that the construction works at the adjacent site have resulted in stress being placed on the animals residing at the kennels. The additional stress during construction could therefore result a greater level of barking than post-construction. As such, to conclude that the kennels cause amenity issues to such a significant degree as to require cessation of the kennels before construction works have been completed, before the acoustic mitigation measures are fully in place and before the development is completely occupied, would be premature and the impact of removal of the kennels use on the amenity of neighbouring residents is considered to be a neutral consideration, which does not weigh either in favour or against the proposal.
- 6.11 Although the re-location of the kennels to another local site is referred to in the supporting information, details of the alternative site are not provided, and it is therefore not clear that existing local employees could be retained, that the location of the site would be suitable to serve the existing customer catchment area, or that the establishment of a kennels at the alternative site would be acceptable in planning terms. As such, although many third party representations have referred to support for an alternative local site, it is not certain that the proposal will achieve this outcome. As there is no mechanism by which to secure the alternative location, the proposal would result in both the loss of a local employer and the loss of a facility used by both the local and wider community. While the Core Strategy contains policies designed to protect existing employment uses, and defines employment floorspace as offices, industrial uses, warehousing and other commercial industrial uses within Classes B1, B2 and B8, paragraph 4.62 of the Core Strategy goes on to confirm that other uses such as retailing and leisure also provide employment opportunities, even though they are not included within the definition. The NPPF, and prior to that Planning Policy Guidance 4 (Economic Development), moved away from the former view that

employment uses encompassed the B-classes and similar uses only, and included a much wider range of uses which generate employment when considering proposals involving economic development. The emerging Horsham District Planning Framework acknowledges this, and does not include a definition of employment use. Therefore the emerging Policies in respect of employment and economic development would apply to any use that generates employment or an economic output. The existing kennels use is a sui generis use, and is an employment generating use to which Policy CP11 applies. This Policy sets out that development which would result in the loss of existing employment sites or premises will not be permitted where their retention is justified by the need to protect the stock of premises in the area. In this case, although the site is not in a sustainable location, the kennels use is one which is often found outside of the built-up area, given the space required for kennelling and also for outdoor exercise of the animals, and could be considered to be a rural enterprise. The HDPF lists size priority themes for the Council, the first of which is Economic Development (to plan for a successful local economy with high levels of employment). One of the key spatial objectives set out in the HDPF is to “promote a living and working rural economy where employment opportunities exist which reduce the need for residents to travel, including reducing commuting distances”. It acknowledges (paragraph 5.7) that there is a shortfall of employment space to meet the future needs of the District over the plan period, and at paragraph 5.17, the ongoing need to maintain and enhance the rural economy is highlighted. In light of this need and the identified shortfall, Policy 8 of the HDPF requires redevelopment of employment sites and premises outside Key Employment Areas to demonstrate that the site/premises is no longer needed and/or viable for economic use, a similar requirement to Policy CP11. In this case, the kennels are currently functioning as a business and does not appear to be unviable. There is significant support for the kennels, as set out in letters of support, both in terms of provision of a useful facility for customers and provision of employment, indicating that the use is still needed. The Inspector’s initial findings of the examination of the HDPF (19.12.2014), sets out that the annual housing target set out in the submission document should be increased. In turn, the additional increase in new dwellings in the District will place greater importance on the need to plan for the retention and growth of employment uses over a variety of Use Classes. Therefore, in light of the change of emphasis away from considering only the B-Class uses to be the employment generating uses in National policies, and as this has been carried through to the emerging HDPF, it is considered that the loss of employment use at this site is objectionable and contrary to Policy CP11 of the Core Strategy and to chapters 1 and 3 of the NPPF.

- 6.12 Although the application is put forward as including the provision of 40% affordable dwellings, this must be secured by way of a Legal Agreement, as do the infrastructure contributions requested by the County Council and the contribution to open space requested by the Council’s Parks and Countryside team. The proposed development has the potential to give rise to contributions totalling £97,865, part of which could be used for these projects, should permission be forthcoming. At the time of determination of this application, there is no completed Legal Agreement to this effect in place and therefore no means by which to secure these contributions. The proposal therefore does not secure any affordable housing and does not make sufficient provision for infrastructure and open space.
- 6.13 The submitted Sustainability Statement makes reference to the development providing at 10% reduction in CO2 emissions, as well as numerous other sustainability measures that will be incorporated at the detailed design stage. While the sustainability of the construction of the buildings themselves could therefore be in accordance with the relevant Policy requirements, this is not considered to outweigh the harm arising from the unsustainable location of the development.
- 6.14 The supporting information makes reference to precedent set by other development in locations outside of the built-up area boundaries, including the adjacent development at the

former Cemex site, which adjoins the application site. The Inspector determining that application identified the various benefits and harm arising from that proposal. Benefits included a contribution to housing and affordable housing provision in the District, highway safety benefits from the improvement of visibility at the access of the Kennels and Hamper's Lane and the provision of a right-turning lane into the kennels, funding for a limited period of improvements to bus services, and the provision of 12 hectares of public access land for the Sandgate Country Park. Although the Inspector identified harm arising from the impact on rural character and appearance of the area generally (and not to any particular landscape characteristic), this was considered in light of the topography of the site, which is at a lower level than surrounding land due to the former excavation works, and concluded to be moderate, decreasing to a neutral impact in the longer term as a result of tree planting. The Inspector attributed substantial weight against the proposal due to the unsustainable location and poor access to services and facilities other than by private car, and this conclusion was reached despite the Appellant's proposed enhancements to local bus services. The Inspector balanced these factors, concluded that the benefits outweighed the harm and therefore granted planning permission.

- 6.15 In comparison to the adjacent Cemex development discussed in the preceding paragraph, although the current proposal would also contribute to housing provision, including affordable housing, the benefit of contributing to a long-term Policy objective in the form of securing land for the Sandgate Country Park is absent in this case, and there are no highway benefits coming forward. Although there is a request from the Council's Parks and Countryside team for contributions to improve access and habitat within Sandgate Park, this does not hold the same weight in Policy terms as the contribution to the expansion of the park (a long-term Council objective set out in Policy AL19). In addition to the harm arising from the unsustainable location of the development, there is further harm arising in this case in respect of landscape harm and the setting of a listed building, and the impact of the proposal on the visual amenities of the area is greater than that which was present in the Cemex case, given the greater prominence of the application site and the closer proximity of buildings to the southern boundary, and harm to highway safety. The harm to the setting of the listed building has been assessed by the Conservation and Design Consultant as being substantial. In terms of heritage assets, the NPPF advises that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm or loss should require clear and convincing justification. In cases such as this, where substantial harm has been identified, the NPPF requires the Local Planning Authority to refuse the application unless it can be demonstrated that the substantial harm to, or loss of, a listed building is necessary to achieve substantial public benefits that outweigh that harm or loss. It is therefore considered that great weight should be afforded to the harm to the listed building in this case. The NPPF states (at paragraph 14) that the presumption in favour of sustainable development means that permission should be granted without delay unless specific Policies in the Framework indicate that development should be restricted. In this case, the Policies set out in chapter 12 of the NPPF (conserving and enhancing the historic environment) indicate that development should be restricted in cases where there is substantial harm to a heritage asset, and therefore there is no presumption in favour of granting permission in this case. In conclusion, it is considered that the harm (unsustainable location with poor access to services, substantial harm to the setting of a listed building, landscape harm and harm to the visual amenities of the area) does not outweigh the benefits (provision of housing, including affordable housing) in this case.
- 6.16 The National Planning Policy Framework sets out the three dimensions of economic development (i.e. the economic, social and environmental roles), and it is clear (paragraph 8 of the NPPF) that these roles should not be undertaken in isolation because they are mutually dependant and in order to achieve sustainable development, economic, social and environmental gains must be sought jointly and simultaneously through the planning system. In this case, the unsustainable location of the development means that it does not

fulfil the social or environmental roles, and the harm to landscape character and a heritage asset means that it does not fulfil the environmental role. As such, the proposal is not sustainable development and there is no presumption in favour of granting permission. Therefore, although substantial weight is attributed in the decision making process to the delivery of new housing, this does not outweigh the harm identified above does not above, and therefore on balance, Officers recommend the refusal of this application.

7. RECOMMENDATIONS

7.1 To refuse planning permission for the following reasons:

1. The proposed development is located in the countryside, outside of and not contiguous with the defined built-up area boundary and development of the extent proposed would result in harm to the open and rural landscape character of the area and to the setting of the South Downs National Park. Residential development of the amount proposed would not respect or reflect the pattern of rural development in and around the South Downs National Park and would result in the urbanisation of the site, to the detriment of the character of the area. Furthermore, the site is in an unsustainable location, remote from local services and centres, conflicting with the aims of sustainable development, the need to minimise travel, and the ability to reduce the reliance on the private car. The proposal therefore represents an unacceptable form of development in the countryside contrary to Policies CP1, CP3, CP5 and CP19 of the Horsham District LDF Core Strategy and Policies DC1, DC2, DC9 and DC40 of the Horsham District LDF: General Development Control Policies and Criteria 1, 3, 6, 11, 14 and 17 of the Facilitating Appropriate Development SPD.

2. The development of the site would harm the historic setting of Old Clayton and the experience of the heritage asset which is currently within a predominantly isolated and rural landscape. The proposed amount of residential development would dominate the current semi-rural setting of the building and diminish its value as a farmstead of historic interest. The proposal is therefore contrary to Policy DC13 of the Horsham LDF: General Development Control Policies.

3. The proposed development would result in the loss of an economic development use which generates employment. This would therefore result in the loss of local employment opportunities, reducing the ability of the District to meet existing employment needs, and anticipated employment needs in light of residential growth in the District, increasing reliance on out-commuting to other sites. As such, the proposal is contrary to Policy CP11 of the Horsham District Local Development Framework Core Strategy (2007) and to the NPPF, in particular chapters 1 and 3.

4. The proposed development would result in increased risk to highway safety and likely obstruction to the free-flow of through traffic on the A283. As such, the proposal does not provide a safe means of access and does not maintain and improve the existing transport system. The proposal is therefore contrary to Policy CP19 of the Horsham District Local Development Framework Core Strategy (2007) and DC50 of the Horsham District Local Development Framework General Development Control Policies (2007).

5. Policy CP12 requires provision of 40% affordable units on developments involving 15 units or more. Policy CP13 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policy CP12 and CP13 of the Horsham District Local Development Framework Core Strategy

(2007), to the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document, and to the NPPF, in particular paragraph 50.

Note to the Applicant:

The reason for refusal (above) in respect of affordable housing provision and infrastructure contributions could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

Background Papers:

Appeal decision for adjacent site DC/10/1457



Appeal Decision

Inquiry held on 9, 10, 11 & 12 October 2012

Site visit made on 16 October 2012

by Roger Clews BA MSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2012

Appeal Ref: APP/Z3825/A/12/2176793

Former RMC Engineering Works, Storrington Road, Washington, W Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ["the 1990 Act"] against a refusal to grant outline planning permission.
 - The appeal is made by Cemex ["the appellants"] against the decision of Horsham District Council ["the Council"].
 - The application Ref DC/10/1457, dated 16 July 2010, was refused by notice dated 16 May 2012.
 - The development proposed was described on the application form as *Outline application for up to 100 residential units and associated ground preparation works, highways access, and the first phase of the Sandgate Country Park* – but see paragraphs 3 and 4 below.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 78 residential units, associated ground preparation works, associated highway and access works, and the first phase of the Sandgate Country Park at the former RMC Engineering Works, Storrington Road, Washington, West Sussex in accordance with the terms of the application, Ref DC/10/1457, dated 16 July 2010, subject to the conditions set out in the attached schedule.

Unilateral Undertaking

2. An executed Unilateral Undertaking by RMC Engineering and Transport Ltd and Hall Aggregates (South Coast) Ltd¹ was submitted during the inquiry. I consider its various provisions in the Reasons section of this decision.

Procedural matters

3. The site address was given differently on the application and appeal forms and on the Council's decision notice. It was agreed at the inquiry that the correct address is as shown in the decision heading above. It was also agreed that the description of the proposed development would be clearer and more precise if the words "highways access" in the original description were replaced with the words "associated highway and access works". This has been done in the decision at paragraph 1 above.
4. The application was made in outline with all matters other than access reserved for later determination. By letter dated 2 September 2011, the maximum number of dwellings was reduced from 100 to 78, and alterations were made to

¹ They are, respectively, the freehold owners of the site (a wholly-owned subsidiary of Cemex, the appellant company) and the owners of nearby land at Sandgate Park.

the proposed access arrangements. Further public consultation took place on the revised proposals. The reduction in dwelling numbers is also reflected in the decision at paragraph 1.

5. During the inquiry Mr Green, for the Council, submitted a statement arguing that certain of the application plans fixed details of layout, scale and landscaping, and pointed out that there appeared to be no plan fixing details of the access arrangements. Mr Taylor, for the appellants, submitted a statement rebutting the Council's arguments in respect of layout, scale and landscaping.
6. I made an oral ruling rejecting Mr Green's main arguments². Thus I shall deal with the appeal on the basis that layout, scale, appearance and landscaping are reserved matters. I also ruled that the appellants could introduce a new illustrative *Framework Tree and Landscape Management Plan* [FTLMP], without prejudice to any interested persons. Among other things, this gives details of the likely extent of tree removal on the site as a result of ground preparation works for the proposed development. It supersedes the corresponding details shown on the version of the Tree Constraints Plan No 412.0968.00022.TS.002 Revision B that was received by the Council on 24 February 2012, and I shall take the FTLMP into account in determining the appeal.
7. However, I found that Mr Green was right that no plan fixing the details of the access had been designated, even though access was not a reserved matter. The parties then agreed that the relevant plan fixing those details was the Savell Bird and Axon drawing No 14512-03 Revision B, which had been submitted and consulted on as part of the revised proposals of 2 September 2011. I shall therefore take it into account in this decision.
8. Mr Bartle of West Sussex County Council, who had prepared a proof of evidence on highways and transport matters, was unavailable for the inquiry and Mr Gledhill gave evidence on behalf of the local highway authority in his place. In giving his evidence, Mr Gledhill made it clear where he agreed with Mr Bartle's proof and where he took a different view.

The development plan and other relevant planning policy

9. So far as relevant to the appeal, the development plan comprises the South East Plan [SE Plan], published in 2009, and the Council's adopted *Core Strategy, Site Specific Allocations of Land* [SSAL] and *General Development Control Policies* [GDCP] *Development Plan Documents* [DPDs], all adopted in 2007. In addition, relevant guidance in the *National Planning Policy Framework* [NPPF] is an important material consideration. In 2009, the Council adopted their *Facilitating Appropriate Development Supplementary Planning Document* [FAD SPD], which is also directly relevant as a material consideration in this case.

Environmental Information

10. The proposed development falls under Schedule 2(10) of the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999* [the EIA Regulations]. The Council issued a screening opinion that EIA was required on the basis that the development has the potential to give rise to likely significant effects on the environment during the construction and/or operational phases. In compliance with the EIA regulations, the appellants

² A transcript of my ruling is appended to this decision.

requested and received a formal scoping opinion from the Council and proceeded to produce an Environmental Statement [ES]. The Council made the ES available together with the other supporting documents during consultation on the planning application.

11. To reflect the alterations made to the development scheme on 2 September 2012, the appellants produced an *Environmental Statement Addendum*. Consultation was also carried out on the *Addendum*. In their decision on the planning application the Council took into account all the representations from statutory consultation bodies and others on both the ES and *Addendum*.
12. No substantial representations were made during the appeal process as to the scope of the ES or *Addendum*. They comply with the EIA Regulations and I consider the environmental information provided in them sufficient to enable the environmental impact of the proposed development to be assessed. In making my decision on the appeal, I have taken their contents, the comments on them by statutory consultation bodies and others, and all other environmental information submitted in connection with the appeal, including that given orally at the inquiry, into account. Environmental mitigation measures are described in a separate section below.

The appeal site

13. The main body of the appeal site consists of an area of land to the north of the A283 Storrington Road, some 2km or more east of the centre of Storrington village and a similar distance from the centre of Washington. It abuts the defined Storrington & Sullington built-up area boundary on its northern and part of its western side. It used to be a sand quarry, as is evident from the steep drops from some of the site boundaries into the interior of the site. The site has since been partly re-filled but it also contains two sizeable ponds roughly in its middle.
14. The new housing would be located to the south of the ponds. At present this half of the site currently contains two big engineering workshops and a smaller office building, currently housing a plant hire company. Otherwise the main body of the site is quite thickly wooded, especially along some of the boundaries where there are many mature trees and shrubs. There are also groups of trees and shrubs in the interior of the site, including a tall belt of conifers on a ridge immediately to the south of the ponds.
15. To the north of the ponds the land rises in a series of irregular terraces to meet the boundary with Sandy Lane to the north. This half of the site, including the ponds, is designated in the SSAL DPD as part of the proposed Sandgate Country Park and has been partially restored after quarrying ended. There are areas of tree-planting, mostly semi-mature, and rough heathland grass.
16. The appeal site also takes in part of the A283 and its verges. At present, the section of the A283 within the appeal site is an unlit single-carriageway road with one traffic lane in each direction, subject to a 50mph speed limit.

Main Issues

17. The main issues in the appeal are:
 - (a) the extent to which the proposed development would meet the identified need for housing;

- (b) the effect of the proposed development on highway safety;
- (c) the effect of the proposed development on the character and appearance of the surrounding area, including the adjacent South Downs National Park [SDNP];
- (d) whether or not residents of the development would have adequate access to services, including by walking, cycling and public transport;
- (e) the extent of any benefits arising from provision of the first phase of the Sandgate Country Park; and
- (f) whether or not provision would be made for any additional facilities or infrastructure made necessary by the development.

Reasons

(a) Need for housing

General housing requirements

18. NPPF paragraph 47 advises that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing, together with an additional buffer of 5% moved forward from later in the plan period. Where there has been a record of persistent under-delivery of housing, the buffer should be increased to 20%. In this case, the Council accept that they cannot demonstrate a five-year supply of housing land sufficient to meet the SE Plan requirement. However, there is a disagreement over the size of the shortfall.
19. Dealing first with need, the parties agree that the SE Plan sets the housing supply requirement now applicable to Horsham District. It requires 13,000 dwellings to be provided in the District between 2006 and 2026: an average annual rate of 650. These requirement figures supersede those contained in the *West Sussex Structure Plan* and reflected in the *Core Strategy*. Although legislation enabling the abolition of regional strategies has been enacted, their proposed abolition is subject to strategic environmental assessment. At present the SE Plan remains part of the development plan and there is no more up-to-date and objective assessment of housing need available³.
20. The "raw" requirement for April 2011 to March 2017⁴, based on the SE Plan annual average figure of 650 dwellings, is 3,900. That figure then needs to be adjusted to take account of the under-provision of 1,935 dwellings in the District during the first five years of the SE Plan period, 2006 to 2011. Mr Woolf contended that policy H2 of the SE Plan requires that this shortfall in housing provision should be remedied within the next five-year supply period, rather than over the 15 years to 2026.

³ The emerging *Horsham District Planning Framework 2011-2031* is still at an early stage of preparation, with consultation on a preferred strategy due to begin in January 2013 and adoption currently envisaged for the later part of 2014. Hence the housing requirements which it contains carry very limited weight in this appeal.

⁴ This requirement actually covers a period of six years, but it is the period used by the Council for the purposes of calculating the five-year supply required by the NPPF. The appellants were content to base their calculations on the same six-year period. Calculations based on the five years 2011-16 or 2012-17 would in any event not produce materially different results.

21. Such a requirement is not explicitly stated in policy H2, although the policy does say that any backlog of unmet housing needs (which I take to mean unmet needs at the commencement of the plan period, in 2006) should be met within the first 10 years of the Plan, that is, 2006 to 2016. Like my colleague who reported to the Secretary of State [SoS] on an appeal in Andover last year⁵, I consider that this indicates that, as a general rule, under-supply should be dealt with in the short to medium term rather than the long term. This approach was endorsed by the SoS in his decision on the Andover appeal. It is also consistent with the NPPF objective of boosting significantly the supply of housing⁶.
22. Meeting the under-provision since 2006 over the period from 2011 to 2017 would raise the total "five-year" requirement to 5,835 (3,900 plus 1,935). Adding the 5% buffer required by the NPPF takes the figure to 6,126.
23. On the figures in the Council's own Annual Monitoring Report 2010-2011 [AMR], projected net completions for 2011-2017 amount to 3,336 dwellings. That represents about 54% of the requirement calculated in this manner. If planning permissions granted since the AMR was published are also taken into account, the supply increases to 3,856, or 63% of the requirement⁷.
24. Spreading the under-provision over the remaining 15 years of the SE Plan period, as the Council prefer, would raise the annual average requirement to 779 dwellings, giving a total "five-year" requirement for 2011-17 of 4,674, with an additional 5% buffer taking the figure to 4,907. The supply of 3,856 dwellings for the same period represents about 79% of the requirement, on this alternative calculation.
25. Mr Woolf suggested that the Council should be regarded as having a record of persistent under-delivery of housing, given the scale of the shortfall since 2006: 1,935 dwellings out of a SE Plan requirement of 3,250. But for the first three years of what is now the SE Plan period, the Council was basing its housing supply requirements on the previous Structure Plan requirement of 439 or 440 dwellings per annum, rather than 650. The Structure Plan requirement was almost met in 2006-07, and although completions fell substantially below the annual requirement in 2007-08 and 2008-09, cumulative completions remained ahead of what was then the cumulative target.
26. Of course completions since 2009 have been much further behind the SE Plan annual requirement which was published in that year, and the fact that that requirement was "back-dated" to 2006 means that the shortfall in the three previous years has also increased. But on the basis of their overall performance since 2006, taking account of the requirements prevailing throughout that period, my view is the Council could not be said to have a

⁵ Ref APP/X3025/A/10/2140962.

⁶ NPPF, para 47.

⁷ This supply figure, derived from Mr Williams's evidence, includes only planning permissions actually granted. It excludes "resolutions to permit subject to s106 agreement", as there can be no guarantee how long the s106 negotiations will take or indeed whether they will succeed. Moreover, even if they are concluded in time for the permissions to contribute to the "five-year" supply, Mr Woolf provided evidence that a comparable number of dwellings which are included in the AMR supply figure are very unlikely to come forward by 2017, owing to delays on the major sites at Crawley and Horsham. The Council were unable to rebut this evidence convincingly.

record of persistent under-delivery. Hence it is appropriate to apply a 5% buffer rather than 20%.

27. Drawing all these points together, I conclude that there is a substantial shortfall in the Council's five-year housing land supply for 2011-2017. The current supply is only about 63% of the requirement on the basis of meeting the existing under-supply since 2006 in the next five-year period, in compliance with national and regional policy. This represents a shortfall of more than 2,000 dwellings. Even on the Council's preferred approach of spreading the accumulated under-supply over 15 years, current supply is only 79% of the requirement, giving a shortfall of over 1,000 dwellings.

Policy consequences of the housing land supply position

28. NPPF paragraph 49 advises that relevant policies for the supply of housing should not be considered up-to-date if a five-year supply of housing land cannot be demonstrated, as is the case here. This has consequences for the reliance that can be placed on those policies in reaching a decision on the appeal⁸. It is therefore necessary to identify which are the relevant policies for the supply of housing that are rendered out of date by the shortfall in housing land supply.
29. I agree with the appellants that *Core Strategy* policy CP4 "Housing Provision" is evidently out of date, as it is based on the superseded Structure Plan housing requirement figures. But I am not persuaded that policies CP1 and CP5 and GDCP DPD policies DC1, DC2 and DC40 should also be regarded as wholly out of date. None of them deals exclusively with housing supply, but instead each sets out principles and requirements that apply to development in general.
30. Moreover, those principles and requirements reflect some of the core planning principles at NPPF paragraph 17, such as the need to take account of the character of different areas and recognise the intrinsic character and beauty of the countryside (policies CP1, DC1 and DC2), to manage patterns of growth to make the fullest possible use of public transport, cycling and walking (policy DC40), and to focus significant development in locations which are or can be made sustainable and to encourage the effective use of land (policy CP5).
31. Rather than regarding these policies as out of date in their entirety, in my view the appropriate approach is to identify those elements of the policies to which less weight needs to be given if the housing shortfall is to be effectively addressed, as the NPPF requires. Such an approach would ensure that other important objectives of the policies, which are consistent with national guidance, are not overlooked. Thus, for example, it might be appropriate to apply policies CP5 and DC1 more flexibly in the case of housing proposals on the edge of or close to built-up area boundaries, while continuing to exercise a general policy of restraint in more remote rural areas.
32. Indeed, almost exactly that approach is taken by the Council's FAD SPD, which, as the introduction explains, seeks to promote the more responsive and proactive approach to housing proposals which is required if the Council is to be in a position to deliver a five-year rolling supply of housing land. It has its origins in the findings of the inspectors who examined the SSAL DPD and concluded that it lacked sufficient flexibility to deal with changing circumstances.

⁸ See NPPF, paragraph 14.

33. The FAD SPD enables housing to be permitted on sites that would not meet the strict requirements of policies CP5 and DC1. In particular, it permits housing on sites like the appeal site which are outside, but abut, a defined built-up area boundary, provided that its other criteria are met⁹. Clearly, where its criteria refer to, or evidently reflect, superseded national policy guidance, reference now needs to be had to NPPF policy instead. But given that its overall approach is to apply adopted policies more flexibly in order to address the shortfall in housing supply, I consider it is consistent with the general thrust of current national policy.
34. Drawing these points together, my view is that while policy CP4 is entirely out of date, the same does not apply to policies CP1, CP5, DC1, DC2 and DC40, because they are not exclusively "policies for the supply of housing". Instead, the appropriate approach is to apply their requirements flexibly, and in a manner consistent with current national policy, so as to enable more housing land to come forward while not sacrificing other important policy goals. This is essentially the approach taken by the FAD SPD.

The requirement for affordable housing

35. The *West Sussex Strategic Housing Market Assessment [SHMA] District Summary* for Horsham (May 2009) identifies a need for between 260 and 327 affordable dwellings per annum in Horsham District. The Council produced no evidence to cast doubt on Mr Woolf's figures, based on information in the AMR and the SHMA, that fewer than 200 affordable homes have been built since 2006. Thus there has been a very big shortfall, of over 1,000 affordable dwellings, in the last five years.

Conclusions on housing need

36. For the reasons set out above, I consider that the five-year housing land supply in Horsham District stands at 63%, giving a shortfall of over 2,000 dwellings. Even if the Council's approach to the accumulated under-supply is followed, which in my view does not accord with the objectives of national and regional policy, the five-year supply only amounts to 79%, or a shortfall of more than 900 dwellings. On either measurement this is a very substantial shortfall. There is also a very large under-supply of affordable housing.
37. The proposed development would provide up to 78 new dwellings, of which up to 18 would be affordable, and thus it would make a significant contribution to meeting the pressing need for housing in general, and affordable housing in particular. Furthermore, in accordance with the FAD SPD the appellants are prepared to accept conditions significantly shortening the normal timescales for submission of reserved matters and commencement of the development, thereby ensuring that building would proceed promptly. These are considerations of great weight in favour of allowing the appeal.

(b) Highway safety

38. Mr Bartle's proof identifies four elements of the proposed highway and access works which, in his view, would detract from highway safety. These are: visibility at the proposed new site access and at the access to the kennels; the proposed pedestrian refuge island; and its impact on the safety of cyclists; the

⁹ In this case the Council accept that all the criteria are met apart from Nos 6, 7, 11 & 17.

proposed deceleration length for vehicles turning right into the kennels; and visibility at the access to Chanctonbury, on the southern side of the A283.

39. At the inquiry, however, Mr Gledhill made it clear that he disagreed with Mr Bartle over the issue of visibility at the site and kennels accesses. In his view, an "x" distance of 2.4m at the new site access would be appropriate in this case. Similarly, he considers that an "x" distance of 3m at the kennels access would be acceptable in highway safety terms. I concur with both these points: an "x" distance of 2.4m would in my view be sufficient at both accesses, given that they are entrances to residential and commercial premises and not through roads.
40. Based on an "x" distance of either 2.4m or 3m, "y" distances consistent with advice in the *Design Manual for Roads and Bridges* [DMRB] for 50mph trunk roads can be achieved at both accesses. This would represent a substantial improvement in visibility at the kennels access, and also at the new site access when compared with the existing one. The proposals would also improve visibility at the Hamper's Lane access compared with the current situation.
41. Mr Bird, for the appellants, explained that the pedestrian refuge island was not strictly required by standards, but had been introduced into the design in order to help people, including the mobility impaired, to cross the road. As I make clear below in dealing with the issues of access to services, I see it as an essential feature of the proposals. The Council's objection to the island is based on DMRB TA91/05, which states at paragraph 6.18 that *any island on a road with a speed limit greater than 40mph, that is not part of a single lane dualling design, requires "Departure from Standards" approval*. The Council are also concerned that the refuge would endanger cyclists by providing insufficient road width to either side, contrary to DMRB advice.
42. While DMRB is applicable specifically to trunk roads, the non-trunk A283 is undoubtedly a very busy road, with average weekday flows of about 20,000 vehicles over this stretch. A recent speed survey commissioned by the appellants found 85th percentile dry-weather speeds of 47mph westbound and 45mph eastbound past the site access. However, the presence of the turning lanes and the coloured-surfaced ghost islands and bollards with "Keep Left" signs, together with the road lighting at night, would all make it clear to drivers that this is a part of the road on which turning movements are likely. This awareness should be reinforced, as Mr Bird suggested, with advance junction warning signs, which could be secured by condition.
43. The likely effect of these changes would be some reduction in vehicle speeds, and a raised level of alertness among most drivers passing the appeal site. In these circumstances, I consider that the pedestrian island – and the other proposed traffic bollard – would not constitute a safety hazard, in the sense of being likely to be struck by vehicles. The refuge island would also be wide enough to shelter pedestrians, including wheelchair users and those with pushchairs, from passing traffic. It would meet the preferred width of 2.0m advised in TA91/05.
44. Turning to cyclists, DMRB Local Transport Notes 2/95 and 2/08 recommend a minimum carriageway width of 4m between physical features, and consideration of a greater width on bends, so as to avoid cyclists being "squeezed" by other traffic. This stretch of the A283 is not perfectly straight, but in my view the likely speed-reducing effects of the proposed changes to the

- road layout mean that a 4m carriageway width either side of the pedestrian refuge island would be adequate in this case.
45. The carriageway widths shown on the proposal drawing are 3.65m either side of the island. While that is too tight, Mr Bird made it clear in his evidence that there is room within the highway boundary to provide 3m carriageways with 1.5m-wide cycle lanes in each direction past the island. But I am inclined to share Mr Gledhill's view that a short length of dedicated cycle lane is of little benefit to cyclists and could put them at some risk when they try to re-emerge onto the main carriageway. That solution would also have the disbenefit of narrowing the footway and increasing the overall carriageway widths to 4.5m at the point where pedestrians are crossing. An alternative might possibly be a more limited local widening to 4m of the carriageways themselves past the island.
46. However, rather than attempt to prescribe a definitive solution, I think this matter would be best addressed through further discussions between the Council, the highway authority and the appellants during the final design process. This could be achieved by means of a condition. At this stage it is sufficient that a solution avoiding unacceptable risks to cyclists passing the pedestrian island has been shown to be achievable.
47. At the access to Old Clayton Kennels, the Council are concerned that the proposed deceleration length in the right-turning lane would be some 7m too short – 48m instead of 55m – when considered against the DMRB standard for 50mph roads. But in view of the measured existing 85th-percentile speeds and the likely speed-reducing effects of the proposals, I find that this departure from the standard would not significantly increase the risk of collisions.
48. A much greater benefit would arise from the provision of a right-turning lane into the kennels where none currently exists. In the past five years there has been one recorded collision involving a vehicle waiting to turn right into the kennels, and the proprietor, Mrs Copp, said in her evidence that there had been other unrecorded collisions there. DMRB TD42/95 advises at paragraph 4.3 that ghost islands at rural T-junctions can lead to a 70% reduction in accidents involving a right-turn from the major road.
49. Existing visibility to the east at the Chanctonbury access is 60m, from a 2.4m "x" distance. The realignment of the A283 resulting from the appeal proposals would reduce this to 50m. But Mr Gledhill and Mr Bird agreed at the inquiry that if the owners of Chanctonbury were to cut back their own hedge to the east of the access, a "y" distance of 60m could be restored. Taking this point into consideration together with the low level of traffic likely to use the Chanctonbury access, and the high degree of familiarity that its residents must have with traffic conditions on the A283, I find that no unacceptable increase in the risk of collisions would occur here.

Conclusion on highway safety

50. For the foregoing reasons, I conclude that no material harm to highway safety would arise from the appeal proposals, and so there would be no conflict in this respect with *Core Strategy* policy DC40 or criterion 17 of the FAD SPD. Instead, there would be substantial highway safety benefits from the improvement of visibility at the accesses to Old Clayton Kennels and Hamper's Lane, and the provision of a right-turning lane into the kennels.

Character and appearance of the surrounding area

Impact of the proposed highway works

51. Traffic flows along the A283 are high and I found that the noise and movement of vehicles tended to dominate my perceptions when I walked along the roadside footpath. Nonetheless it was also possible to appreciate that I was in an attractive rural area and on the stretch of footway within the appeal site this impression was reinforced by the presence of the verges and hedges, glimpses of the South Downs through gaps in the southern hedge, and in particular by the two tall trees which stand close to the southern side of the road, one opposite the entrance to Old Clayton Kennels and the other to the west of Chanctonbury, just outside the appeal site boundary.
52. In my view the proposed highway works, especially the new and wider footways and the new lighting columns¹⁰, would inevitably have a somewhat urbanising effect on this stretch of the A283. This effect would be reinforced by the net loss of part of the northern hedge, the radical narrowing of the southern grass verge and the loss of the tall ash tree opposite the kennels. Right-turning lanes, bollards and ghost islands, on the other hand, are a more common feature on main roads running through rural areas.
53. In assessing the impact of these changes it is also necessary to take account of who is likely to be affected by them. Motorists' attention is usually focussed on the road ahead, and so they would glimpse the verges, roadside trees, footways and lighting columns for only a few seconds as they passed along this stretch of road. Pedestrians and cyclists move more slowly and so would be more likely to notice and be affected by the changes brought about by the highway works, but I saw very few of them using this part of the A283.
54. Whether or not the southern highway verge is inside the SDNP boundary¹¹ makes no substantial difference to my views in this respect, as the verge is physically and visually divorced from the rest of the SDNP land to the south by the tall field hedge. Thus the impact which the highway works would have on the verge would only be perceived within the road corridor itself, and must be assessed in this limited context. The changes to the verge would have no wider effect on the SDNP.
55. But of course the highway works could have other impacts beyond the roadside boundaries. To assess these, I viewed the appeal site from a number of places along the South Downs scarp ridge, and also from the two nearest bridleways running off the southern side of the A283.
56. From the bridleways I found that the tall hedge on the southern side of the road effectively obscured all views of the road itself, including the wide southern verge. Only the tops of passing lorries could be seen. As a result, the only elements of the highway works that might affect views from the bridleways would be the new lighting columns and the loss of the ash tree. Provided that the lighting columns were painted green, as is proposed, they would only have a significant effect on views when illuminated at night, when

¹⁰ The appellants said they were prepared to omit the lighting columns, but for the reasons I give below when dealing with access to services, I consider they are necessary.

¹¹ The parties, and Mr Bright in particular, went to considerable lengths to seek out relevant maps and the official written description of the SDNP boundary, but none was precise enough to show whether or not it includes the southern roadside verge.

very few people, if any, would be on the bridleways. The loss of the ash tree would not significantly affect views from the bridleways, given the backdrop of retained and new trees on the rest of the appeal site.

57. Because of the distance, none of the highway works, apart from the lit street lamps at night, would be perceptible from the scarp ridge. As with the bridleways, very few people are likely to be on the ridge at night, and in any event the night-time landscape visible from there must already include large areas of darkness interspersed with smaller lit-up areas. Hence the highway works would not fundamentally alter the character of those views.
58. Drawing all this together, I conclude that, due to their urbanising effect, the proposed highway works would detract from the rural character and appearance of the stretch of the A283 within the appeal site, when seen from the road itself and its footway. However, the resulting harm would be limited because of the relatively small number of people who would be in a position to appreciate the changes fully. From more distant viewpoints any changes would be less noticeable and would affect even fewer observers.

Impact of the proposed development on the main body of the site

59. None of the main body of the site is in the SDNP. From most public viewpoints, the boundary vegetation conceals the existing buildings and the only clue that they are there is given by the access from the A283. However, views of the roof of the eastern workshop can be gained through gaps in the hedge along a bridleway some 350m east of the site. From the South Downs scarp ridge and the bridleways to the south of the A283, the site appears as part of the rural area to the east of Storrington. It is almost indistinguishable from the other wooded areas that lie round about it, apart from the presence of a significant number of non-native conifers which are particularly noticeable in nearer views.
60. In assessing the likely impact of the proposed development, I have relied on the submitted parameter plans for an indication of the general location, height and density of the proposed dwellings, and on the FTLMP for an indication of the treatment of the rest of the main body of the site. Taking into account the likely set-back distance of the proposed houses, and the fleeting views likely to be gained by most users of the A283, I find that the development would have only a limited impact on views of the site from the A283. A condition could enable the Council to ensure that any necessary acoustic fencing on the roadside boundary would be set back behind planting to minimise its visual impact.
61. The FTLMP indicates that most of the trees and shrubs along the western boundary of the site, as well as the four mature oaks along the boundary with Old Clayton Kennels, are capable of retention. Having considered the Council's Building Control officer's response to the FTLMP, I see no reason to think that this is infeasible. With most of the dense boundary vegetation retained, there would be at most only very limited glimpses of the new houses from Hamper's Lane, and thus no significant change to the rural character of the lane.
62. From Sandy Lane to the north, the groups of trees to the north of the ponds would, if retained, provide substantial screening of the new houses, even with the likely removal of the tree belt south of the ponds. The treatment of the trees in the northern half of the site is a matter for consideration as part of the landscaping details, and so the Council would be able to secure their retention

if they considered this desirable. Together with the existing hedge along Sandy Lane itself, this would mean there would be little change in views of the site from Sandy Lane.

63. However, there would be more significant effects on views of the site from the south and east. From the bridleway to the east, the relative paucity of existing vegetation along the eastern boundary of the site, especially in the area where landslips have occurred, means that the roofs of many of the houses would be visible. While the roof of one of the workshops is already visible from there, the roofscape of the new development would be more extensive. Nonetheless, its prominence would be reduced to some extent by the backdrop of the retained trees along the western edge of the site, which would help to draw the eye up towards the higher wooded land of Sullington Warren beyond.
64. In distant views from the scarp slope, and also in nearer views from the bridleway to the south near Barns Farm, the removal of many of the trees and vegetation in the interior of the site would make the upper parts of the new houses quite prominent. Their greater density, compared with the more spread-out existing development of Heath Common, would be apparent. The development would thus appear as an uncharacteristically concentrated residential enclave in this predominantly rural environment. At the same time, however, it would be only one feature in the broad sweep of the landscape when seen from these viewpoints. It would not dominate the view.
65. Over time, the proposed new tree-planting on the boundaries and within the site would help to assimilate the development into the wooded landscape, in a similar fashion to the existing houses of Heath Common to the north and west. Indeed, in the long run, the wooded character of the site would be enhanced by the replacement of the existing non-native conifers with more appropriate species. But it is likely to be about 15 years before the new landscaping would be fully mature, and in the meantime the development would appear quite exposed.
66. Thus I conclude that in the short and medium term the proposed development would have a moderately harmful effect on the rural character and appearance of the area in which it lies. In the longer term, however, its visual impact is likely to be neutral or even positive.

Conclusion on character and appearance

67. The moderate harm which would result from the proposed development arises principally from its impact on the rural character and appearance of the area, in the short and medium term, when seen in public views from the south, and to some extent also from the east. Because of this, there would be conflict with the objectives of *Core Strategy* policy CP1 and GDCP DPD policy DC2, and with criterion 6 of the FAD SPD, insofar as those policies and that criterion seek to protect landscape character.
68. In reaching this conclusion, I have taken account of the fact that, in cross-examination, the Council's landscape witness was unable to say there would be harm to any of the key landscape characteristics identified in either the Council's or WSCC's published landscape character assessments. I also acknowledge that policy DC2 refers directly to those key landscape characteristics, albeit not exclusively. The harm I have found is to the

character and appearance of the area generally, rather than to any particular landscape characteristic.

69. Having said that, the weight I give to this harm and the policy conflict that would result is tempered by the fact that, in the longer term, the visual impact of the development is likely to be neutral or better.

(d) Access to services for future residents

70. The nearest shops, schools, doctors' surgeries and other facilities to the appeal site are in Storrington, which despite its designation as a village has a sizeable centre with over 50 shops. The village centre would be easily accessible by car, while the A283 and connecting routes would provide ready access by car to bigger towns for employment, larger-scale shopping and leisure, and other needs that could not be met locally.
71. Local bus services 1 and 100 both run hourly in each direction between the bus stops outside the appeal site and the village centre during the daytime on Mondays to Saturdays, and the No 1 also runs every two hours on Sundays and public holidays. While the proposed bus stops would be rather a distance from the site access, there would be surfaced footways leading to them and a pedestrian refuge island to help people cross over to the westbound bus stop. The island and the proposed road lighting would be essential, in my view, to give bus users and other pedestrians an adequate sense of security when using the footways and bus stops.
72. As well as Storrington and nearby Washington, the Nos 1 and 100 bus routes serve larger destinations including Worthing, Midhurst, Pulborough, Horsham and Burgess Hill. Residents of the new development could therefore commute by bus to jobs in those places and make daytime shopping and leisure journeys there. After early evening, however, residents would not be able to travel by public transport.
73. Pulborough and Worthing are also railheads for services to London, with bus journey times from the site of about 20 and 35 minutes respectively. To enhance the existing opportunities to link to these rail services by bus, the Unilateral Undertaking commits the appellants to subsidise two additional Monday to Saturday bus services to Storrington. In addition they are prepared to accept a condition committing them to fund the re-timing of a third service.
74. In combination with the early-morning bus services to Pulborough and Worthing, these enhancements would make it possible to commute to London, and intermediate locations such as Gatwick and Croydon, by public transport from the appeal site. However, the funding commitment is for only five years, and while it is possible that demand would be sufficient to keep the services running when the appellants' subsidy ceases, that cannot be guaranteed.
75. The Unilateral Undertaking also commits the appellants, as part of a proposed Travel Plan for the development, to provide residents with information on public transport services, local taxi firms and car-share organisations, and to purchase and issue a three-month Stagecoach travel pass to each household. These measures would undoubtedly improve awareness of public transport, and they have the potential to promote an increased level of use than would occur otherwise.

76. The proposed pedestrian and cycle access from the appeal site onto Hamper's Lane would enable cyclists to use the fairly quiet lanes through Heath Common to reach Storrington via Thakenham Road. This route would, in my view, be suitable for most riders including older children. The village centre is a comfortable 3.2km cycle ride away by this route, and Rydon Community secondary school is only 1.9km away. On the other hand, the volume of traffic on the A283 makes it unlikely that many residents would choose to cycle along it.
77. Turning to pedestrians, the appellants propose two routes into Storrington apart from the A283. The first follows the cycle route through Heath Common described above. While this would be a reasonably quiet and safe route, I find that it is only likely to be used regularly for journeys to and from the secondary school. The 3.2km distance into Storrington, while comfortable for cyclists, is well outside the 2km generally recognised as the preferred maximum for walking journeys¹².
78. The second route also follows some of the Heath Common lanes to reach Thakenham Road, but a significant part of its length would be along a footpath which would be created as a Unilateral Undertaking obligation across part of the proposed country park land behind Sandgate Quarry. It would also include two stiles. In my view the relative isolation of sections of this route would make it unattractive to many potential users, and the stiles would rule it out for the mobility-impaired and anyone with a pushchair. The village centre would also be significantly more than 2km away by this route. That distance could in theory be reduced by cutting across Sullington Warren via existing footpaths, but in my view only a very small minority of pedestrians would be prepared to do this, in view of its topography and, again, its relative isolation. Due to lack of lighting, both alternatives would be practically unusable at night.
79. The eastern edge of the village centre is 2km away along the A283 itself, but the actual centre of the village is a little further away, and some of its facilities, including the primary school, are to the west of the centre, and thus further away still. In addition, the 2km distance is measured from the A283 access into the appeal site, and takes no account of walking distances from residents' front doors to that point. It would not be accurate, therefore, to say that all, or even most of, the facilities in Storrington village would be within a 2km walk from each of the homes in the new development.
80. Account also needs to be taken of walking conditions along the A283. I walked along it from the village centre to the site access using the existing footways. Once I left the built-up area of Storrington and the 30mph limit behind, I was very aware of the high volume of traffic, including many lorries, passing me at close quarters at between 40mph and 50mph. Had I not been wearing a high-visibility jacket and facing the oncoming traffic, I would have felt distinctly nervous on those stretches of the road where the footway runs directly alongside the carriageway. It was also noteworthy that I saw no other pedestrians on the A283 (outside the built-up area of Storrington) during my 40-minute walk to the site, and saw only one on my way back into Storrington on the bus.

¹² See, for example, *Providing for Journeys on Foot*, published by the Institution of Highways and Transportation [2000].

81. While the Unilateral Undertaking commits the appellants to improve the existing footway into Storrington, from what I saw during my walk there are a number of places where it would be difficult to widen it significantly. At the inquiry Mr Bird accepted that there are pinch-points, while estimating that a width of about 1.5m would be achievable for most of its length. However, even after the improvements had been done, it seems to me that only fairly determined pedestrians would be prepared to use the A283 to get to and from the village. The speed and volume of the traffic and its proximity to significant stretches of the footway would be likely to intimidate most people, particularly if they had young children with them, or were for any reason less than fully mobile. The lack of lighting along much of the route would make it even more off-putting to pedestrians at night.

Conclusions on access to services

82. Access to and from the appeal site by car would be good, and residents would have fairly good access to services and employment by public transport during the daytime, notwithstanding the fact that the enhancements proposed by the appellants might not be sustained after the first five years. However, public transport services cease after early evening on Mondays to Saturdays and are infrequent on Sundays.

83. There would be good access into Storrington by cycle, but the pedestrian links between the site and Storrington would be unlikely to be used by the majority of residents due to a combination of distance, inaccessibility and unattractiveness. All this means that, apart from those able to make cycle journeys into Storrington, residents without the use of a car would be largely unable to travel outside the appeal site in the evenings, and would have only limited travel opportunities on Sundays.

84. The proposed development would thereby conflict with criterion (d) of GDCP DPD policy DC40 "Transport and Access", which requires that adequate provision is made for the needs of all users. Paragraphs 3.169 and 3.171 of the reasoned justification refer to the requirement for access to a range of modes of transport, and the Council's wish to encourage travel by means other than the private car. Those objectives would not be met by the proposed development in respect of pedestrian movement and travel by public transport outside daytime hours. For the same reasons, there would be conflict with criteria 11 and 17 of the FAD SPD. This is a consideration of substantial weight against the proposed development.

85. In reaching this conclusion, I have taken account of the advice in NPPF paragraph 29 that *different policies and measures are required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas*. But my understanding of this advice is not that one should set aside sustainable transport policies, or give significantly less weight to them, when making decisions on development proposals in rural areas. The advice has to be read in the context of the preceding sentence which says that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 35 advises that developments should be located and designed where practical to (among other things) give priority to pedestrian and cycle movements and have access to high-quality public transport facilities.

86. Clearly there are many rural locations where it is impractical to provide good accessibility except by car. The corollary of that, however, is that they are unlikely to be good locations for new residential development of any significant scale, when considered against the requirements of sustainable transport policies. (This is reflected in GDCP DPD policy DC40's reference to the need for development to be appropriate in scale to the available transport infrastructure.) It is then for the decision-maker to determine whether or not other factors outweigh the conflict with those policies and indicate that the development should proceed in that location, notwithstanding the impracticability of providing good access for non-car users.

(e) Sandgate Country Park

87. The Sandgate Country Park has been a proposal of the Council since the 1990s. A feasibility study, published in 2000, envisaged that it would include the northern half of the appeal site and the much larger quarry site at Sandgate Park to the west. Given that quarrying at Sandgate Park is permitted until 2042, full implementation of the country park proposals is a long-term prospect. Nonetheless, the feasibility study anticipated housing development on the southern half of the appeal site which would enable various elements of the country park proposals to be implemented in the short term, as "planning gain". Each of those elements is included in the present appeal proposals or in the Unilateral Undertaking.

88. Corresponding allocations of the appeal site for housing (southern half) and as part of the country park (northern half) were made in the submission version of the SSAL DPD. The inspectors who examined the DPD in 2007 found the housing allocation to be unsound¹³, while finding the country park policy (AL19) sound, subject to modifications to clarify implementation mechanisms.

89. In 2010, the Council commissioned a Refresher Study of the country park proposals. It found that the greater part of the original vision remained valid and reiterated the approach of bringing forward parts of the country park early in association with development, accepting that the core area of Sandgate Park would be delivered in the longer term.

90. In line with that approach, the present appeal proposal would bring forward 4.5ha of the proposed country park on the appeal site itself, and a further 7.5ha on land to the north of Sandgate Quarry. Both areas would be crossed by footpaths giving access to Hamper's Lane, Badger's Holt and Water Lane, and the appeal proposals would meet each of the relevant actions recommended in the Refresher Study. As both would contribute towards the creation of the country park as a whole, I see no reason to regard the area outside the appeal site as having less value in this respect than the area inside it.

91. While there are now increased pressures on the Council's budget compared with 2007, when the SSAL DPD was adopted, the Unilateral Undertaking obliges the landowners to maintain the country park land in perpetuity. However, I am inclined to agree with the Council that those budget pressures, together with the designation of the SDNP (which has occurred since the country park proposals first emerged) may lessen their enthusiasm to bring forward the remainder of the country park. Having said that, it is impossible to

¹³ See the Overall conclusions section below.

forecast what circumstances may be in 2042, when quarrying at Sandgate Park is due to end.

92. Given the long timescales and uncertainty involved with the creation of the country park as a whole, it is more realistic to consider the benefits that would arise from the 12ha of the park which would be provided in connection with this development. As is recognised in the inspectors' report on the SSAL DPD, there is no need for additional natural green space in the District, and so the new country parkland is not required to meet a quantitative deficit. On the other hand, it would provide a convenient and attractive recreational facility, especially for future residents of the proposed development and residents of Heath Common, and would also help to promote biodiversity¹⁴.
93. For these reasons I conclude that the provision of 12ha of the proposed Sandgate Country Park, in line with policy AL19 of the SSAL DPD, would be a consideration of moderate weight in favour of the proposed development.

(f) Provision for necessary facilities and infrastructure

94. If permission is granted for the proposed development, access and highway infrastructure, lighting, drainage and on-site refuse and recycling facilities would be provided in accordance with the application proposals, and secured by conditions. The provision of other facilities and infrastructure would be secured by the executed Unilateral Undertaking.
95. Regulation 122 of the *Community Infrastructure Levy Regulations 2010*¹⁵ ["the 2010 Regulations"] provides that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation meets three tests. These are that the obligation is necessary to make the proposed development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related to it in scale and kind.
96. In this case, I am satisfied from the evidence provided that the obligations in the Unilateral Undertaking in respect of community, health and local refuse / recycling facilities, libraries, fire hydrants, air quality, transport, and the provision and maintenance of on-site open and recreational space are all necessary to meet needs arising directly from the proposed development. The level of contributions and the scale of provision are consistent with the requirements of the Council's *Planning Obligations Supplementary Planning Document* [PO SPD], adopted in 2007.
97. Provision of affordable housing is necessary to help meet a demonstrated shortfall across the District and to comply with *Core Strategy* policy CP12. The affordable housing provision here has been negotiated on an individual site basis, taking account of market conditions, in accordance with the requirements of the policy, the PO SPD and the NPPF.
98. Each of these obligations is therefore fairly and reasonably related to the proposed development and so they meet all the tests of the 2010 Regulations. Together with relevant conditions, this means that any additional facilities or infrastructure made necessary by the development would be provided, and so there would be no conflict with *Core Strategy* policy CP13.

¹⁴ See the section on Environmental mitigation measures below.

¹⁵ SI 2010/948, as amended.

99. While the provision and maintenance of the first phase of the Sandgate Country Park is not necessary to meet a demonstrated need, it would be consistent with SSAL DPD policy AL19 and – as will be clear from my Overall conclusions below – it is one of the factors which lead me to conclude that planning permission should be granted in this case. This obligation is also directly, fairly and reasonably related to the proposed development and so it too meets the relevant tests.
100. However, the evidence before me does not demonstrate that there is a need for education or fire and rescue contributions to be made as a result of the proposed development. This is because in those cases the relevant section of the PO SPD requires an existing shortfall in provision to be demonstrated in order to justify such contributions. In the case of education, contributions are to be sought *where forecast future demand is equal to or exceeds 95% of the total Net Capacity for the locality* (PO SPD paragraph 13.62). For fire and rescue, a contribution is required where there is a need *for supporting infrastructure in relation to a proposed development* (paragraph 13.87) and *such a need has been specifically identified by the West Sussex Fire and Rescue Service* (box under paragraph 13.88).
101. No evidence was put to me in the terms required by the PO SPD to demonstrate that such shortfalls in provision exist. Hence, even though the level of education and fire and rescue contributions in the Unilateral Undertaking would comply with the PO SPD formulae, I am unable to conclude that they are necessary to make the proposed development acceptable in planning terms. Therefore, they may not constitute a reason for granting planning permission in this case.

Other matters

102. Old Clayton Kennels and Cattery, directly adjacent to the appeal site, has room for 150 dogs and employs around 30 people. Notwithstanding its size, it operates successfully with no evidence of any noise complaints having been upheld. However, Mrs Copp, the manager, made clear at the inquiry her concern that the dogs could be disturbed, particularly at night, by the lights and additional noise associated with the proposed development. Her fear is that this would lead to complaints from residents, and stress for the animals themselves, which could ultimately lead to the kennels having to move or close down.
103. During my site visit, I listened carefully for the sound of barking dogs from the kennels, and I found it was only really noticeable in the adjacent part of the appeal site. The proposals include acoustic fencing along the boundary between the site and the kennels which should cut down the sound still further, and also reduce the level of noise reaching the kennels from the new houses. As I made clear at the inquiry, I also think it would be very beneficial for the Council and the appellants to involve Mrs Copp in discussions over the detailed design of the proposed highway and on-site lighting.
104. These measures should help to reduce, if not entirely eliminate, the risks that Mrs Copp referred to. Moreover, she has a further safeguard in that the kennels are an established part of the character of the area, and as such would almost certainly be included in the baseline against which any assessment of

nuisance would be made, in the event of any proceedings on the matter¹⁶. Taking all these points into account, I consider that there would be no unacceptable noise impact from the kennels on future residents of the proposed development, and that the development is very unlikely to jeopardise the future of the kennels and its employees.

Conditions

105. The conditions in the attached schedule are based on those agreed between the parties and contained in the *Final Draft List of Conditions* dated 12 October 2012. Where necessary for clarity, precision and consistency, I have modified the wording of some of the agreed conditions without altering their general import.
106. Conditions (1) to (5) are necessary for the avoidance of doubt and in the interests of proper planning, as this is an outline planning permission. The deadlines set out in conditions (4) and (5) are reduced from the normal statutory timescales by agreement between the parties, because the proposed development needs to come forward quickly in order to help address the identified shortfall in housing provision in the District. Conditions (6), (7), (9), (10), (14) and (29) are needed to safeguard the character and appearance of the approved development and the surrounding area and to ensure that appropriate arrangements are made for the management and maintenance of landscaped areas.
107. Conditions (8), (18), (19), (20), (21), (22), and (23) are necessary to address any potential contamination of the site, to reduce flood risk and the risk of contamination of groundwater and watercourses, and in the interests of biodiversity. Conditions (11), (12), (13), (15) and (26) are needed in the interests of highway safety and in order to ensure that the development is accessible to pedestrians, cyclists and public transport users. Conditions (16) and (17) are necessary for the living conditions of future residents, while conditions (24), (25) and (27) are needed to regulate construction activities in order to protect highway safety and the living conditions of neighbouring residents. Finally, condition (28) is necessary in order to promote sustainable development and to ensure that the development complies with GDCP DPD policy DC8.

Environmental mitigation measures

108. This section describes the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development, as required by Regulation 21(2) of the EIA Regulations, taking account of the recommendations of the ES and its *Addendum*. Implementation of all the measures would be secured by conditions or by the Unilateral Undertaking.
109. Landscape and visual effects of the development These would be mitigated by retention of the existing trees and planting where possible, together additional planting. See Reasons issue (c) above for further details of this.
110. Ecology and nature conservation effects Mitigation measures in this respect would comprise: new planting as described above; eradication and control of

¹⁶ This position is supported by the judgment in *Lawrence and another v Fen Tigers and others* [2012] EWCA Civ 26, paras 72-76.

Japanese Knotweed; protection of wildlife during the construction phase and subsequent provision of enhanced habitats, including for bats and reptiles.

111. Water resources and flood risk The necessary measures would be taken to assess and deal with any risk of contamination of groundwater and watercourses, to provide adequate surface and foul water drainage, and to prevent additional surface water run-off.
112. Ground conditions A comprehensive scheme to assess and deal with any contamination of the site would be implemented.
113. Traffic and transportation Full details of the proposed mitigation measures are given in Reasons issues (b) and (d).
114. Noise and vibration During construction it is proposed that contractors would be contractually bound to observe best practice according to relevant British Standards. Acoustic screening, including along the boundaries with Old Clayton Kennels, and appropriate glazing would be installed as part of the development.
115. Air Quality It is proposed to purchase a low-emission minibus for the Storrington Area Minibus Association, to offset any adverse effect of the development on air quality in the village.

Overall conclusions

116. The proposed development would make a significant contribution, within a relatively short time, to meeting the pressing need in Horsham District for housing in general, and affordable housing in particular. This is a consideration of great weight in favour of allowing the appeal. In addition, there would be substantial highway safety benefits and a benefit of moderate weight from the provision of the first phase of the Sandgate Country Park.
117. As the development's effect on the character and appearance of the surrounding area in the long term would be neutral or even positive, the moderate harm that it would cause in the short and medium term is insufficient to outweigh those benefits. I give more weight to the substantial harm arising from the poor pedestrian links to the site combined with the lack of public transport services in the evenings and limited services on Sundays. This would inevitably limit travel opportunities for any future residents without the use of a car, as well as conflicting with planning policy objectives to promote the use of sustainable transport modes.
118. However, national planning policy is clear that a high priority must be given to meeting the full assessed need for housing, and by adopting the FAD SPD the Council themselves have recognised the need for a more responsive and pro-active approach to housing proposals. Taking all the evidence into account, I conclude that the benefits of the proposed development outweigh the harm and the resulting policy conflicts it would cause. In reaching that conclusion, I have taken into account that daytime public transport connections are reasonably good, and that those considering whether to move to the development would no doubt take its accessibility into account when making their decision.
119. The appeal therefore succeeds, and planning permission is granted subject to the conditions in the schedule below. In reaching this decision I have also

taken into account that the inspectors who examined the SSAL DPD recommended that the appeal site should not be allocated for housing. However, their recommendation was made in 2007, when housing requirements in Horsham District were significantly lower, and before the publication of the SE Plan and NPPF and the adoption of the FAD SPD. The circumstances were therefore quite different from those which apply now.

Roger Clews

Inspector

SCHEDULE OF CONDITIONS

- 1) Details of the layout of the development, the scale and appearance of each building, access within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority ["LPA"] before any development begins and the development shall be carried out in accordance with the approved details.
- 2) The details of the reserved matters submitted in accordance with condition (1) shall accord with the particulars shown on the following Parameter Plans:
 - i) Land Use, Density and Building Height Drawing No L06 001 Rev F;
 - ii) Landscape and Open Space Drawing No L06 002 Rev F; and
 - iii) Phasing Plan Drawing No L06 06.
- 3) The details of the landscaping of the development submitted in accordance with condition (1) shall contain full details of hard and soft landscaping works to accord with the principles set out in the *Framework Tree and Landscape Management Plan* (October 2012) and those details shall include:
 - i) planting and seeding numbers and schedules specifying species, planting sizes and densities;
 - ii) tree pit and staking / underground guying details;
 - iii) buffer zones around the ponds; and
 - iv) a planting timetable.

Any trees or other plants that are planted in accordance with these approved details which within a period of five years after planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the LPA give prior written approval to any variation.
- 4) Application for approval of the reserved matters shall be made to the LPA not later than 18 months from the date of this permission.
- 5) The development hereby permitted shall begin not later than 18 months from the date of this permission, or one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 6) No development shall take place until precise details of the finished floor and external levels of the development (including ground levels and structures) in relation to a specified datum point have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a ground preparation and stabilisation scheme has been submitted to and approved in writing by the LPA. The scheme shall include full details of:
 - i) the areas of land to be stabilised and the areas of land subject to other ground preparation works; and
 - ii) the methods of slope stabilisation and other ground preparation works to be employed, including existing and proposed levels, contours and cross- and long-sections for all earthworks.

The objective of the scheme shall be to minimise the impact on existing trees and vegetation and to enable further planting of trees and vegetation. The scheme shall be implemented as approved.

- 8) Save for the matters approved pursuant to condition (7), no piling, ground improvement techniques or any other foundation designs using penetrative methods shall be carried out without the express prior written consent of the LPA.
- 9) No development shall take place until full details of those trees to be retained and of those to be removed, together with a method statement for the protection of those trees to be retained, have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details and method statement.
- 10) No development shall take place until a 25-year landscape management and maintenance plan for all landscape areas has been submitted to and approved in writing by the LPA. The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations and shall include:
 - i) aims and objectives;
 - ii) a description of landscape components;
 - iii) management prescriptions;
 - iv) details of maintenance operations and their timing;
 - v) details of the parties / organisations who will maintain and manage the site, including a plan delineating the area(s) that each is to be responsible for; and
 - vi) a timetable for its implementation.

The plan shall be implemented as approved.

- 11) No development shall take place until the highway layout shown on drawing No 14512-03 Revision B has been modified (by the provision of dedicated cycle lanes or by some other means) to provide a clearance width of not less than 4m on either side of the proposed pedestrian refuge island, between the island and the proposed footways on the northern and southern sides of the A283, and the modified layout has been submitted to and approved in writing by the LPA.
- 12) No dwelling hereby permitted shall be occupied until:
 - i) the new access to the site has been constructed and the existing vehicular access to the site has been closed up, all in accordance with drawing No 14512-03 Revision B;
 - ii) the highway improvements and alterations shown on drawing No 14512-03 Revision B, as modified in accordance with condition (11) above and subject to any further detailed modifications as may be approved in writing by the LPA, have been implemented in full; and
 - iii) advance junction warning signs have been provided on the A283 at the approaches to the appeal site junction from the east and west.
- 13) No development shall take place until a scheme of lighting along the A283 within the appeal site has been submitted to and approved in writing by the LPA. The lighting shall be installed in accordance with the approved details

before any dwelling hereby permitted is first occupied and shall thereafter be maintained as part of the adopted highway.

- 14) No development shall take place until details of any internal street lighting have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 15) No development shall take place until a scheme for the re-timing of the No 1 bus service from Midhurst to provide a connection at Pulborough station with the 1914 arrival from London Victoria has been submitted to and approved in writing by the LPA. The scheme shall be implemented as approved and shall last for a minimum of five years from the date of implementation. No variation to the approved scheme or its duration shall be made without the prior written approval of the LPA.
- 16) No development shall take place until a scheme of acoustic mitigation including along the northern and western boundaries of the Old Clayton Kennels and Cattery has been submitted to and approved in writing by the LPA. All acoustic mitigation required by the scheme shall be installed in accordance with the approved details before any dwelling hereby permitted is first occupied and shall thereafter be retained.
- 17) No development shall take place until a scheme for the provision of refuse and recycling bins as part of the development has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 18) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall also include:
 - i) details of how the scheme will be maintained and managed after completion;
 - ii) details of infiltration testing to be carried out; and
 - iii) details of how the scheme will mitigate and manage potential mobilisation of sources of contamination.

The scheme shall be implemented as approved.

- 19) No development shall take place until details of the proposed means of foul water disposal and the measures which will be undertaken to protect the public sewers have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 20) No development shall take place until a detailed method statement for the removal or long-term management / eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the LPA. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the *Wildlife and Countryside Act 1981*. Development shall proceed in accordance with the approved method statement.
- 21) No development shall take place until a scheme of ecological mitigation, including mitigation measures in respect of bats and reptiles, has been

submitted to and approved in writing by the LPA. The scheme shall be implemented as approved.

- 22) Before development commences (unless prior approval to any other date or stage of development has been given in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the LPA:
- 1) A preliminary risk assessment to identify:
 - i) all previous uses;
 - ii) potential contaminants associated with those uses;
 - iii) a conceptual model of the site indicating sources, pathways and receptors;
 - iv) potentially unacceptable risks arising from contamination at the site;
 - 2) A site investigation scheme, based on component (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - 3) Based on the site investigation results and the detailed risk assessment provided as component (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy provided as part of component (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and
 - 5) A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation.

No change to any component of the scheme shall be made without the prior written consent of the LPA. The scheme shall be implemented as approved.

- 23) If, during development, contamination not previously identified is found to be present at the site then, unless prior written approval has been given by the LPA, no further development shall take place until an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the LPA. The amended strategy shall then be implemented as required by condition 22.
- 24) No external lighting or floodlighting for use during construction of the development shall be installed without the prior written approval of the LPA and shall not thereafter be altered without further written approval from the LPA.
- 25) No development shall take place until details of a compound for construction activity including storage of materials and equipment and loading, unloading and parking of vehicles has been submitted to and approved in writing by the LPA. The compound shall be provided on the site in accordance with the approved details before any other work takes place apart from the construction of the site access, and shall be retained and kept available for use throughout the period of work required to implement the development.

- 26) No work shall be carried out on the site until a vehicle wheel-cleaning facility has been installed in accordance with details which shall previously have been submitted to and approved in writing by the LPA. The facility shall be retained in working order and operated throughout the period of work required to implement the development.
- 27) No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 0800 and 1800 on Mondays to Fridays inclusive and between the hours of 0800 hours and 1300 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless prior written approval has been given by the LPA.
- 28) The dwellings hereby permitted shall achieve Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure(s) of sustainability for house design that replace(s) that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 29) No dwelling hereby permitted shall be occupied until all existing buildings and structures present on the application site at the date of this permission, other than those on that part of the site within the public highway, have been demolished and the resulting debris has been removed from the site unless it is capable of re-use as part of the development.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Green	of Counsel
He called	
Mr I Gledhill BSc MIHE	Highways Development Control, West Sussex County Council
Mr M Bright BSc BLD CMLI	Landscape Architect, Horsham District Council
Mr J Williams BA MA MRTPI	Senior Planning Officer, Horsham District Council
Mrs H Corke BSc DipTP	Team Leader (South), Horsham District Council

FOR THE APPELLANTS:

Mr R Taylor	of Counsel
He called	
Mr D Bird BSc CEng MICE	Founding Director, Vectos Transport Consultants
Mr C Self DipLA CMLI MA(Urban Des)	Managing Director, CSA Environmental Planning
Mr J Woolf MA DipTP MRTPI	Director, Woolf Bond Planning

INTERESTED PERSONS:

Mrs Y Copp	Old Clayton House and Kennels, Storrington Rd, Washington
Mr M Khan	West Sussex County Council (attended for discussion of the Unilateral Undertaking)

DOCUMENTS HANDED IN AT THE INQUIRY

- 1' Copies of the Council's notification letters for the appeal and the inquiry
- 2 Copy of the Council's LDF *Annual Monitoring Report 2010-2011*
- 3 Letter dated 1 October 2012 from a Director of RMC Engineering & Transport Ltd setting out the relationship between that company and Cemex
- 4 Copy of the *West Sussex Landscape Management Guidelines* for Storrington Woods and Heaths (Sheet WG7)
- 5 Copy of the *West Sussex Landscape Management Guidelines* for the Central Scarp Footslopes (Sheet WG8)
- 6 Copy of extract from the SDNP (Designation) Confirmation Order map, together with a document entitled *GIS Digital Boundary Datasets: Digital Boundary data for Designated Wildlife Sites and related information*, both from the Natural England website
- 7 *Framework Tree and Landscape Management Plan*, October 2012, prepared for the appellants by Terence O'Rourke Ltd
- 8 Copies of Land Registry registers of title for the appeal site and nearby land at Sandgate Park
- 9 Opening submissions on behalf of the appellants
- 10 Table of plans listed on the Documents List submitted with the appeal
- 11 Copy of letter from LHC dated 22 February 2012 enclosing copies of various application drawings

- 12 Copy of the Council's *Horsham District Landscape Character Assessment, Final Report, October 2003*
- 13 Bundle of documents concerning the nature and extent of the outline application:
 - (a) Extract from the *Town and Country Planning (Development Management Procedure) (England) Order 2010*, as published in the *Encyclopaedia of Planning and Environmental Law*
 - (b) Copy of *Encyclopaedia* paragraphs P62.15-18
 - (c) Letter from Drivers Jonas Deloitte dated 16 July 2010 – application covering letter
 - (d) Letter from Council dated 22 July 2010 requesting further information
 - (e) Email from DJD dated 23 July 2010 responding to letter (d)
 - (f) Letter from LHC dated 26 July 2010 enclosing amended location plan
 - (g) Note from Cemex date-stamped "received 28 July 2010" enclosing tree constraints plan
 - (h) Email from DJD dated 5 October 2010 confirming posting of further information on ground preparation works and covering letter of same date enclosing Geotechnical Summary Report
 - (i) Letter from DJD dated 7 January 2011 enclosing Noise and Vibration Addendum Report and Air Quality Addendum Report
 - (j) Letter from DJD dated 2 September 2011 enclosing amendments to planning application including revised plans and supporting documents
 - (k) List of plans received by Council under cover of letter (j)
 - (l) Letter from DJD dated 22 November 2011 enclosing a Low Emissions Assessment
 - (m) Letter from LHC dated 22 February 2012 enclosing copies of various application drawings
 - (n) Email from Carter Jonas dated 26 April 2012 enclosing a letter and plan concerning the sustainability of the appeal site
 - (o) Email correspondence between Carter Jonas, Ms Corke and Mr Bright dated 3-4 October 2012 concerning the *Framework Tree and Landscape Management Plan*
 - (p) Table summarising the consultations carried out by the Council on the planning application with sample consultation letter and email
 - (q) *Horsham District Council Note on Details Fixed by Submitted Plans*, 10 October 2012
 - (r) Copy of Planning Inspectorate Good Practice Advice Note 09: *Accepting amendments to schemes at appeal*
 - (s) *Note to the Inquiry on behalf of the Appellants: The Nature and Extent of the Outline Application for Planning Permission*, 11 October 2012
- 14 Copy of TRICS output used to derive the estimate of "fall-back" traffic generation as cited in Mr Bird's proof
- 15 Copy of the West Sussex County Council Infrastructure Consultation, Supplementary response on the appeal proposal, dated 20 December 2011
- 16 Sheet giving the planning history of the appeal site together with copies of planning permissions Ref WS/20/88 and WS/43/68, and of a 1968 section 37 agreement between Readymix Services Ltd and Chanctonbury Rural District Council
- 17 Copy of the *Town and Country (Use Classes) Order 1987* as published in the *Encyclopaedia*
- 18 The Council's Building Control Response to Additional Information presented in the *Framework Tree and Landscape Management Plan*, dated 11 Oct 2012

- 19 Copy of extracts from the inspector's report, dated 20 May 2011, into appeal Ref APP/C1760/A/10/2140962
- 20 Sheet entitled *Strategic Sites Update: October 2012*, prepared by the Council
- 21 Extract from *Horsham District Locally-Generated Needs Study: Census 2011 and South Downs National Park Update, September 2012 Final Report*
- 22 Note by Mr Bright dated 20/10/12 concerning the SDNP Boundary
- 23 Copy of the *Final Description of the South Downs National Park Boundary*, February 2010, by the South Downs National Park Authority
- 24 Copy of a report to the Natural England Board dated 28 July 2010 entitled *Boundary Review Guidance*, with annexes
- 25 Final Draft List of Conditions 12 October 2012
- 26 Certified Copy of Unilateral Undertaking dated 10 October 2012
- 27 *Summary of the obligations contained within the Unilateral Undertaking*, provided by the appellants
- 28 *Statement setting out the Justification for the Planning Obligations contained in the [UU]*, provided by the Council
- 29 Closing submissions on behalf of the Council
- 30 Closing submissions on behalf of the appellants
- 31 Transcript of the Court of Appeal judgment in *Lawrence and another v Fen Tigers Ltd and others*, [2012] EWCA Civ 26

PLANS HANDED IN AT THE INQUIRY

- A Enlarged plan extract showing the SDNP boundary near the appeal site, from the Defra Magic website
- B Plan showing the suggested itinerary for my site visit
- C Plan showing the status of public rights of way near the appeal site
- D Updated Tree Constraints Plan No 412.0968.00022.TS.002 Rev C, showing additional vegetation retained as a result of the *Framework Tree and Landscape Management Plan*
- E Agreed Vectos Plan No 110163/A/01 showing visibility splays at the Chanctonbury access
- F Two LDF Proposals Map extracts showing the locations of the allocated housing sites West of Bewbush and West of Horsham
- G LDF Proposals Map extract and application plan showing the location of the Thakeham site subject of appeal Ref APP/Z3285/A/11/2164215
- H Map 6 from the *South Downs National Park (Designation) Confirmation Order 2009* map

PHOTOGRAPHS HANDED IN AT THE INQUIRY

- 1 Appendix A, Photosheet 4 previously omitted from Mr Bright's proof

APPENDIX

ORAL RULING GIVEN AT THE INQUIRY ON 11 OCTOBER 2012

1. The *Encyclopaedia of Planning Law and Practice* says at paragraph 6.18:

The Secretary of State has taken the view that, where details have been submitted on an application for outline permission relating to a matter which could otherwise have been treated as a "reserved matter", the authority may not reserve their approval but must grant or refuse permission on the basis of the submitted material (DoE Circular 11/95, para. 44). That approach was upheld by the High Court in R v Newbury District Council, Ex p. Chieveley Parish Council [1997] J.P.L. 1137 (Carnwath J.), and upheld in the Court of Appeal ([1999] P.L.C.R. 5). By virtue of the Town and Country Planning (General Development Procedure) Ord.1995, art.1 there is no power to reserve matters of which details have been given in the outline application, though it is open to the applicant to amend the outline application by withdrawing the details, and it is open to the local planning authority to require further details; and there is no objection to the practice of including details "for illustrative purposes only".

2. The parties in the present appeal agreed that this is an accurate summary of the relevant law.
3. Mr Green contends that plans submitted with the application fix certain aspects of the scale, layout and landscaping of the development. The implication of this contention would be that those matters may not be reserved for future approval but must be part of the basis on which I grant or refuse planning permission.
4. I disagree with Mr Green's contention, for the following three reasons:
 - i) With regard to scale and layout, in my view the plans to which Mr Green refers do no more than meet the requirements of the *Town and Country Planning (Development Management Procedure) Order 2010* [DMPO], article 4(3) & (4)¹⁷. To that extent they fix certain parameters of scale and layout, but they do not preclude scale and layout from being treated as reserved matters in the usual way.
 - ii) As regards landscaping, I turn first to the way the planning application was dealt with throughout its life. The Council confirmed at the outset that landscaping was a reserved matter and asked the appellants to remove reference to it from the description of the development. They continued to treat landscaping as a reserved matter up to and including in the officers' report to Committee on 15 May 2012. Indeed, they did not see the appellants' letter of 22 February 2012 and its enclosures [which included a revised version of the original Tree Constraints Plan showing details of tree removal] as necessitating any further external consultation, even though they had re-consulted on two earlier amendments to the development scheme.

¹⁷ Although the DMPO did not come into force until 1 October 2010, the relevant provisions now contained in article 4 and the definition of landscaping in article 2 were in force when the application was submitted, by virtue of the *Town and Country Planning (General Development Procedure (Amendment) (England) Order 2006*.

I see nothing wrong with any of that. The wording of the appellants' 22 February 2012 letter was perhaps a little inexact but nowhere did it say that it was submitting details of landscaping or layout. It was merely resubmitting plans which had previously been deemed to be necessary by the Council, in the context of an outline application with only access reserved.

- iii) My third reason is that I do not see the Tree Constraints Plan as falling into the definition of landscaping given in article 2 of the DMPO. Instead, it seems to me that its principal function is to identify those trees which would have to be removed as a consequence of the ground preparation works necessary to enable the development to proceed.
5. For these reasons I consider it is legally permissible for the appellants to withdraw the Tree Constraints Plan and replace it with the Framework Tree and Landscape Management Plan. Doing so would not give rise to any prejudice to any interested persons and so would not conflict with the *Wheatcroft* principles set out in the Planning Inspectorate's Good Practice Advice Note 9.

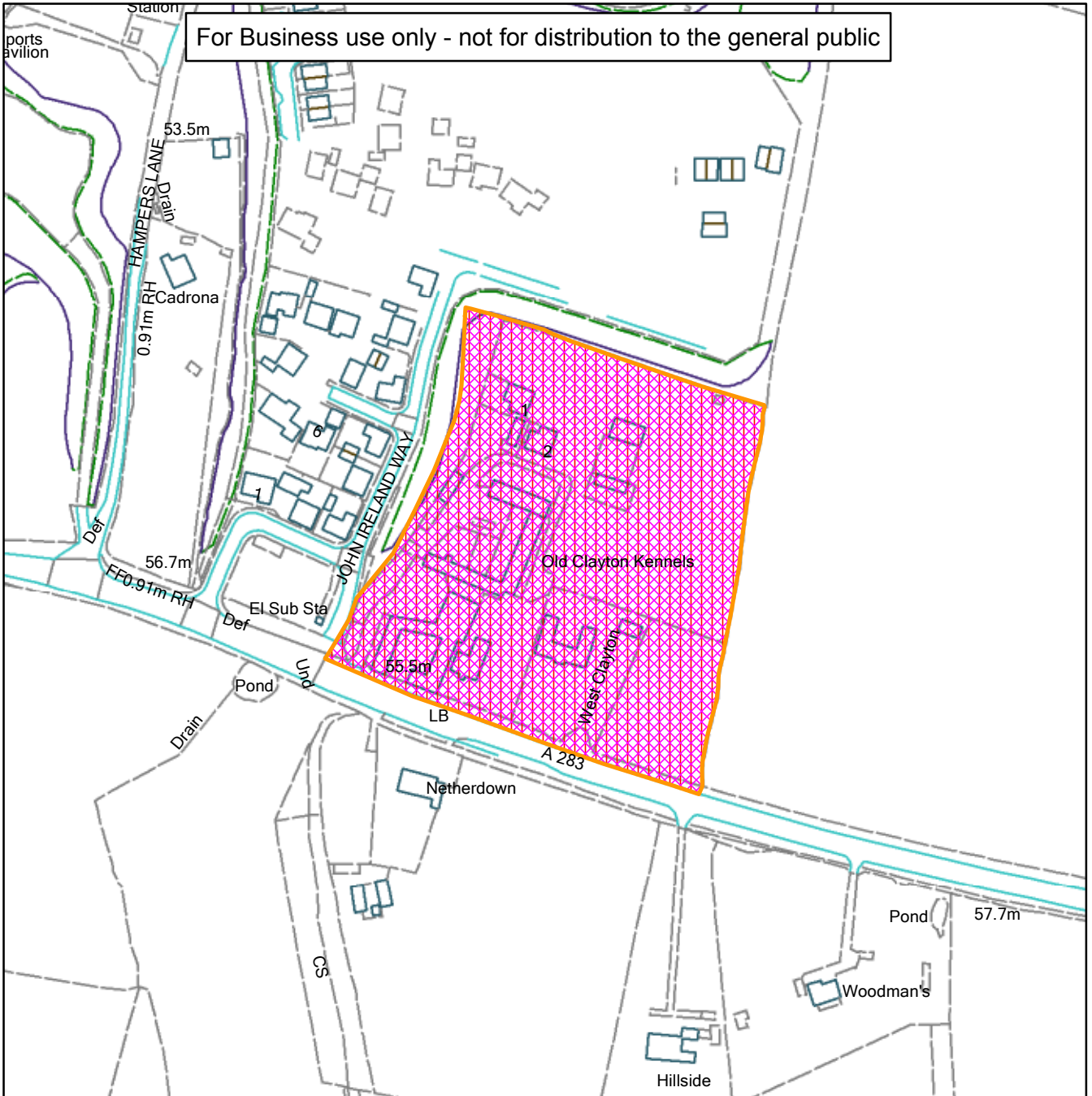
Roger Clews

Inspector



Old Clayton Boarding Kennels

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	06/02/2015
MSA Number	100023865



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee
BY: Development Manager
DATE: 17th February 2015
DEVELOPMENT: Listed Building Consent for Demolition of Outbuildings around 'Old Claytons'
SITE: Old Clayton Boarding Kennels Storrington Road Washington Pulborough
WARD: Chantry
APPLICATION: DC/14/0915
APPLICANT: Abingworth Strategic Limited

REASON FOR INCLUSION ON THE AGENDA: The application is made in connection with Major planning application DC/14/0921 at the same site.

RECOMMENDATION: To refuse to grant listed building consent

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

1. The application seeks listed building consent for the demolition of all existing outbuildings within the curtilage of a listed building, Old Clayton. In considering this application, it is important to note that those buildings which form part of the land, even if not fixed to the listed building, and have done so since before July 1948 are themselves also listed buildings.

DESCRIPTION OF THE SITE

- 1.2 The application site lies to the west of the village of Washington on the northern side of the A283. The site is roughly rectangular in shape. The South Downs National Park boundary lies adjacent to the eastern boundary of the site and opposite on the southern side of the A283. The neighbouring site to the west is being developed to provide 78 dwellings (see outline planning permission DC/10/1457 and reserved matters application DC/13/0609). Other than the adjacent new development, the majority of the surrounding area is characterised by sporadic residential development. The dwelling Old Clayton is a grade II listed building.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012), chapter 12.

RELEVANT COUNCIL POLICY

- 2.3 The development plan consists of the Core Strategy (CS) (2007), the General Development Control Policies (2007) DPD, the Site Specific Allocations of Land (2007) DPD and the Proposals Map (2007). Other relevant local development documents are the Facilitating Appropriate Development (FAD) SPD (May 2009) and the Planning Obligations SPD.
- 2.4 Policies CP1 and CP3 of the Core Strategy and Policies DC2, , DC9 and DC13 of the General Development Control Policies Document are relevant to the determination of the application.
- 2.5 The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the Examination will re-open to consider only the issues outlined in the Initial Findings. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

PLANNING HISTORY

DC/14/0921	Outline planning permission for demolition of the existing kennels and cattery, associated buildings and structures including three of the four existing residential dwellings with Old Clayton retained and redevelopment of the site to provide up to 41 dwellings with 40 per cent affordable and new vehicular access (All matters other than access to be	Pending consideration, and on this agenda
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reserved)

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 The Council's **Heritage Consultant** objects to the proposal. A summary of the consultation response follows, but Officers have given consideration to the full comments received, which are available to view on the public file at www.horsham.gov.uk.
- Recommend refusal on grounds that the case for substantial demolition to the west and northwest, forming part of a post-medieval regular courtyard farmstead, are significant in terms of their heritage value and association with the main listed building, is unjustified and unwarranted.
 - Demolition would harm the historic setting and experience of the heritage assets within this predominantly isolated and rural landscape, and would remove the historical association of farm house with farm buildings, and practically eradicate the significance of the farm group.
 - Substantial loss of courtyard buildings is not outweighed by public benefits.
 - Evidence suggests that the farmstead is of medieval origins and although the oldest survivor of the farmstead is more than likely to be the farmhouse, albeit having been altered.
 - The farm arrangement seems to show a clear pattern of development and change, reflecting the use of the land and farming activities.
 - The ranges of buildings to the west may well have been altered, but they still reflect a medieval farmstead pattern, and for that matter, there appears to be sections of the building that are of early to mid C18th origins.
 - There are sections of the buildings that have been altered. In some instances, there may have been rebuilding, re-roofing and the introduction of inappropriate uPVC windows to both the farm buildings and the listed house.
 - This U-shaped courtyard arrangement saw further buildings being added to the north to create further but smaller covered which by 1972 appears to have been infilled. It is not until 1972 on the 5th Edition OS Extract that we see reference to 'kennels'.
 - Nevertheless, it is abundantly clear from the historic maps that the listed former farmhouse was not free of buildings to the west and northwest and this pattern is consistent from 1840 through to the present day.
 - The farm house seems to have had its historic pedestrian access from the road, leading direct to the front door. Its garden was contained to the side west and over time this also evolved to extend to the rear in the C20th.
 - The Historic Environment Record indicates that the fields that remain around the site and to the south have medieval to post-medieval origins. There are some modern interventions related to extraction activities and military camps. Nevertheless and reinforced by the boundary of the SDNP, this is special landscape and is of historical value.
 - There is evidence that the courtyard was previously open and accessible from the road given the presence of the gate piers, an opening wide enough to have allowed a horse and cart to enter. There is also evidence that the farm had livestock due to the presence of contained yards.
 - I would consider the removal of those later buildings beyond the original field boundaries to the north and east, would better reveal the heritage asset including the farmstead group, to somewhere near the extent to which it was formerly experience. By removing those buildings and not replacing them in any shape or form, would meet the statutory requirements of s66(1) of the PLBCAA 1990 as the setting would be preserved and enhanced.
 - I do not consider that the role of the setting of the heritage assets including the historic farmstead has been considered and assessed in terms of its importance in terms of significance. This is clearly contrary to the NPPF which defines sustainable development as including the protection and enhancement of the historic environment (paragraph 7). It is also

fails in to accord with the assessment of significance as explained in the PPS 5 Practice Guide and EHs publication 'The Setting of Heritage Assets'.

- Therefore not only do I consider the proposed demolition of the courtyard buildings to be unjustified but there is a lack of a proper understanding of the extent and role of setting. The focus seems to be more on the fabric and appearance of the building
- I recommend to the case officer, that Listed Building Consent be refused for the demolitions of the buildings to the west and north west of the listed building for the reason set out at the beginning of this document.

OUTSIDE AGENCIES

- 3.2 **WSSC Archaeology Officer** advises that the proposal does not merit archaeological recording.

PUBLIC CONSULTATION

- 3.3 Washington and Storrington and Sullington Parish Councils object to the application.
- 3.4 One **letter of support** has been received, which includes the following points:
- Brick wall with barbed wire is ugly.
 - Removal of tatty old buildings and replacement with one new house will improve the road frontage.

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 This application is for listed building consent and therefore, in accordance with Policy DC13, the main consideration is the impact of the proposed demolition on the architectural and/or historic interest of the listed building. Listed Building consent is required for the demolition of listed buildings. Those buildings which form part of the land, even if not fixed to the listed building, and have done so since before July 1948. The Council's Heritage Consultant has investigated the history of the site, and advises that there have been buildings in the location of the courtyard buildings to the west and northwest, and therefore these structures appear to be curtilage listed. Although the concurrent application for residential development includes the neighbouring site West Clayton, this is a separate building with separate curtilage and therefore does not form part of the listing.
- 6.2 The comments of the Conservation and Design Consultant are noted. The existing ancillary buildings around the courtyard to the west and northwest of Old Claytons form part of a post-medieval courtyard farmstead and are significant in terms of heritage value and association with the main listed building. Although removal of more modern buildings to the north and east would better reveal the heritage asset to somewhere near the extent to which it was formerly experienced, and would therefore preserve and enhance the setting of the listed building and its farmstead setting, these buildings do not form part of

the listing and do not require listed building consent. However, the demolition of the courtyard building is unjustified. Refusal is therefore recommended for the reasons set out in the Conservation and Design Consultant's comments.

- 6.3 Although the proposal is linked to a proposal for residential development of the site (DC/14/0921), and that application has been amended to retain the western courtyard buildings and part of the northwestern courtyard buildings, the Applicant has advised that the listed building consent can still stand to be determined on its own merits. Notwithstanding this, the planning merits of the residential development are not for consideration as part of this application, and if the proposed demolition had been considered acceptable, conditions would be necessary to ensure a suitable restoration of the site, should the application for residential development be refused or not go ahead.

7. RECOMMENDATIONS

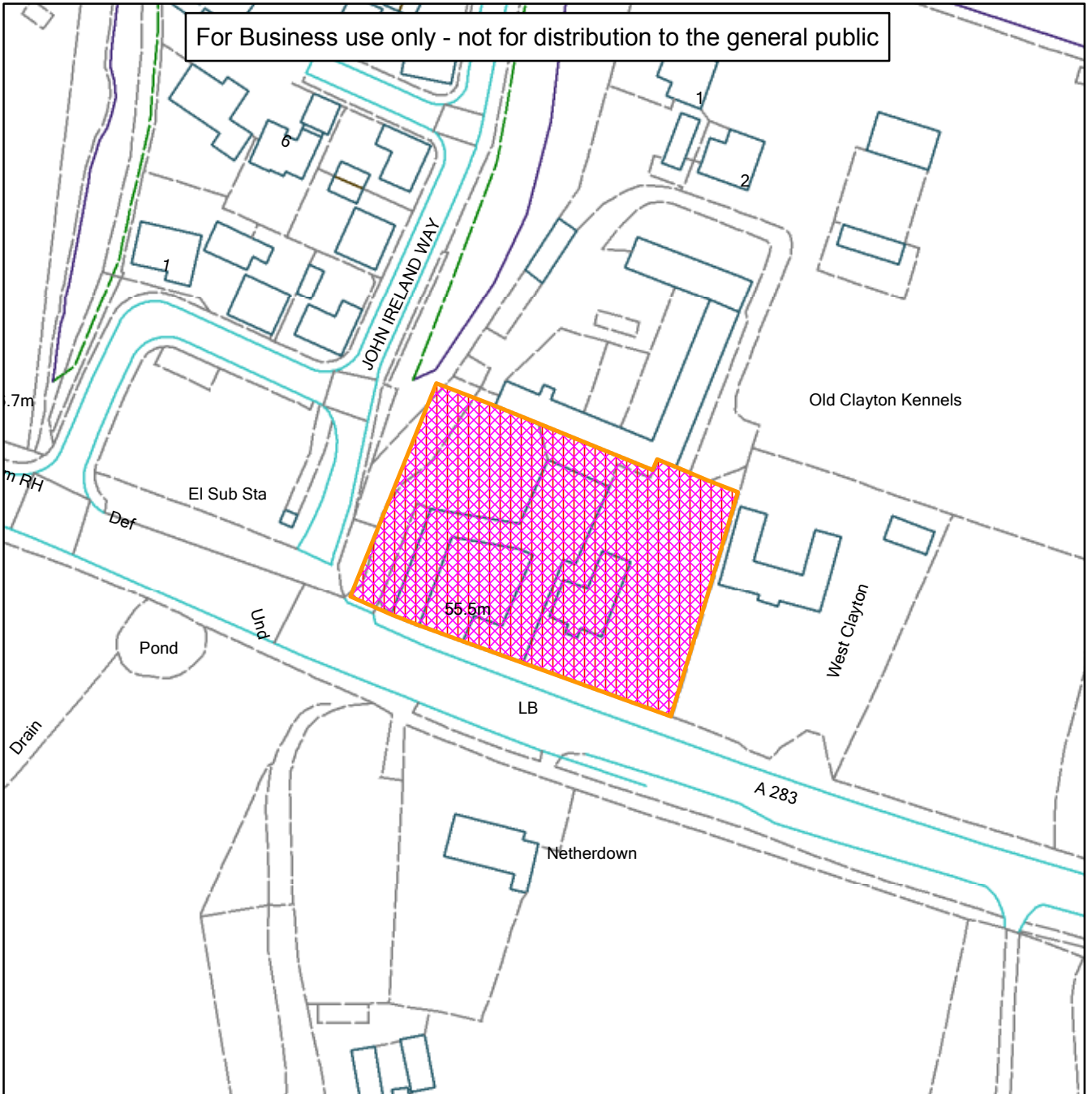
- 7.1 To refuse to grant listed building consent for the following reason:

The courtyard buildings to the west and northwest of the listed building Old Clayton, forming part of a post medieval regular courtyard farmstead, are significant in terms of their heritage value and association with the main listed building, and their demolition is unjustified and unwarranted. The proposed demolition would harm the historic setting and experience of the heritage asset within this predominantly isolated and rural landscape. It would also remove the historical association of the farm house with its farm buildings and practically eradicate the significance of the farm group. The harm arising from the proposed demolition is substantial and is not outweighed by substantial public benefits. The proposal is therefore contrary to Policy DC13 of the General Development Control Policies (2007) DPD and to the National Planning Policy Framework (chapter 12).



Old Clayton Boarding Kennels

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	06/02/2015
MSA Number	100023865



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee
BY: Development Manager
DATE: 17th February 2015
DEVELOPMENT: Outline application with all matters reserved for development of 36no 2 and 3 bedroom houses and flats and 278 sqm neighbourhood store
SITE: Land West of Parbrook House Natts Lane Billingshurst West Sussex
WARD: Billingshurst and Shipley
APPLICATION: DC/14/1769
APPLICANT: Mr D Hodson

REASON FOR INCLUSION ON THE AGENDA: This is a major planning application

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in outline with all matters reserved for later consideration. The application seeks planning permission for up to 36 dwellings and a retail shop of up to 300sqm. The application forms indicate that 14 of the units would be social rented. The site area is 1.19 hectares, equating to a proposed density of 30.3 dwellings per hectare.
- 1.2 The indicative site plan shows a mix of mainly semi-detached and short terraces of dwellings with a single building comprising the retail shop with five flats above. The supporting information indicates that the buildings would be predominantly two storey, with some three storey townhouses and a three storey block forming the retail/flats.

DESCRIPTION OF THE SITE

- 1.3 The application site is located within the built-up area of Billingshurst. Part of the site is occupied by an electricity substation, and the site appears to have been used historically as part of a gas works, although it has been vacant for many years. There are a number of trees within the site protected by Tree Preservation Order, which are mainly around the edges of the site. There is residential development to the west (Groomsland Drive) and new dwellings under construction to the south (see planning permission DC/10/0939). To the east lies an industrial estate containing a mix of small businesses. The site is accessed from Natts Lane to the north.

- 1.4 A number of studies and supporting documents accompany this application, including:
- Design and Access Statement
 - Phase 1 Habitat Survey
 - Bat Scoping and Emergence Survey
 - Phase 1 Flood Risk Assessment
 - Initial Transport Statement
 - Noise Assessment
 - Waste Management Statement
 - Sustainable Statement
 - Tree Survey

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (2012)

RELEVANT COUNCIL POLICY

- 2.3 The development plan consists of the Core Strategy (CS) (2007), the General Development Control Policies (2007) DPD, the Site Specific Allocations of Land (2007) DPD and the Proposals Map (2007). Other relevant local development documents are the Facilitating Appropriate Development (FAD) SPD (May 2009) and the Planning Obligations SPD.
- 2.4 Policies CP1, CP2, CP3, CP4, CP5, CP9, CP12, CP13 and CP19 of the Core Strategy and Policies DC2, DC5, DC6, DC7, DC8, DC9, DC18, DC35, DC37 and DC40 of the General Development Control Policies are relevant to this proposal.
- 2.5 The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services.'

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the Examination will re-open to consider only the issues outlined in the Initial Findings. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

PLANNING HISTORY

None relevant.

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

HDC Arboricultural Officer objects to the proposal. Three TPO trees are identified for removal. It is noted that two TPO trees for removal are in poor condition. One TPO for removal represents a loss in amenity terms. Concern is raised in respect of pressure for removal of trees by future residents, and also the impact of land remediation on retained trees.

HDC Drainage object due to the absence of surface water drainage strategy and assessment of surface water run-off. Additional information does not address concerns.

HDC Strategic Housing Manager advises that the proposed housing mix is acceptable, and that tenure split can be established in a Legal Agreement. Early dialogue with providers is encouraged.

HDC Environmental Health Officer raises concern in respect of the proximity of residential development to industrial units at the adjacent site, noting a lack of use class restrictions and hours of operation restrictions on most of the units and noise related complaints from occupiers of new dwellings to the south. Concern is also raised in respect of risk from land contamination posing significant health risks to future residential occupiers.

HDC Town Centres and Events Manager raises concern in respect of loss of footfall to the village centre and impact on future developments and aspirations for the village centre.

HDC Strategic Planning Officer notes a lack of 5-year land supply and that the site is within the settlement of Billingshurst, which is acceptable for residential development in principle. Concern is raised in respect of the inclusion of a retail shop, given the potential adverse impact on the village centre, concluding that the impact on the village centre outweighs the need to provide additional housing.

OUTSIDE AGENCIES

West Sussex County Council Strategic Planning raise no objection subject to conditions. A number of issues are raised that will need to be addressed at the reserved matters stage.

West Sussex County Council Archaeologist raises no objection and recommends no archaeological assessment or mitigation measures.

West Sussex County Council Ecology Officer objects to the proposal. Concern is raised in respect of impact of the proposal on bats, absence of evaluation of the stream/ditch to the eastern boundary, which could support water voles, absence of a dormouse survey and absence of reptile survey.

The **Environment Agency** raise no objection to the proposal, subject to conditions. They advise that there is a lack of detail of the drainage strategy and that calculations on the required attenuation storage would be helpful to ensure there is sufficient space available, should soakaways not be suitable in this location.

Southern Water advise that there is inadequate capacity in the local network to provide foul sewage disposal service to the development and therefore, additional off-site sewers or improvements to existing sewers will be required. This can be achieved through the provisions of the Water Industry Act 1991. Request a condition requiring approval of foul and surface water sewerage disposal.

PUBLIC CONSULTATIONS

Billingshurst Parish Council object to the proposal for reasons including:

- Flood and infrastructure issues in the area need to be resolved.
- No surface water drainage strategy is included.
- There has been regular flooding of the area from surface water.
- There is no indication of who will maintain ditches on site and on the highway.
- Concern that the existing foul sewerage system cannot cope with additional development.
- Concern that road widths are insufficient.
- Insufficient parking provision.
- Doctor's surgery is close to a mile away. Residents are likely to drive to the village centre, doctor's and Jubilee Fields.
- The Transport Statement refers to the 176 bus providing good links to the village centre. There is no 176 bus. The No. 100 is the only bus route, it is run hourly.
- The bus stop outside the site does not go to Worthing or Arundel. There is a bus on Tuesdays and Thursdays to these destinations from stops at the village hall or Stane Street.
- There are no buses on Sundays.
- The last bus from Horsham to Billingshurst leaves approximately 17.30.
- Concern about proximity of play area to the shop and lack of overlooking to the play area.
- The developer does not appear to have contacted Saxon Weald or Affinity, contrary to the Design and Access Statement.
- Housing Associations would require a different mix to that put forward.
- Concern that ground disturbance will impact on contaminants and cause contamination of the water system.
- There still appears to be elevated levels of contaminants despite remediation in 2012.
- Double yellow lines on Natts Lane should be provided to address commuter parking.
- If permission is granted, S106 contributions should be sought for improvement to access and amenities at Lower Station Road Recreation Ground and for improvements to the Scout Hut at Lower Station Road.

A further letter from **Billingshurst Parish Council** was received, advising that the area around the entrance of the old gas works was flooded during the period around 13th January 2015, affecting the entrance of the recreation ground near the bridge that crosses the Parbrook. The letter enclosed correspondence with the **Environment Agency**, which advises that continued flooding events would affect the road surface in general, reduce the highway drainage capacity locally, or surcharge the drainage system, and that there is a

risk that further drainage or existing drainage system alterations cannot cope from the business units or land locally.

Three **letters of objection** have been received from one individual, which include the following points:

- A neighbourhood shop was not welcomed by Councillors
- The shop was once proposed as a dental surgery
- There is difficulty on Natts Lane for construction vehicles due to railway bridge and weight restriction on Marringdean Road.
- Drainage pipe under Natts Lane might be blocked.
- Drainage channels should be easily accessible for maintenance.
- The bottom of Marringdean Road, Natts Lane and Lower Station Road have a tendency to flood quite badly (four times since December 2013).
- Further flooding took place from 8th January 2015, with water on Natts Lane up to 8 inches deep.
- The ditch into which surface water is likely to flow belongs to WSCC and flows into the Parbrook.
- Existing sewerage system unlikely to be able to accommodate the development.
- Southern Water's suggestion of restricted flows using holding tanks and pumps have been unsuccessful elsewhere, causing problems for residents of new developments and are not necessarily adoptable by Southern Water.

One **letter of support** has been received, which highlights that social housing will help youngsters get their first home, but raises concern in respect of the following matters:

- Noise from the industrial estate is a concern (noisy extraction system at the laminate factory operates 0700-1800 weekdays and JCB and heavy plant workshop starts about 0600 most days and sometimes operates all night).
- Serious surface water run-off problem every winter and after heavy rain makes Natts Lane impassable on foot.
- The ditch along Natts Lane soon becomes overwhelmed and pipes under Natts Lane cannot handle the surface water.
- Do not see the need for a neighbourhood store, given the proximity of Tesco Express.
- A doctors surgery would be more appropriate.
- Concerned that insufficient parking is proposed.
- A new safe crossing point should be provided on Natts Lane.
- Street lighting should be installed.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The site is located within the built-up area of Billingshurst which, in accordance with Policy CP5, is a category 1 settlement (i.e. a village with a good range of services and facilities as well as some access to public transport, capable of sustaining some expansion, infilling

and redevelopment). Although Policy CP5 places an emphasis on the re-use of previously developed land, and parts of this site are not previously developed, the site is adjacent to development to the east, south and west, and a recreation ground within the built-up area to the north. The site has been identified in the Strategic Housing Land Availability Assessment (site SA034) as being not currently developable. However, it appears that this conclusion was drawn in light of potentially contaminated land requiring remediation and uncertainty about ownership of the site. The site was put forward for consideration in the SHLAA by the Parish Council.

- 6.2 Given the location of the site within a built-up area, and the identified need for new residential development within the District, there is no objection in principle to residential development of a site within the built-up area and consideration must therefore be given to any site-specific constraints, and the detail of the scheme. Members will be aware that the District is currently experiencing a shortfall in housing land supply. Recent appeal decisions within the District suggest that any shortfall in a five year land supply is an important material consideration that carries significant weight in decision making. This imposes an even stronger presumption in favour of planning permission being granted for sustainable development. In cases where there may be other issues or harm arising from a proposed development, the provision of new housing must be balanced against the harm identified when assessing whether development is sustainable and appropriate.
- 6.3 The Environmental Health Officer advises that the site history is likely to have resulted in land contamination. Although some remedial works are noted to have taken place, these did not cover the whole site and were intended to bring the site to a standard suitable for open storage, and not residential use. The NPPF is clear that decisions should ensure that development is appropriate for its location, and that the effects of pollution on health and the potential sensitivity of the proposed development to adverse effects from pollution are taken into account. It advises that planning decisions should ensure that the site is suitable for its new use taking into account ground conditions, including from former activities and pollution from former uses. It requires adequate site information, prepared by a competent person, to be presented. In this case, the information submitted with the application covers a review of previous site investigation reports and remediation (note that these were intended to make the site suitable for open storage), and no new investigation with a view to remediating to a residential use standard appears to have been carried out. The Environmental Health Officer's concerns relate to the severity of contamination posing significant risks to the health of future occupiers. Given the lack of adequate information presented with the application, it cannot be concluded that remediation to achieve a standard appropriate to residential use can be achieved at the site. The proposal is therefore contrary to Policy CP2.
- 6.4 The indicative layout proposes a linear access road, reflecting both the shape of the site and the layout of Groomsland Drive, adjacent. The density of development would be about 30 dwellings per hectare. The new development to the south had a density of about 24.6 dwellings per hectare and the existing residential development on Groomsland Drive has a density of about 23.4 dwellings per hectare. While the proposed development is therefore a higher density than existing, the proposed density could be acceptable for a built-up area, subject to acceptable layout being achieved while respecting the constraints of the site.
- 6.5 In terms of the character and appearance of the locality, the nearest residential area to the application site is Groomsland Drive, characterised by semi-detached and short terraces of dwellings with simple ridged roofs. The indicative street scene drawings show fairly simple semi-detached and short terraces of dwellings with half-hipped roofs and second storey accommodation within the loft space served by dormer windows, which are therefore likely to respect nearby development on Groomsland Drive. The Design and Access statement makes reference to the Design Statement for the Parish of Billingshurst (2009), in particular the materials and roof form which would be appropriate to this area. The layout is mainly

linear, although some units have their side elevation to the access road. Those corner units would need to be designed to have sufficient visual interest in both the front and side elevations, to both ensure an acceptable appearance and to provide natural surveillance of the access road. Therefore, although appearance is a reserved matter and not for consideration at this point, it would be possible for individual buildings of an acceptable appearance to come forward at the reserved matters stage.

- 6.6 The indicative layout shows development, in particular six of the dwellings, backing onto Natts Lane, which results in poor integration with the existing built-up area. Given that access is a reserved matter, it would be possible in principle to reorient these dwellings at the reserved matters stage so that they face Natts Lane. However, the location of protected trees on the Natts Lane boundary means that an individual access for each dwelling may not be feasible, and a shared access, or relocation of the spur road that these dwellings currently front so that it runs parallel with Natts Lane, may need to be explored at the reserved matters stage. Notwithstanding this concern, the poor relationship of the six northernmost dwellings shown on the indicative layout with Natts Lane would not alone amount to a reason for refusal at the outline stage, given that layout and access are both reserved matters.
- 6.7 In terms of the amenity of neighbouring residents, the indicative layout sites the largest building in the development, the retail shop with five flats above, adjacent the rear boundaries of properties fronting Groomsland Drive. However, the existing rear gardens of the properties on Groomsland Drive are in the region of 20 metres in depth, and the indicative layout shows the building sited about 3.5 metres from the common boundary. As such, provided the shop/flats building is kept at a minimal height and the internal layout is such that only obscurely glazed windows to non-habitable rooms are sited in the western elevation facing Groomsland Drive at first floor level and above, the proposed shop/flats building would not result in an overbearing appearance or loss of privacy to adjacent residents.
- 6.8 Although most of the proposed rear gardens shown on the indicative layout are in the region of 10 metres, some would be dominated by retained protected trees. The small size of gardens, coupled with the spread of retained protected trees would result a poor level of amenity for future occupiers, and a revised, more spacious layout would be required in order to address this issue. In addition to providing a reasonable level of amenity space for future occupiers, rear gardens serve to ensure that sufficient spacing between dwellings is left so that there is an acceptable outlook from rear elevations and a reasonable level of privacy for future occupiers. As such, where a rear garden abuts the side elevation of another dwelling, a greater garden depth should be provided. To this end, the outlook from the rear of Plots 21-22 would be dominated by the side elevation of Plot 20, and likewise the relationship between Plots 7-8 and 18 is poor. Although Plot 27 would be adjacent to the rear of Plots 24-25, the main two storey section of Plot 27 is off-set from the common boundary by its single garage, reducing the impact of the two storey section. Addressing these relationships, and increasing the depth of those gardens currently dominated by retained trees, would require an alternative layout, which would result in a cramped layout and poor appearance if 36 dwellings plus retail shop is pursued.
- 6.9 The southern end of the application site adjoins a new development under construction (DC/10/0939). The layout of that neighbouring scheme includes an area of open space adjacent to the southern boundary of the current application site, and therefore there is an opportunity to provide a pedestrian/cyclist link between the sites. This would allow for more convenient access to the recreation ground on the opposite side of Natts Lane for occupiers of the adjacent scheme, and access for future residents of the proposal to the areas of open space within the adjacent scheme. The Applicant amended the drawings during the application process to include access to both the adjacent site to the south and to the rear garage court of Groomsland Drive. However, the access is proposed to the

western side of the southern boundary, and would adjoin the adjacent site at a point identified for reptile translocation and maintenance as grassland habitat for slow worms. As such, the proposed pedestrian/cycle access into the adjacent site would be better sited at the eastern end of the southern boundary, adjacent to the existing brook/ditch, where it would enter the adjacent site clear of the reptile habitat area. As such, the current proposed layout does not allow for appropriate access to the adjacent site, with the pair of dwellings at Plots 34 and 35 preventing creation of a link in the appropriate location. However, layout is indicative at this stage, and amendment of the plots on the southern edge alone could be addressed at the reserved matters stage to allow for a suitable location for a link to the adjacent site.

- 6.10 The site is adjacent to the Gillmans Industrial Estate to the east, which includes a number of buildings with external plant, as well as some open storage, particularly towards the southern end of the industrial estate. It is noted that the Inspector determining application DC/10/0939 for residential development on land to the south of the application site, included condition 8 in his decision, which required approval of a scheme to protect dwellings from noise from the industrial estate, with reference made in the decision letter to a proposed acoustic fence. However, the Environmental Health Officer advises that this has not proved effective, and noise complaints have been received from occupiers of the new development in respect of the adjacent industrial estate. The Design and Access Statement sets out that the Applicant proposes a landscaped buffer area adjacent to the industrial estate and the Noise Assessment proposes the relocation of dust extraction plant from one of the industrial units. As the plant to be relocated is outside of the applicant's control, it would need to be secured by way of a Legal Agreement with the relevant landowner and other parties with an interest in the land. However, this would only address one existing item of plant operated by one of the existing businesses within the industrial estate, and there is no proposal to limit the hours of operation of this plant. Consideration must be given to the impact of the industrial estate as a whole on the development site, not just a single item of plant, given that the entire eastern boundary of the application site adjoins the industrial estate
- 6.11 The units within the industrial estate have few planning restrictions in terms of use, hours of operation and use of external space within each planning unit, and it is apparent from third party representations and discussions with the Environmental Health Officer that some of the units operate at unsociable hours and involve noisy activities. Therefore the relocation of one item of existing plant is not sufficient to ensure good living conditions for future occupiers in the long term. The Environmental Health Officer advises that there is little scope to introduce an effective noise barrier or effective separation distances to the industrial estate due to the restricted width of the site. He points out that a statutory nuisance complaint can be addressed by use of best practical means available to the operator, limiting the effective resolution of complaints through the statutory nuisance procedure, and that significant losses of amenity may occur at lower levels of emission than would constitute a statutory nuisance. Although the residential development of the adjacent site to the south was permitted, the dwellings in that scheme adjacent to the industrial estate are separated from it by about 25 metres, including rear gardens, with fencing on the boundary with the industrial estate, and the southern end of the industrial estate is relatively narrow, whereas the application site is bordered to the entire length of its eastern side by a variety of industrial buildings. In light of the comments of the Environmental Health Officer, it is not clear that the harmful impact of noise from the industrial estate on the amenity of future occupiers could be acceptably mitigated against, while accommodating the proposed 36 units. The Environmental Health Officer makes reference to a lack of space for an effective noise barrier (which following discussions with the Environmental Health Officer would need to be of a significant height, resulting in a poor appearance and harm to the visual amenities of the site and locality and causing a poor level of amenity to future occupiers) or for effective separation distances (note that this site at its narrowest is about 35 metres wide). As such, it is not clear that this site is

suitable for residential development due to the very close proximity to the neighbouring industrial estate, and the constrained width of the site means that siting all 36 units a sufficient distance from the industrial estate to achieve a reasonable level of amenity for future occupiers would not be possible. The proposal is therefore contrary to Policies CP3 and DC9, and to the NPPF, which requires a good standard of amenity for all existing and future occupants of land and buildings.

- 6.12 In addition to disturbance arising from the adjacent industrial estate, it is also noted that many of the industrial buildings are constructed very close to the boundary with the application site, and most are large warehouse/factory type buildings, approximately equivalent to two storeys in height. The proximity of the industrial buildings are a constraint to development in the eastern part of the application site, given the impact of visual intrusion and overshadowing caused to the site by the industrial buildings. The indicative layout shows a number of dwellings, for example Plots 14-15, 16-17 and 36, which are sited close to the eastern boundary. The rear gardens, direct outlook from the side of these dwellings and oblique views from the rear of these dwellings would be dominated by the industrial buildings, resulting in a poor level of amenity for future occupiers. Therefore, regardless of the matter of noise, discussed above, the strip of land to the east of the main access route shown on the indicative drawings may therefore not be suitable for residential development due to the presence of buildings alone, and would instead provide a useful function as a buffer zone between the industrial estate and residential development on the western side of this site. The concern in respect of the relationship between the adjacent industrial buildings and the proposed dwellings/gardens would therefore necessitate an alternative layout to that shown on the indicative site plan. However, given the constraints of the site, it is not considered that a satisfactory layout for 36 units with suitable separation to the industrial units to prevent an overbearing appearance and overshadowing of the proposed dwellings and gardens could be achieved. As such, the proposal is therefore contrary to Policies CP3 and DC9, and to the NPPF, which requires a good standard of amenity for all existing and future occupants of land and buildings.
- 6.13 The northern part of the site is located within flood zone 2 (having between a 1 in 100 and 1 in 1,000 annual probability of river flooding), and there is a brook close to the eastern boundary and a ditch running along the site frontage, which appears to be culverted under Natts Lane and drains to Parbrook to the northern side of Natts Lane. The Environment Agency has raised no objection, subject to conditions, but does raise concern in respect of site drainage, given evidence of recent flooding provided by the Parish Council. One condition recommended by the Environment Agency is for finished floor levels to be no lower than 30cm above existing ground levels. This would be towards the higher end of acceptable finished floor levels, in order for the buildings not to appear overly high, and could result in the shop/flats building appearing overly large and dominant in the street scene, given its location between smaller scale residential buildings. It is also noted that there is a lack of detail in respect of surface water management.
- 6.14 While the Environment Agency initially advised that there is sufficient space within the site to attenuate surface water within the site, and do not raise objection in this respect, their subsequent correspondence with the Parish Council indicates that there is concern in respect of surface water flooding here. The Council's Drainage Team raise objection as insufficient information has been submitted in respect of drainage strategy and surface water run-off. Given the implications of potential flooding for both future occupiers of the site and existing users of Natts Lane, and in light of the greater local knowledge in respect of surface water flooding, it is considered that the HDC Drainage Team's objection is not outweighed by the absence of an objection from the Environment Agency. Therefore, in the absence of sufficient information in respect of drainage and surface water run-off, the flood risk implications of the development cannot be established and the proposal is likely to result in increased risk of flooding. The proposal is therefore contrary to Policy DC7.

- 6.15 The Design and Access Statement sets out that the Applicant intends for the buildings to meet Level 3 of the Code for Sustainable Homes and a separate statement identifies sustainability measures intended to be incorporated into the detailed scheme. Full details of sustainability and renewable energy supply can be considered at the reserved matters stage.
- 6.16 The Applicant has submitted a Phase 1 Extended Habitat Survey, which identified potential for bats and reptiles. A further bat survey has been carried out, but the full reptile survey is awaited (note that the Phase 1 survey sets out that this should be carried out in the season April-October). The bat survey identified active roosts in trees which should be retained in the development. It is noted that the adjacent development site (DC/10/0939) included mitigation measures for the translocation of slow worms to a parcel of land immediately adjoining the southern boundary of the application site. The bat survey identifies bat activity within the site mainly for commuting and feeding, although emergence was noted from one tree. The survey recommends a buffer of 2 metres from the canopy of retained trees as a buffer zone with no illumination as mitigation, as well as maintaining mature tree lines undisturbed and use of low-level lighting only for the remainder of the development. Maintaining the 2 metre wide 'dark corridor' would be difficult within this development, where tree canopies are shown to overhang areas such as private driveways and parking areas, including the delivery area for the shop, which would be expected to be illuminated for safety purposes. As such, the indicative layout does not satisfactorily incorporate the mitigation measures recommended in the bat survey. A revised layout incorporating those measures would necessitate fewer units than the 36 proposed, in order to allow for incorporation of a 2 metre wide 'dark corridor' around the retained trees. In addition, the absence of the reptile and dormice surveys, and lack of investigation of the habitat value of the stream/ditch to the eastern side of the site means that the impact on protected species is not known at this time. Although the County Ecologist initially advised that these could come forward at the reserved matter stage, it is the outline stage at which the principle of development is established and planning permission should not be granted without full knowledge of the extent of protected species and therefore the potential for harm to these. As such, in the subsequent consultation response, the County Ecologist removes this suggestion and raises objection to the proposal. The proposal is therefore contrary to Policy DC5.
- 6.17 There are a number of trees protected by Tree Preservation Orders, located mainly to the site edges, although four are sited within the site, adjacent to the existing substation boundary. The HDC Arboricultural Officer objects to the proposal. Although there is concern in respect of the proposed removal of one tree (TPO tree 49), no objection is raised to the remainder of the trees shown for removal. However, concern is raised in respect of the indicative layout, which would result in pressure for future removal of trees on site. The particular plots highlighted by the Arboricultural Officer are Plot 36, which is close to the eastern side boundary and affected by TPO tree 17, Plot 16, which is dominated by the crown of TPO tree 8, Plots 19 and 20, which are dominated by an off-site oak tree (unprotected), just beyond the western boundary, Plots 28, 29 and 30, which are also affected by trees just beyond the western boundary over relatively small garden plots and Plot 31, which is dominated to an unreasonable degree by the combined impact of TPO trees 11 and 12. Therefore, in addition to the impact of these relationships on the amenity of future occupiers, the proposal would result in irresistible post-development pressure on a number of TPO trees on site. Although the submitted layout is indicative only, creating a more spacious development which takes account of the need to provide sufficient separation between protected/retained trees and residential dwellings and gardens would necessitate a reduction in the amount of development proposed. In addition, the Arboricultural Officer notes that the site requires remediation, and raises concern in respect of both direct and indirect harm to retained trees, and recommends that permission should not be granted until the full extent and method of necessary remediation is known, given the potential impact of such works on retained and protected trees. In

addition, the Arboricultural Officer comments that an acoustic barrier along the eastern boundary is likely to conflict with protected trees. As such, the proposal would result in harm to protected trees, contrary to Policies DC6 and DC9.

- 6.18 Policy CP12 requires provision of at least 40% of dwellings on schemes of 15 or more units to be affordable, which must be secured by way of a Legal Agreement. For this development of 36 dwellings, this equates to 14 units, and the Design and Access Statement sets out that this will comprise five two-bedroom flats, seven two-bedroom houses and two three-bedroom houses. The Council's Strategic Housing Manager supports the mix of units, as there is a need for two-bedroom properties in the District, and advises that Policy requirements set out in the Planning Obligations SPD in respect of tenure mix will need to be complied with. Tenure mix can be specified in the Legal Agreement. However, there is no Legal Agreement currently in place and therefore, the proposal is currently contrary to Policy CP12, as there is no means by which to secure the affordable units.
- 6.19 The Parish Council has requested financial contributions towards improvements to access and amenities at the recreation ground and for improvements to the Scout Hut at Lower Station Road. The proposed development has the potential to give rise to contributions totalling £67,866, part of which could be used for these projects, should permission be forthcoming. Any contributions would need to be secured by way of a Legal Agreement. However, there is no completed Legal Agreement in place, and therefore the proposal is contrary to the Planning Obligations SPD.
- 6.20 The supporting information submitted with this application makes reference to areas of public open space within the development and the indicative layout of the scheme shows three areas of open space, including two play areas- one on the opposite side of the access road to the retail shop and one in the bottom south western corner of the site. The south-western play area would be poorly overlooked, tucked between the dwelling at Plot 32 and its garage. Notwithstanding the concern in respect of the layout of play areas, the proposal is made in outline and the proposed layout is indicative. It must also be noted that there is a recreation ground to the north of the site on the opposite side of Natts Lane, which is conveniently located for use by future residents of this development, thereby reducing the need for larger equipped play areas within the development itself. As such, there is potential for suitable access to outdoor play areas for future occupiers to come forward at the reserved matters stage.
- 6.21 As the application is made in outline, details of car parking are not provided at this stage, however the indicative layout provides an indication of the Applicant's intentions in respect of the number of parking spaces and their layout. In this case, the WSCC parking demand calculator indicates that the residential element only of the development would generate a demand for about 71 spaces, whereas the proposed layout indicates the provision of about 67 spaces. There are a number of unallocated spaces, mainly located centrally adjacent to the access road, and each dwelling would have at least one space allocated. As such, it appears that sufficient parking for the residential element of the proposal could be provided at the reserved matters stage. WSCC Strategic Planning raises concern in respect of parking provision for the retail shop, in particular preventing overspill from the dedicated shop parking to locations which could cause obstruction. The amount of space in the vicinity of the proposed shop is constrained by the retained substation, which limits the opportunity for increasing the amount of parking here. The indicative layout does not allow for additional parking provision in the vicinity of the retail shop, and this results in further uncertainty as to whether the site can accommodate the quantum of development proposed.
- 6.22 In addition, WSCC Strategic Planning indicate that although the access would be able to accommodate the vehicle movements associated with the development, subject to

upgrading, the indicative internal layout shows narrow footways and requires a wider carriageway and more direct footways to the retail shop. While these matters could be addressed at the reserved matter stage, the increase in footway width throughout the site would result in a reduction in either depth of front gardens, which need to be of sufficient depth to accommodate a parking space, or a reduction in the landscaped buffer area to the east of the access road. A reduction in the landscaped area could be acceptable, and therefore it is likely that an acceptable internal road layout could come forward at the reserved matters stage.

- 6.23 The application includes a retail shop of about 300sqm in floor area. Policy CP17 sets out that in order to protect the vitality and viability of existing retail centres, proposals for retail development outside of defined centres will be restricted (other than extensions under 200sqm floor area). Policy DC37 sets out the circumstances in which neighbourhood shops will be permitted and this includes a limitation on floor area of 200sqm (unless the criteria in Policy DC35 are complied with, including demonstrating that a sequential approach has been taken to site selection). No evidence has been submitted to demonstrate the need for a retail shop in this area (for example whether other nearby shops are over-trading) or how a new retail shop here would impact on the vitality and viability of the local centre. The HDC Town Centres Manager raises concern in respect of the impact of the proposal on the vitality and viability of the village centre, and this concern is also noted by the Council's Strategic and Community Planning Officer, who advises that the impact of a retail shop of this size outside of the village centre outweighs the need to provide for additional housing. Objection is therefore raised in respect of Policy CP17.
- 6.24 Notwithstanding the objection in respect of the principle of a retail use here, the retail shop is set into the site, behind the retained electricity substation, and would therefore be flanked to both sides by smaller scale residential units. Being set into the site and adjacent to the western side, the retail shop relates poorly to other commercial uses to the east, and its location adjacent to properties on Groomsland Drive results in a substantial increase in activity adjacent to rear gardens as a result of the parking and turning area for the shop. The proposal is therefore contrary to Policy DC37, which requires new neighbourhood shops not to result in a loss of local amenity. As set out above, the current layout is indicative only and therefore relocation of the retail shop at the reserved matters stage could be possible. However, given the constraints of the shape of the site, location of protected trees and location of the adjacent industrial units, it would be difficult to re-locate this building and its associated parking and servicing areas without a reduction in the number of residential units sought.
- 6.25 While there is no objection in principle to the proposed residential development within the built-up area, it is considered that the proposed amount of development (i.e. 36 units plus a retail shop) would not achieve a satisfactory layout, which protects the amenity of neighbouring residents, provides a good standard of amenity for future residents and integrates well with the existing built-up area. Issues have been identified which would necessitate amendments to the layout from the indicative layout submitted, including a need to re-site dwellings on the Natts Lane frontage, to re-site the retail shop to relate well to adjacent commercial uses, to re-locate a play area to a better overlooked location, to move dwellings away from the eastern boundary to create a satisfactory buffer to Gillmans industrial estate, to provide suitable separation to protected trees and to amend the layout to allow for a revised access to the development site to the south, as well as a need to demonstrate that there would be no loss of biodiversity and that the contaminated land can be remediated to a standard which would allow residential development of the site. Although the need to mitigate the presence of the industrial estate to the east, provide a 'dark corridor' buffer around retained vegetation and to provide sufficient space around protected trees require the most major alterations to the indicative layout, and these alone would necessitate a reduction in the number of dwellings, the cumulative impact of the remaining alterations to layout result in significant changes and lead Officers to conclude

that it is not possible to accommodate 36 dwellings on this site in a satisfactory layout. Accommodating 36 dwellings and a retail shop on this site is therefore likely to result in a very cramped and overdeveloped appearance which is not of the high standard of design sought by Policy DC9 and the NPPF. Although the principle of including a retail shop within the development has been considered contrary to Policy CP17, the removal of this element would not free up sufficient space to allow for a satisfactory layout for 36 dwellings alone, and the proposed amount of development therefore remains objectionable. Furthermore, it is not clear whether the site is suitable for residential use by reason of the contamination of land and the proximity to an industrial estate with many noisy uses, which would result in a poor level of amenity for future occupiers. As such, the harm arising from the proposal outweighs the benefit of provision of additional housing within the District in this case.

7. RECOMMENDATIONS

7.1 To refuse the application for the following reasons:

1. The application site has a history of land uses which are likely to have resulted in contamination posing significant risks to the health of future residential occupiers. It has not been demonstrated that the land can be satisfactorily remediated to a standard suitable for residential use and therefore it is not known whether residential development is appropriate in this location, taking into account the former uses of the site. In addition, there are a number of trees within and immediately adjacent to the site, which are subject of Tree Preservation Order TPO/1412. Given that the proposed residential use is likely to necessitate remediation of contaminated land, it has not been demonstrated that those remediation works would not result in harm to protected trees on site, either directly through on-site works to removal soil and material from site, or indirectly through alterations to hydrological patterns on the site. As such, the proposal poses a potential risk to the health of future occupiers and to the retention of important protected trees on site, and is contrary to Policy CP2 of the Horsham District Local Development Framework Core Strategy (2007) and Policies DC6 and DC9 of the Horsham District Local Development Framework General Development Control Policies (2007) and to the NPPF, in particular paragraphs 120 and 121.

2. The proposed amount of development would result in an overly cramped appearance, out of character with the surrounding area, and would not provide a good level of amenity for future occupiers of the scheme or existing neighbouring occupiers. It would not be possible for the amount of development proposed to come forward in an acceptable layout which respects the constraints of the site, these being the adjacent industrial estate; effective biodiversity mitigation; retention of existing trees and vegetation (including protected trees); satisfactory integration with the existing adjacent development; provision of an appropriate level of car parking; and provision of carriageway and footway of appropriate width. There is insufficient space available to meet these requirements while still achieving an acceptable layout for the amount of development proposed. The proposal is therefore contrary to Policies CP1, CP2 and CP3 of the Horsham District Local Development Framework Core Strategy (2007), Policies DC2, DC5, DC9 and DC37 of the Horsham District Local Development Framework General Development Control Policies (2007) and to the NPPF.

3. The application site is in a location which is prone to localised flooding, and a stream/ditch runs through the site. Insufficient information has been submitted with the application to demonstrate that the proposed development would not result in increased risk of flooding on and off site and that an acceptable drainage strategy can be achieved as part of the development. The proposal is therefore contrary to Policy CP2 of the Horsham District Local Development Framework Core Strategy (2007), Policy DC7 of the Horsham

District Local Development Framework General Development Control Policies (2007) and to the NPPF, in particular paragraphs 100-103.

4. Policy DC5 seeks to ensure that development includes measures to protect, conserve or enhance the biodiversity of the District. In this case, there is a reasonable likelihood that dormice and reptiles are present within the site, and there is a lack of investigation into the habitat value of the stream/ditch running to the eastern side of the site. Therefore, it is not possible to determine whether the site is suitable for the amount of development proposed, and what the appropriate level of mitigation and/or compensation for the development may be, as required by Paragraphs 117-119 of the NPPF. In addition, the proposed amount of development has not had regard for the necessary measures to ensure that the impact on existing bat population is suitably mitigated. The proposal is therefore contrary to Policy DC5 of the Horsham District Local Development Framework General Development Control Policies (2007) and to the NPPF.

5. The proposal includes a retail shop, but lies outside of a defined town or village centre, and is therefore likely to result in harm to the vitality and viability of the retail function of the village centre. Insufficient evidence has been submitted to demonstrate the need for a retail shop in this area or how a new retail shop here would impact on the vitality and viability of the local centre. The proposal is therefore contrary to Policy CP17 of the Horsham District Local Development Framework Core Strategy (2007) and to chapter 2 of the NPPF.

6. Policy CP12 requires provision of 40% affordable units on developments involving 15 units or more. Policy CP13 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policy CP12 and CP13 of the Horsham District Local Development Framework Core Strategy (2007), to the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document, and to the NPPF, in particular paragraph 50.

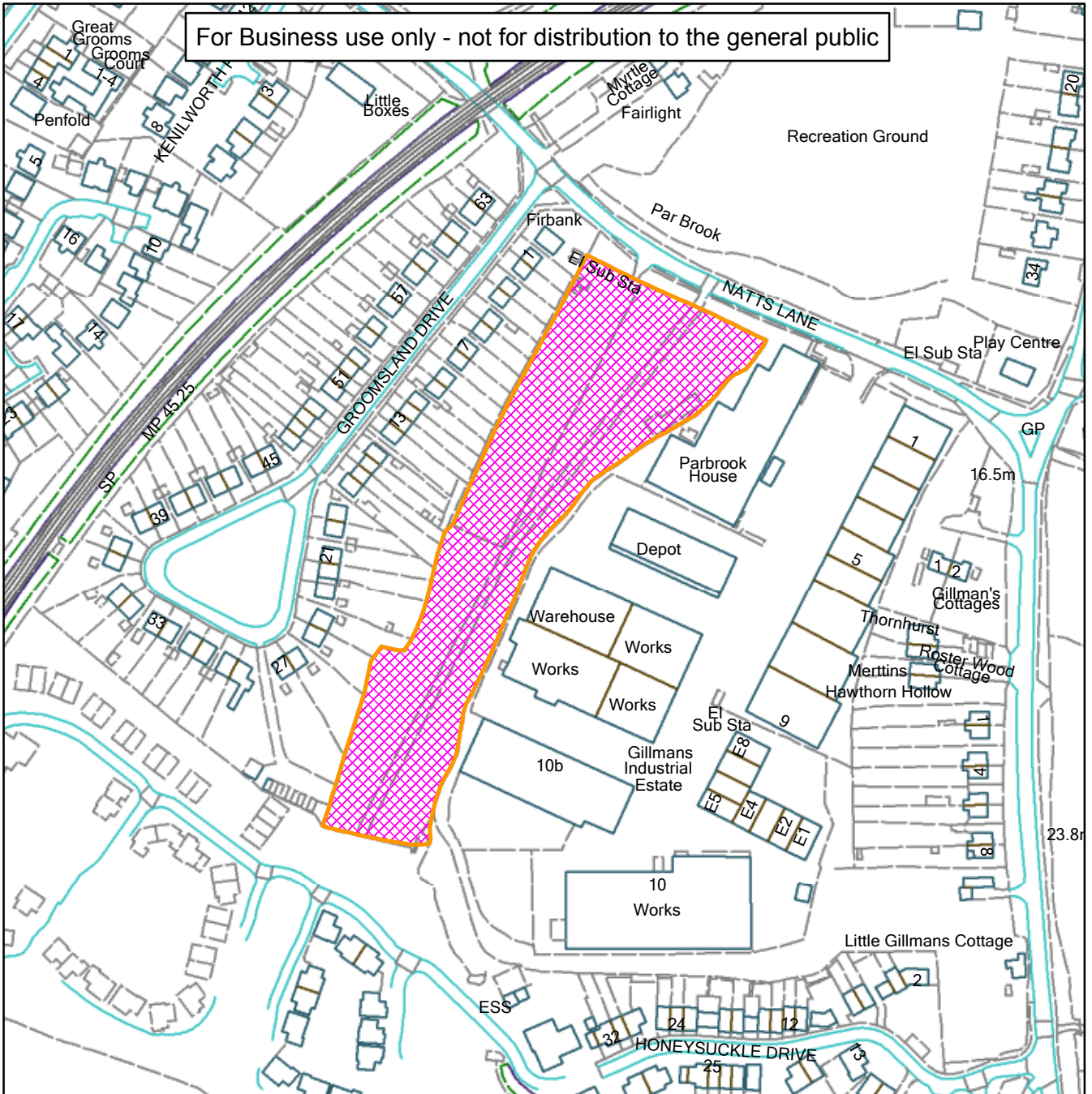
Note to the Applicant:

The reason for refusal (above) in respect of affordable housing provision and infrastructure contributions could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.



Land West of Parbrook House

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Scale: 1:2,345

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	06/02/2015
MSA Number	100023865



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee
BY: Development Manager
DATE: 17 February 2015
DEVELOPMENT: Change of use to allow year round residential use of all 29 existing caravans and necessary infrastructure on existing caravan park.
SITE: Oaklands Park Emms Lane Brooks Green Horsham
WARD: Billingshurst and Shipley
APPLICATION: DC/14/2273
APPLICANT: Mr Daniel Wewman

REASON FOR INCLUSION ON THE AGENDA: Category of development

RECOMMENDATION: To grant consent

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission for occupation of 29 existing caravans all year round. The 29 caravans are currently on site and have been approved under various previous permissions and limited to holiday use.

DESCRIPTION OF THE SITE

- 1.2 The site is located outside of any built up area boundary and lies on the eastern side of Emms Lane. The surrounding area is predominantly rural, however there is a row of 8 dwellings on the opposite side of the highway with a further two dwellings located to the south west of the site.
- 1.3 Oaklands Park was formerly part of the larger caravan park of Brooks Green and consisted of 60 caravans/mobile homes, however the site has recently been divided between family members of the former owners and now forms two separate parks. Brooks Green Park comprises the permanently sited mobile homes, with 36 in total, having recently received planning permission (DC/13/2165) for a further 4 residential mobile homes for all round use, whilst Oaklands Park comprises the mobile homes restricted to seasonal use. A further caravan park known as "Larkins Park" is located to the north of Brooks Green Park and comprises 28 caravans with occupancy for 11 months in any year.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework 2012 (NPPF).

- NPPF7 - Requiring good design
- NPPF3 - Supporting a prosperous rural economy
- NPPF11 - Conserving and enhancing the natural environment

RELEVANT COUNCIL POLICY

Local Development Framework (Core Strategy 2007):

- CP1 - Landscape and Townscape Character
- CP3 - Improving the Quality of New Development
- CP14 - Protection and Enhancement of Community Facilities and Services

Local Development Framework (GDGP 2007):

- DC1 - Countryside Protection and Enhancement
- DC9 - Development Principles
- DC16 - Park Homes/Residential Caravans
- DC39 - Tourism

The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The examination of the HDPF was undertaken by an independent Planning Inspector in November 2014. The outcome of the Examination is expected in early 2015 and Adoption of the HDPF by the Council is currently programmed in the Local Development Framework to be April 2015. The emerging plan is therefore a material consideration however it may overall, only be afforded limited weight in the assessment of this planning application.

PLANNING HISTORY

SP/10/01	Replacement dwelling for mobile home Site: Brooks Green Park Emms Lane Brooks Green	REF
SP/16/97	Change of use of 2 holiday plots to use for owner and managers caravan Site: Brooks Green Park Emms Lane Brooks Green	PER
SP/9/97	Erection of a site office and equipment storage barn Site: Brooks Green Park Emms Lane Brooks Green	PER

SP/54/98	Tree felling & surgery Site: Brooks Green Park Emms Lane Brooks Green	PER
SP/61/98	Retention of land for residential purposes ancillary to use of mobile homes Site: Brooks Green Park Emms Lane Brooks Green	PER
DC/04/0084	Erection of dwelling with ancillary office to replace mobile homes	PER
DC/05/0643	Change of use of land for siting of existing mobile homes	PER
DC/05/0647	Erection of an amenity block (Outline)	PER
DC/08/0072	Erection of an amenity block (Approval of Reserve Matters)	PER
DC/08/2051	Variation of condition 4 of SP/44/98 to allow use of 28 caravans/mobile homes to be occupied between 1st November and 5th January and 1st February to 29th February (inclusive) each year	PER
DC/10/0696	To extend the time limit for implementation of DC/08/0072 (Approval of Reserved Matters) for the erection of an amenity block	PER
DC/13/2047	Fell 6 x trees at Brooks Green Caravan Park	PER
DC/14/1175	Variation of conditions 3,4,5 and 6 of planning permission DC/08/2051 to allow year round residential use of 28 caravans	WDN

3. OUTCOME OF CONSULTATIONS

- 3.1 The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at www.horsham.gov.uk

OUTSIDE AGENCIES

- 3.2 **WSCC – Highways:** No objections

- 3.3 **Shipley Parish Council:** No objections to this planning application on the grounds that a retirement residential park is preferable to a holiday park for families with the noise and the increase in traffic which this would bring. Whilst it is not ideal having a caravan park on Emms Lane which is out of keeping with the area a well maintained residential park with a stable community is more acceptable than a transient holiday population..

PUBLIC CONSULTATIONS

- 3.4 16 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 15 supported the proposal.

Summary of Consultees and Representees:

- Improvement to site facilities
- Low cost housing

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 main issues in the determination of the application are:

- Principle of the development
- Loss of tourism
- Impact upon the surrounding countryside & neighbour amenity
- Local need

Policy Context

- 6.2 The National Planning Policy Framework (NPPF) has a golden thread running through it which seeks to ensure a presumption in favour of sustainable development. The NPPF seeks to ensure that the planning system performs an economic, social and environmental role. The Framework requires applications to be determined in accordance with the development plan. Paragraph 28 states local authorities should "support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside." Whilst Paragraph 50 also states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

- 6.3 In respect of strategic housing land supply within the Authority Paragraph 49 of the NPPF states that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

- 6.4 In this regard, it has been accepted by the Council that it is unable to meet this requirement and for this reason the Council must rely upon the provisions of Paragraph 14 of the Framework to consider the submitted application. This states that:

" at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Where the development plan is absent, silent or relevant policies are out-of-date the Council must consider favourably applications for housing development and should grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted."

6.5 Policy CP14 of the Core Strategy (2007) and DC39 of General Development Control Policies (2007) state 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. It will be necessary to demonstrate that continued use as a community facility or service is no longer feasible, having regard to appropriate marketing along with the demand for the use of the site.

Loss of Tourism

- 6.6 The application site following its approval in 1998 (SP/44/98) and its separation from Brooks Green Park to form a smaller park, is used for a mix of long term and short term use. It is stated in the planning statement that approx. 14/15 pitches have been empty and were continuously marketed as seasonal pitches, though with little interest.
- 6.7 Evidence has been provided detailing the marketing of various mobile homes, along with a statutory declaration from the Branch Manager for Cubitt & West in Southwater. He states that Cubitt & West "actively marketed" 6 caravans in their office, on their website and on the "Rightmove" website. It is stated that 4 of the caravans received a total of 18 viewings, however no offers were made, the 2 other caravans received no viewings and therefore all 6 caravans remain unsold. The period of marketing for the caravans varied, with the first caravan marketed in May 2012 and 5 of the 6 ceased marketing in May 2013, whilst 1 caravan remains on the market. Two of the caravans were marketed at £9,995, 3 at £29,995 and the larger and newer caravan is currently marketed at £88,000.
- 6.8 Although little marketing has taken place over the last year, it is clear that for a significant period prior to May 2013, a good level of marketing was undertaken with a number of viewings for 4 of the caravans. Given the age and size of the caravans, it would seem that the marketing prices were reasonable, whereas a unit in Brooks Green Park is on the market for £150,000. It would appear that the restricted occupancy of the site has limited the number of interested parties.
- 6.9 The neighbouring site of Brooks Green Park provides all year round occupancy and provides residential accommodation for over 55's. Recently planning permission (DC/13/2165) was granted for a further 4 units, bringing the total on site to 36. The removal of the conditions would therefore bring Oaklands Park in line with Brooks Green Park. Currently the site is allowed occupancy for 11 months of the year, though occupancy is limited to 14 nights per group between the months of November and March. Therefore apart from the month of February, the site has the ability to be used for most of the year.
- 6.10 For the reasons stated above it is considered that the potential loss of the site for short term holiday use would be acceptable, due to the marketing undertaken and number of viewings, though no offers were made. Therefore the proposal is considered to comply with policy DC39, whilst fulfilling the aims of the NPPF.

Impact upon the surrounding countryside & neighbour amenity

- 6.11 The issues arising in respect of this application are whether by allow the use for all year round use, would cause undue harm upon the surrounding countryside and the occupants of neighbouring dwellings. The use of the caravan park is long established and is used for 11 months of the year for holiday purposes and sits alongside Brooks Green Park, which allows for all year round occupancy. The removal of the conditions would increase its use for an extra 4 weeks of the year.

- 6.12 In this respect, and having regard to the existing activity on site and neighbouring caravan parks, it is not considered that the proposed increased in use would adversely affect the surrounding countryside and the amenities of neighbouring occupiers and therefore complies with policies DC1 & DC9.

Local need

- 6.13 Policy DC16 of the General Development Control policies, which relates to Park Homes/Residential Caravans states "Permission will be granted for park homes/residential caravans if a need for the development can be justified in terms of the local District-wide housing need that would be met and the proposal has, where possible, been prepared in partnership with the local community. As these homes are intended to meet a local need, there will be a requirement for them to be marketed in the first instance for a reasonable period of time to residents of Horsham District and upon any re-sale."
- 6.14 The recent application (DC/13/2165) on the 'Brooks Green' site for 4 residential caravans was approved as it was considered that the units would provide a form of low cost housing and in the absence of the Districts 5 year housing land supply the proposal was acceptable in this location and would contribute to the District housing supply. It was also considered to have no impact upon the surrounding countryside and neighbour amenity. The application was also approved in conjunction with a section 106 agreement to ensure the units were marketed directly to residents of the Horsham District.
- 6.15 Whilst there has been little information supplied with this application that details the need for these units in terms of the local District-wide housing need, it is also recognised by the Council that in the absence of an up-to-date 5-year housing land supply of deliverable housing sites paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development; and, that in these instances, local policies relating to the supply of housing should not be considered up-to-date. Paragraph 14 of the NPPF further states that where relevant policies are out-of-date, Local Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or, where specific policies in the Framework indicate that development should be restricted. As Horsham District Council currently does not have an up-to-date 5-year housing land supply, the guidance in paragraphs 14 and 49 of the NPPF needs to be taken into account. As a result of this, it is accepted that as the proposed development is not considered to cause significant or adverse impacts to the immediate surrounds of the site, or to the wider countryside location; the development is considered to be small-scale and sustainable, and should therefore be recommended for approval.
- 6.16 It is proposed for the application site to be used as a residential park for over 50s, in the same way as Brooks Green Park. Therefore it is proposed to market the site to those who fill this criterion, whilst being current residents of Horsham District. A section 106 agreement has been agreed and signed. The proposal is therefore considered to comply with policy DC16.

Conclusion

- 6.17 In summary, it is therefore considered that the use of the site to enable all year round occupancy would not have a significant impact upon the surrounding countryside or the neighbouring dwellings, whilst providing low cost affordable housing for residents of the District.
- 6.18 Accordingly it is considered that the proposal is acceptable in terms of the NPPF and the relevant policies of the Horsham District Local Development Framework.

7. RECOMMENDATIONS

- 7.1 That subject to the statutory period of notification of the application expiring that planning permission be delegate for approval to the Development Manager subject to the following condition.

Conditions:

- 1 No more than 29 caravans and mobile homes stationed on the land shall be occupied for human habitation.

Reason: In the interests of amenity and to accord with policies DC1 & DC16 of the Horsham District Local Development Framework: General Development Control Policies

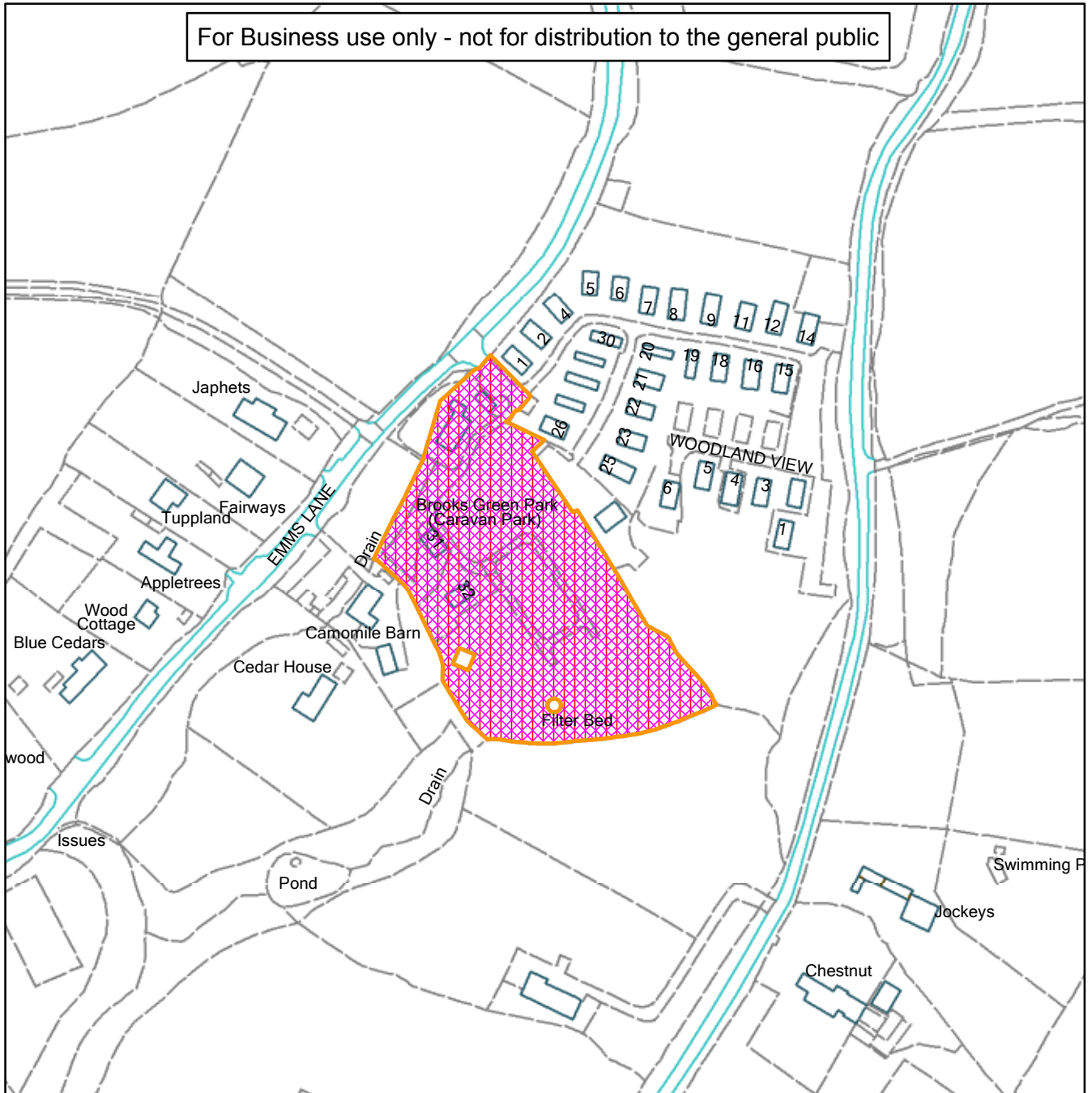
2. With the exception of the manager's accommodation, the caravans here by permitted shall only be occupied by persons of 50 years of age or over, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has only been granted on the basis of restricted housing scheme to comply with policy DC16.

Background Papers: DC/14/2273



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Scale: 1:2,345

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	06/02/2015
MSA Number	100023865



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management (South) Committee

BY: Development Manager

DATE: 17 February 2015

DEVELOPMENT: Change of use from a vacant estate agents (Class A2) to a hot food takeaway (Class A5) and the installation of extraction/ventilation equipment

SITE: 18 Lower Street Pulborough West Sussex RH20 2BL

WARD: Pulborough and Coldwaltham

APPLICATION: DC/14/2006

APPLICANT: Dashvale Limited

REASON FOR INCLUSION ON THE AGENDA: Deferred for further information.

RECOMMENDATION: To grant consent

1. BACKGROUND

- 1.1 On the 16 December 2014 Development Management Committee South resolved to defer the determination of the application, to allow more information to be provided in relation to highway safety and the impact on the amenities of adjoining occupiers.
- 1.2 Following the committee request for additional advice from WSCC highways this request was made on the 8 January 2015 and received on the 23 January 2015. In addition the committee requested further details on the Councils Public Health & Licensing original comments on the application. Further details are provided within the body of this report.

2. PLANNING ASSESSMENTS

Highway Safety

- 2.1 West Sussex County Council Highways subsequent comments on the application acknowledge that the existing use of an Estate Agents (A2) would have generated "drop in" custom and that the previous use is a material consideration when considering this proposal.
- 2.2 They described that site is located centrally to the commercial/retail/ business sites in Pulborough and that they anticipated that customers to the takeaway will use more sustainable modes of transport to access the site, there are footways linking to the site via the east and west. WSCC highways in addition commented that there are parking restrictions in place to dissuade parking in the nearby vicinity.

- 2.2 In their comments they concluded that whilst they remain aware that this proposal would result in a takeaway with no specific parking provision, based on the information they have regarding car parking in the immediate locality, other retail outlets within a short walking distance and the previous use of the site as an Estate Agents, that they do not consider there would be any significant concerns with this proposal and they have no objections to the proposal.
- 2.3 Given the comments from WSCC highways that there is existing public car parking approximately 180 meters away, and that there are existing single yellow lines to the south of the proposed hot food take away, they therefore would not have any concerns with this proposal. It is considered therefore that the proposal would not cause a highways safety issue.

Impact on the Amenities of Adjoining Occupiers

- 2.4 The Councils Public Health & Licensing comments dated the 13 November 2014 are attached to this report. They confirm that following the submission of further information that they would have no objection in principle, subject to imposition of conditions in relation to hours of trade, restriction on construction works, the maintenance of the equipment and the permitted ovens to be used.
- 2.5 In a previous consultation response dated the 6 November 2014, the Councils Public Health & Licensing department has stated that *the noise data regarding the refrigeration compressors appears to be satisfactory and is unlikely to cause disturbance to neighbouring sensitive properties over distance. They also stated that all other mechanical installations are located internally and the premises is not directly attached to sensitive properties.* They concluded that it is unlikely that *plant noise will led to a loss of amenity and any subsequent disturbance can be assessed and abated using Statutory Nuisance provision.*

Conclusions

- 2.6 In conclusion, the Councils Public Health & Licensing Department is satisfied that the proposals will form the basis for an adequate extract-ventilation system, in relation to odour abatement and that subject to the recommended conditions the proposal would not have an adverse impact on the amenity of adjoining properties. Given the nature of the proposal and the existing parking controls and off street parking is it considered that the proposal would not cause a highway safety issue.

7. RECOMMENDATIONS

- 7.1 That subject to the recommended conditions as in the attached report that planning permission be permitted

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The premises shall not be open for trade, business or delivers except between the hours of 11:00 to 23:00pm Mondays to Saturdays inclusive and 09:00 to 22.30 Sunday and bank holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

3. During the construction works for the development here by permitted the following shall be complied with:
- a) Suitable assessment should be made to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal where necessary.
 - b) A licensed waste removal contractor should remove all clearance debris and construction waste from the site.
 - c) No burning of materials should take place on site.
 - d) Hours of construction activities (including deliveries and dispatch) should be limited to 08:00- 18:00 Monday until Friday, 09:00 -13:00 Saturday and no activity on Sunday or Bank holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

4. Prior to the commencement of the use hereby permitted the Ventilation System as detail in the document titled "Proposed ventilation system at 18 Lower Street, Pulborough RH20 2BL" (B8386-AEW-14047-XX-SP-001[A]_Annex B, dated 5 November 2014) shall be installed in accordance with the approved details and retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. The use hereby permitted shall be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, 'Pizza' style convection ovens only, with no additional cooking or food reheating equipment being operated at the premises, without details of such first being submitted to this Authority for assessment and approval.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management (South) Committee

BY: Development Manager

DATE: 16th December 2014

DEVELOPMENT: Change of use from a vacant estate agents (Class A2) to a hot food takeaway (Class A5) and the installation of extraction/ventilation equipment

SITE: 18 Lower Street Pulborough West Sussex RH20 2BL

WARD: Pulborough and Coldwaltham

APPLICATION: DC/14/2006

APPLICANT: Dashvale Limited

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of objection have been received.

RECOMMENDATION: To grant consent

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for the change of use from estate agents (Use class A2) to a hot food take takeaway (Use class A5). In addition it is proposed to install a new extraction and ventilation system and a new shop frontage. The takeaway would serve pizzas and would open from 11:00 till 23:00.

DESCRIPTION OF THE SITE

- 1.2 The application site is located on Lower Street, which is within the built up area boundary of Pullborough and is outside of the primary shopping area. The property is a single storey unit between 2 two storey buildings. The two adjoining properties are a retail shop and a travel agents, with residential properties either side of those. Across the road from the application site are a mixture of different retail shops and a bank.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework 2012 (NPPF).
- NPPF 2 – Ensuring the vitality of town centres
 - NPPF 7 – Requiring good design
- 2.3 National Planning Policy Guidance 2014 (NPPG).

RELEVANT COUNCIL POLICY

- 2.4 The relevant policies of the Local Development Framework Core Strategy are CP1, CP3 and CP17.
- 2.5 The relevant policies of the Local Development Framework General Development Control Policies Document are DC9 and DC37.

The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. A Planning Inspector has commenced the examination of the HDPF. The outcome of the Examination is expected in early 2015 and Adoption of the HDPF by the Council is currently programmed in the Local Development Framework to be April 2015. The emerging plan is therefore a material consideration however it may overall, only be afforded limited weight in the assessment of this planning application.

PLANNING HISTORY

PL/19/64	Re-building of centre shop with showroom over Comment: And b.regs (From old Planning History)	PER
PL/14/64	Demolish existing wood framed store and rebuild in solid construction with extended office accommodation over at rear of property (From old Planning History)	PER
PL/25/52	Shop front alterations (From old Planning History)	PER
PL/48/60	Alteration to office accommodation (From old Planning History)	PER
PL/7/62	Alterations to mens cloaks and covered yard at rear of existing premises (From old Planning History)	PER
PL/55/62	Rebuilding of centre shop with showroom over Comment: Appeal dismissed 25/10/62 (From old Planning History)	PER
PL/92/77	C/u to living room (From old Planning History)	PER
PL/22/93	Erection of two shops with offices over	PER

	Site: 18 Lower St Pulborough	
PL/64/94	Change of use from retail to estate agents Site: 18 Lower Street Pulborough	PER
PL/11/95	New door opening in shop front Site: 18 Lower Street Pulborough	PER
PL/33/95	1 illuminated projecting box sign Site: 18 Lower Street Pulborough	PER
DC/14/2006	Change of use from a vacant estate agents (Class A2) to a hot food takeaway (Class A5) and the installation of extraction/ventilation equipment	PDE

3. OUTCOME OF CONSULTATIONS

The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.1 **Head of Public Health & Licensing:** Following the submission of further information relating to the prevention of odours from the premises' kitchen extract-ventilation system, as well as noise from both the extraction and chiller compressor plant, the Council Public Health and Licensing have no objections to the proposal subject to conditions.

PUBLIC CONSULTATIONS

- 3.2 **Pulborough Parish Council:** Objection for the following reasons :-

- Car parking availability is not adequate
- Impact on neighbouring residential properties of noise and smell would not be acceptable
- Potential for litter
- The operating hours will not be in line with the other businesses in Lower Street and will therefore not add to the diversity for the trading area.

- 3.3 15 letters of representation were received and the following is a summary of the comments:

- Lack of parking
- Potential for litter
- Odour
- Noise
- Inappropriate business for Lower St.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The main issues in the determination of this application are considered to be the principle of the development and the impact of the proposal on the visual amenities and character of the locality, its impact on the amenities of adjacent occupiers and highway safety.

Principle of Development

- 6.2 Policy CP17 of the Core Strategy relates to the vitality and viability of existing centres. It states that appropriate development will be encouraged if it does not cause unacceptable levels of disturbance to the local community or damage the townscape character. Under policy DC37 of the General Development Control Policies Document 2007, proposals for change of use will only be permitted provided that the proposal will not result in the loss of local amenity particularly in terms of noise, litter, smell, parking and traffic creation and trading hours.

Impact on the Character of the Area

- 6.3 Policy DC9 of the General Development Control Policies Document states that planning permission will be granted for developments which, amongst other matters, do not cause unacceptable harm to the amenity of occupiers of nearby property and land and where the scale, massing and appearance of the development is of a high standard of design and layout.
- 6.4 The application proposes changes to the external shop frontage, which comprises of changes to its design while keeping the same materials. The proposed colour is RAL 7043, which is Traffic Grey in colour. It is considered that the proposed changes to the shop front are in keeping with the area and would not cause harm to the character of the area.
- 6.5 The application also proposes to install a cold room condenser and an oven extractor, to the roof of the property, which would be sited approximately 10 metres from the front of the roof of the building. Given the distance and small scale of the condenser and oven extractor it is considered that they would not have a detrimental impact on the character of the area.

Impact on the Amenities of Adjoining Occupiers

- 6.6 Concern has been expressed by adjoining residential occupiers regarding the impact on amenities, particularly in regard to odours and noise emanating from the unit as a result of the use of the site. The applicant has submitted details regarding the extraction unit to be installed in association with the proposed use. The Councils Environmental Health Department has confirmed that following the submission of further information and subject to recommended conditions that would be no objection to the principle of the application, although further details would be required in order to ensure the system was adequate so as not to materially harm the amenities of any adjoining occupiers.

The Councils Public Health & Licensing department has stated that given the close proximity to domestic properties that it is recommend restricting the proposed working hours. It is therefore recommended to attached a condition that restricts the hours of working to 11:00 to 23:00 Mondays to Saturdays inclusive and 09:00 to 22.30 Sunday and bank holidays and include prohibiting all deliveries to or from the premises outside of these

times. In order to avoid disturbance to the local amenity, when background sound levels are reduced, the suggested opening hours by Public Health & Licensing would be controlled by condition and it is therefore considered that the amenity of the adjoining occupiers would not be materially harmed, due to the opening hours of adjoining premises.

Highway Safety

- 6.7 Concerns have been raised by neighbouring properties regarding the impact of the proposal on highway safety and parking issues in the area. There are single yellow lines directly in front of the store and along this section of Lower Street. There are on street parking bays on the opposite side of Lower Street to the site, which can accommodate approximately 6 cars. The off street parking is restricted to 1 hour between 8 am and 6pm Mondays to Saturdays. Given the existing use and the location of the proposal, it is considered that the proposal would not cause a highway safety issue.

Conclusions

- 6.11 In conclusion, the Councils Public Health & Licensing Department is satisfied that the proposals will form the basis for an adequate extract-ventilation system, in relation to odour abatement and that subject to the recommended conditions the proposal would not have an adverse impact on the amenity of adjoining properties. Given the nature of the proposal and the existing parking controls and off street parking is it considered that the proposal would not cause a highway safety issue. It is therefore recommended that subject to the recommended conditions the application be approved.

7. RECOMMENDATIONS

- 7.1 That subject to the recommended conditions that planning permission be permitted.

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The premises shall not be open for trade, business or delivers except between the hours of 11:00 to 23:00pm Mondays to Saturdays inclusive and 09:00 to 22.30 Sunday and bank holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
3. During the construction works for the development here by permitted the following shall be complied with:
 - a) Suitable assessment should be made to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal where necessary.
 - b) A licensed waste removal contractor should remove all clearance debris and construction waste from the site.
 - c) No burning of materials should take place on site.

- d) Hours of construction activities (including deliveries and dispatch) should be limited to 08:00- 18:00 Monday until Friday, 09:00 -13:00 Saturday and no activity on Sunday or Bank holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

4. Prior to the commencement of the use hereby permitted the Ventilation System as detail in the document titled "Proposed ventilation system at 18 Lower Street, Pulborough RH20 2BL" (B8386-AEW-14047-XX-SP-001[A]_Annex B, dated 5 November 2014) shall be installed in accordance with the approved details and retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. The use hereby permitted shall be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, 'Pizza' style convection ovens only, with no additional cooking or food reheating equipment being operated at the premises, without details of such first being submitted to this Authority for assessment and approval.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

Background Papers: DC/14/2006

Major, Lynn

From: Griffiths, John
Sent: 13 November 2014 11:44
To: 'Fergus Sykes'
Cc: Power, Daniel; Planning
Subject: RE: Planning application DC/14/2006- 18 Lower Street, Pullborough.

Dear Mr Sykes,

Thank you for the information you have given in response to my previous questions, and I can confirm that this Service's is satisfied that the proposals will form the basis for an adequate extract-ventilation system, in relation to odour abatement.

All filter specifications, plant performance, and system layout including the stack as detailed in the previously submitted 'Annex B' documented (dated 05/11/14) will be required to be installed as indicated, and any changes to these particulars must be submitted to this Authority for assessment and approval prior to the business beginning operations. This principle should be secured by Condition, should the Application be Permitted.

In addition, it has been previously discussed that the use of course dust filters will reduce the effectiveness of the activated carbon filters over a shorter timeframe, as they are subjected to increased particulate loading.

However, it has been noted that additional pre-filtration benefits the carbon cell unit itself, which will likely reduce the impact of only course filtration up-stream, but the continuing inspection, maintenance, and replacement of the carbon over an appropriate period remains vital, and therefore the suggested regime as detailed in the previously submitted 'Annex B' documented (dated 05/11/14) will be required to be continued throughout the life of the installation. The Applicant must ensure appropriate records are available upon request, to demonstrate that this schedule is being followed on an ongoing basis. These principles should be secured by Condition, should the Application be Permitted.

It will also be important to avoid over development of the site by virtue of the open A5 Use-Class, particularly in preventing additional odour-producing cooking equipment or new cuisine styles being introduced over time, which the extract-ventilation system as proposed may not be able to adequately control. To this end, the business must be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, 'Pizza' style convection ovens only, with no additional cooking or food reheating equipment being operated at the premises, without details of such first being submitted to this Authority for assessment and approval. This principle should be secured by Condition, should the Application be Permitted.

This Service does not consider that any Condition regarding noise breakout from the externally located compressor plant as indicated is appropriate, due to a lack of information regarding the existing noise environment of Lower Street. However, this does not preclude further action being retrospectively taken against the premises by this Authority or residents using the Statutory Nuisance provisions of the Environmental Protection Act 1990. The Applicant will still be required to take all reasonable steps to prevent noise from such plant impacting their neighbouring sensitive properties, specifically through ensuring the plant's manufacturer's inspection and maintenance schedule is followed as recommended. This principle should again be secured by Condition, should the Application be Permitted.

I thank you again for the time you have taken to consider the points this Service has raised, and if there is anything in this email that you do not understand, or if you have any other questions or queries, please do not hesitate to contact this Department or myself directly.

Regards.

John Griffiths, Area Environmental Health Officer

Web: www.horsham.gov.uk    

Email: John.Griffiths@horsham.gov.uk

Tel / Mob: 01403 215415 |



Agenda Item

Report PC

Report to Planning Committee

Date of Committee 17th February 2015

By Director of Planning

Local Authority Horsham District Council

Application No: SDNP/14/05872/FUL

Validation Date 14 November 2014

Target Date: 13 February 2015

Applicant: Mr & Mrs Len and Chris Earl

Proposal: Demolition of 4 no. existing bungalows and erection of a single residential bungalow. Removal of restriction on Holly Cottage limiting it to occupation by manager(s) of the holiday let accommodation.

Site Address Chalets 1-4 Greenacres Farm

Washington Road

Storrington

Pulborough

West Sussex

RH20 4AF

Purpose of Report The application is reported to Committee for a decision

Recommendation: That the application be refused for the reasons set out in paragraph 10.1 of this report.

Executive Summary

1. Site Description

The application site lies outside of the built up area and within the South Downs National Park. It currently comprises 4 holiday-let chalets located centrally within the plot, with a separate manager's dwelling named Holly Cottage located to the east of the site. A number of other outbuildings are positioned to the south of the site, with an existing mobile home fronting these outbuildings, located adjacent to the chalets. The site is set back from the road by approximately 100m and is accessed via a sweeping driveway

from the southern side of the A283. The site is surrounded by open countryside, particularly to the south, east and west, with the boundaries of the fields separated by hedging and post and rail fencing. The northern boundary of the site is screened from the street scene by high hedging and access gates.

2. Relevant Planning History

SG/9/90	REF Appeal Dismissed	Conversion of existing stables into 5 holiday chalets, swimming pool ancillary buildings & greenhouse
SG/52/00	PER	Use of chalets as animal re-homing centre hospital operating theatre kennels and cattery & offices and one chalet as warden accommodation Site: Fern Cottage Greenacres Country Holidays Washington Road Storrington
SG/16/02	PER	Erection of replacement managers dwelling
SR/32/03	REF Appeal Allowed	Re-siting replacement managers dwelling
DC/05/1430	REF	Removal of condition 7 of SR/32/03 (The residential accommodation hereby permitted shall be occupied incidental to the use of the land for holiday accommodation and shall not be used as a separate dwelling)
DC/06/2636	REF Appeal Dismissed	Demolition of existing chalet bungalows and outbuildings and erection of 3 x 3 bed dwellings, associated access, parking and amenity
DC/09/0408	REF	Demolition of existing four bungalows and erection of a 3-bed detached cottage with associated access, parking and amenity
DC/09/1235	REF Appeal Dismissed	Demolition of existing four bungalows and erection of a single detached cottage with associated access, parking and amenity and removal of planning condition 7 of SR/32/03
SDNP/12/01063/LDE	REF	Use of mobile home as a residential dwelling (Lawful Development Certificate - Existing)
SDNP/14/05771/LDE	PCO	Use of Cottage 3 as a residential dwelling (Certificate of Lawful Development - Existing)
SDNP/14/06168/LDE	PCO	Use of mobile home as a residential dwelling.

3. Proposal

The application seeks full planning permission to demolish 4 x holiday let accommodation units and erect a single residential bungalow. The proposed dwelling would measure to a width of 15.5m and a total depth of 10.9m, to form a single storey extending to a maximum height of 3.9m. The dwelling would incorporate two sloping roof elements stepped above each other, with full height glazing to the north elevation. The proposed dwelling would incorporate 3 bedrooms with ensuite, a combined living/kitchen/diner, and a w.c/cloakroom, pantry and boot room. A vehicle parking area and cycle/bin storage area is also proposed to the east of the dwelling.

It is also proposed to remove condition 7 of SR/32/03 relating to Holly Cottage, which states:

'The residential accommodation hereby permitted shall be occupied incidental to the use of the land for holiday accommodation and shall not be used as a separate dwelling.'

In essence, this proposal would amount to two new residential dwellings within the countryside, and although the principle of these two dwellings will be broken down individually, the cumulative impact of both will also be assessed.

4. Consultations

Strategic and Community Planning

Comments: The proposed development is outside any built up area and lies within the South Downs National Park, and is therefore contrary to policies DC1 and DC4 of the General Development Control Policies which states that development will be restricted to that which is essential to its countryside location and which is justified to meeting the needs of agriculture, forestry, the extract of minerals, the disposal of waste, quiet informal recreational use, and ensures the sustainable development of rural areas.

It is noted that as the Council does not have a 5-year supply against the South East Plan, paragraph 49 of National Planning Policy Framework is relevant. It states: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." The 'presumption in favour of sustainable development' theme runs throughout the NPPF document and is specifically highlighted in paragraph 14. This paragraph sets out what this means for decision-taking when the policy for housing supply is out-of-date; the position the Council is currently in with regard to five year housing land supply. It states:

'For decision takers this means...granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.'

The later point relates to European and national designations, such as, National Park and Areas of Outstanding Natural Beauty. This site is located within South Downs National Park, paragraph 115 of the NPPF states that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas'. Policy DC4 of the Horsham District Local Development Framework states that planning permission will not be granted in or near to the designated AONBs that would adversely affect the character, quality, views, and distinctiveness or threaten public enjoyment of these landscapes.

Furthermore, the proposal is considered contrary to policy CP14 which seeks to protect and enhance Community Facilities and Services. The policy indicates that as a minimum it will be necessary to demonstrate that continued use as a community facility 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 occupiers. To date, no

evidence has been submitted by the applicant in support of the proposed demolition of the holiday chalets.

In conclusion, Whilst it is acknowledged that the Council does not have a 5 year housing land supply and therefore applications should be considered in the context of the presumption in favour of sustainable development, the proposal still lies within open countryside, as defined by policy CP5 of the Horsham District Local Plan and as such is contrary to the Councils current adopted planning policy concerning development in the countryside. Furthermore, the proposal lies the South Down National Park. Therefore, there is concern as to whether the proposal can be considered to be a form of sustainable development. Furthermore, the Proposal is considered contrary to Policy CP14 which seeks to protect and enhance Community Facilities and Services.

Public Health and Licensing (Env. Health)

Comments: No objection but would suggest that in order to reduce the likelihood of disturbance from the adjacent workshops, a condition be attached to this permission to ensure that whilst the workshop is still in operation as a business, the dwelling should remain under the same ownership as the business.

Design and Conservation Advisor

No response received.

Environment Agency

Comments: No comments

Southern Water

No response received.

WSCC Highways

Comments: In terms of parking, the proposed 2 spaces would meet the WSCC parking standards. In terms of parking layout an adequate area appears to be available to provide turning on site. From the details submitted, it appears that the access can accommodate 2 vehicles safely. Although visibility does not appear to meet the criteria for a 50 mph road, the access does appear to be operating safely. In summary, it is acknowledged that a reduction in properties to the site could have the potential to reduce vehicular movements onto Washington Road, therefore with the proposal taken into account, it is not considered that this application would have a detrimental impact on the local highway network.

County Local Development Division

No response received.

Parish Council Consultee

Comments: Members have no objection to a wooden framed building, however feel that the design appears harsh and out of character with the surrounding area. Members have no objection to the demolition of 4 buildings as the proposal would result in fewer buildings within the SDNP, however the design is not acceptable and the previously submitted design was much more preferable.

5. Representations

No letters of representation received

6. Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Horsham District Council Local Development Framework: General Development Control Policies (2007) & Core Strategy (2007). The relevant policies to this application are set out in section 7, below.

National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

6.3 Relationship of the Development Plan to the NPPF and Circular 2010

- NPPF 1 – Sustainable Development
- NPPF 6 – Delivering a Wide Choice of High Quality Homes
- NPPF 7 – Requiring Good Design

6.4 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting
- Policy 29 – Enhance the health and well-being of residents and visitors by encouraging, supporting and developing the use of the National Park
- Policy 34 – Support and enable communities to develop and deliver high quality, community-led initiatives
- Policy 43 – Support the development and maintenance of appropriate recreation and tourism facilities

- Policy 49 – Maintain and improve access to a range of essential community services and facilities
- Policy 50 – Housing and other development in the National Park should be closely matched to the social and economic needs of local people, and should be of a high design and energy efficient standards

7. Planning Policy

The following policies of the Horsham District Council Local Development Framework: General Development Control Policies (2007) & Core Strategy (2007) are relevant to this application:

- HOCP1 (HO)Landscape And Townscape Character
- HOCP2 (HO)Environmental Quality
- HOCP3 (HO)Improving The Quality Of New Development
- HOCP5 (HO)Built-Up Areas And Previously Developed Land
- HOCP14 (HO)Protection And Enhancement Of Community Facilities and Services
- HOCP15 (HO)Rural Strategy
- HOCP18 (HO)Tourism And Cultural Facilities
- HODC1 (HO)Countryside Protection & Enhancement
- HODC2 (HO)Landscape Character
- HODC9 (HO) Development Principles
- HODC39 (HO)Tourism

8. Planning Assessment

The application seeks full planning permission to demolish the 4 holiday-let chalets and replace with a single storey dwelling, with the removal of condition 7 of SG/32/03 which limits the occupation of Holly Cottage to manager's accommodation.

Policy DC1 of the Horsham District Local Development Framework General Development Control Policies (2007) is the main policy against which development in the countryside is considered. It states that outside built up areas, development would not be permitted unless it is considered essential to its countryside location and in addition meets one of the following requirements: supports the needs of agriculture or forestry; enables the extraction of minerals or disposal of waste; provides for quiet informal recreational use; or ensures the sustainable development of rural areas. Development must be a scale appropriate to its countryside location and must not lead to a significant increase in overall activity.

Policy DC9 of the Horsham District Local Development Framework General Development Control Policies (2007) is the main policy against which proposals for extensions are considered. It requires that new development is of a high standard of design and layout having regard to its natural and built surroundings in terms of scale, density, height, massing, siting, orientation, views, character, materials and space between buildings. An extension should be of a scale which is sympathetic to the original building. For this reason the proposed development is considered to be acceptable in principle subject to it meeting the requirement set out above.

Principle of the new residential unit

Policies CP5 of the Core Strategy (2007) and DC1 of the Horsham District General Development Control Policies (2007) state that priority will be given to development located within the defined built up area, with any development located outside of the built up area contributing to the sustainable development of rural areas. In particular, policy

DC1 states that development should not be permitted unless it is considered essential to its countryside location, and:

- Supports the needs of agriculture or forestry;
- Enables the extraction of minerals or the disposal of waste;
- Provides for quiet informal recreational use; or
- Ensures the sustainable development of rural areas

With regard to new dwellings in the countryside, paragraph 55 of the NPPF seeks to 'avoid isolated new dwellings in the countryside unless there are special circumstances' such as:

- The essential need for a rural worker to live permanently at or near the site;
- Where the site would represent the optimal use of a heritage asset
- Where the development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling

The site has an extensive planning history relating to both the retrospective development of the holiday-let business, erection of manager's accommodation to supervise the running of the business, and the redevelopment of the site to provide a single residential unit. The holiday-let units themselves comprise a converted stable block approved retrospectively at appeal, with the accompanying residential use at the site agreed at appeal under reference SG/46/97. Under this permission, the Inspector determined that a 24-hour presence was desirable, if not essential, to maintain the success of the business. This permission was made the subject of a condition to ensure the dwelling was occupied as incidental to the business, effectively suggesting that the only justification for allowing residential use on the site was its essential need to maintain the holiday business.

Previous proposals for the redevelopment of the site have ranged in scale and design, with the sustainability of the development considered unacceptable within both Council and Inspector decisions. In particular, the impact of the proposal on the rural, countryside environment was considered to result in a higher perception of the built environment in an area surrounded by open countryside, with the incorporation of an additional, non-essential dwelling not considered to accord with policy DC1 of the Horsham District General Development Control Policies (2007).

Policy DC1 permits development that is essential to its countryside location and ensures the sustainable development of rural areas. The proposal would replace the existing 4 x holiday-let bungalows with a single storey detached dwelling, outside of the built up area, and located within the South Downs National Park. The site lies within an isolated position, surrounded to the north and east by other sporadic, isolated dwellings, some of which were once part of Greenacres Farm.

It is not suggested within the documents submitted that the use of the dwelling would be linked to an "essential" need within the countryside. Although residential use has been determined under appeal, this was only considered supportable due to its essential need to maintain the holiday-let business. Therefore, the need and justification for a sole residential unit in this location is brought into question. In particular, the proposed dwelling would not be linked with an essential need as stated under the criteria of policy DC1, and would not support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreation; or ensure the sustainable development of rural areas. Therefore, the proposal is not considered to be essential to its countryside location or result in the sustainable development of the rural area, and as such would be contrary to policy DC1.

Principle of the dwelling known as Holly Cottage

The principle of the dwelling known as Holly Cottage was considered appropriate under the justification that it was required for the continued operational efficiency of the holiday-let business. The removal of this business would bring the need for such a dwelling into question, with the removal of condition 7 creating another unit of residential accommodation within the countryside location.

Previous appeal decisions have considered that the removal of this condition, and the addition of another residential unit, would have material harm in principle to the aims of policy DC1 of the Horsham District General Development Control Policies (2007). In particular, this would introduce another isolated dwelling within the countryside location, which would not be essential to its countryside location and would provide limited sustainable access to the town centre.

Therefore, the removal of condition 7, providing an additional residential unit within the countryside location, is considered to have a wider detrimental impact upon the environment of the rural location, contrary to policy DC1.

Sustainability of the proposal

Paragraph 55 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities” and “should avoid isolated homes in the countryside unless there are special circumstances”.

Although the site lies approximately 2km from the built up area of Storrington, concern has been raised within previous refusals and appeal decisions to the sustainability of its location. In particular, although recognised that Washington Road is serviced by good bus links and a public footpath, the speed of traffic and topography of the footpath has been considered to deter pedestrians and cyclists, with the assumption that this would make travel by car the most practical option.

Although recognised that the current use of the site does provide various flows of movement and traffic, it is generally accepted that holiday-let uses have a more limited impact in terms of activity than domestic use, with residential dwellings considered to generate additional flows of traffic and movement. Following on from a site visit, it is agreed that the circumstances of the site and surroundings remain relatively unchanged to that observed under the previous appeal decision, with the high volume of traffic and relatively inaccessible footpath making travel by foot undesirable. As such, in line with this previous decision, the site is considered to have limited sustainable access, with the lack of suitable pedestrian and cycle infrastructure considered to cumulatively impact on the sustainability of the proposal within the countryside location.

The planning statement submitted as part of this application does make reference to a number of recent appeal decisions for new dwellings located further from the town centre as that proposed. Although recognised that these decisions have resulted in a number of dwellings being built outside of the built up area, at a distance further from the town centre, the Inspector, in the cases, did hold concern over the unsustainability of the location. However, the significant contribution each proposal would make to the five year housing supply was eventually given greater weight in favour of the appeal. Furthermore, recent Inspector decisions have reinforced the argument that the addition of two new dwellings is not considered to greatly contribute to the housing shortage. As such, the provision of two additional isolated dwellings in the countryside is not considered to sufficiently contribute to the shortfall in housing supply, with the resultant impact upon the environment of the rural, countryside location considered to outweigh the benefit of the two new dwellings.

Therefore, on balance, although recognised that there is a shortfall in housing supply, the proposed new dwellings are not considered to significantly contribute to the shortfall, and are not considered to contribute to local need or essential use. As such, the proposal is considered to lead to the addition of two isolated dwellings within the countryside, which would provide limited sustainable access to the existing town centre, and would not be

essential to their countryside location. Overall, this is considered to have a wider detrimental impact upon the environment of the rural location, contrary to policy DC1.

Character of the dwelling and visual amenities of the street scene

Policies CP1 and CP3 of the Core Strategy (2007) promote development which is of a high quality and design, which maintains and enhances the landscape character of the area, contributes to a sense of place, and is integrated within the surroundings and landscape of which it sits. Whilst policies DC1 and DC2 state that outside built up area boundaries, development should be considered essential to its countryside location, ensuring the sustainable development of rural areas, protecting and enhancing the key characteristics of the landscape character of the area, and particularly taking account of its development pattern and topography.

The proposed dwelling would measure to a width of 15.5m and a depth of 10.9m, incorporating a dual pitched roof which would extend to a maximum height of 3.9m. It is proposed to use renewable and sustainable materials, with the external walls clad in timber and a light coloured render, with both north and south facing roofs built as 'living roofs' and planted with a mixture of grass, wildflowers and sedum. The design and form of the proposed dwelling has been revised and amended over the course of the previous applications, with a reduced height and footprint accepted at the most recent appeal. The current proposal incorporates a single storey dwelling of smaller footprint and height to that previously submitted, with similar materials to that previously proposed.

Although there has been concern raised by the Parish Council that the design of the proposal appears harsh and out of character within the surrounding landscape, the proposal would incorporate timber cladding and render similar to that previously considered appropriate in the countryside location. There is a diversity of building styles within the area, with the immediate properties on the site built of timber cladding and brick plinths. The proposal is considered to sympathetically reflect these building styles, whilst being of a design and scale which maintains the characteristics of the countryside location.

Therefore, the single storey nature of the proposal, similar in height to the existing chalet buildings, set back from the street, and relatively well sheltered from the surrounding properties by boundary treatments, is considered to be of an appropriate scale and design within the countryside location in accordance with policy DC9.

There are no internal or external alterations proposed to the existing dwelling known as Holly Cottage. Therefore, the character of the dwelling and impact upon the surroundings would remain the same as agreed under planning permission SG/16/02, in accordance with policy DC9.

Amenities of the occupiers of adjoining properties

Policy DC9 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The proposed dwelling would be located centrally within the substantial plot, with the neighbouring properties to the north and south located at a distance from the site. The single storey nature of the proposal, and the distance from the neighbouring properties is considered such that it would not materially affect the amenities of neighbouring properties through outlook, loss of light or privacy, in accordance with policy DC9.

Furthermore, the principle of the residential unit known as Holly Cottage has been set, with the dwelling already used as residential accommodation for a period of time. Therefore, the removal of the condition, and the subsequent use of the dwelling as a sole residential unit is not considered to have any further impact upon the amenities of neighbouring properties in accordance with policy DC9.

Existing Traffic and Parking Condition

Policy DC40 state that development should provide a safe and adequate access suitable for all users, with parking infrastructure provided in suitable locations. It is not proposed to alter the existing access, with only the hardstanding area relocated to provide parking to the east of the dwelling. Although it is recognised that there may be an increase in traffic movements with the addition of another dwelling, this is not considered to require any amendment to the existing access. Therefore, the proposal is not considered to have a detrimental impact upon public highway safety, and is considered to provide appropriate parking adequate for all users in accordance with policy DC40.

Loss of Tourism

Policy CP14 states that development which involves the loss of facilities or services will be resisted, and it is necessary to demonstrate that the continued use of a facility or service is no longer feasible; having regard to appropriate marketing, the demand for the use of the site or services, its usability, and the identification of a future occupier. If it cannot be shown by these or other means that the facility or service is surplus to requirements, such a loss may be considered acceptable provided that an alternative facility of equivalent or better quality and scale is available or will be provided at an equally accessible location, or a significant enhancement to the nature and quality of an existing facility will result from the redevelopment.

It is recognised that three Lawful Development Certificates for Existing Use have been submitted in relation to the use of the existing mobile home on the site (also subject to enforcement action) and the use of one bungalow on a short term letting basis. Although this draws the extent of the current holiday-let accommodation into question, the lawful use of this site for holiday-let units is recognised under the previous planning approvals, and therefore the use of these buildings would be assessed as such.

Therefore, the proposal seeks to replace the 4 x holiday-let units with a single private market dwelling. As stated within policy CP14, in order for the loss of tourist facilities to be considered acceptable, information regarding the feasibility of the site is required. No justification relating to the loss of the tourist facilities has been submitted as part of this proposal, and there has been no suggestion of alternative facilities and services within the area.

Although recognised that the loss of the tourist accommodation was considered acceptable under SG/52/00, the context of the site and surroundings has changed since this decision. The site now falls within the South Downs National Park, with the Authority's Management Plan 2014-2018 promoting tourist facilities and the recreational use of the Park. In particular, policies 43 and 49 of this Management Plan promote the maintenance of appropriate recreation and tourist facilities, and the improvement of access to a range of community facilities and services.

The current holiday-let accommodation provides 4 x self-catering bungalows within close proximity to a number of public footpaths and bridleways that connect further into the South Downs National Park. This location is considered to provide a gateway into the Park which would encourage its recreational and educational use as promoted by the Management Plan. As such, the maintenance of this tourist facility is considered important, and without information regarding the feasibility of the business, its loss is not considered justified.

Therefore, the proposal, with no justification for the loss of tourist units submitted, is considered to result in the unacceptable loss of facilities and services, contrary to policy CP14 and policies 43 and 49 of the South Downs Management Plan 2014-2018.

9. Conclusion

The proposed single storey dwelling, although built in a design and form which would be sympathetic to the countryside location, would on balance, provide an additional dwelling which would not be essential to the countryside location, with limited sustainable access, contrary to policy DC1. In addition, the removal of condition 7 to SR/32/03 is considered to result in the loss of its essential needs, and would result in another inessential and

unsustainable dwelling in the countryside location, contrary to policy DC1. Furthermore, the loss of tourist facilities, without justification over its feasibility, is considered to result in an unacceptable loss to the detriment of the recreational use and access into the National Park as supported within the South Downs Management Plan 2014-2018.

10. Recommendation

It is recommended that the application be refused

- 1 The proposal would lead to the addition of two isolated dwellings within the countryside, which would provide limited sustainable access to the existing town centre, and would not be essential to their countryside location contrary to policy DC1 of the Horsham District General Development Control Policies (2007)
- 2 The proposed loss of tourism facilities, with no justification to support its loss, would result in the unacceptable loss of facilities and services, limiting access to the South Downs National Park, contrary to policy CP14 of the Core Strategy (2007) and policies 43 and 49 of the South Downs Management Plan 2014-2018

11. Crime and Disorder Implications

It is considered that this planning application does not raise any crime and disorder implications.

12. Human Rights Implications

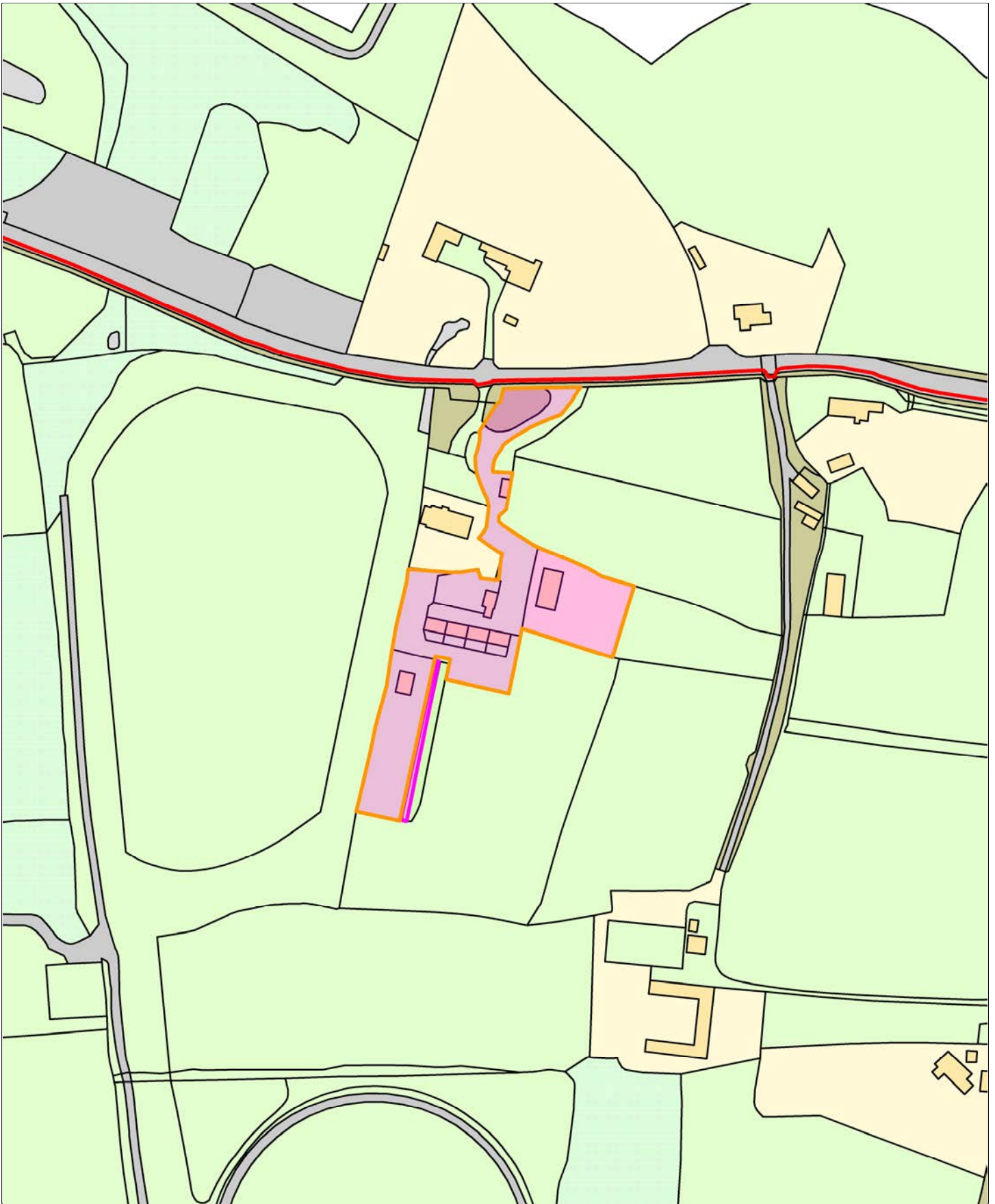
Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.

13. Equalities Act 2010

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Tim Slaney
Director of Planning
South Downs National Park Authority

Case Officer Details
Name: Tamara Dale
Tel No: 01403 215166
Email: planning@horsham.gov.uk



South Downs
National Park Authority

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SDNP/14/5872/FUL
Chalets 1-4 Greenacres Farm **6/2/15**

1:2111



Horsham
District
Council



South Downs
National Park Authority

Agenda Item

Report PC

Report to Planning Committee

Date of Committee 17th February 2015

By Director of Planning

Local Authority Horsham District Council

Application No: SDNP/14/05688/FUL

Validation Date 14 November 2014

Target Date: 13 February 2015

Applicant: Mrs Yvonne Ferguson

Proposal: New stable block and extension of access track

Site Address Highfield, Bostal Road, Steyning, West Sussex, BN44 3PD

Purpose of Report The application is reported to Committee for a decision

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10.1 of this report.

Executive Summary

1. Site Description

The application property comprises a detached farm situated on the southern side of Bostal road, to the west of Steyning, and set within the open countryside of the South Downs National Park.

The wider site area of the farm extends to some 25ha and includes cattle and sheep grazing, along with some horse paddocks on the undulating and exposed land. There are currently 10 mares and foals on the site.

The actual site of the application land comprises some 2.64ha and includes the horse paddocks and a farm track access off Bostal Road along the north-eastern corner of the site. The eastern and southern boundaries of the site, which adjoin neighbouring land, are formed by reasonably dense hedgerows. There are no

public rights of way across the applicant site, or the wider land owned by the applicant, or indeed on land adjoining the site.

The southern and western areas of the application site have been planted with saplings about 3 years ago, as part of a Forestry Commission grant. They comprise mixed woodland planting of Ash, Beech, Cherry and Hornbeam.

2. Relevant Planning History

SDNP/14/03732/APNB (Application not Required - 2014) Hay barn/Field shelter/Isolation unit

3. Proposal

The proposal concerns the erection of a stable block in connection with the horse breeding business and the adjacent horse paddocks.

Amended drawings have been received 08/01/15 to reduce the height and footprint of the stable-block.

The new building would be located in the eastern-most corner of the site, adjacent to the boundary hedgerows which are to remain. It would be an L-shaped building that is some 16m x 16m, amounting to an overall floor area of some 100sq.m, with a ridge height of some 4.2m. It would include 5 horse boxes and a store. The existing track which leads partway into the site from the north would be extended to the new building and courtyard.

The proposed building has been indicated to be finished in dark brown Cedral cladding above a dwarf flint wall with reclaimed roofing tiles (Ashdown Ashurst plain clay), a permeable yard area and soakaways for the surface water drainage.

4. Consultations

Parish Council Consultee

Councillors discussed the plans provided and noted that there were no nearby existing buildings and the proposed site was in open countryside in an elevated position, visible by walkers in the SDNP.

Councillors agreed no objection, but would to defer to the opinion of the Planning Officer.

Landscape Architect

No response received.

5. Representations

No representations have been received.

6. Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Horsham District Council Local Development Framework: General Development Control Policies (2007) & Core Strategy (2007). The relevant policies to this application are set out in section 7, below.

National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

6.3 Relationship of the Development Plan to the NPPF and Circular 2010

NPPF Section 3 - Rural Economy
 NPPF Section 7 - Requiring Good Design
 NPPF Section 11 - Conserving and enhancing the natural environment

6.4 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- Policy 1 - Conserving and enhancing the natural beauty and special qualities of the landscape
- Policy 3 – Protect and enhance tranquillity and dark night skies
- Policy 12 - Supporting conservation grazing
- Policy 13 - Support the financial viability of farm businesses

7. Planning Policy

The following policies of the Horsham District Council Local Development Framework: General Development Control Policies (2007) & Core Strategy (2007) are relevant to this application:

- HOCP1 (HO)Landscape And Townscape Character
- HOCP3 (HO)Improving The Quality Of New Develop
- HOCP15 (HO)Rural Strategy
- HODC1 (HO)Countryside Protection & Enhancement
- HODC2 (HO)Landscape Character
- HODC9 (HO) Development Principles
- HODC25 (HO)Rural Economic Development and the Expansion of Existing Rural Commercial Sites / Intensification of Uses
- HODC29 (HO)Equestrian Development

The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the

plan period). It is important to note that the Examination will re-open to consider only the issues outlined in the Initial Findings. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

8. Planning Assessment

Principle:

Policy DC1 does not permit development outside built-up area boundaries unless it is considered essential to its countryside location and meets one of the following criteria:

- Supports the needs of agriculture or forestry;
- Enables the extraction of minerals or the disposal of waste;
- Provides for quiet informal recreational use; or,
- Ensures the sustainable development of rural areas.

The proposal, falling outside of the defined built-up area boundary, would need to satisfy the above criteria, in order to be acceptable in principle.

In this instance, officers note that although the application site relates specifically to equestrian development, the wider landholding involves grazing of cattle and agriculture. These activities form part of the wider complementary farming and grazing activities carried out on the Chalk Downland, which are essential to the management of the South Downs. The use of the wider application site would remain unaffected and would continue to be used for the grazing of horses. The purpose of the application development would provide shelter for the horses which are currently grazing on the land, as well as storage for feed and other essential equipment.

The wider host property of Maudlin Mill Farm covers an area of land which extends up to Bostal Road to the north and west, covering some 25ha. The proposals would not increase the level of activity at the farm.

Policies within the 2014 adopted South Downs Partnership Management Plan (2014-2019), include farming diversification and mixed-farm policies which aim to support financial viability of farm businesses through appropriate diversification. Although there are no financial accounts put forward as part of the application in order to support this particular argument, officers draw relevance from the support which is offered to farmers by way of the SDPMP

Scale and Appearance:

The amended proposal has reduced the footprint of the stable block, as well as the height of the structure.

Externally, the dark brown cladding would ensure that the resulting building blends into the natural backdrop of the downs and the surrounding hedgerows.

The site is subject to a plantation of saplings along the southern and western side. These saplings are only 3 years old and are currently quite insignificant but would eventually form a screen of woodland trees.

Public vantage points of this site occur from the west along Bostal Road at a distance of some 560m.

Officers consider that the reduced height and footprint of the building would be well-proportioned in terms of its location within the application site, and against the backdrop of screening trees and hedgerows. It would not lead to the sporadic development or intensification of the site or the wider countryside location.

Neighbour Impact:

Given the relationship between the applicant site and neighbouring residential properties, officers are satisfied that no undue harm would occur to residential amenities by way of the proposed stable-block or extension of the access track.

9. Conclusion

Officers have carefully considered the partially exposed location of the site, particularly along its western side, as well as the siting of the proposed new stable block against a backdrop of established hedgerows and trees that line the South Downs in this area.

The proposed development is a small equestrian part of a wider farming business which operates on the wider farm, and is therefore an essential component of the farm.

Accordingly, officers consider that the proposal accords with local and national policies, and does not conflict with the statutory South Downs National Park designations.

10. Recommendation

It is recommended that the application be approved subject to the conditions set out below

1. The development hereby permitted shall be carried out in accordance with the following plans:

Plan Type	Reference	Version	Date on Plan	Status
Application Form -	NONE	1	14.11.2014	Approved
Plans - Proposed Location Plan	1414.310	A	07.01.2015	Approved
Plans - Proposed Site Plan	1414.300	A	07.01.2015	Approved
Plans - Proposed Floor Plan	1413.301	A	07.01.2015	Approved
Plans - Proposed Elevations	1413.303	B	08.01.2015	Approved
Plans - Proposed Elevations	1413.304	B	08.01.2015	Approved
Application Documents -	1413	1	14.11.2014	Approved

Planning Statement				
Application Documents - Protected Species Survey Checklist	NONE	1	14.11.2014	Approved
Application Documents - Landscape and Visual Impact Assessment Baseline Assessment Checklist	NONE	1	14.11.2014	Approved
Plan Type	Reference	Version	Date on Plan	Status

Reasons: For the avoidance of doubt and in the interests of proper planning.

02. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended). To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

03. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

04. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

05. No burning of waste or materials shall take place on the site.

Reason: In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

06. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

Reason: To prevent pollution of surface water in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

07. The stables hereby permitted shall not be used for commercial purposes or in connection with any form of riding establishment.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with policy DC29 of the Horsham District Local Development Framework: General Development Control Policies (2007).

11. Crime and Disorder Implications

It is considered that this planning application does not raise any crime and disorder implications.

12. Human Rights Implications

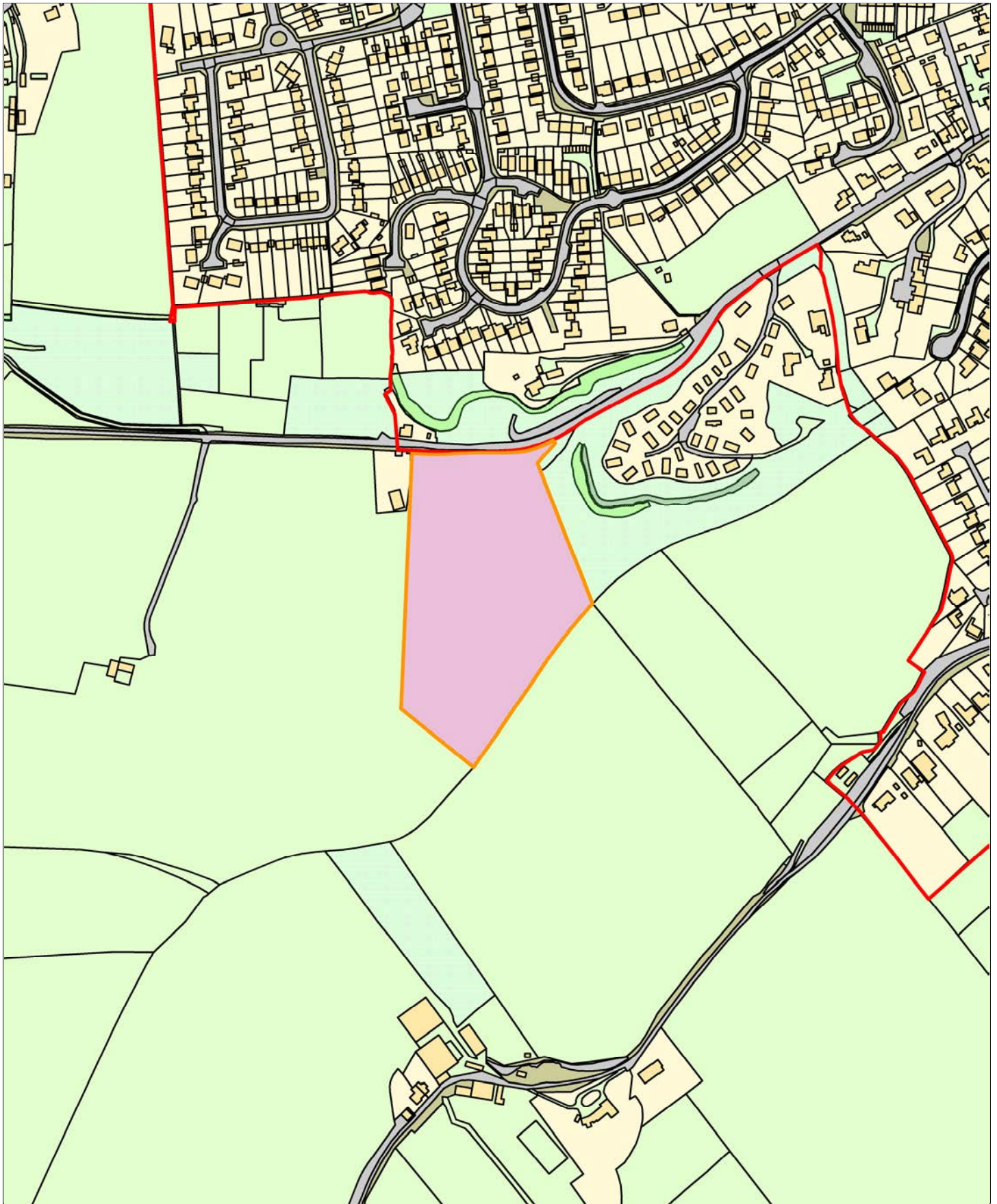
Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.

13. Equalities Act 2010

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised

Tim Slaney
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South Downs National Park Authority

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South Downs
National Park Authority

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