GREENACRES, HURSTON LANE

STORRINGTON, RH20 4HH

PLANNING STATEMENT

PREPARED ON BEHALF OF SIMON PATIENCE NEW HOMES LTD

BY FREDRICK ADAM LTD

DECEMBER 2018

GREENACRES, HURSTON LANE

STORRINGTON, RH20 4HH

HORSHAM DISTRICT COUNCIL

Planning Statement

PREPARED ON BEHALF OF SIMON PATIENCE NEW HOMES LTD

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1.0 INTRODUCTION

1.1 Fredrick Adam Ltd has prepared this statement on behalf of Simon Patience New Homes Ltd (the applicant), in respect of land at Greenacres, Hurston Lane, Storrington ("the site").

1.2 The site comprises a detached dwelling and garage located on a site measuring approximately 0.539ha. It is our understanding that the site was formerly a nursery, but now forms part of the planning unit for the main dwelling.

1.3 The site is located on a residential road comprising large detached dwellings and is accessed directly off Hurston Lane.

1.4 A review of the Adopted Horsham District Planning Framework Proposals Map (2015) confirms that part of the site is located within the Built Up Area Boundary for Storrington and Sullington (Policy 3) and within a Bat Sustenance Zone (Policy 31). Part of the site is located outside the Built Up Area Boundary (Policy 26), directly adjacent to the Built Up Area Boundary.

1.5 The site is located outside the South Downs National Park (SDNP). The site is not located in a Conservation Area (CA), the property is not listed and there do not appear to be any trees on the site that are subject to Tree Preservation Orders (TPOs). The site is not in a high Flood Risk Zone, however a Flood Risk Zone is located to the west of the site (Policy 38).

1.6 The site was submitted in September 2018 pursuant to the Council's 'call for sites' (i.e. the Strategic Housing and Economic Land Availability Assessment) (SHELAA). A copy of the submission is enclosed at **appendix 1**.

1.7 Outline planning permission is sought for the following:

> **"Outline planning application for the demolition of the existing dwelling and redevelopment to provide six residential dwellings with detached garages, with vehicular access provided via the existing access onto Hurston Lane."**

1.8 It is our view that the proposals should be determined against the following tests:

(i) Is the demolition of the existing dwelling and garage acceptable in principle?

(ii) Is the redevelopment of the site to provide residential dwellings acceptable in principle?

(iii) Is the scheme acceptable with regard to detailed design and the impact on the character and appearance of the site and surrounding area? and

(iv) Is the scheme acceptable with regard to highway safety?

1.9 This statement sets out the planning merits of the scheme, describes the site and surroundings, the planning policy background, the benefits of the proposed scheme, and assesses the proposals against the Development Plan (DP) and other material considerations where relevant.

1.10 This statement should be read in conjunction with the following planning application drawings: FA-PA18-04-A100 to FA-PA18-04-A105.

1.11 The application will be determined in accordance with the DP unless material considerations indicate otherwise. For the purposes of the application, the DP comprises the Horsham District Planning Framework (HDPF) (November 2015). A Neighbourhood Plan (NP) has not been 'made' for Storrington and Sullington.

1.12 In the determination of this application, weight should also be given to national policy in the form of the National Planning Policy Framework (NPPF) (2018). Weight should also be given to Supplementary Planning Documents (SPDs) and Planning Practice Guidance (PPG) as far as they are consistent with the NPPF.

1.13 This statement is set out as follows:

- Section 1 – Introduction
- Section 2 – The application site, history and background
- Section 3 - The Proposals
- Section 4 – Planning policy context
- Section 5 – Case for development
- Section 6 – CIL and Draft Planning Obligation Heads of Terms
- Section 7 - Conclusion and summary of benefits

DOCUMENTS FOR APPROVAL

1.14 This Statement should be read in conjunction with the following formal planning documents:

- The planning application form;
- The land ownership and agricultural holdings certificate;
- The planning application drawings; and
- The CIL Additional Information Requirement Form.

1.15 The following supporting information is submitted:

- Arboricultural Survey and Development Scope Report dated 10 December 2018.
- Desk Study and Risk Assessment with Historic Maps and Appendices.

SUMMARY

1.16 In summary, permission is sought for the redevelopment of the site to provide six detached dwellings with separate garages.

2.0 THE APPLICATION SITE, HISTORY AND BACKGROUND

2.1 The application site comprises the planning unit for Greenacres, a large detached two-storey house with detached garage (**photograph 1 and 2 – appendix 2**).

2.2 The site is accessed directly off Hurston Lane via the driveway to the existing dwelling (**photographs 3 and 4 – appendix 2**).

2.3 The garden to the rear of the dwelling is extensive and well screened by existing planting to the boundaries (**photographs 5 to 9 – appendix 2**). **Photographs 10 to 12 –appendix 2** show views from the rear west boundary looking east towards the main house.

2.4 **Photographs 13 to 15 – appendix 2** provide views from the west boundary looking east along the line of the site with the adjacent plot, Maple Cottage.

2.5 **Photograph 16 – appendix 2** provides a view from the site entrance looking south along Hurston Lane. **Photograph 17 – appendix 2** provides a view from the site looking north along Hurston Lane.

2.6 The land to the west of the application site is open and bounded with post and rail fencing (**photographs 18 to 19 – appendix 2**).

2.7 A review of the adopted Local Plan Proposals Map confirms that the east section of the site is located within the defined Built Up Area Boundary and that the site to the west lies adjacent to the boundary (**appendix 3**). No other site-specific designations cover the site.

PLANNING HISTORY AND BACKGROUND

2.8 A review of the planning history on-line confirms the following applications of relevance at the site:

- **LPA Ref: SR/5/90:** erection of a nursing home/health centre for the elderly and alterations to access. Refused on 21 February 1990.

- **LPA Ref: SR/73/90:** erection of a bungalow and double garage. Application withdrawn on 30 January 1991.

- **LPA Ref: SR/30/91:** erection of a bungalow and garage. Application refused on 24 July 1991.

- **LPA Ref: SR/51/91:** 2 storey extension. Permission granted on 20 November 1991.

- **LPA Ref: SR/60/91:** retention of storage shed. Application refused on 19 December 1991.

- **LPA Ref: SR/6/92:** retention of storage shed. Application refused on 22 April 1992.

- **LPA Ref: SR/53/92:** erection of a detached garage. Application permitted on 24 December 1992.

2.9 Due to the date of the applications, the approved plans, decision notices and officers reports are not available on-line. Hard copies have been requested from the Council.

3.0 THE PROPOSALS

3.1 This section provides an overview of the proposed development and the key aims and objectives. This statement should be read in conjunction with planning application drawings FA-PA18-04-A100 to FA-PA18-04-A105.

3.2 Outline planning permission is sought for the following:

"Outline planning application for the demolition of the existing dwelling and redevelopment to provide six residential dwellings with detached garages, with vehicular access provided via the existing access onto Hurston Lane."

3.3 The proposals are illustrated on application drawings FA-PA18-04-A102, FA-PA18-04-A103, FA-PA18-04-A104 and FA-PA18-04-A105. In summary the following is proposed:

- The demolition of the existing dwellinghouse and garage.
- The erection of a replacement dwelling.
- The redevelopment of land to the west to provide five dwellings each with a detached garage. Drawing number FA-PA18-04-A103 confirms the trees that it is proposed to remove; this is addressed in the supporting Arboricultural Report.
- The creation of visibility splays measuring 43 metres in each direction.

RESIDENTIAL PROVISION AND LAYOUT

3.4 As shown on drawing numbers FA-PA18-04-A102 and FA-PA18-04-A103, a replacement dwelling and five new dwellings are proposed, each with a separate detached garage.

3.5 It is proposed to provide a replacement three bedroom dwelling on the northeast section of the site (please see plot 1, drawing number FA-PA18-04-A104).

3.6 It is proposed to redevelop the land to the west to provide 5x four bedroom dwellings (please see plots 2 to 6, drawing numbers FA-PA18-04-A103 and FA-PA18-04-A105).

3.7 The three-bedroom dwelling comprises 1,300 sq. ft of floorspace. The four bedroom dwellings each provide some 1,800 sq.ft of habitable floorspace.

Affordable Housing

3.8 No affordable housing is proposed. It is our understanding the scheme falls under the affordable housing requirement by virtue of the number of proposed dwellings and floorspace.

ACCESS AND PARKING

3.9 As illustrated on drawing numbers FA-PA18-04-A103, visibility splays measuring 43 metres in both directions are provided to the north and south.

3.10 The proposed access road measures 5.5 metres in width, allowing traffic to pass unrestricted along the entire length of the driveway.

3.11 As shown on drawing number FA-R18-22-A203, a hammerhead turning area is provided at the end of the proposed driveway to enable vehicles to turn around on site.

3.12 Each dwelling has four parking spaces provided in a detached double bay garage.

3.13 As shown on drawing numbers FA-R18-22-A202 and FA-R18-22-A203, each dwelling has been designed to enable vehicles to turn within their own plot and leave in a forward gear.

SUMMARY

3.14 The proposal will deliver a high quality residential scheme providing one replacement dwelling and five new dwellings (Class C3) on a previously developed site.

3.15 The site is located on a residential road and is accessed from the existing site access. The scheme will provide car parking spaces per residential unit in accordance with the Council's Supplementary Planning Document (September 2012).

4.0 PLANNING POLICY CONTEXT

4.1 This section sets out the planning policies that are considered relevant in the determination of the application.

4.2 In dealing with the application the Council must have regard to the "provisions of the Development Plan (DP), so far as material to the application" and to "other material considerations[1]." "If regard is to be had to the DP for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise[2]."

4.3 For the purposes of this application the DP comprises the Horsham District Planning Framework (2015). No NP has been 'made' for the area.

4.4 The National Planning Policy Framework (NPPF) (2018) is a "material consideration" for the purposes of section 70(2) of the 1990 Act. Weight should also be given to Supplementary Planning Documents (SPDs) and Planning Practice Guidance (PPG) as far as they are consistent with the NPPF. The NPPF cannot displace the primacy given by the statue and policy to the statutory DP. It must be exercised consistently with, and not so not to displace or distort, the statutory scheme.

4.5 The Council is reviewing its Local Plan. As part of the first review the Council published an Issues and Options document for a period of consultation between 6 April 2018 and 25 May 2018. Due to the stage in preparation no weight will be given to it in the determination of this application.

4.6 Weight in the determination of the application will also be given to Supplementary Planning Documents (SPDs), Character Area Appraisals and Landscape Character Assessments. SPDs are not subject to the same examination process as a Development Plan Document (DPD). SPDs must not conflict with the adopted DP, cannot supersede development plan policy and are merely material considerations[3].

4.7 In the determination of this application it is our view that the Council must:

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[1] Section 70(2) of the 1990 Act

[2] Section 38(6) of the Planning and Compulsory Purchase Act 2004

[3] High Court of Justice before Mr Justice Gilbert between William Davies Ltd, Bloor Homes ltd, Jelson Homes ltd, Davidsons Homes Ltd, Barwood Homes Ltd and Charnborough Borough Council (23 November 2017)

(i) Have regard to the statutory DP (see s70(2) TCPA 1990);

(ii) Have regard to material considerations (see s 70(2) TCPA 1990);

(iii) Determine the application in accordance with the DP unless material considerations indicate otherwise (see s38(6) PCPA 1990);

(iv) Apply national policy unless reasons can be given for not doing so (see *Nolan LJ in Horsham District Council v Secretary of State for the Environment and Margram Plc for the Environment [1987]*;

(v) Consider the nature and extent of any conflict with the DP (*see Tesco Stores Ltd v Dundee City Council) [2012]*; and

(vi) Consider whether the development accords with the DP looking at it as a whole (*see R (Milne) v Rochdale MBC [2000]*. There may be some points in the plan which support the proposal, but there may be some considerations pointing in the opposite direction. The Council must assess all of these and then decide whether in the light of the whole plan the proposal does or does not accord with it as per *Lord Clyde* in *City of Edinburgh Council v the Secretary of State for Scotland [1997]*.

4.8 The interpretation of policy is for the Court, but its application in the context of the proposal is for the Council as the decision maker.

4.9 A summary of the relevant national and local policies is set out below together with a consideration of other material considerations.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (JULY 2018)

4.10 One of the main principles running through the NPPF is the 'presumption in favour of sustainable development (paragraph 11). For decision-taking this means:

> **"[c] approving development proposals that accord with an up-to-date development plan without delay; or**
>
> **[d] where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:**

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) 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."

4.11 Paragraph 60 sets out that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. Paragraph 65 sets out that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period.

4.12 Paragraph 68 sets out that 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. Criterion D states:

"Work with developers to encourage the sub-division of large sites where this could help speed up the delivery of homes."

4.13 Paragraph 73 sets out that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

4.14 Paragraph 78 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

4.15 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.16 Paragraph 122 sets out that planning policies and decisions should support development that makes efficient use of land.

4.17 Paragraph 130 sets out that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of the an area and the way it functions, taking into account any local design

standards or style guides in plans or supplementary planning documents. The paragraph goes onto state:

> **"Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."**

4.18 Brownfield land and previously developed land is defined in Annex 2 as follows:

> **"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."**

HORSHAM DISTRICT PLANNING FRAMEWORK (2015) (HDPF)

4.19 In accordance with s70(2) of the 1990 Act, in dealing with this application, the Council must have regard to the "provisions of the development plan, so far as material to the application" and to "other material considerations."

4.20 We consider the following policies relevant in the determination of this application. Extracts are enclosed at (**appendix 4**).

- Policy 1: Sustainable Development.
- Policy 2: Strategic Development.
- Policy 3: Strategic Policy – Development Hierarchy.
- Policy 4: Strategic Policy – Settlement Expansion.

- Policy 15: Housing Provision.
- Policy SD4: Housing Need.
- Policy SD6: Landscape Buffer.
- Policy SD7: Design.
- Policy SD9: Transport Infrastructure.
- Policy 24: Strategic Policy: Environmental Protection.
- Policy 25: Strategic Policy: The Natural Environment and Landscape Character.
- Policy 26: Strategic Policy: Countryside Protection.
- Policy 27: Strategic Policy: Settlement Coalescence.
- 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 40: Sustainable Transport.
- Policy 41: Parking.

4.21 The glossary at appendix 1 provides a definition of Brownfield/Previously Developed Land (PDL) and Built Up Area Boundaries as follows:

> **"[PDL] In the sequential approach this is preferable to Greenfield land. It is land, which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously-developed land may occur in both built-up and rural settings."**
>
> **"[BUAB] These identify the areas in the District of primarily built form, rather than countryside. They identify areas within which development of brownfield land may normally be appropriate, including infilling,**

redevelopment and conversions in accordance with Government Policy and Guidance (NPPF and NPPG). They do not include a presumption for the development of Greenfield land such as playing fields and other open space. Identified built-up area boundaries do not necessarily include all existing developed areas."

MATERIAL PLANNING CONSIDERATIONS

4.22 The application must be determined in accordance with the DP unless material considerations indicate otherwise.

4.23 A decision-maker will err in law if he fails to take into account a material consideration.

4.24 There is no statutory definition of a material consideration. In Stringer v Ministry of Housing and Local Government (1970) Cooke J said: ... "it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration." Laws LJ set out the principles for addressing material considerations in R (on the application of J (A Child) v North Warwickshire BC (2001) EWCA. He said that the operative statute may provide a lexicon of relevant considerations to which attention had to be paid, but if the statute provided no such lexicon, or at least no exhaustive lexicon, the decision-maker had to decide for himself what he would take into account. In doing so he had obviously to be guided by the policy and objects of the governing statute, but his decision as to what he would consider and what he would not consider was itself only to be reviewed on conventional Wednesbury grounds.

4.25 In accordance with paragraph 212 of Annex 1 of the NPPF, the policies in the NPPF are material considerations that should be taken into account in the determination of the application.

4.26 It is necessary to consider the consistency of the individual relevant DP policies with the policies of the NPPF (2012/2018) for the purpose of deciding how much weight to give the DP policies.

4.27 The HDPF was adopted post publication of the NPPF 2012 and prior to the NPPF 2018. Where relevant policies of the DP are outdated, paragraph 11 of the NPPF provides that planning permission should be granted unless the adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

4.28 In a recent decision by *Males J* in *Tewkesbury BC v SSCLG [2013]* the learned judge observed at paragraph 13 that the weight to be given to a development plan would depend upon the extent to which it was up-to-date and at paragraph 19 that paragraph 14 of the NPPF provides for what should be done when an existing plan was out-of-date. At paragraphs 20, 29 and 49, the judge sets out that 'the result in practice would be that the relevant policies would be regarded as carrying little weight, and there would be a presumption in favour of granting permission.'

4.29 It is possible for material considerations to outweigh the DP and the policies and objectives of the NPPF are an important material consideration.

4.30 The Council has published their Authority Monitoring Report 2016/2017 and it comprises a material consideration. Paragraph 3.1 confirms the Council has set a housing target of at least 16,000 homes to be delivered from 1 April 2011 to 31 March 2031, equating to an average of 800 dwellings per annum.

4.31 Paragraph 3.13 sets out that it is the council's position that it can demonstrate a five-year housing land supply of 116%. We welcome confirmation as to whether the Council can demonstrate a five-year housing land supply in accordance with the provisions of paragraphs 67 to 76 of the NPPF (2018).

4.32 The Council published its Brownfield Register in December 2018. The site has not yet been submitted to the Brownfield Register for consideration, but with reference to the decision *Dartford Borough Council v Secretary of State for Communities and Local Government [2016]* it is our view the site should be considered PDL (**appendix 5**).

4.33 Whilst it is an established principle that each application should be determined on its own merits, relevant local permissions and appeal decisions should also be given weight in the determination process as material considerations.

4.34 The tests to be applied in deciding whether or not a consideration was material and so ought to have been taken into account were set out by *Glidewell LJ* in *Bolton Metropolitan Borough Council v SSE [1990]*. The tests can be summarised as follows:

- The decision-maker ought to take into account a matter, which might cause him to reach a different conclusion to that which he would reach if he did not take it into account. The verb "might" means where there is a real possibility that he would reach a different conclusion if he did take that consideration into account.

- There is clearly a distinction between matters that a decision-maker is obliged by statute to take into account and those where the obligation to take into account is to be implied from the nature of the decision and of the matter in question.

4.35 Appropriate weight should be given to the planning history for the site and others in the local area, together with relevant appeal and high court decisions. Due weight should also be given to the calculation of the Council's housing numbers in the context of section 5 of the NPPF (2018). We respectfully request weight is also given to the following decisions (**appendix 6**):

- *Braintree District Council v Secretary of State for Communities and Local Government & Others [2017]* which confirms the site should not be considered isolated; and

- *Wychavon District Council and Secretary of State for Communities and Local Government and Crown House Developments Ltd [2016]* which confirms how development outside settlement policy boundaries should be assessed with regard to paragraph 14 of the NPPF (now paragraph 10 of the NPPF).

5.0 CASE FOR DEVELOPMENT

5.1 This section sets out how the proposed development complies with relevant national and local planning policy.

5.2 In determining this application it is our view the Council must:

(i) Have regard to the statutory development plan (see s70(2) TCPA 1990);

(ii) Have regard to material considerations (see s 70(2) TCPA 1990);

(iii) Determine the application in accordance with the development plan unless material considerations indicate otherwise (see s38(6) PCPA 1990);

(iv) Apply national policy unless reasons can be given for not doing so (see *Nolan LJ in Horsham District Council v Secretary of State for the Environment and Margram Plc for the Environment [1987]*;

(v) Consider the nature and extent of any conflict with the development plan (*see Tesco Stores Ltd v Dundee City Council [2012]*;

(vi) Consider whether the development accords with the development plan looking at it as a whole (*see R (Milne) v Rochdale MBC [2000]*. There may be some points in the plan that support the proposal but there may be some considerations pointing in the opposite direction. The Council must assess all these and then decide whether in the light of the whole plan the proposal does or does not accord with it as per *Lord Clyde* in *City of Edinburgh Council v the Secretary of State for Scotland [1997]*.

5.3 For the purposes of the application, the DP comprises the HDPL (2015). A Neighbourhood Plan (NP) has not been 'made' for Sullington and Storrington.

5.4 It is our view the proposals should be determined against the following tests:

(i) Is the demolition of the existing dwelling and garage acceptable in principle?

(ii) Is the redevelopment of the site to provide residential dwellings acceptable in principle?

(iii) Is the scheme acceptable with regard to detailed design and the impact on the character and appearance of the site and surrounding area?

(iv) Is the scheme acceptable with regard to highway safety?

5.5 The following paragraphs provide an assessment of the proposals against the tests identifed with reference to the DP and other material considerations where relevant.

(i) IS THE DEMOLITION OF THE EXISTING DWELLING AND GARAGE ACCEPTABLE IN PRINCIPLE?

5.6 The site is not located in a designated CA and the existing dwelling and garage is not listed.

5.7 In our view the demolition of the existing dwelling and garage should be considered acceptable in principle, subject to a Prior Approval application to agree the details of how the dwelling and garage will be demolished.

(ii) IS THE REDEVELOPMENT OF THE SITE TO PROVIDE RESIDENTIAL DWELLINGS ACCEPTABLE IN PRINCIPLE?

5.8 The eastern part of the site is located within the Built Up Area where residential development is acceptable in principle subject to detailed design. As shown on drawing numbers FA-PA18-04-A101 and FA-PA18-04-A102, the proposed replacement dwelling is located within the footprint of the existing and results in a less built form to the front of the site. It also increases the separation distances between the proposed dwelling and the properties to the north ('Chenin') and to the south ('April Cottage').

5.9 On the above basis and as shown on drawing number FA-PA18-04-A103, the demolition of the existing dwelling and the erection of a replacement dwelling with a detached garge in the location identified as 'plot 1' should be considered acceptable in principle, subject to detailed design. As shown on drawing numbers FA-PA18-04-A102 and FA-PA18-04-A103, the proposed garage is not located any further forward of the building line than the existing built form and should have no material impact on the residential amenity of the occupiers of 'Chenin'.

5.10 The western section of the site is located outside the Built Up Area Boundary, but located directly adjacent. The site is located beyond the Green Belt. The main issue for consideration is whether the five detached dwellings identified on drawing numbers FA-PA18-04-A102 and FA-PA18-04-A103 are suitable given the rurual location.

5.11 The area of site to the west is located within the planning unit for Greenacres. In light of the recent Court of Appeal judgement in *Dartford*, the site should be considered PDL and on this basis the application does not fall contrary to the spirit of policy 3.

5.12 Criteria 5, 6 and 8 of policy 2 support the sustainable development of settlements and the edges of settlements and in particular PDL where it protects the rural character and landscape and the land is not of high environmental value.

5.13 Policy 3 confirms that Storrington and Sullington are settlements with a good range of services and facilities. Storrington and Sullington are defined as 'Small Towns and Larger Villages'. Policy 4 confirms the growth of the settlements will be supported and that the expansion of settlements outside the Built Up Area will be supported where:

1. **"The site…adjoins an existing settlement edge;**
2. **The level of expansion is appropriate to the scale and function of the settlement type;**
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;**
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; and**
5. **The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced."**

5.14 Policy 26 sets out that outside Built Up Area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The policy sets out that any proposal must be essential to its countryside location and meet one of the identified criteria including inter alia:

"[4] enable the sustainable development of rural areas."

5.15 Policy 26 goes on to set out that proposals must be of a scale appropriate to the countryside character and location. The policy confirms that development will be considered acceptable where it does not lead individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape characetr in which it is located.

5.16 Policy 27 sets out that development between settlements will be resisted unless it can be demonstrated that inter alia:

1. There is no significant reduction in the openness and 'break' between settlements; and

2. It does not generate an urbanising effect within the settlement gap.

5.17 Criterion 1 of policy 33 seeks to ensure land is used efficiently and that PDL is priortiised.

5.18 The proposed scheme will utilise land within the Built Up Area Boundary and result in the redevelopment of PDL adjoining the Built Up Area Boundary/settlement edge.

5.19 Policy 3 confirms that the settlements of Storrington and Sullington are sustainable. Accordingly it is our view that site is located in a sustainable location and cannot reasonably be considered isolated. This is supported by the judgement *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] at the Court of Appeal* where Mrs Justice Lang examined the use of the word 'isolated' in the NPPF. The revised NPPF (2018) still includes the word 'isolated' so the judgement is relevant.

5.20 A review of the adopted Local Plan Proposals Map confirms that the proposed scheme will result in the infilling of a small section of land, which is excluded from the Built Up Area Boundary. In accordance with the provisions of criteria 2 and 5 of policy 4, policy 26, and policy 27, the site boundary will not extend any further west than currently shown on the Proposals Map.

5.21 The Planning Policy Background Document 'Housing Need in Horsham District (2015) at paragraph 1.39 sets out that the Local Plan Inspector concluded that an annual target 'in the range' of 750-800 dpa would have the advantage of providing the opportunity to achieve the minimum required number of affordable homes,

assuming provision of about 30%, bearing in mind the minimum thresholds. In accordance with criteria 3 and 4 of policy 4, the five houses will help support the Council in maintaining their five year housing land supply.

5.22 Part of the site is located outside the Built Up Area Boundary, accordingly the proposals are not in full accordance with the DP taken as a whole. Notwithstanding this, the western section of the site adjoins the Built Up Area Boundary and will result in a sensible infill.

5.23 The application of the assessment set out in paragraph 213 of the NPPF confirms that negatively worded policies that seek to apply a considerably more restrictive approach by preventing development outside Built Up Area Boundaries can reasonably be considered out-of-date. On this basis policies 4, 26 and 27 should only be given moderate weight in the determination of the application.

5.24 The applicants contend that regardless of whether the Council can demonstrate a five year supply of deliverable housing sites, paragraph 59 of the NPPF maintains that it is the Government's stated objective to significantly boost the supply of housing.

5.25 Paragraph 68 of the NPPF sets out that small and medium sites can make an important contribution to meeting the housing requirements of an area and that local authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within settlements. Policy 3 confirms the site is located in a sustainable location and whilst the redevelopment of the site is partly in conflict with the provisions of 4, 26 and 27, subject to appearance, landscaping and scale, the proposed scheme will supply five new detached family dwellings in an area with high housing demand. This comprises a substantial social benefit.

5.26 Balanced against the identified conflict with the DP it is our view that the matters carry significant weight in the context of paragraph 59 of the NPPF. Further, it is our view that the proposed scheme will fulfil the aims of the NPPF by promoting high quality designed new homes.

5.27 In our view the adverse impacts of granting planning permission would not sigificantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF as a whole and that the proposed scheme represents sustainable development.

5.28 On the above basis we respectfully suggest that a decision, other than in accordace with the DP is justified and that permission should be granted.

(iii) IS THE SCHEME ACCEPTABLE WITH REGARD TO DETAILED DESIGN AND THE IMPACT ON THE CHARACTER AND APPEARANCE OF THE SITE AND SURROUNDING AREA?

5.29 Appearance, landscaping and scale are not matters sought for determination at this stage. Access and layout is a matter for determination.

5.30 A site visit will confirm that views of the proposed development from the northwest/west looking southeast into the site need to be considered in the context of the existing development. Views into the site from the surrounding land are of a residential nature.

5.31 In accordance with the provisions of policy SD7, the proposed scheme will be of a high quality and the detailed design will respond to the characteristics of the site and local area. Appropriate landscaping will be proposed to provide a buffer between the site and the adjacent land to the north.

5.32 The proposed layout is appropriate given the density and proximity of adjacent residential dwellings and in accordance with the provisions of policy 26, the scheme respects the development pattern of the area.

5.33 The overall minor change resulting to the setting of the site and views in from the surrounding area would not be harmful and in accordance with policy 27 cannot be considered to result in an urbanising effect in a settlement gap as it will be seen as a continuation of an existing built-up area.

(iv) IS THE SCHEME ACCEPTABLE WITH REGARD TO HIGHWAY SAFETY?

5.34 The proposed scheme optimises the use of PDL and provides one replacement dwelling and five new dwellings, each with a detached garage and parking on the driveway.

5.35 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.36 As shown on drawing number FA-PA18-04-A103, the required visibility splays can be provided and a suitable access off the original can be created.

5.37 As shown on FA-PA18-04-A103, twenty-two car parking spaces are provided, which in accordance with criterion 2 of policy 41 is adequate to meet the needs of anticiapated users.

5.38 On the above basis the proposed scheme should be considered acceptable with regard to highway safety.

6.0 CIL AND DRAFT PLANNING OBLIGATIONS HEADS OF TERMS

6.1 To aid positive discussion with the Council the proposed contents of the Heads of Terms (HoTs) for the section 106 Agreement are set out below:

6.2 The proposed HoTs are as follows:

- Sustainable Design and Construction;
- Offsite Highway Improvements;
- Offsite Pubic Open Space;
- S106 Monitoring Contribution.

6.3 The HoTs must meet the legal requirements set out in the Community Infrastructure Levy Regulation 122, which states that planning obligations may only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

6.4 The tests are reinforced by the NPPF.

7.0 CONCLUSION AND SUMMARY OF BENEFITS

7.1 This Planning Statement has been prepared in support of an application seeking permission for the following:

> **"Outline planning application for the demolition of the existing dwelling and redevelopment to provide six residential dwellings with detached garages, with vehicular access provided via the existing access onto Hurston Lane."**

7.2 The application site lies partly within and partly outside the defined Built Up Area Boundary.

7.3 In our view the proposed scheme constitutes sustainable redevelopment of PDL. Significant weight should be given to paragraph 59 of the NPPF as the proposed scheme provides additional new dwellings boosting the supply of housing in the local area.

7.4 In our view the adverse impacts of granting planning permission would not sigificantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF as a whole. In our view the proposed scheme represents sustainable development.

7.5 On the above basis we respectfully suggest that a decision, other than in accordace with the DP is justified and that permission should be granted.