



TO: Planning Committee North
BY: Head of Development
DATE: 6 June 2017
DEVELOPMENT: Erection of general purpose agricultural/forestry storage building
SITE: Land To The East of Lower Lodge Rye Farm Lane Barns Green Horsham
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DC/17/0234
APPLICANT: Mr L Goossens

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received contrary to the Officer recommendation

RECOMMENDATION: To grant planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the erection of a general purpose agricultural building for the storage of agricultural and forestry equipment, including; a tractor, trailer, planting and fencing equipment, and bales of hay cut from the land and animal feed. The proposed building measures 18 metres in width by 10 metres in depth (180sqm) with a ridge height of 4 metres and a height to the eaves of 2.25m. The building is proposed to be constructed with anthracite coloured profiled roof sheeting and vertical timber boarding over blockwork walls.

1.3 The proposed works also include the construction of a hardstanding pad projecting 5 metres to the south -west of the building and 2 metres to the north-east, as well as an access track from Rye Farm Lane measuring 72m in length. The access track would be surfaced with crushed fittleworth stone on a hardcore base.

DESCRIPTION OF THE SITE

1.5 The site lies in the countryside approximately 110m north-east of the most north-easterly edge of the built-up area boundary of Barns Green. It is located within an agricultural field that forms part of a Marlands Park Estate, which is a 37 hectare (92 acre) holding,

including a former farm-yard that has been granted planning permission to be redeveloped to provide 5 dwellings. The agricultural land within the holding is let to a local farmer under a farm business tenancy under which it is both grazed and cropped in rotation. The livestock numbers on the land amounts to approximately 45 head of beef cattle and 40 sheep from late spring to early autumn.

- 1.6 The site to which this application relates is laid to grass and lies adjacent to the eastern boundary of the field, which is formed by a railway line. A public footpath extends from the most southerly point of the field from an existing gated access in a northerly direction. This footpath is within 30m of the site but does not lie within it. Just beyond the southern boundary of the field, approximately 70m from the site, is an un-associated dwelling known as Lower Lodge. This forms the nearest neighbouring property.
- 1.7 The field is currently accessed by a private farm-track from Plumtree Cross Lane, 340m to the west, an alternative access lies at the southern edge of the field from Rye Farm Lane, which is a single lane width unclassified country road leading from Two Mile Ash Road 340m to the south. The end section of this road, near to the field access passes under a railway bridge.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework**

NPPF3 - Supporting a prosperous rural economy

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF10 - Rural Economic Development

HDPF26 - Strategic Policy: Countryside Protection

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF38 - Strategic Policy: Flooding

HDPF40 - Sustainable Transport

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 **Itchingfield Neighbourhood Development Plan**

There is currently no adopted neighbourhood plan for Itchingfield. Discussions are on-going with Horsham District Council to progress the plan towards adoption.

PLANNING HISTORY

- DC/14/1358 Erection of 2 replacement dwelling with ancillary garaging (Edith and Gem Cottages) conversion of stables buildings to dwelling and erection of linking basement extensions following demolition of substantial range of modern agricultural buildings including feed silo (Marlands Home Farm). Conversion of workshop building and barn to dwelling, construction of linking extension and replacement semi basement extension. Demolition of two open fronted barns and existing hay barn and erection of attached three bay ancillary cart shed style garage building (Philderayes Farmstead)Site: The Piggery West End Lane Henfield PER
- DC/16/2604 Erection of 6 bay general purpose agricultural building (mixed storage and livestock use) and construction of associated access track and hard standing WDN

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

- 3.2 **Public Health and Licensing (Env. Health)** consulted on 6 February 2017. The response received can be summarised as follows: No comments.

OUTSIDE AGENCIES

- 3.3 **West Sussex County Highways**, consulted on 6 February 2017. The response received can be summarised as follows: No Objection.
- 3.4 **Network Rail**, consulted on the 6 February 2017. The response received can be summarised as follows: No Objection.
- 3.5 **Reading Agricultural Consultants**, consulted on the 6 February 2017. The holding would require a building larger than that being proposed, which is not ideally designed for the proposed agricultural use.
- 3.6 **West Sussex Public Rights of Way**, consulted 6 February 2017. The response received can be summarised as follows: No objection.

PUBLIC CONSULTATIONS

- 3.7 **Parish Council Consultation**, consulted on the 11 November 2016. Their comments can be summarised as follows: Objects to the position of building but not to the building itself. Itchingfield Parish Council would support this application if the proposed building was moved away from parkland and nearer to the railway line and also it must have a condition that it is only to be used for agricultural purposes. (Plans amended to address Parish objection and no updated Parish comment received).

3.8 15 letters of objection were received from 9 different representatives. These can be summarised as follows:

- unsuitable access
- impact on the landscape and tranquillity of the area
- lack of need for the building
- drainage concerns, and
- residential amenity impacts

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development

6.1 Policy 10 of the HDPF states that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported, particularly development that is appropriate to the countryside location and contributes to the diverse and sustainable farming enterprises of within the district.

6.2 Policy 26 of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Proposals must be of a scale appropriate to its countryside character and location and will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside. Proposals must also demonstrate that the development would support the need of agriculture or forestry.

6.3 The proposal for the new building and access track is sought to allow the storage of equipment and general fodder associated with the agricultural and woodland management activities that are taking place at the site, including a tractor, trailer, animal feed, planting and fencing equipment and bales of hay. There are currently no agricultural buildings within the holding, principally as planning permission was granted under reference DC/14/1358 for removal of 2000sqm of farm buildings to create 4 residential dwellings (including 2 replacement dwellings) at the former 'Marlands Home Farm' and 'Philderayes Farmstead' (both within the Marlands Estate). While the proposed building is partly necessary as a result of this development it would not be a reason to withhold consent for the current application, which must be determined on its own merits.

6.4 The holding is used to accommodate a herd of 45 beef cattle and a flock of 40 sheep from late spring to early autumn, with a percentage of the pasture being ploughed for barley on a 3 year rotation cycle with the remainder being grazed by sheep throughout the winter. The Council's Agricultural Consultant has confirmed that the size of the holding would justify a building significantly larger than which is proposed, with the hay production alone

requiring 371 sq metres of storage, with the size and design not entirely suited to the intended use. The applicant has though confirmed that while the building is substantially smaller than they would like a compromise in terms of design and scale has been made to appease concerns on the occupier of the nearby dwelling, known as Lower Lodge, 80 metres to the south-west.

- 6.5 It is clear that the size and needs of the holding justify an agricultural building and that the proposal would support the needs of agriculture, and further, that a larger building could potentially be justified given the overall needs of the holding. The principle of the proposal can therefore be supported by policies 10 and 26 of the HDPF.

Character of the site and surroundings

- 6.6 Policies 26, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.7 The proposal would take the form of a typical contemporary agricultural building, with both its shall pitched roof design and use of materials, including; profiled roof sheeting and timber and blockwork walls reflecting the appearance of many such buildings within the West Sussex area. The building would be small given the overall size of the holding and as such its impact on the wider landscape, where agricultural buildings would be expected, would be minimal.
- 6.8 A number of representations have been received raising concerns that the building would be harmful to the rural character and appearance of the area. In response to these comments, including those from the Parish Council, the proposed building was moved 20 metres closer to the railway line boundary. The proposed location is the lowest point of the holding, with a steep railway track embankment lining the eastern boundary and obscuring views from that direction, and an extended row of mature trees along the southern and western boundaries ensures similar screening of views. As a result, with the exception of broken views of the building being possible from Lower Lodge (80m to the south-east), the proposed building would primarily only be visible from the within the site. This includes a public footpath running through the site in a north to south direction, approximately 30m from the proposed building, from where the building would be viewed in association with the wider related agricultural use of the site. The presence of a building would not therefore be unexpected or incongruous for users of the footpath.
- 6.9 As such, the scale, design and siting of the agricultural storage building is considered to sit appropriately within the site and the rural context of the surroundings, in accordance with policies 25, 32 and 33 of the HDPF.

Amenities of the occupiers of neighbouring properties

- 6.10 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.
- 6.11 Representations have been received objecting to the proposed building due to the potential impact on the amenities of the occupiers of the nearby property known as Lower Lodge, 80m to the south-west. Lower Lodge is a single storey bungalow set amongst a small area of woodland which, along with a dense hedgerow enclosing the site, limits views of the adjacent field to the extent that the only part of the building that may be visible from the curtilage of Lower Lodge, would be upper part of the roof. It is considered that proposed

location and separation distances would be sufficient to prevent any material harm to amenity for occupants of this property.

- 6.12 Concerns have also been raised about the use of the building for the housing of livestock and the noise and odour implications that this could have on the occupiers of the nearby dwelling. However, the building is sought as a general purpose agricultural store and not as a livestock building. This is reflected in its design, with the closed nature of the structure being inappropriate for such use. Notwithstanding this, it is considered appropriate to attach a condition to this recommendation to ensure that the building is not used for the accommodation of livestock.
- 6.13 Subject to compliance with conditions, the proposed development is considered to be in accordance with Policy 33 in terms of amenity impacts.

Access

- 6.14 Policy 40 of the HDPF states that new development will be supported if it is appropriate and in scale to the existing transport infrastructure, maintains and improved the existing transport system and provides safe and suitable access for all vehicles and the delivery of goods.
- 6.15 The site is primarily accessed from Plumtree Cross Lane, which forms the main entrance to the estate approximately 700m to the north, and it is intended that this will remain the main point of access for the farmer to manage his land. However, the application seeks the creation a 70m long stone and hard-core access track from an existing entrance at the southern edge of the field, from Rye Farm Lane, to enable access to the building when ground conditions impede access over the field. The southern entrance to the field is currently large enough for vehicles to use, although widening works would likely be needed for large agricultural buildings. The applicant has scope to carry out these works if necessary through clearing a small area of scrub adjacent to the access.
- 6.16 Several public representations have been received raising concerns that the access lane to the site is unsuitable for agricultural vehicles due to its single track width and the presence of a railway bridge. Other concerns relate to ownership of the track and there is some dispute as to whether the applicant has the right to use the lane to access the field, although there has clearly been an arrangement for such access for some time. However, this matter is a civil issue which cannot be addressed through planning consent.
- 6.17 The Local Highway Authority has been consulted and has confirmed that there are no objections to the proposed development or the use of Rye Farm Lane to access it. There are currently other field access points along the lane, 2 of which are within 70m, and it is considered that there is sufficient width to allow for moderate sized agricultural machinery.
- 6.18 Overall, it is therefore considered that the potential for the southern field access to be used already exists and as the applicant has confirmed that it would only be utilised when the building could not be accessed from the main estate entrance, the level of associated use would be not be likely to be significantly above what it could be at the moment should the farmer choose to use it. The proposed development would not therefore create a situation that would result in highway safety or traffic problems, and as such is deemed to be in accordance with Policy 40 of the HDPF.

Other Matters

- 6.19 Public representations have been received that raise concerns over the drainage of the land, however the Environment Agency's Flood Map for Planning confirms that the site is located within Flood Zone 1, which is determined to have the lowest probability of flood risk. As such, there is no reason to believe that surface water run-off from the building could not be adequately drained by natural field soakaway. Notwithstanding this, it is deemed appropriate to attach a condition to this recommendation requiring surface water drainage details to be submitted prior to the commencement of the development. Subject to compliance with this condition the proposal is deemed to be in accordance with Policy 38 of the HDPF.

Conclusion

- 6.20 There is a reasonable and justified need for the proposed agricultural storage building, which is of an appropriate scale, design and siting for its rural location ensuring that it will not be detrimental to the surrounding landscape character. It would not result in significant harm to neighbouring residential amenity and is located for appropriate and safe access. It is therefore considered to be an appropriate form of development that is in accordance with Policies 1, 2, 10, 26, 32, 33 and 40 of the Horsham District Planning Framework.

7. RECOMMENDATIONS

- 7.1 The application be approved subject to the following conditions:

1 A list of the approved plans

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement Condition:** Prior to the commencement of development, full details of means of surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme agreed shall be fully implemented, prior to the first use of the development, strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained in accordance with Policy 38 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls and roofs of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, full details of the hard landscaping works, including the proposed access, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The building hereby permitted shall be used for agricultural purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: The site lies in a countryside location where only development types specified in Policy 26 of the Horsham District Planning Framework (2015) would normally be permitted.

- 7 **Regulatory Condition:** In the event of the building hereby permitted ceasing to be used for agricultural purposes as defined by Section 336(1) of the Town and Country Planning Act 1990 it shall be demolished (to include the removal of foundations) and all resultant materials removed from the site and the land reinstated to a condition to be agreed in writing with the local planning authority within 12 months of the cessation of such use or within such extended time as may be agreed in writing with the Local Planning Authority.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

- 8 **Regulatory Condition:** The building hereby approved shall at no time be used for the housing of livestock. A planning application shall be submitted to the Local Planning Authority should the applicant at any time in the future wish to house livestock within the hereby approved building.

Reason: To protect the residential amenity of adjoining properties and in accordance with Policy 38 of the Horsham District Planning Framework (2015).