Horsham Planning Application DC/24/1418

APP/Z3825/W/25/3360639

Summary

We find it difficult to support this application as it contradicts several fundamental principles of the National Planning Policy Framework (NPPF), particularly those outlined on pages 1-5. It also conflicts with the objectives of Horsham District Council Policy (HDC) policies, as detailed on pages 6-8.

The Planning Design and Access Statement submitted by NJA Town Planning Ltd contains multiple inconsistences and contradictions which are highlighted on pages 8-10. We therefore object to this proposal.

The proposal involves the construction of a modern 4 bedroom house spanning 550m2 on agricultural land situated in a rural area, away from the boundary of Cowfold, and not accessible by public transport. This does not align with several NPPF policies, notably paragraph 84, which advises, "avoiding development of isolated homes in the countryside". The contemporary design is not in harmony with the rural character of the local environment.

Furthermore, the proposal does not appear to address a local need for affordable housing or demonstrate any clear environmental objectives. For instance, there is no mention of incorporating solar panels, heat pumps, or recycled insulation materials, nor is the house designed to passive house standards.

Should the authorities consider granting permission for any development on this land, we request that an independent soil inspection of the recently constructed bunds be arranged. This would provide assurance that the nearby Cowfold Stream, and by extension the River Adur, will not be polluted by contaminated soil or debris brought onto the site. Additionally, we urge an assessment of the bunds to evaluate any potential increase in flood risk to neighbouring properties.

If the application is approved, we would ask that strict criteria be imposed on the use of the property, including restrictive covenants to prevent it from being used as a party venue for Airbnb rentals or let for periods of less than three months. Whilst this may seem a very unusual request, it is based on numerous noise complaints over the past few years relating to Wealden Barn. The applicant owns Wealden Barn, which has been subject to repeated local complaints due to the excessive noise from frequent parties held there. Such restrictions would be consistent with paragraph 191 (b) of NPPF, which emphasises the need to identify and protect tranquil areas that remain relatively undisturbed by noise and are valued for their recreational and amenity purposes. Please refer to page 5 for further details.

National Planning Policy Framework (NPPF):

2. Achieving sustainable development

2.8: three overarching objectives-

- **Economic**: The main benefit would be that the agricultural land will be re designated to development land, which would be more lucrative for the applicant.
- **Social**: *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible*

services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; "

This proposal is not in a community; the size and scale is not identified in Cowfold NP as meeting local need. No benefit to community health and well being. Quite the reverse as opens up potential for even more use of Barn as Party venue to the detriment of peace and wellbeing of neighbouring residents. As already evidenced by complaints to Environmental Health

- **environmental** – *" to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. "*

This is not an effective use of agricultural land, and does nothing to improve biodiversity, it may in fact disrupt wildlife movements , and raise concerns re waste and pollution and proximity to stream. There is nothing in the application which suggests an attempt to create a low carbon home- a Scandia Hus is not a Passive House.

Para 11: states that there is a presumption in favour of sustainable development
This means that

- should meet the local need; it doesn't

We argue that there are limited benefits: it is not supplying a local housing need, the risks of water contamination, damage to the underground electricity supply to the whole area, need to drive to facilities as there is no public transport available , nuisance noise potential etc are significant negatives.

5. Delivering a sufficient supply of homes

60: The government's aim is to significantly boost the housing supply, but "The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. "

This does not meet that identified need.

Para 63 includes under housing need "people wishing to commission or build their own homes. However it caveats this under note 29

"[Councils should provide]enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing".

This is certainly NOT affordable housing, being a 4-5 bed house. Meeting identified demand does not mean everyone who asks should be permitted, it must be seen within the context of where and why. A small number of self build houses have been permitted within the settlement boundary in Cowfold, therefore the local need is not in the rural setting a mile outside of the village.

Parag 72;windfall sites-"…Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would **cause harm to the local area.** It is useful to remember that this proposal is on a field and not a garden

Rural Housing:

82.,In rural areas (planning decisions) should support housing developments that reflect local need. This doesn't

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This is not in such a location

84. Planning policies and decisions should **avoid the development of isolated homes in the countryside** unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; **NO**

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; **NO**

c) the development would re-use redundant or disused buildings and enhance its immediate setting; **NO there is no current building in the field**

d) the development would involve the subdivision of an existing residential building; **NO** or

e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. **NO on the contrary it is out of keeping with local buildings in the area and is in no way exceptional**

89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas **may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.** In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are **physically well-related to existing settlements, should be encouraged** where suitable opportunities exist.

However, This is not meeting a business or community need, does nothing to enhance the scope of access on foot and it is NOT physically well related to an existing settlement other than Wealden Barn itself. Neither is it on previously developed land.

9. Promoting sustainable transport

108 c) opportunities to promote walking, cycling and public transport use should be persued. This is impossible in this location;
116: applications should:
d) allow for the efficient delivery of goods, and access by service and emergency vehicles;
This would be an argument for preventing the separation of the new build from Wealden Barn and future prevention of access to the Barn from the western access, as the eastern shared access is not wide enough at the top to permit all HGVs and emergency vehicles.

12. Achieving well-designed and beautiful places

131. "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. "

This proposal is not sustainable, there is nothing about the quality of the build other than to say it will comply with building regs, there is much talk of sustainability but nothing in practice-the house is not a passive house, has no heat pump, solar, mechanical ventilation and heat recovery etc Also transport need and water issues

135. Planning policies and decisions should ensure that developments:
c) are sympathetic to local character including the local built environment and landscape setting

This isn't -huge and modern, unsuitable for location

Planning and flood risk
165. "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or **future**)."
The building itself is very close to a stream, and *is* at risk of surface water flooding. As recent events have shown the risk of flooding is increasing globally and therefore it makes no sense to permit this development in a location at significant risk of **future** flooding. There is no particular need for this development **here** to justify an exception. Its water treatment and sewage facilities would potentially be at risk.

The evidence provided to the Rampion 2 Examination regarding flood risk at nearby Oakendene, shows that the government flood mapping in this area has not kept up with the reality and may significantly underestimate true risk.

167." *All plans should apply a sequential, risk-based approach to the location of development – taking into* ***account all sources of flood risk and the current and future impacts of climate*** *change – so as to avoid, where possible, flood risk to people and property."*

and

168. *The aim of the sequential test is to* ***steer new development to areas with the lowest risk*** *of flooding from any source.*

To pass the exception test it should be demonstrated that:

170 a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; IT DOESN'T

173. "*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere."*

The proximity to the stream and neighbouring fields already at risk makes this particularly important.

15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) "protecting and enhancing valued landscapes, …." It doesn't -proximity to and visibility from AONB

b) recognising the intrinsic character and beauty of the countryside.." It doesn't

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; " Again, this does nothing for this and indeed may contribute to water pollution by its proximity during construction and occupation (by the use of garden weed killers, fertilisers etc) even without concerns of previous waste dumping at the site

182. Great weight should be given to conserving and enhancing 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 these issues.

Habitats and biodiversity

185 gives a requirement to protect and enhance biodiversity. Given the abundance of great crested newts in the ponds surrounding the site (although not the one within it) plus the huge diversity of wildlife daily witnessed by residents in the surrounding area, there is evidence of local wildlife-rich habitats and wider ecological networks, suggesting that the site may part of a ''wider wildlife corridor' or, particularly in view of the stream, one of the 'stepping stones which connect them'.

Ground conditions and pollution

189. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

There are concerns about contamination and ground conditions

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from **noise** from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) **identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason**; and

c) limit the impact of light pollution from artificial light on local amenity, **intrinsically dark landscapes** and nature conservation.

For the purposes of decision-making

225. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them,

according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).HDC policy framework was developed in November 2015 but is closely aligned with these aims therefore should NOT be dismissed as out of date.

HDC POLICY:

Policy 1: Sustainable development-presumption to approve sustainable development so long as

Policy 2: Focus to be on Horsham town and three other key sites. To maximise brownfield site use and:

5.Continue to support in principle the sustainable development of **settlements**

6.Manage development around the **edges of existing settlements**

11."Support the provision of rural housing which contributes towards **the provision of affordable housing where there is a demonstrable need."**

This proposal does none of these things

Policy 3 and 4:

The HDPF seeks to ensure development takes place in a manner that ensures that the settlement pattern and the rural landscape character of the District is retained and enhanced, but still enables settlements to develop in order for them to continue to grow and thrive. ***The mechanism by which this will be achieved is through the designation of built-up area boundaries and the planned expansion of existing settlements through the Local Plan or Neighbourhood Planning***

Within built-up area boundaries development is accepted in principle, whereas ***land outside these boundaries is considered to be in the countryside and development will be more strictly controlled.***

Policy 4: Settlement expansion-

Outside built-up area boundaries, the expansion of settlements will be supported where;

1.The site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. NO

2.The level of expansion is appropriate to the scale and function of the settlement type. N/A

3.The development is demonstrated to meet the identified local housing needs and/or employment needs or will assist the retention and enhancement of community facilities and services.NO

4.The impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; N/A **and**

5.The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.NO

This fails all relevant tests

Policy 16: Meeting Local Housing Needs:

Mainly about developments of 5 or more but is about meeting local needs for increasingly elderly population and to get families started on the ladder. This meets neither and does not free up a suitable house either.

Policy 20: Rural workers' accommodation:

6.14 :"*To prevent sporadic* *development, the use or redevelopment of existing buildings will be encouraged to bring redundant buildings back into use. "*
Therefore the presumption is to prevent this type of proposed development

6.15 *New isolated houses in the countryside will normally be avoided.*
The exception being to support rural workers. This does not fulfil that need and therefore should be avoided.

Policy 25: The Natural Environment and Landscape Character:
4.Conserve and where possible enhance the setting of the South Downs National Park.
NO-

Policy 26: Countryside Protection:

Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. **Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:**
1.Support the needs of agriculture or forestry;NO
2.Enable the extraction of minerals or the disposal of waste;NO
3.Provide for quiet informal recreational use; NO
or4.Enable the sustainable development of rural areas.NO

Policy 27: settlement coalescence:

Development between settlements will be resisted unless it can be demonstrated that:

4.Proposals contribute to the conservation, enhancement and amenity of the countryside, including where appropriate enhancements to the Green Infrastructure network or provide opportunities for quiet informal recreation. NO

Policy 28:Replacement Dwellings and House Extensions in the Countryside

This policy ensures that a mix of rural housing remains in the district as without this policy all rural dwellings may be extended to become large homes that are beyond the reach of rural residents.

Therefore it must follow that even if exceptions to the 'no new build ' in rural areas is to be permitted , they must also not be 'large homes beyond the reach of rural residents'

Also *"The use of ancillary accommodation as a separate dwelling will not be supported,"*

Policy 30:Protected Landscapes:

9.26 Development **close to the edge** of both the AONB and the South Downs National Park has the potential to have adverse impacts on the qualities of these landscapes,

"This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes,"

Policy 32:The Quality of New Development:

Includes-
2.Complement locally distinctive characters and heritage of the district; NO
3.Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit; NO

Policy 35: climate change:
This recognises and supports the incorporation of renewable technologies, mechanical ventilation, and high sustainability of build. Whilst much is talked of in the design and access statement there is no evidence of any pf these in the proposals.
The proposals do not meet the reduction ion need for private transport as no facilities are otherwise accessible.

There is No mention of "Improved energy efficiency in new developments, including influencing the behaviour of occupants to reduce energy use;" or any of the other "Measures which should be used to mitigate the effects of climate change" other than rainwater harvesting. Grey water harvesting is mentioned but not actually proposed.

Development will need to be located away from areas at risk of flooding and incorporate measures to avoid increasing the risk of flooding downstream. This is adjacent to a stream.

" If it is not possible to incorporate the adaption and mitigation measures proposed, an explanation should be provided as to why this is the case."

Policy 37:Sustainable Design and Construction –
The proposed Plans make no mention of energy performance certificate ratings and cannot fulfil the sustainable transport requirements due to the location

<u>The Design and Access Statement contradictions</u>

There is nothing within the detail of the application which supports the claim that this proposed house is sustainable or environmentally friendly. There is no mention of solar panels, heat pumps nor recycled insulation. In order to comply with the requirements of water neutrality, the calculation were based on a four bedroom house. This plan has a sitting room and study downstairs and a lounge/office upstairs which is adjacent to two bathrooms which could easily be used as another bedroom. However, if it were a 5 bedroom house it would not pass the water neutrality tests.

> Paragraph 38: "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers Decision-makers at every level should seek to approve applications for sustainable development where possible"

This particular proposal is not on a brownfield register, it is actually on agricultural land. There is little actual evidence of a sustainable development proposal.

Paragraph 70: 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly'.

This proposal is neither small nor medium, as it is 550m2. A small house is considered to be between 100-200m2, a medium house is 256m2. This proposal at 550m2 is a big house and therefore not necessarily meeting local needs. This is also located outside the village boundary, and so does not necessarily help the housing requirements of those in need.

NPPF: Paragraph 82 "requires planning policies and decisions to be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities"

As previously stated this is not within the Cowfold boundary and is located in an isolated area contrary to Paragraph 84.

Paragraph 84 states "that planning policies and decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply." As detailed above on p3, none of the exceptions apply here.

Paragraph 139 states that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

1. a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

On the contrary the design submitted is very modern and contemporary, which would be very striking in say a new development, but is not in keeping with the local environment. It would look very out of place, particularly from the view point of the area of outstanding natural beauty.

Ground conditions and pollution:

Paragraph 189: "requires planning policies and decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. "

During 2021 a number of bunds were constructed from unknown substances on this parcel of land, within close proximity of the Cowfold stream. It would be a sensible precaution to assess the imported soil and debris for contamination to ensure that the do not pollute the Cowfold stream, which feeds the River Adur. Also to assess the size and location of the bunds, so that they do not exacerbate a flood risk for neighbouring properties.

The access requirements for lorrys during construction should also be very carefully considered. There are two tracks, both with relatively poor visibility directly onto the fast moving A272, which has over 18,000 vehicles using it each day. According to WSCC traffic

data, there were three accidents at or immediately either side of this junction, one fatal and two serious, over the past five years.

There are certain sweeping statements within the Design & Access statement, that require clarification or correction:

1. **"The proposal demonstrates that it meets local housing needs or will assist in the retention and enhancement of community facilities and services".** We have demonstrated that this is not the case.
2. **"The site adjoins the existing settlement edge as defined by BUAB"** on p32. However in point 5.21 on p32 the application states **"the application site does not adjoin a settlement edge".** These two statements, contradict each other.
3. **Point 5.22 the application states "the level of expansion, just one dwelling is small"**. The proposal is effectively a 5 bedroom 550m2 house. Small houses typically range from 100-200m2, and a medium house is around 256m2. This house is more than double the size of a medium house and so therefore cannot be accurately described as "small".
4. **Point 5.24 "The proposed development will not result in any harmful encroachment into undeveloped countryside outside the boundaries of the Wealden Barn site".** The proposed site is on agricultural, undeveloped countryside which contradicts this statement.
5. **Point 5.31 "As a result, and given the existing boundary screening and context of the site's surroundings as described".** There appears to be no mention of the numerous bunds that were erected during 2021. Can the applicant confirm if the bunds are the screening referenced here?
6. **Paragraph 123 of NPPF requires a positive approach is taken to applications for alternative uses of land which is currently developed"** This proposal is not on a developed plot, but rather on agricultural land, which does not align with the NPPF's directive.
7. **Regarding point 6.9 p42 "there appears to be a provision for street furniture and public art where appropriate**". It is unclear how or where this point is applicable to the proposed development.
8. Neither will the householders be able to easily access the services or facilities in Cowfold without driving there.

HDPF Policy 26 HDPF policy 26 seeks "to protect the countryside from inappropriate d development and states that new development must meet one of the following criteria:

'1. Support the needs of agriculture or forestry;
1. Enable the extraction of minerals or the disposal of waste; 2. Provide for quiet informal recreational use; or 3 Enable the sustainable development of rural areas'.

> In addition, the policy requires proposals to be of a scale appropriate to the countryside character and location and that it should not lead individually, or cumulatively, to a significant increase in the overall level of activity in the countryside. New development should protect and/or conserve, and/or enhance the key features and characteristics of the landscape character in which it is located."

Contrary to the assertions made in the Design and Access statement, this application will not enhance the key features or characteristics of the surrounding landscape. The proposed development is significantly out of keeping with the local rural environment and, therefore, appears to conflict with Horsham District Planning policies 25,26, 32 and 33.

Conclusion

When considering this application, please bear in mind that the proposed 5 bedroom modern house, will be out of keeping with the neighbouring buildings and is in a rural area in an isolated location. It will not be accessible by public transport, so it will be necessary to have a car or several cars. This proposal will not benefit the housing need in the local community, which needs more modest homes and will not be accessible by foot from Cowfold village. The house will be visible from Picts Lane which is in the High Weald and an area of AOB .

The applicant, Ms C Powell has a long history of using her house as an AirBnB property for noisy and disruptive parties. Numerous neighbours have lodged noise complaints over the years, but to no avail. Should this application be approved, please can there be a provision or restrictive covenant preventing this property from being used as a party venue via AirBnB or similar, or being let for periods of less than three months.

Thank you for taking the time to consider these points.