



107 Morris Drive
Billingshurst
West Sussex
RH14 9ST

Telephone 01403 784985

Mobile 07584 308 408

Email: clerk@nuthurst-pc.co.uk

Web: www.nuthurstparishcouncil.co.uk

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

Dear Tamara Dale

DC/19/1119: Amended description to "Outline application for the erection of 5.No dwellings (comprising 2no. 2-bed affordable rent, 1no. 2-bed shared ownership, and 2no. 3-bed shared ownership) with all matters reserved except for access" from "Outline application for the erection of 5. No dwellings (shared ownership) with all matters reserved except for access".
Land at Millers Mead, Nuthurst Street, Nuthurst

1. Introduction

The Parish Council is concerned that should HDC's Case Officer recommend approval of this application "for all matters reserved except access" without consideration of the wider issues covered in this objection, the approval would conveniently over-ride and dispense with the Enforcement Notice (EN/17/0062) requiring the removal of the unlawful crossover and hardstanding that forms the access road. The Parish Council sincerely hopes that HDC will not be tempted by such a manoeuvre.

2. The Housing Officer's reversal of view

The Housing Officer did not support the scheme (22 July 2019) when it was described as "**5 No. dwellings (shared ownership)**". By the Housing Officer's own definition (24 September 2019) shared ownership equates to affordable houses. Yet the Housing Officer chose to support the scheme (24 September 2019) when its description (without any change in plans or accommodation) was changed to "**5 no dwellings (comprising 2 no 2-bed affordable rent, 1 no 2-bed shared**

ownership and 2 no 3-bed shared ownership)”. The reason given was nonsense, quote “The applicant has revised their proposed scheme and are now proposing a development consisting of 5 dwellings with all units being proposed as affordable housing”. All units were affordable dwellings before the change in description. The Housing Officer should either be asked to provide a valid reason for this reversal of view or revert to not supporting the application

3. Level of accommodation and space proposed for “affordable” dwellings

This application shows accommodation that is surely excessive for affordable housing: 2 or 3 bedrooms plus dressing rooms (which could become extra bedrooms), two en-suites plus a separate toilet, utility rooms plus a kitchen, a garage plus two parking spaces as well as ¾ acre gardens. This suggests that the developer wants to establish the principle of development on the site that would not normally secure planning permission and then amend the planning application to what the developer standardly builds: large executive style dwellings yielding far higher profit margins.

4. The realism of this planning application

The developer implies that the proposal for five affordable dwellings is realistic. The Parish Council considers that it is not realistic. It asks HDC to commission a study to determine whether or not this application for 5 so-called affordable dwellings is truly realistic and achievable in this expensive part of West Sussex. The Parish Council is well aware that HDC does commission such studies and considers that this application should be fully tested on its realism, feasibility and achievability before a decision is made.

The average rental for a dwelling in Horsham is £1,581 pcm which is higher than the average rental for West Sussex as a whole. Rentals in Nuthurst are likely to be even higher than in Horsham. **So why is the developer proposing to build “affordable” dwellings in one of the most expensive parts of the County? And why is Raven Housing Trust going along with this?** It suggests that the Trust has not shown due diligence itself in examining the financial viability of the scheme. The Parish Council also asks that HDC examines whether proper due diligence has been carried out by Raven Housing Trust before deciding this planning application.

5. Financial credibility

Note that the average rental of a 3 bed dwelling in Horsham is £1,344 pcm. 80% of that (the criterion for affordable rent) is £1,075 pcm or nearly £13k annually. Factor in heating and other household bills, transport, food, clothing and leisure activities and a person would need at least double that as an annual salary. A young professional person, such as a teacher or nurse, would never be able to afford to rent one of these so-called affordable dwellings. So who are these 5 dwellings intended to benefit beyond the developer?

6. WSCC change of mind on public right of way

WSCC PROW team has withdrawn its objection solely on the developer’s promise that he will remove the unlawful gate and restore the usable width of the PROW to at least the minimum required width. The Parish Council considers that WSCC should not have withdrawn its objection until the developer has been seen to have completed the work to the PROW Officer’s satisfaction following a site visit.

7. Section 70C of the Town and Country Planning Act 1990

HDC should decline to determine this application because Section 70C of the TCPA 1990 states that *“A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates”*. The unlawful access for the proposed development is subject to Enforcement Notice EN/17/0062.

8. Objections to the Planning Application

Since there has been no change in the plans or the accommodation, the Parish Council’s previous reasons for objection, set out in our letter of 18 July 2017, still apply and they are repeated below.

8.1 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 with a lowered kerb (crossover), capable of taking vehicular traffic. It is subject to Enforcement Notice EN/17/0062 and this Notice 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.

8.2 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 HDC’s area can ever have their character and amenity preserved.

8.3 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).

8.4 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 in a far more sustainable than in the hamlet of Nuthurst.

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 ever to become a Rural Exception Site.

8.5 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.

8.6 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 4th 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. The Parish Council asks if HDC has fully and diligently examined this matter with Raven Housing Trust

8.7 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”.

8.8 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.

8.9 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".

8.10 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.

8.11 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 essential and that planning permission should undoubtedly be refused.

9. A further reason for objecting – harmful effect on the area

On 9 February 2018, HDC refused permission for a 5 pitch settled gypsy accommodation on the same site on various grounds. One of these grounds was *"The proposed development and*

associated access, by reason of its layout, scale, siting and design, would fail to integrate into the immediate landscape and would represent a harmful urbanising form of development, out of keeping with and detrimental to the rural character and appearance of the site. The proposal would therefore be contrary to policies 2, 23, 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015) and policy 10 of the Nuthurst Neighbourhood Plan (2015)."

When the Planning Inspector dismissed the applicant's appeal on 29 November 2018 he said "I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area, both in terms of the nearby built form and the surrounding rural character."

The Parish Council contends that this reason for refusal applies equally to the application for the 5 so-called affordable dwellings.

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 therefore need to be robust and set out fully and comprehensively.

Yours sincerely

Sarah Hall

Sarah Hall
Clerk to Nuthurst Parish Council