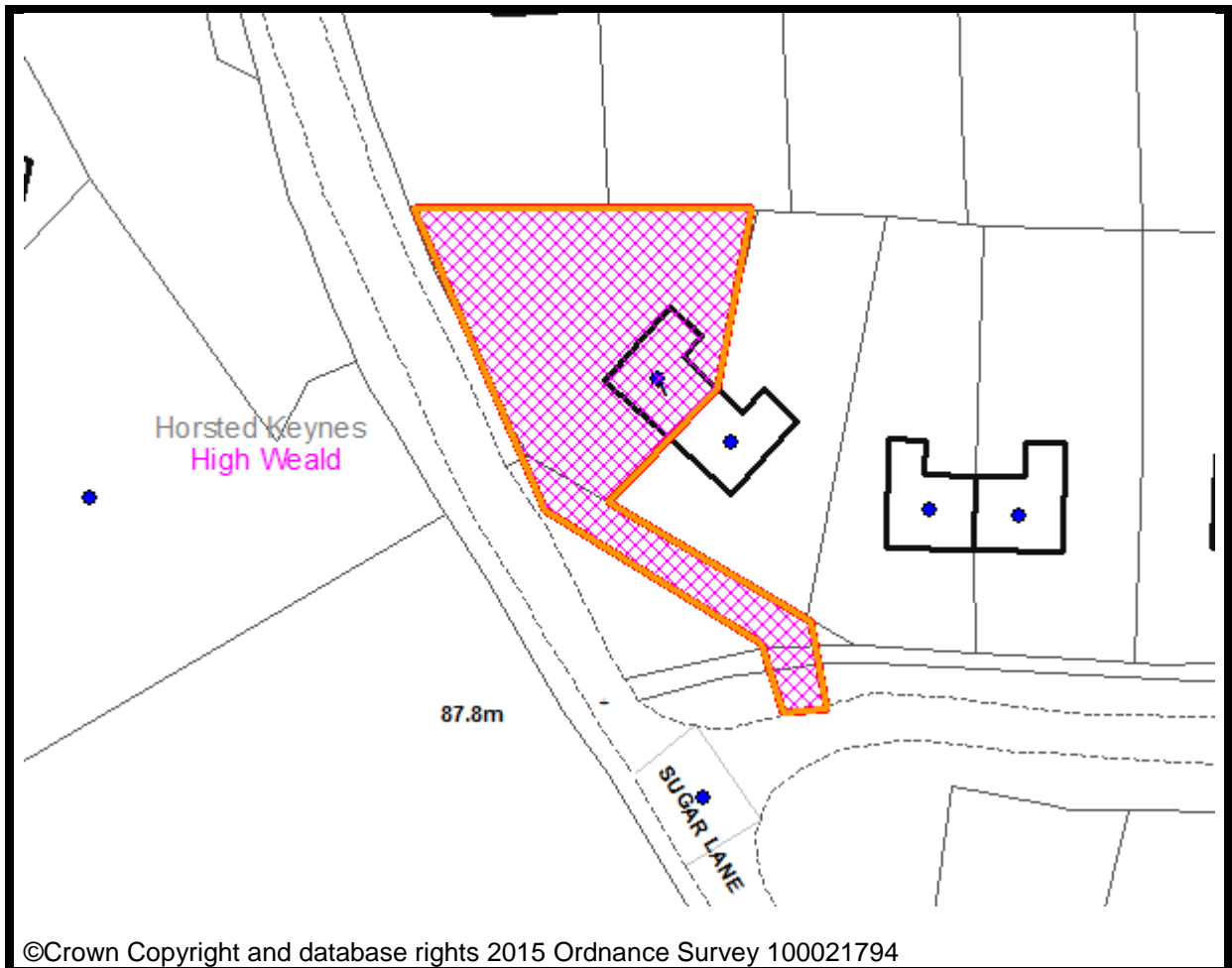


## Horsted Keynes

### 3. DM/18/2868



**1 JEFFERIES HORSTED KEYNES HAYWARDS HEATH WEST SUSSEX  
PROPOSED FORMATION OF A PARKING SPACE TO THE FRONT OF  
THE PROPERTY WITH LANDSCAPING WITHIN A POST AND RAIL  
FENCE WITH GATE.**

**MRS PAULA TASKER**

**GRID REF: EAST 538066 NORTH 127950**

POLICY: Areas of Outstanding Natural Beauty / Aquifer (Source) Protection Zone / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer /

ODPM CODE: Minor Other

8 WEEK DATE: 1st November 2018

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

CASE OFFICER: Stuart Malcolm

## **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

## **EXECUTIVE SUMMARY**

The application seeks full planning consent for the formation of a parking space to the front of the property with landscaping within a post and rail fence with gate on land to the front of 1 Jefferies, Horsted Keynes.

The application is before committee only because it is on land that is owned by Mid Sussex District Council.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

In this case the proposal is acceptable in visual terms, will preserve the natural beauty of the AONB, will not significantly harm neighbouring residential amenity and will not adversely affect highway safety.

The proposal is therefore deemed to comply with the requirements of Policies DP16, DP21 and DP26 of the District Plan 2014-31 as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Planning permission should therefore be granted.

## **RECOMMENDATION**

It is recommended that permission be granted, subject to the conditions listed at Appendix A.

## **SUMMARY OF REPRESENTATIONS**

One letter concerned about the use of the area for car parking rather than just access; concerned that the area could be used for the parking of a large vehicle or caravan and that this will detract from the view from the neighbour.

## **SUMMARY OF CONSULTATIONS**

WSCC Highways: No objections subject to conditions

## **SUMMARY OF PARISH COUNCIL COMMENTS**

Balanced case, applicant needs to satisfy highways about manoeuvring and turning space, bank stability a concern and potential precedent although pleased that less cars will be parked on road.

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### **Introduction**

Application DM/18/2868 seeks planning permission for the formation of a parking space to the front of the property with landscaping within a post and rail fence with gate on land to the front of 1 Jefferies, Horsted Keynes.

### **Relevant Planning History**

Planning permission was granted under DM/18/0433 to create a new access and parking area involving constructing a new access, off of an existing neighbouring crossover, over highways land to a new parking area in the front garden of the property.

This has not been implemented. It is worth noting that at the time of the decision being taken on the previous application it was understood by all parties that West Sussex County Council owned the land but it has recently come to light since the current application was submitted that it is in fact owned by Mid Sussex District Council.

### **Site and Surroundings**

1 Jefferies is a semi-detached dwelling located on the edge of the village of Horsted Keynes. The application site is to the front of the house and is part of a substantial area of grass verge which forms part of the public highway but is owned by Mid Sussex District Council.

The site is within the built up area of Horsted Keynes and the High Weald Area of Outstanding Natural Beauty.

### **Application Details**

The application differs from the previous permission in that it does not include parking in the front garden of the house or access to it. Instead the applicant is now proposing to have a parking area on the grass verge itself, rather than use this area as access to the parking area as before.

The parking/turning area is triangular in shape and measures approximately 17.5 m by 9 m by 10.1 m. A post and rail fence is proposed along the Sugar Lane boundary and inside the footpath on Jefferies itself.

## **List of Policies**

### **District Plan**

DP16 - AONB

DP21 - Transport

DP26 - Character and Design

### **Horsted Keynes Neighbourhood Plan**

The Neighbourhood Plan was withdrawn from examination in July 2018 to allow for further work to be undertaken.

### **National Policy and Other Legislation**

#### **National Planning Policy Framework (NPPF - 2018)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

#### **National Planning Policy Guidance**

*The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019*

#### **Assessment**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

The main issues in this case relate to the visual impact, the effects on highway safety and any impact on neighbouring residential amenity.

One of the key issues is the design and the subsequent visual impact on the character of the area. The newly published NPPF makes reference to the importance of good design at para 127 which states in part that:

*"Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping."*

Such requirements are similar to those found at district level within DP26 which states in part that:

*"All applicants will be required to demonstrate that development:*

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;"*

When assessing the visual impact it is important to take into account the previous approval which is an important material planning consideration. This permitted a driveway to the front of the dwelling albeit the area was smaller than the area now proposed under the current application. Nonetheless the parking and turning area is to be built using reinforced grass mesh giving a natural finish to the proposal and this is also what was permitted under the last application. It should be noted that a landscaping plan has been submitted alongside a turning/parking plan. The landscaping plan has been updated to clarify that the area to be grass mesh incorporates the achievable turning/parking area and this is acceptable in visual terms.

A post and rail fence was also permitted under the last application although this is now intended to cover a bigger area than before. This is acceptable and is in keeping with similar boundary treatments in the vicinity whilst also reflecting the location on the edge of the village.

As indicated the site is within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

Paragraph 172 of the NPPF states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues."* A similar ethos is found at local level where Policy DP16 of the District Plan requires that proposals preserve or enhance natural beauty.

In this case the minor nature of the proposal means that the scheme accords with such AONB policy as natural beauty is preserved.

Overall on the issue of visual amenity planning officers are content that the design of the proposal, alongside its modest nature, means the impact on the character of the area is acceptable and the application complies with the design and landscape requirements at district plan and national level.

### **Impact on neighbouring properties**

District Plan Policy DP26 is applicable and this states, in part where relevant, that:

*"All applicants will be required to demonstrate that development ... does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)."*

The test of an application in residential amenity terms is therefore whether or not a proposal causes significant harm.

In this case the neighbour has raised concerns about the visibility of larger vehicles such as caravans being kept on the parking area for a long period of time. Due to the lie of the land, the screening effects of the hedge and the distance to the neighbouring house, the use of this area for the parking of cars will have little visual impact on the neighbour. The applicant has confirmed it is their intention to use the area for the parking of cars. There is no guarantee however that this would be the case in the future.

In such circumstances it would be reasonable to apply a condition that restricts the use of the car parking area to prevent the stationing of high-sided vehicles that can often be stored on driveways such as caravans, campervans or boats. The condition will restrict the use to private cars.

The proposal not will not result in significant harm to neighbouring amenity in any other respect, including through noise and disturbance or loss of privacy.

In light of the above points, coupled with the use of condition, there will be no significant harm to neighbouring residential amenity meaning the proposal accords with Policy DP26 of the District Plan.

### **Highways, Access and Parking**

There is currently no vehicular access to the site and direct access from Sugar Lane is unlikely to be acceptable or possible.

Policy DP21 in the District Plan states:

*"The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the*

*development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable.*

The NPPF, as published in July 2018, states the following:

*"108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

West Sussex County Council has been consulted on the merits of the application and their comments are set out in full within Appendix B. Regarding the parking and turning arrangements West Sussex has confirmed the following:

*"The applicant has provided a plan which demonstrates a parking space and turning area. The Local Highways Authority has undertaken an internal tracking assessment and would conclude that turning a single vehicle on this area would be achievable. The Local Highways Authority would note that if a vehicle was to reverse from the proposed hardstanding area onto Jefferies this would be considered inconvenient but not unsafe in highways terms."*

West Sussex has suggested a condition to secure the turning/parking as per the submitted plans and this is set out in Appendix A, condition 3.

The West Sussex comments also reference land ownership issues (since resolved as the land is owned by MSDC) and the need for a stopping up order which is a separate requirement to planning permission.

West Sussex conclude their comments by confirming that: *"The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal."*

Taking into account the above consultee comments it can be reasonably concluded that there are no sustainable reasons to refuse the scheme on highways, access or parking grounds as the proposal complies with Policy DP21 of the District Plan.

### **Other Planning Issues**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

The proposal will not set a precedent as each case needs to be assessed on its individual merits.

The proposal does not include any re-grading works to the Sugar Lane highway bank itself and the impacts of this proposal will be less likely to impact upon bank stability than the previous scheme that was supported by West Sussex. The previous application required a bank stability assessment secured via planning condition but this has not been requested on the current application by West Sussex meaning a similar condition is not necessary.

### **Planning Balance and Conclusion**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

In this case the proposal is acceptable in visual terms, will preserve the natural beauty of the AONB, will not significantly harm neighbouring residential amenity and will not adversely affect highway safety.

The proposal is therefore deemed to comply with the requirements of Policies DP16, DP21 and DP26 of the District Plan 2014-31 as well as the broader requirements of the NPPF and The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Planning permission should therefore be granted.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

### **Time Limit**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Pre-occupation**

2. The parking and turning area shall not be brought into use unless and until the landscaping has been carried out in accordance with the approved plans with details of the post and rail fence to be agreed in writing with the local planning authority prior to such use.

Reason: In the interests of visual amenity and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.



3. The land subject of this application will not be used for the parking and turning of vehicles until such time as the vehicle parking and turning space has been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the District Plan.

#### **Post-occupation and management conditions**

4. No boat, caravan or campervan shall be stationed on the parking/turning area hereby permitted with this area to be used only for the parking of private cars.

Reason: To protect neighbouring residential amenity and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

#### **Approved Plans**

5. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

#### **INFORMATIVES**

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within

the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	-	-	16.07.2018
Highways Plans	PARKING	-	16.07.2018
Landscaping	-	-	27.09.2018

## **APPENDIX B – CONSULTATIONS**

### **West Sussex Highways**

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

#### **Context & History**

West Sussex County Council was consulted previously on Highway Matters for this location under planning application DM/18/0433 seeking the implementation of a vehicular access to serve a hardstanding parking area within the frontage of 1 Jefferies using an existing crossover.

No overriding highways concerns were raised and consent was granted by the Local Planning Authority. This latest iteration of the scheme seeks to provide the parking and turning area on an area of Highway Land fronting 1 & 2 Jefferies.

#### **Parking & Turning Area**

The applicant has provided a plan which demonstrates a parking space and turning area. The Local Highways Authority has undertaken an internal tracking assessment and would conclude that turning a single vehicle on this area would be achievable.

The Local Highways Authority would note that if a vehicle was to reverse from the proposed hardstanding area onto Jefferies this would be considered inconvenient but not unsafe in highways terms.

#### **Public Highway**

Notwithstanding any land ownership issues, which will be discussed below, the land in question is designated as Public Highway.

It is noted that the application has been made with the intention that it will be used by 1 Jefferies only. Reference is made within the application documents to bollards and in the future a post and rail fence enclosing this land.

As such in order for the permission to be implemented the Public Highway in question must first be 'Stopped Up' and have its highway rights extinguished. Providing the development has not commenced this process can be sought under S 247 of the Town and Country Planning Act 1990, and is administered by the Department of Transport National Transport Casework Team. Prior to commencement the applicant would be advised to complete the 'Stopping Up' Process. The granting of planning permission and comment provided here does not guarantee that a 'Stopping Up' application, which will be subject to additional consultation, will be successful.

It is understood this process has been commenced by WSCC Legal Services. Typically the applicant would be advised to contact the Department of Transport National Transport Casework Team to commence this process.

### **Land Ownership**

While not strictly a planning matter the land subject of this application does not seem to be within ownership of 1 Jefferies. I can confirm it is not within the ownership of West Sussex County Council. The applicants would be advised to ensure they have the appropriate permission / access rights to use this land as once the Highway rights are extinguished access would become a private concern.

### **Conclusion**

The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following condition would be advised.

### **Vehicle parking and turning**

The land subject of this application will not be used for the parking and turning of vehicles until such time as the vehicle parking and turning space has been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.