

**NUTHURST PARISH COUNCIL**  
**DECISIONS MAY/JUNE 2021 (JUNE AGENDA)**

**049-21/22ii PLANNING MATTERS (DELEGATED DECISIONS)**

Number	Applicant & Reason	Consultation Closes	NPC Meeting
<a href="#">DC/21/1032</a> 05.05.2021  <b>RESOLVED</b>	<b>Surgery to 1 x Beech, 1 x Blackthorn, 1 x Ash and 1 x Holly (Works to Trees in a Conservation Area)</b> Black Horse Cottage Nuthurst Street Nuthurst  <b>No objection</b>	26.05.2021	Email consultation
<a href="#">DC/21/0685</a> 06.05.2021  <b>RESOLVED</b>	<b>Demolition of existing farm buildings and erection of 5 dwellings, creation of new access and associated landscaping and parking</b> Holly Farm, Winterpit Lane, Mannings Heath  <b>Background</b> This site is allocated for development in policy 3 of the Nuthurst Parish Neighbourhood Plan (NP), therefore development can be permitted provided it meets all the requirements of the NP. The key requirement of the NP is that the scheme consists primarily of 2 and 3 bedroomed semi-detached or detached houses within the built-up area boundary. Although the Parish Council wanted to support a previous application (DC/20/1645) for the erection of 5 dwellings, it couldn't because there were two serious concerns about the application. These concerns were: <ul style="list-style-type: none"> <li>• <i>"The proposed development extends outside of the Built-up Area Boundary (BuAB) for Mannings Heath as shown in the attached diagram in contravention of policy 3.</i></li> <li>• <i>The proposed "2 bed +1" semi-detached houses are clearly intended to become 3 bed-houses and the 3 bed-houses will become 4 or 5 bed-houses, so that the scheme will no longer consist of "primarily 2 and 3 bedroomed semi-detached or detached houses" in contravention of policy 3ii."</i></li> </ul> Horsham District Council (HDC) refused planning permission on the following grounds: <ul style="list-style-type: none"> <li>• <i>"The development would provide dwellings which would fail to be appropriately sized to meet the identified housing needs of the Parish for smaller two and three bedroomed properties. The proposal would therefore be contrary to Policy 3 of the Nuthurst Neighbourhood Plan (2015) and Policy 42 of the Horsham District Planning Framework (2015).</i></li> <li>• <i>The development, by reason of the scale and siting of Plot 4, would have an unacceptable impact on the amenity of the adjacent property, 'Hathaways', by virtue of loss of light and outlook. The proposal would result in significant harm to amenity for occupants of this property, contrary to policy 33 of the Horsham District Planning Framework (2015).</i></li> </ul>	27.05.2021	Email consultation

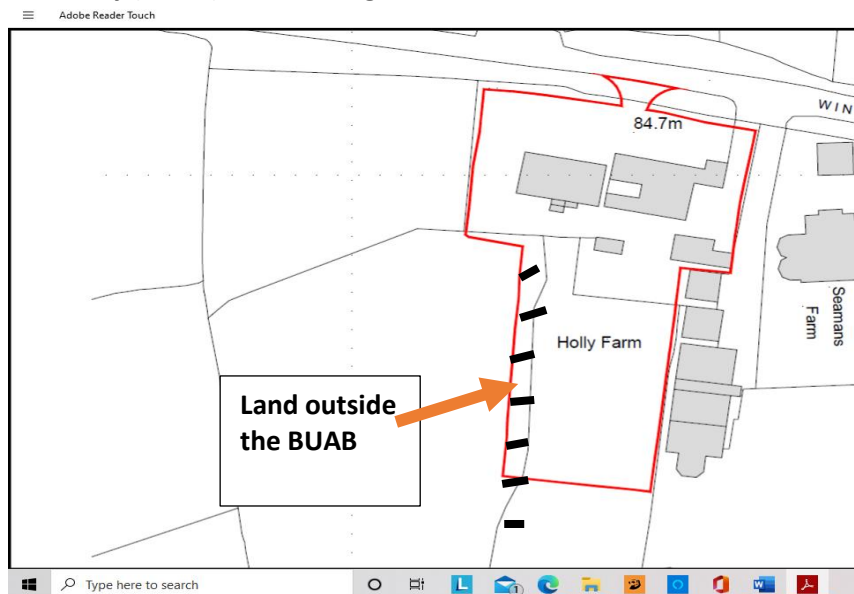
- *The development would encroach beyond the defined built-up area boundary of Mannings Heath and would therefore be contrary to Policy 3 of the Nuthurst Neighbourhood Plan (2015) and Policy 3 of the Horsham District Planning Framework (2015)."*

**The current application**

This is for 5 dwellings comprising 1 x 2 bed house; 3 x 3 bed houses and 1 x 4 bed chalet bungalow. The dwellings have been reduced in size and rooms such as studies/offices, that could have been converted into additional bedrooms, have been removed. **Thus the applicant appears to have overcome one of the previous objections and reasons for refusal and therefore the proposal meets one of the main requirements of the NP, namely to provide " primarily 2 and 3 bedroomed semi-detached or detached houses".**

However, there is concern that the houses could easily be extended in the future to have more bedrooms thus negating the primary aim of the NP to provide small houses. Therefore the Parish Council recommends that HDC considers a condition on any approval that removes permitted development rights.

**However, development still extends beyond the built-up area boundary (BUAB) for Mannings Heath as shown below.**



The BUAB follows the field boundary and therefore the development includes a sliver of land to the west that is not within the BUAB. The applicant has therefore not dealt with one of the previous objections and reasons for refusal. This could easily be rectified by the applicant by submitting a new plan with the site boundary to the west aligning precisely with the BUAB, since this sliver of land is not required for the development and should not be part of the development site.

The Parish Council notes that the applicant has proposed the 4 bed chalet bungalow instead of a three bed detached house adjacent to the property "Hathaways". This has reduced the ridge height from 8.4 m to 7.3m. Thus the applicant appears to have overcome the third reason for refusal by reducing the impact on "Hathaways". However, the impact could be further reduced by re-configuring the chalet

	<p>bungalow so that there is a shorter length of building immediately adjacent to “Hathaways”.</p> <p>The Parish Council notes that one requirement of the Neighbourhood Plan is to retain the screen of trees and bushes on the eastern boundary. The applicant is proposing to remove existing trees on this boundary and plant some new trees, but the Parish Council considers that this is not sufficient to adequately screen the existing properties to the east from the proposed houses in the development. This could easily be dealt with by retaining the existing trees along with the planting of more new trees. The Parish Council recommends that HDC consults its Arboricultural Officer on this matter.</p> <p>The Parish Council is very concerned that the applicant is still proposing a gate to provide access from the development into the field to the west of the site to “maintain access into the adjoining fields of Forest Farm”. <b>This gate is not necessary for access to the field as there is already an access to this field from a gate off Winterpit Lane.</b> This gate suggests that the applicant intends to extend development into this field in the future. This field is outside the BUAB where development is not permitted. HDC should therefore not permit this gate and new access.</p> <p>The Parish Council notes that there is a Preliminary Ecology Appraisal (in three parts with some redactions). It is clear from part 3 that there is badger activity on the site as badger latrines, holes, paths and entry points have been identified. In part 1 there is a summary of mitigation measures for other species, but there does not appear to be any mitigation for badgers. The Parish Council recommends that HDC consults its own ecologist and Natural England to make sure that adequate mitigation measures are taken to protect the badgers.</p> <p>The Parish Council notes that residents are concerned that insufficient on site parking is proposed thereby leading to unsafe parking on the narrow Winterpit Lane. The Parish Council recommends that HDC consults West Sussex County Council Highways to obtain their comments on the sufficiency or otherwise of the on-site parking arrangements.</p> <p><b>Conclusion</b></p> <p>The Parish Council supports this application in principle because it complies with the main requirement of the NP to provide primarily 2 and 3 bedroomed semi-detached and detached houses.</p> <p>However, the Parish Council has serious concerns about some aspects of the proposal and asks HDC to consider these concerns in consultation with the appropriate authorities as follows:</p> <ol style="list-style-type: none"> <li>1) The proposed development extends outside of the Built-up Area Boundary (BuAB) for Mannings Heath as shown in the above diagram in contravention of policy 3 of the NP. This can easily be rectified by HDC asking the applicant to submitting a new plan with the site boundary to the west aligning precisely with the BUAB, since this sliver of land is not required for the development and should not be part of the development site.</li> <li>2) Although the proposal meets the requirement to provide primarily small houses, there is concern that the houses might</li> </ol>		
--	---	--	--

	<p>be extended in the future. HDC is asked to place a condition on any approval that removes permitted development rights.</p> <ol style="list-style-type: none"> <li>3) The gate providing access to the field to the west of the site is unnecessary as there is already an access gate to this field from Winterpit Lane. HDC is asked to require the applicant to remove this gate.</li> <li>4) HDC considers asking the applicant to reconfigure the chalet bungalow to further reduce the potential impact on "Hathaways".</li> <li>5) HDC consults its Arboricultural Officer regarding the retention of existing trees and planting of new trees on the eastern boundary to ensure that the existing properties to the east are adequately screened from the new development.</li> <li>6) HDC consults its own ecologist and Natural England to make sure adequate mitigation measures are taken to protect the badgers that are present on the site.</li> <li>7) HDC consults West Sussex County Council Highways regarding whether the on-site parking provision is sufficient or not in order to avoid dangerous parking on Winterpit Lane.</li> </ol>		
<p><a href="#">DISC/21/004</a> <a href="#">0</a> 06.05.2021  <b>RESOLVED</b></p>	<p><b>Approval of details reserved by conditions 3, 4 and 5 to approved application DC/20/1205</b> Pemberley, Copsale Road, Maplehurst <b>Background</b> The Parish Council considered this application in March 2021 and strongly objected to the discharge of condition 4 (a long line of pine trees along the boundary with the grade II listed Sheepwash Farmhouse) and condition 5 (siting of the muck heap close to the boundary with Sheepwash Farmhouse). It asked HDC to consider carefully whether the proposed materials for the stable block were appropriate to the countryside location when determining the discharge of condition 3. The applicant has now submitted new documents. <b>Discharge of Condition 4</b> Essentially for the discharge of condition 4, it is now proposed to plant a long line of lime trees instead of pine trees. It is understood that lime trees grow up to 40 feet high, a similar height to pine trees. The Parish Council continues to strongly object to the discharge of condition 4 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The height, spread and proximity of these trees would have an unacceptable adverse effect on the setting of Sheepwash Farmhouse, a grade II listed building.</li> <li>• The size of these trees along the boundary of Sheepwash Farmhouse will reduce the sunlight to the property and its garden and its garden would be in the shade for part of the day. <ul style="list-style-type: none"> <li>• The line of huge lime trees would be incongruous in this rural setting.</li> <li>• The tall lime trees could shed branches or even fall and thus damage Sheepwash Farmhouse and its garden.</li> </ul> </li> <li>• In addition lime trees are deep rooted and their proximity to the farmhouse building could potentially cause structural damage as</li> </ul>	27.05.2021	Email consultation

	<p>the Parish Council understands that the building has no structural foundations and sits directly on top of clay.</p> <p>The Parish Council considers that tree species more common in West Sussex which support local species of wildlife would be more appropriate in this location, such as hawthorn, birch and alder. The Parish Council recommends that HDC consults its Arboricultural Officer for an opinion on a long line of lime trees in the position proposed.</p> <p><b>Discharge of condition 5</b></p> <p>For the discharge of condition 5, the applicant proposes to site the muck store away from the boundary with Sheepwash Farmhouse so that it will be between the new stable block and sand school. The reasons for previously objecting no longer apply. <b>Therefore the Parish Council has no objection to the discharge of condition 5.</b></p> <p><b>Discharge of condition 3</b></p> <p>There does not appear to be any new information on the discharge of condition 3. Therefore, the Parish Council confirms its previous comment as follows:</p> <ul style="list-style-type: none"> <li>• The Parish Council notes that a “slate effect” roof is proposed for the new stable block but no details of its composition are provided. It also notes that cast iron rainwater goods are proposed. The Parish Council asks HDC to consider carefully whether the materials of construction proposed are suitable for this countryside location.</li> </ul>		
<p><a href="#">DC/21/0667</a> 14.05.2021 <b>RESOLVED</b></p>	<p><b>Erection of a single storey rear extension</b> Swallowfield Cottage, 2 Swallowfield Close, Mannings Heath</p> <p><b>Background</b></p> <p>Earlier this year the owner applied for a “Certificate of Lawful Development” (DC/21/0086). The Parish Council had no objection in principle, but expressed concern that the garage conversion into a playroom could become a separate unit of accommodation and asked HDC if it was minded to give approval to apply a condition that the accommodation must not be used as a separate unit of accommodation. HDC refused a “Certificate of Lawful Development” because the proposed extension (rear projection) did not meet the criteria for such a certificate. The implication of this was that the owner should apply for normal planning permission.</p> <p><b>The new application</b></p> <p>The owner has now applied for full planning permission (DC/21/0667). The details of the application are exactly the same as for DC/21/0086. Since there is no change to the details of the planning application, the Parish Council confirms its previous comments as follows:</p> <ul style="list-style-type: none"> <li>• The Parish Council has no objection in principle to the proposed rear extension to this property. It notes that the applicant states that the materials to be used will match the existing property in which case it will satisfy the guidance in the Parish Design Statement, a Supplementary Planning Document.</li> <li>• However, the Parish Council is concerned that the garage conversion into a playroom could become a separate unit of accommodation in the future. Therefore, the Parish Council</li> </ul>	<p>04.06.2021</p>	<p>Email consultation</p>

	<p>requests a condition along the following lines if HDC is minded to approve the application: <i>“The accommodation hereby permitted in the converted garage shall be used solely for purposes ancillary to the enjoyment of Swallowfield Cottage as a dwelling and shall not be used as a separate unit of accommodation.”</i></p>		
<p><a href="#">DC/21/0761</a> 14.05.2021</p> <p><b>RESOLVED</b></p>	<p><b>Demolition of a pool house and storage building and erection of a single dwellinghouse. Creation of a new independent access and construction of a garage for Birchenbridge House.</b> Birchenbridge House, Brighton Road, Mannings Heath <b>In 2019 the owner applied (DC/19/0455) for conversion of existing residential outbuildings into a single dwelling and creation of a new access onto Birchenbridge House.</b> The Parish Council strongly objected on various grounds including not in Neighbourhood Plan, outside the BUAB, inappropriate development in the countryside and new entrance creating additional safety hazard on A281. HDC refused planning permission on similar grounds to the Parish Council’s objection. The owner appealed to the Planning Inspectorate and the Inspector upheld the appeal commenting that material considerations such as accessible location, not remote or isolated, outweighed the policies in HDC Local Plan and the Parish’s Neighbourhood Plan. <b>So the owner has permission for a single dwelling and a new independent access.</b></p> <p>The new application is to demolish the pool house and storage building and to erect a single dwelling and garage as an <b>alternative</b> to conversion of those buildings into a single dwelling. However, the fact remains that this proposed dwelling is outside the BUAB for Mannings Heath, is not allocated in the Neighbourhood Plan, is in a countryside location, does not support a countryside activity and creates an additional safety hazard on the A281. <b>Therefore the Parish Council maintains its objection to a dwelling for the same reasons as for the previous application, namely:</b></p> <p>i) The proposed development is located in the countryside, outside the defined built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore the proposed development has not been demonstrated as being essential to its countryside location. Consequently the proposal represents unsustainable development contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015), policy 1 of the Nuthurst Neighbourhood Plan (2015) and would fail to meet the definition of sustainable</p>	07.06.2021	Email consultation

	<p>development within the National Planning Policy Framework (2018).</p> <p>ii) The proposed development, by reason of the siting and relationship with the host dwelling and neighbouring property, would lead to an intensification of the use that would therefore result in significant harm to residential amenity and is contrary to policy 33 of the Horsham District Planning Framework (2015). It would also be out of keeping with those two dwellings because it does not reflect the architectural and historic character and scale of the surrounding buildings contrary to policy 10 of the Nuthurst Neighbourhood Plan (2015) and the overarching aim of the Nuthurst Parish Design Statement (2016).</p> <p>iii) The proposed development would create a third access onto the very busy A281 within 50 metres. This would reduce the safety of users of the A281 and would result in harm to those users of the public highway contrary to policies 33, 40 and 41 of the Horsham District Planning Framework (2015).</p>		
--	---	--	--