

# NUTHURST PARISH COUNCIL

Minutes of the Extra Ordinary Parish Council Planning Committee Meeting  
held on Thursday 23<sup>rd</sup> November 2017 at St Andrews School, Nuthurst

<b>Present:</b>	Mrs V Court (Chairman) Mrs J Assassi Mrs F Boulter Mrs J Chaytor Mrs G Dixon Mrs A Gaffney Mrs J McClean	Mr O Hydes (OBE) Mr J Mercer Mr T Nelson Mr S Turner
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86 members of the public attended the meeting.

**3611/17 APOLOGIES FOR ABSENCE** were received from District Councillor Mrs T Bradnum.

**3711/17 DECLARATIONS OF INTEREST** none.

## **3811/17 PLANNING APPLICATIONS**

DC/17/2426 31/10/2017  <b>RESOLVED</b>	<p><b>Demolition of existing conservatory and erection of single storey side and rear extension and front porch (Certificate of Lawful Development Proposed)</b>                  12 Ryecroft Meadow, Mannings Heath</p> <p><b>The Parish Council propose that a Full Planning application is submitted for the extension.</b></p>
DC/17/2524 10/11/2017  <b>RESOLVED</b>	<p><b>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</b>                  Micklepage, Nuthurst Road, Nuthurst</p> <p><b>The Parish Council strongly objects to this retrospective planning application for the following reasons:</b></p> <p><b>1) Contravention of Planning Permission</b>                  Planning permission was granted under DC/15/2493 for three 3, bedroomed chalet bungalows. This permission has been seriously contravened because:</p> <ul style="list-style-type: none"> <li>• There are significant changes to the <b>position and orientation</b> of the three houses and their plot sizes. The Parish Council asks why this was not picked up by Building Control when the foundations were inspected and <b>why construction was not stopped at this stage.</b></li> <li>• There are significant increases in roof area making the houses more intrusive and out of keeping with neighbouring dwellings which are mainly bungalows.</li> <li>• There are significant changes to the fenestration, especially the insertion of four new dormer windows in each house which overlook and affect the privacy of the occupants of neighbouring properties.</li> <li>• The number of bedrooms has been increased from 3 to 5 (See the attached marketing details from Connells Estate Agents). However, in this retrospective application one of the bedrooms has been renamed as living accommodation.</li> </ul> <p><b>2) Contravention of the Nuthurst Neighbourhood Plan</b></p>

	<p>This site was allocated for development in the Nuthurst Neighbourhood Plan for three dwellings provided that the scheme comprises primarily 2 and 3 bedroomed houses or bungalows. DC/15/2493 gave planning permission for three, 3 bedroom chalet bungalows because that was consistent with the Neighbourhood Plan. This application seriously contravenes the Neighbourhood Plan because:</p> <ul style="list-style-type: none"> <li>• One of the Plan's key objectives is "To provide a mix of dwelling types including particularly <b>smaller dwellings for young families and starter homes for younger people</b>." The executive style 4/5 bedroom, 3/4 bathroom houses in this application are simply not wanted or needed in the Parish.</li> <li>• The 4/5 bedroom houses breach the specific requirement in policy 7 of the Neighbourhood Plan that the scheme comprises primarily 2 and three bedroomed houses or bungalows.</li> </ul> <p>It should be noted that had the developer submitted application DC/17/2524 as a first application, it would have been refused planning permission because it would not comply with the conditions for the site's allocation in the Neighbourhood Plan.</p> <p><b>3) Enforcement</b>  The National Planning Policy Framework (paragraph 207), and Horsham District Council's (HDC) enforcement policy states "<b>Effective enforcement is important as a means of maintaining public confidence in the planning system.</b>" HDC should now take strong enforcement action because:</p> <ul style="list-style-type: none"> <li>• This application does not constitute "<b>minor material amendments</b>". It is a <b>very substantial re-design</b> of what was approved under DC/15/2493 (see attached comparison of DC/17/2524 with DC/15/2493 showing the <b>numerous substantial changes</b>).</li> <li>• These substantial changes in DC/17/2524 represent a <b>deliberate and flagrant breach</b> of the <b>Nuthurst Neighbourhood Plan</b> and the <b>approved planning permission</b>.</li> <li>• The deliberate and flagrant breaches have already undermined local public confidence in the planning system and this confidence needs to be restored.</li> <li>• Strong action needs to be taken to discourage other developers from the temptation to flout planning permission and the Neighbourhood Plan and citing this application as a precedent.</li> <li>• HDC must be seen publicly to uphold the Neighbourhood Plan and its own planning rules.</li> </ul> <p><b>4) Conclusion</b>  <b>In view of the deliberate and flagrant breaches of the Neighbourhood Plan and the approved planning permission, the Parish Council strongly urges Horsham District Council to refuse this retrospective planning application and require the developer to demolish the houses and to construct new chalet bungalows exactly in accordance with the original approved planning permission.</b></p> <p><b>(Planning 23-11-17 Appendix A - Full comparison of DC/15/249 &amp; DC/17/2524)</b></p>
DC/17/2534 10/11/2017  <b>RESOLVED</b>	Full application for a 5 pitch proposed site for settled gypsy accommodation. Land rear of Millers Mead, Nuthurst Street, Nuthurst <b>The Parish Council strongly opposes this planning application for a five</b>

**pitch site and associated utility buildings for the following reasons:**

**1. The site has no legal access/egress from the public highway**

The applicant was refused retrospective planning permission (DC/16/2062) for an existing crossover (the proposed access to the site). This is now the subject of an enforcement action EN/17/0062. On 12 September 2017 Simon Chalcraft from Horsham District Council's enforcement team wrote to the Parish Council "I am just writing to confirm that as the date for appeal has passed, the enforcement notice will be going ahead with my senior colleague Helen Sissons and the council's legal team ([helen.sissons@horsham.gov.uk](mailto:helen.sissons@horsham.gov.uk)) and it will require the land to be restored to its previous state."

2. The proposed entrance to the site is on a bend in Nuthurst Street, a very narrow rural lane, where visibility splays for egress from the site are inadequate, unsatisfactory and unsafe. There will be a significant increase in traffic on Nuthurst Street from the five pitches and the hard standing for five touring caravans.

3. No transport and road safety assessment has been provided. This is particularly important because of the increased traffic from the site at a bend on a very narrow lane.

4. The site has not been allocated for development in the Nuthurst Parish Neighbourhood Plan which was made in October 2015. Policy 1 of this Plan does not support development in the countryside.

5. The proposed development is behind the properties in Nuthurst Street and such "backland development" was considered inappropriate by the Independent Examiner of the Nuthurst Neighbourhood Plan.

6. There is no need for any more gypsy and traveller sites in the Horsham District. In HDC's "Gypsy, Traveller and Travelling Show People: Draft Site Allocations Development Plan Document November 2017", it is concluded that "*The process has identified 75 pitches for use as Gypsy and Traveller accommodation. This is more than sufficient to meet the Districts Gypsy and Traveller accommodation requirements of 68 pitches over the next 10 years*"

7. That same Document concluded that a proposed site at Hawthorns, Bar Lane, Copsale would be unsustainable and likely to have a detrimental impact on the character and appearance of the surrounding landscape and therefore the site was not suitable for gypsy pitches. These reasons apply equally to the site at the rear of Millers Mead. Both sites should be refused planning permission.

8. The Millers Mead site is in an unsustainable location in the countryside which is remote from services and facilities, including particularly buses and health services. The nearest place with limited services is Cowfold, about 5.5 km from the site. The nearest place with good services is Horsham about 6.6 km from the site. Thus there would be reliance on private vehicles. Furthermore, the Parish Council understands that there are no places available in three of the year groups at St Andrew's School.

9. The development would be completely out of character with the neighbouring properties in contravention of Policy 10 of the Neighbourhood Plan and Section 1 of the Parish Design Statement. Furthermore, it would visually affect the setting of the adjacent properties in Nuthurst Street and noise from timber buildings and separate utility buildings would be an issue for neighbours.

10. The site is agricultural land and has been used for grazing horses as evidenced by stables on the site. It should be retained as agricultural land.

11. Many residents are irritated about numerous inaccuracies in the application

	<p>form and one resident has listed them in his objection.</p> <p>12. There has also been no community consultation or engagement.</p> <p><b>Conclusion</b>  <b>The proposed development is in an unsustainable location with no legal access/egress. It is remote from local services and facilities and sustainable forms of transport with unsafe egress from the site. It also adversely affects the settings of nearby properties. The proposal represents an unsustainable form of development in the countryside which is contrary to Policies 1, 2, 4, 23, 25, 26, 31, 38 and 40 of the Horsham District Planning Framework (2015) and Policies 1 and 10 of the Nuthurst Parish Neighbourhood Plan.</b></p>
<p><b>DC/17/2538</b> 08/11/2017</p> <p><b>RESOLVED</b></p>	<p><b>Non Material Amendment to approved application DC/16/1819 (Erection of a single storey side extension). Amendment sought to add a skylight in the south facing roof</b>  The Granary, Park Lane, Maplehurst  <b>To raise no objection to this application.</b></p>
<p><b>DISC/17/0444</b> 08/11/2017</p> <p><b>RESOLVED</b></p>	<p><b>Approval of details reserved by condition 3 to approved application DC/16/1819</b>  The Granary, Park Lane, Maplehurst  <b>To raise no objection to this application.</b></p>

### 3911/17 PUBLIC FORUM

After the Parish Councils observations to DC/17/2534 were heard, members of the public were invited too make further comments on the application and the following points were raised:

- Analysis of 'Back Log' identified in the DPD Preferred Strategy.
- Check definitive map for location of footpath.
- Incorrect declarations by applicant.
- Parish Design Statement (possible further objections).
- Drainage (stream runs along the side of a neighbouring property).
- Draft Gypsy Site Allocation document considered by HDC's Cabinet on 16<sup>th</sup> November 2017. The document has identified sufficient pitches for the next 10 years, none of which are in the Parish of Nuthurst.
- Need to get as much publicity as possible ie. Jeremy Quin MP and media.
- Public urged to object on HDC's website, need to submit objections to both applications, DC/17/2534 and DC/17/2535.
- DC/17/2535 validated on 23<sup>rd</sup> November 2017, comments submitted before this date may not have been recognised, need to re-submit on HDC's website.

The Chairman confirmed that District Councillor, Toni Bradnum, was fully aware of the situation and supported the objections to the application. The Chairman concluded that the Parish Council are aware of 'background' matters but can only comment on 'what is put in front of them.'

### 4011/17 PLANNING UPDATES

#### i) DC/17/0815 Church Road

The Chairman and Councillor O Hydes will be attending a meeting with Tom Crowley, and Dr Chris Lyons on Friday 24<sup>th</sup> November 2017. The meeting has primarily been called by the Chief Executive to discuss the Formal Complaint against the Planning Officer, who reported that the application was compliant with Policy 1 of the Neighbourhood Plan and failed to mention the detail.

The Chairman and Councillor Hydes intend to 'uphold' the complaint, which would not have come about if the second 'promised' meeting had taken place and have advised that there are further issues which need to be discussed.

The Planning Officers need to recognise and uphold the Neighbourhood Plan, there have been two instances in the pre-advice where officers were 'tempted to recommend for approval'.

**ii) DC/17/2535 Land behind Millers Mead**

A second application has been submitted to HDC for 'a 5 pitch proposed site for settled gypsy accommodation', these will be located on the opposite side of the field to DC/17/2534. The application was validated on 23<sup>rd</sup> November 2017 and will be discussed at the Full Parish Council meeting on 6<sup>th</sup> December 2017.

**4111/17 MINOR MATTERS RAISED BY COUNCILLORS TO BE REFERRED TO ON THE NEXT AGENDA - none.**

Monks Gate Residents Association (MOGRA) will be holding their AGM on 27<sup>th</sup> January 2018, the Chairman and Councillors were invited to attend.

**The meeting closed at 20.30pm**