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18<sup>th</sup> July 2019

Planning Department  
Horsham District Council  
Park North  
Horsham  
West Sussex RH2 1RL

Dear Sir

**DC/19/1119: Outline application (24/05/2019) for the erection of 5 No. dwellings with all matters reserved except for access: Land at Millers Mead, Nuthurst Street, Nuthurst**  
**Amended application dated 10/07/2019**

The Parish Council, as a statutory public body, takes its duties very seriously and is always careful in how it conducts its meetings and presents its facts and arguments. Any criticisms of the work of the Parish Council by DHM Stallard in a letter of 8 July 2019 should therefore be assessed with those high standards of duty clearly in mind.

The Parish Council considered this amended application at its meeting on the 17 July 2019 and concluded that it must strongly object on the following grounds.

### 1. Access

The proposed access is unlawful as retrospective planning permission was refused by HDC in 2017 for the transformation of a narrow, grassy public footpath into a much wider and hard-surfaced roadway, capable of taking vehicular traffic. It is subject to

Enforcement order EN/17/0062 and this Order was confirmed on appeal by the Planning Inspectorate who, in February 2019, said that the work to remove the crossover and hardstanding should take place “within a month”. As this has not been done, HDC’s Planning Control team leader has referred the breach of the Enforcement Notice to the Legal Department in order for prosecution proceedings to be instigated in a court of law.

The developer seems to acknowledge the difficulties he faces with this access when he says, “there is access to the field by a secondary route between Millers Mead and Micklethrift”. However, the facts are that this route is approximately 80 metres in length and only 3.75 metres wide, not wide enough to allow two cars to pass. Neither are there possibilities for constructing passing places.

Since the proposed access to the field is unlawful and the secondary access is impractical, the amended application needs to be refused. However, there remain many other reasons why this application should be refused.

## **2. Location**

The field is well outside the proposed settlement boundary for Nuthurst. It is therefore classified as countryside where development should not normally be permitted. The proposed development does not support any existing agricultural or countryside activity and, on that basis, should therefore be refused.

The proposal to build outside the settlement boundary is particularly worrying to the Parish Council since these boundaries were surely intended to protect the rural countryside from speculative development. If HDC’s policy of settlement boundaries is breached, it will mean that no rural areas in the District can ever have their character and amenity preserved.

## **3. Rural Exception Sites**

Planning permission would not normally be granted for this field and the developer’s proposal to claim it as a Rural Exception Site is a recognition of this. Despite the developer’s assertions that the field complies with national and district policies relating to Rural Exception Sites, the facts are that there is no current, documented evidence that there is any social need for the field to be built upon. There are, to nobody’s knowledge, any existing residents in unsuitable accommodation, or people whose work provides important services and need to live in the parish, or people who live outside the parish but have longstanding links with it, or people with the

offer of a job in the parish but who cannot afford to live in the parish (HDPF Policy 17).

#### 4. Nuthurst Parish Housing Survey

As part of the Neighbourhood Plan's preliminary work, the Parish commissioned Action in Rural Sussex (AiRS) to conduct a Housing Needs Survey. Concern was expressed on receipt of the AiRS Report that information provided by responders about the reasons for their stated need, their income or level of savings was unchecked and unverified. The figures in the AiRS report are therefore respondents' assertions and as such, invalid as proper evidence for any housing need in the Parish. Additionally, it should be noted that the AiRS Report is now in excess of five years old and respondents' circumstances may by now be very different.

As said previously in response to the original application, the Parish's Neighbourhood Plan is already delivering **twenty-three**, two and three bedroomed small houses and many more will come from the 5 remaining NP sites. In addition, an application has just been submitted for **five** small flats at the former Dun Horse Inn, Mannings Heath and there has also been an application for **seven** small studio flats at the Elite garage, also in Mannings Heath (currently subject to an environmental health check). Please note that their positions on the A281 at Mannings Heath are far more sustainable than any other location in the Parish.

The Parish Council contends that this level of new provision of small houses and flats within a Parish of only 1,800 inhabitants is both appropriate and reasonable and that therefore, there is no need for this field in an unsustainable position in the countryside to become a Rural Exception Site.

#### 5. Neighbourhood Plan (NP)

The NP will provide for circa fifty houses on 9 sites and this figure was confirmed at referendum by 89% of those voting. This particular site is not allocated for development in the NP or HDC's Planning Framework, as well as being far from the settlement boundary of Nuthurst and in an unsustainable position. It is not therefore an appropriate site for development and is not needed in the Parish.

#### 6. Type of dwellings

The application is predicated on the provision of affordable/shared ownership properties but the Parish Council considers this to be dis-ingenuous. The field is an unsustainable site for affordable housing given that the bus service is once weekly

and there is no easy access to shops, employment opportunities or health services. Any future occupants would be totally reliant on car transport to access any of these essential services. Indeed, this is recognised by the developer because diagram 17396/C102A shows each dwelling with two cars, one in a garage and one alongside it.

The two-car illustration also negates any notion that these dwellings will be “affordable”, for poorer members of our society.

The Parish Council has noted with concern that this amended application shows **more accommodation** than the original application. The original application was for 5, two bedroomed single-storey dwellings, though each with a generous 2 en-suites and an additional toilet. The amended application shows some dwellings with 3 bedrooms, a “dressing area” (perhaps to become a 4<sup>th</sup> bedroom?), and again, a generous provision of 2 en-suites and an additional toilet, plus garages. The provision of just five houses in such large gardens is also remarkable. Altogether, this degree of spaciousness and generous provision of accommodation seems to belie any notion that these dwellings are truly intended as affordable housing for the poor and needy members of our society.

It is also noted that the developer has needed to find a housing trust in another county to support the amended application, rather than the more obvious provider, Saxon Weald of Horsham, who already manage social housing in the more sustainable location of Mannings Heath. Nor is there any assurance that the developer would be prepared to comply with Raven Housing Trust’s requirement to “purchase this scheme freehold” since it would presumably be less profitable.

## 7. Backland development

The proposal is to build on land lying to the rear of housing fronting Nuthurst Street. This is unacceptable and yet another reason to refuse the application. The Parish Council was required by the Independent Examiner to remove a backland site from the Parish’s NP. This site was behind Hollyhocks and Keatings that adjoin the application site. The Inspector said that the proposed site was behind a row of large houses in large plots, the development would appear incongruous in its setting, out of character with the nearby houses and would fail to protect the rural character of the area. These reasons apply equally to this adjacent application site and should result in a refusal of permission.

HDC refused planning permission for backland development at another site (DC/18/1849). The reason for refusal also applies equally to this application, namely,

*“The proposed development would result in the overdevelopment of this backland site, which would not respect or reflect the pattern of development in the vicinity, to the detriment of the character of the landscape and visual amenities of the site and wider area. The proposal is therefore contrary to policies 25,26,31,32 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Nuthurst Parish Neighbourhood Plan”.*

## **8. Sewage**

The applicant has claimed that the settlement has mains drainage which is incorrect. Local residents have individual or group biological treatment systems from which liquids drain into a ditch and the slurries are removed by lorry. The Parish Council has no confidence that the ditch could cope with any housing built on this field. In this case, it is not sufficient to rely on “conditions” as the sewage issue needs proper investigation and, experience has unfortunately taught the Parish Council that “conditions” tend to be ignored and not enforced in any event.

## **9. Ecology**

The Parish Council notes that there has been no full ecological survey, despite the fact that the field is bounded by a designated ancient wood, an old system of drainage ditches and that there is an old pond nearby associated with the fourteenth-century farmhouse. Each in turn is likely to support a wealth of wildlife, some of which can be easily observed this July. The field is currently awash with colourful wild flowers and a host of different butterflies. This environment should be left just as it is and not covered with speculative housing and tarmac. Please note HDC’s reason for refusing planning permission for the adjoining “The Mead” (DC/18/2578).

*“Insufficient information has been provided to demonstrate that the proposed development would have no impact on protected species and its habitat, contrary to Policy 31 of the Horsham District Planning framework (2015) and paragraph 175 of the NPPF”.*

## **10. Heritage**

Micklepage is listed as a fourteenth century farmhouse and the field behind Millers Mead was undoubtedly part of its demesne. The Parish Council believes that the field

should remain tied to an agricultural/countryside use so as to maintain historical links with the settlement's ancient past.

Please note HDC's additional reason for the refusal of planning permission at "The Mead".

*"The proposed development would further encroach the immediate setting of Micklepage farm, a grade 11 Listed Building, and would draw the historic farm complex into the settlement envelope, thereby further reducing the opportunities to understand it as historically separate. The addition of built form as proposed would therefore result in harm to the setting of the Listed Building, eroding the interpretation of the heritage asset within its historic landscape, contrary to Policy 34 of the HDPF and paragraph 193 of the NPPF".*

Given that the field was undoubtedly once part of the Micklepage Farm, the same reasoning applies here with equal force.

The Micklepage complex is currently used by religious groups as a retreat and chapel. The Parish Council would like to see its present tranquility retained so that the buildings can continue to be used in this peaceful way. Development of the field would result in a need for refuse lorries, fuel delivery lorries as the area is not on mains gas, lorries to transport away sewage waste, as well as car movements. All this could impact very adversely upon the peaceful activities of these religious groups.

### **11. Impact on the owners of Winthrift**

It is not true, as the developer alleges, that "only the surfacing of the footpath has changed". This footpath, before the owner grubbed up the bushes that lined the path and cut down tree branches, was considerably narrower than it is now. What was once a green tunnel with branches overhead and a grassy path underfoot has been turned into an ugly eyesore that the owners of Winthrift have to look at daily. The removal of bushes and tree branches along the path has exposed the owners to public gaze along the entire length of their garden. Their peace, privacy and security has gone and this proposed development threatens to add the noise, dust and fumes from cars and lorries to their daily lives. It is totally unacceptable that their environment has already been ruined in this way, and now could be made worse by this proposed development. The Parish Council therefore considers that prosecution for failure to comply with the Enforcement Order is appropriate and that planning permission should undoubtedly be refused.

## Conclusion

The Parish Council has no hesitation in strongly urging HDC to refuse this application on the multiplicity of grounds noted above. It views this approach as especially important given that the applicant will almost certainly go to appeal and the reasons for refusal therefore need to be set out fully and comprehensively.