Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1348
Little Frylands , Wineham Lane, Wineham, West Sussex, BN5 9AW

DESCRIPTION:
Demolition of existing buildings on site. Erection of 2No. two storey dwellings.

RELEVANT PLANNING HISTORY:

DC/24/0338	Application to confirm that the dwelling is continuously and independently occupied by tenants as a self-contained dwelling for a period of in excess of four years (Lawful Development Certificate - Existing).	Application Refused on 10.07.2024
DC/22/2358	Demolition of existing dwellings and buildings and erection 2no single storey dwellings with cycle and bin stores.	Application Permitted on 16.02.2023
DC/21/2560	Application to confirm the use of building as a single dwellinghouse for a period of more than four continuous years before the date of this application (Lawful Development Certificate - Existing).	Application Permitted on 12.01.2022
DC/21/2559	Application to confirm the occupation of the building as an independent dwelling in excess of four years (Lawful Development Certificate - Existing).	Application Permitted on 12.01.2022
DC/22/1096	Prior approval for the enlargement of an existing dwellinghouse by addition of an additional storey resulting in an increase in height of 2.75m.	Application permitted 02/08/2022
DC/22/2358	Demolition of existing dwellings and buildings and erection 2no single storey dwellings with cycle and bin stores.	Application permitted 16.02.2023

SITE AND SURROUNDS
The application site is located to the west of Wineham Lane, outside of any designated built-up area boundary. The site is therefore within a countryside location in policy terms.

The comprises several buildings consisting of stables, 1 no residential dwelling and equestrian storage. An area of hardstanding is located to the north and south of the buildings with land to the west comprising a paddock. A number of residential dwellings are located to the south of the site, with the wider surroundings comprising enclosed fields and sporadic residential and agricultural land.

DETAILED DESCRIPTION
The application seeks full planning permission for the demolition of the existing buildings (comprising 1no.residential dwelling and stables/equestrian storage) and the erection of 2x 3 bedroom dwellings. Each dwelling would benefit from separate access and a detached garage to the side of the retrospective dwellings.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Wineham and Shermanbury Neighbourhood Plan 2014-2031

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

Natural England: Objection

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- Further evidence of the application's existing water use.

Further reconsideration of water neutrality and water budget.

WSCC Highways: No objections subject to the inclusion of relevant conditions on cycle parking provision and vehicle parking and turning being proposed.

Ecology Consultant: Objection No Objection Comment Support

Southern Water: General Comment
The service offered by Southern water would review a site survey is chargeable, more information regarding connection charging arrangements can be found via their website and would require a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Parish Comments: Objection
Under Policy 8 of the Wineham & Shermanbury Neighbourhood Plan Council raised no previous objections to the proposed conversion of the existing farm buildings into single storey dwellings. Council now has serious concerns regarding the removal of the existing structures and the construction of two large three storey properties which no longer qualifies under Policy 8 of the Wineham & Shermanbury Neighbourhood Plan or planning regulations on the conversion of unused agricultural buildings into homes.

When the Wineham & Shermanbury Neighbourhood Plan was examined the examiner highlighted the lack of sustainability of developments sited on Wineham Lane and instructed that proposed developments should be removed. Given the increase in the size of properties and the judgement of the examiner Shermanbury PC opposes this application.

Representations:
Two representations were received (from 1 address) objecting to the proposal for the following reasons: -

- Trees and hedges
- Water Neutrality
- Flooding, drains and water run off
- Overdevelopment, harm to character of the area and the site
- Would exacerbate existing road problems

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The application site benefits from an extant planning permission, ref: DC/22/2358 for '*demolition of existing dwellings and buildings and erection 2no single storey dwellings with cycle and bin stores*'. In

granting planning permission for this development, the presence of lawful development certificates (refs: DC/21/2559 and DC/21/2560) for two self-contained dwellinghouses on the site was given significant weight, with DC/22/2358 essentially seeking to replace these dwellings with new dwellings elsewhere on the site. Planning permission was therefore granted as the scheme did not result in a net increase in the number of dwellings on the site, with the principle of replacement dwellings considered acceptable.

Character and Appearance:

Policy 28 of the HDPF relates to replacement dwellings in the countryside, stating that they will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling, that replacement dwellings will only be supported on a one for one basis and if it can be demonstrated that the property is not derelict, and that replacement dwellings should not be disproportionate to the size of the existing dwelling.

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy 5, Design, of the NP states that development proposals should ensure that the design is in keeping with the prevailing character of the surrounding area.

The siting of the dwellings would be away from the curtilage of each of the existing dwellings, with this approach reflecting that established through DC/22/2358, where it was noted that some conflict with Policy 28 would arise, but that the siting was primarily on existing hardstanding and that some slight environmental improvement would result. The current proposal reflects the previously approved siting.

In design terms, the development approved under ref: DC/22/2358 considered that the proposed dwellings were of a modest scale (comprising 2x2-bed units with accommodation on ground floor level only), designed to reflect a rural vernacular expected within a countryside location. The current proposal significantly differs to this extant permission, with the scale and massing of the proposed dwellings significantly larger than that previously approved. The key changes include an increase in the depth of the incidental curtilage, an increase in height to the dwellings, which would provide 3-bedrooms with accommodation at ground and first floor levels, and the provision of a detached garage to each dwelling.

The proposal entails a significant degree of built form on the site with a design approach which would reflect a modern suburban vernacular, taking limited cues from the immediate rural setting. The appearance of the dwellings together with their height and bulk would contribute to a significant domestication of the site, and this would be vastly more distinct than would result from earlier permissions granted on the site. In addition, the enlarged incidental curtilages would result in more generous grounds than previous permissions. This would also impart a strong domestic quality which would contrast sharply with surrounding pasture and fields, resulting in a greater level encroachment of residential development in this countryside location.

It is acknowledged that the existing dwellings on the site (to be replaced by those proposed by the current application) are not of any particular architectural value. They do though retain the appearance of converted rural buildings, with their siting and scale such that they have an overall neutral impact on the prevailing character and appearance of the locality. It is also noted that prior approval has previously been granted for an additional storey to these existing dwellings, and if implemented the scale of their scale would clearly increase. Their siting would though clearly remain as existing, creating a smaller cluster of development without any encroachment into the wider countryside. It is considered that the potential fallback position derived from the construction of an additional storey to the existing dwellings would not outweigh the identified harm, instead representing a preferable form of development in comparison to that proposed by this current application.

It is therefore considered that the proposal would cause significant harm to the rural character and appearance of the area, and would conflict with Policies 25, 26, 32 and 33 of the HDPF.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Sufficient spacing would be retained with the nearest residential dwellinghouse such that the siting would not give rise to a loss of privacy or obtrusive appearance such that there would be an unacceptable relationship. Both of the dwellings would have a mutual relationship of some limited degree of overlooking, however this would not be direct and would not amount to an unacceptable level of harm. Each of the proposed habitable rooms would benefit from sufficient fenestration such that they have access to daylight. Overall, there are no objections to the proposal in this respect.

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. In addition, proposals should minimise conflict between traffic, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

WSCC Highways have been consulted and have no objection to the proposal given the possible level of parking on site and access arrangements. They note that the garage proposed would be below the internal standards expected however there is sufficient space within the site for parking. Overall, there is no concern raised in light of policy 40 and 41 of the HDPF subject to the inclusion of relevant suitably worded conditions.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

The previous application on site included a preliminary Ecological Assessment on site that stated that should the development not be carried out within 12 months, further surveys are recommended. No Ecological information has been submitted as part of the current application and it is not considered that the proposal has adequately accounted for the encroachment of the proposed plots into the countryside. It is noted that the findings of the previous survey noted that the area surrounding the site had moderate bat roost potential, in part given the trees within the wider application site. Given the lapse in time since the previous surveys and the material change in the curtilage proposed for residential use it is not considered that there is sufficient information to conclude with reasonable certainty that there is no presence of protected species within the application site that would be harmed arising from the development. The proposed development would be contrary to policy 31 of the HDPF.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

There is doubt over whether the figures within the Water Neutrality report dated 21st December 2022 are reliable. Whilst there are lawful development certificates on site for 2x 1 bedroom dwellings, the baseline figure is unsubstantiated, using an average occupancy based on an incorrect number of bedrooms and a higher baseline (135 litres per person per day) than would be accurate. From the site visit, there was no evidence to suggest the occupants were still living within the dwellings used as a baseline. Furthermore, the dwellings are both one-bedroom properties, not a one bedroom and two bedroom as indicated. Either metered water bills or a flow survey and an actual occupancy would be required for this to be accepted as a baseline that can be concluded with reasonable certainty.

A proposed figure of 404.6 litres has been advanced, however given that the baseline usage is questionable, it cannot be concluded with reasonable certainty if the development would result in additional water abstraction. Notwithstanding what has been submitted therefore it is likely that additional mitigation would be required such that the information within the submission is considered insufficient to demonstrate that the proposal would not harm the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has submitted a Biodiversity Metric which would be required to be secured through legal agreement. In this instance however, and given the other reasons for refusal, a legal agreement has not been sought.

Conclusions:

While the proposal amounts to the replacement of existing dwellings the development would represent a significant and harmful increase in the scale and massing of built-form, with a layout which would result in harmful encroachment into the surrounding countryside. There are no circumstances at the time of writing this report which would justify the visual harm arising from the proposal, with the encroachment of the plots into the countryside, detached garages and unacceptable increase in accommodation over the existing situation on site. The scale, bulk and mass would result in dominant and inappropriate dwellings for the site, contrary to policies 25, 26, 28, 32 and 33 of the Horsham District Planning Framework (2015), and Policy 5 of the Wineham and Shermanbury Plan (2014-2031).

In addition, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, and to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

The development results in no net increase in the housing provision over the site's current arrangement and there are no benefits identified that would outweigh the identified adverse impacts.

Recommendation: Application Refused

Reason(s) for Refusal:

1 The development would entail a scale, design and form of development which fails to reflect the rural character of the site and surrounding area, appearing unduly suburban and representing an incongruous form of development which would fail to preserve or enhance the character and appearance of this rural location. The proposal therefore represents an inappropriate form of development that would fail to protect, conserve or enhance the landscape character of the area, contrary to policies 25, 26, 28, 32 and 33 of the Horsham District Planning Framework (2015), and Policy 5 of the Wineham and Shermanbury Plan (2014-2031).

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

3 Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1348
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Cover letter	NONE	04.09.2024
Elevation & Floor plan		2407/004	04.09.2024
Supporting Statement	Bat	NONE	04.09.2024
Supporting Statement	Water	NONE	04.09.2024
Design & Access Statement		NONE	04.09.2024
Elevation & Floor plan	Existing roof	103	04.09.2024
Elevation & Floor plan	Existing roof	101	04.09.2024
Elevation & Floor plan	Existing roof	100	04.09.2024

Location & Block plan		2407/001	04.09.2024
Floor plan	Roof	2407/002	04.09.2024
Elevation plan		2407/003	04.09.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 25th October 2024

Authorising Officer sign/initial Guy Everest Date: 30.10.2024