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Ms Tamara Dale
Planning Officer
Horsham District Council
Parkside, Chart Way, Horsham
West Sussex RH12 1RL

21 December 2017

Dear Ms Dale

DC/17/2524: Variation of Condition 1 to previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs. Micklepage, Nuthurst Street, Nuthurst, West Sussex.

Amended plans dated 11 December 2017

The Parish Council strongly opposes these amended plans and urges Horsham District Council (HDC) to refuse this application and require the developer to demolish these unlawfully constructed houses and to build houses that properly meet the requirements of policies 7 and 10 of the Nuthurst Parish Neighbourhood Plan (NPNP) and the planning permission granted under DC/15/2493.

This response is in two parts. Part 1 deals with the history of the site. Part 2 sets out the Parish Council's objections in full.

Part 1: Relevant history

- The NPNP was legally made in October 2015. Policy 7 relating to Micklepage says, "*the scheme (should) comprise primarily 2 and 3 bedroom houses or*

bungalows”, that *“the site is best suited to moderately sized houses or bungalows.... rather than larger houses”*, and for *“three dwellings”*. The overall intention of the NPNP (paras 4.1/4.2) was for *“mainly lower cost housing”* for *“young families”* and *“older residents to downsize”*.

- HDC granted planning permission (DC/15/2493) on the 10 June 2016 for 3 houses each with 3 bedrooms, set in a staggered position along the approach road to Micklepape Farmhouse (Grade II listed building) and Barn, off Nuthurst Street. This planning permission was subject to a number of important conditions.¹
- Please note that the applicant’s Design and Access Statement (dated 3 November 2015 on HDC’s website) made very clear that these were to be smaller houses suitable for downsizers.² It is also very clear that the “roof room” over the garage was not a habitable room.
- Greenplan Designer Homes started construction on 15 March 2017, despite there being no evidence that conditions 6, 7, 8 and 9 had been discharged in writing by HDC (DISC/17/0059) prior to work starting. Furthermore, as construction took place, it became evident that Greenplan Designer Homes had chosen to breach both the planning permission and the NPNP. Greenplan Designer Homes had not sought a new planning permission as required by condition 3. In all likelihood, Greenplan Designer Homes chose to take this unlawful line of action because they anticipated that an upfront and proper planning application for what they were constructing, that is 5 bedroom/4 bathroom houses, would have been refused because they clearly would not comply with policies 7 and 10 of the NPNP.

¹ Condition 3: *“No extension, enlargement, alteration or provision within the curtilage of the dwelling house ... shall be carried out without planning permission obtained from the Local Planning Authority.”*

Conditions 6, 7, 8 and 9 all take the form of: *“No development shall commence unless and until [specified details] have been submitted and approved by the Local Planning Authority in writing.”*

² Extract from Design and Access Statement – *“The proposed three houses are primarily aimed at the downsizing market. When downsizing, many owners find great difficulty finding dwellings smaller than their present properties The roof space over the garage offers a multipurpose area, albeit with reduced headroom. Good for hobbies or storage, often a contentious item when downsizing.”*

- The unlawful development carried out by Greenplan Designer Homes included:
 - moving the three houses forward in their plots and arranging them in a straight line, rather than staggered as required by the planning permission;
 - enlarging the footprint of the houses by 5 square metres;
 - raising the roofs of the main part of the houses by 10cm;
 - raising the roofs above the garages by 1.4m;
 - inserting four dormer windows; and
 - making many other alterations to the design.

All these changes were made without planning permission.

- The houses were advertised for sale by Connells Estate Agency during early Autumn 2017 as 5 bedroom/4 bathroom at £950,000. As these were clearly not small, 3 bedroom houses, the Parish Council contacted the enforcement team at HDC who commenced an enforcement investigation. The architect at OSP Architecture was told by the enforcement officer, *“departure from the approved plans are unlawful development.....and could be subject to enforcement action and that any further work they undertake is at their own risk”*. (Source: enforcement officer’s email to Parish Council on 17 October 2017).
- The developer submitted a “Minor material amendments to facilitate alterations to the approved site layout and approved designs” to HDC on 9 November 2017 (DC/17/2524) and HDC closed the enforcement investigation.
- These amendments do not, and indeed cannot, deal with the major problems at this site caused by Greenplan Designer Homes deliberately flouting the planning permission and the NPNP. These problems include the incorrect positioning of the houses, their enlarged footprint size and increased roof heights, both of the houses and above the garages. These problems can only be resolved by demolition of the existing houses.
- The Parish Council became aware of considerable public anger regarding the development at Micklepage. This was manifested in an attendance of

nearly 100 residents at an Extraordinary Parish Council meeting on 23 November 2017 when Micklepage was discussed, 77 objections on HDC's website to the application (as at 21 December 2017) and letters to the local MP and West Sussex County Times.

- The developer then submitted "amended plans" to HDC on 11 December 2017. This was to "*...reassure the Parish Council and the local community that we have noted **all** the comments that have been made.....and accordingly, considered it appropriate to amend our plans*". (Source: OSP's letter of 11 December 2017 to the Parish Council). In essence, the amendments consist only of removing two of the dormer windows (but leaving two), replacing clear glass in a non-approved, bedroom dormer window with frosted glass but, far more importantly, re-naming the fourth and fifth bedrooms to make it appear that the houses are 3 bedroomed, rather than 5 bedroomed.

Part 2: Parish Council's Objections to the "Minor material amendments to facilitate alterations to approved site layout and approved designs" and the amended plans of the 11 Dec. 2017.

The Parish Council attaches a comparison of planning application DC/17/2524, as amended on 11 December 2017, with the approved plans under DC/15/2493. This very clearly shows that there are 46 discrepancies, some of which are very major, and these numerous changes cannot in any way be regarded as "minor material amendments".

Site layout

- The houses have been moved well forward in the plots and are now in a straight line instead of staggered in flagrant breach of planning permission. As the houses are already built, there is no way the "site layout" is capable of being amended, other than by demolishing the houses. Please note that the "Minor material amendments" and the amended plans submitted by OSP Architects make no mention of this significant change to site layout at all, despite the title of their application "*.. to facilitate alterations to the site layout ...*".

- The site layout is crucially important because the houses have been moved further forward towards the approach road to Micklepage Farmhouse (Grade II listed building), and Micklepage Barn. The houses have also been constructed in a straight line, rather than staggered, and both layout features make the houses more intrusive, urban and unacceptable in their environment. This is in contravention of policy 10 of the Neighbourhood Plan which says, *“The scale, density, massing, height...will be required to reflect the architectural and historic character and scale of the surrounding buildings”*. The houses as built are too high, and too bulky given their roof area, so that their scale, density, massing and height do not reflect either the character of the Grade II Listed building or the nearby bungalows alongside and opposite the site. For this reason, demolition needs to be enforced. (It is noted that there is no report from HDC’s Conservation Officer which assesses the effect of these substantially bigger houses on the Grade II Listed building).
- WSCC highways have not been satisfied that condition 13 of the planning permission has been discharged. On 11 September 2017, in response to DISC/17/0059, WSCC expressed concern that the hard standing fronting each dwelling appears restrictive for meeting its car parking requirements. The fact that the houses have now been moved well forward in the plots, reduces considerably the area of hard standing and therefore it appears unlikely that the developer can meet the car parking requirements of WSCC.

Size of houses and roofs

- **The footprint** of each house has been increased from what was permitted under DC/15/2493 by approximately 5 square metres, due to “squaring off” at the top right and bottom left corners. This is unacceptable. The NPNP specifically requires smaller houses.
- The **overall height** of the houses has been increased by 10cms, if the measurements given by OSP Architecture are correct. This, together with the “squaring off” of the footprint, makes the ground floor and first floor rooms larger than permitted under DC/15/2493, and contrary to the NPNP

requirement for smaller and more affordable houses. **The overall roof heights must be lowered in accordance with the planning permission.**

- The **height of the roof above the garage** has been increased by 1.4 metres above what was allowed in the planning permission. This is a very significant matter as it permits what was previously a walk-in store cupboard with limited headroom (a strip of only 90cm width 2m high) under DC/15/2493, to become a sizable, habitable space (now 2.5m width 2m high) with a bedroom and en-suite bathroom, thus allowing Greenplan Designer Homes to instruct Connells Estate Agency to market the houses as 5 bedrooms/4 bathrooms at £950,000. **The roof height above the garages must be lowered in accordance with planning permission in order to render the space above the garage uninhabitable as a bedroom and en-suite bathroom.**
- The **increase in roof area** has not been computed, but it is entirely logical that given increased roof heights, the area of roof tiling has increased considerably over what was permitted. This makes the houses far more bulky, completely out of character with the nearby bungalows, intrusive in their environment which is semi-rural and impact adversely on a Grade II Listed building. This is contrary to policy 10 of the NPNP. The roof areas will reduce only if the roof heights of the houses and above the garages are lowered.

Dormer windows

Four dormer windows were inserted into each house, contrary to the planning permission given in DC/15/2493. Greenplan Developer Homes say that the two dormer windows above the garage are due to be removed in January 2018, but this still leaves two dormer windows, for which DC/15/2493 gives no permission. One is in the main bedroom and is to be fitted with frosted glass. This is unacceptable as such an arrangement is highly unlikely to be retained by future householders. **All dormer windows must be removed.**

The amended plans

- Greenplan Designer Homes' letter to you of 11 December 2017 and the associated amended plans gives the Parish Council considerable concern.
- The amended plan seeks to align what has already been built and marketed as 5 bedroom /4 bathroom houses with the original planning permission for 3 bedroom houses, using the deceptive strategy of re-naming the rooms.
- Thus what was permitted under DC/15/ 2524 as a storeroom and cupboard, that is a non-habitable room, became a habitable room as a bedroom and en-suite bathroom (because the roof height above the garage has been illegally raised by 1.4m), but has now in these amended plans been re-named as a "roof room" for storage. Should HDC take no enforcement action against Greenplan Designer Homes, then it is obvious that this "roof room" will again revert to being marketed as a bedroom and en-suite bathroom, and by this devious means, totally negate both planning permission and the NPNP and thereby cause material harm to the Parish Council and the Parish Community who created the NPNP.
- In this strategy of renaming rooms in order to appear to comply with planning permission for 3 bedroom houses, Greenplan Designer Homes have renamed the downstairs 5th bedroom opposite the downstairs bathroom as a "dining room". This is despite the plan showing an identical dining table and eight chairs in a large area adjoining the breakfast area that is nearly 7m in length.
- If these houses are not demolished, they will still have sufficient space within them for 5 bedrooms and 4 bathrooms. Greenplan Designer Homes have amply demonstrated this is possible in the floor layout plans for their "minor material amendments" application and in their marketing of these houses with Connells Estate Agents. However Greenplan Designer Homes try to disguise matters, these buildings are still capable of accommodating 5 bedrooms and 4 bathrooms and this is in complete contravention of the planning permission and the NPNP, both of which require only 3 bedrooms.

Conclusion

- The differences between the original planning permission and what has been built are so many, so fundamental and so serious that the Parish Council stands by all that it has previously written to HDC. It sees no alternative but for HDC to refuse these “minor material amendments” and the “amended plans” on the grounds that they seriously contravene policies 7 and 10 of the Neighbourhood Plan and HDC’s own planning permission.
- Greenplan Designer Homes have, by their deliberate and deceptive action, caused this serious planning problem. They alone should bear the consequences of their own unlawful action.
- **HDC should require the demolition of these three houses and their rebuilding in strict accordance with its original planning permission and conditions, and the Parish’s Neighbourhood Plan. To do otherwise would be widely perceived as the developer getting away with deliberately and unlawfully flouting both planning permission and the Neighbourhood Plan. It would be tantamount to agreeing that planning is now “developer led”, and that no one has any control over it.**

Yours sincerely

Sarah Hall

Clerk, Nuthurst Parish Council

Attachment as separate document: Comparison of planning application DC/17/2524, as amended on 11 December 2017, with the approved plans under DC/15/2493.

Copies to:

Chris Lyons, Director of Planning, HDC

Toni Bradnum, District Councillor for Nuthurst

Claire Vickers, District Councillor and Cabinet Member for Planning