



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Development Manager

DATE: 19 September 2017

DEVELOPMENT: Proposed siting of temporary rural workers dwelling and erection of 270sqm agricultural building (Revised scheme to previously approved application DC/16/1866)

SITE: Moralee Farm Haglands Lane West Chiltington West Sussex RH20 2QS

WARD: Chanctonbury

APPLICATION: DC/17/1452

APPLICANT: **Name:** Ms Claire Holloway **Address:** c/o agent

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

RECOMMENDATION: Grant planning permission, subject to the completion of a s106 agreement (or the receipt of a unilateral undertaking) as set out in the report

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the siting of a temporary dwelling for a rural worker, and the erection of a general purpose agricultural building. The application follows the granting of planning permission (at Planning Committee South in April 2017) for a comparable scheme, ref: DC/16/1866. In comparison to the existing permission the current application would re-orientate the approved rural workers dwelling and re-site the agricultural building 30 metres to the east.
- 1.2 The proposed agricultural barn would be 12 metres deep, 22.5 metres wide and 7.4 metres in height to the ridge. It would be constructed with timber boarding to the walls and grey profiled fibre cement sheeting to the roof with translucent panels. The building would be used as a fodder/feed and equipment store, implement store, farm workshop and for sick/nursing animals, shearing and veterinary attention when required. The building would also be used in connection with the proposed vineyard.
- 1.3 The proposed temporary rural workers dwelling would be a one bedroom flat roofed unit with a decked area to the east and west. The unit would be 8.2 metres wide, 6.7 metres

deep and 3.3 metres in height. The unit would have timber boarding to the walls and a glass fibre/sedum roof.

- 1.4 The proposed temporary dwelling and agricultural barn are required to support an emerging agricultural business on the site. The agricultural business to be formed on the site would result when fully established in 75 alpaca on the holding, which would include 25 breeding females plus cria (young alpaca), yearlings, wethers and stud males. The applicant already owns 13 breeding females which are at present retained at another breeders premises pending the outcome of the current application. The applicant also seeks to convert 1.6 ha of the site into a small vineyard.

DESCRIPTION OF THE SITE

- 1.5 The application site is situated in a rural location on the northern side of Haglands Lane. This section of Haglands Lane has the character of a country lane with hedgerow planting and trees on the boundary to the application site. To the west of the site is Old Haglands, which is a grade 2 listed building in use as a dwellinghouse. Also to the western boundary of the site is a public footpath which branches to the east, to the north of the site. To the north of the site open views across grassland are present with the land sloping away from the road.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework:

Section 3: Supporting a prosperous rural economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Horsham District Planning Framework (HDPF 2015)

HDPF1 - Strategic Policy: Sustainable Development

HDPF10 - Rural Economic Development

HDPF20 - Rural Workers Accommodation

HDPF24 - Strategic Policy: Environmental Protection

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF40 - Sustainable Transport

HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The West Chiltington Neighbourhood Plan went out to consultation in accordance with the Neighbourhood Planning Reg. 14 and concluded on the 21 June. The Parish Council are

currently collating all representation received and will make further changes to the plan as necessary.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/1708	Prior Notification for improvements to a farm track/public footpath	Objection on 26.08.2016
DC/16/1866	Siting of temporary rural workers dwelling; erection of agricultural building; alterations to access.	Application Permitted on 26.04.2017

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 – No comments to make on application.

- 3.3 Property Services (Drainage) - No comments to make on application.

OUTSIDE AGENCIES

- 3.3 WSCC Highways – No objection subject to conditions

- 3.4 Southern Water - The applicant is advised to contact the Environment Agency with regards to the use of a septic tank. It may be possible for the development to be connected to a nearby public sewer, further detail should be sought from Southern Water. The development would lie within a Source Protection Water Zone and the application should ensure the protection of the public water supply source.

PUBLIC CONSULTATIONS

- 3.5 West Chiltington Parish Council: Object to the application on the following grounds:-

- The applicant's main argument in the original application was the need for an agricultural tied dwelling and this current application seeks to remove this need before business has begun.
- Conditions 10 and 11 should remain in place and should not be changed
- The NPPF states that new homes should not be built in open countryside and this application contravenes Policy 26 of the HDPF.
- The proposed re-siting of the barn would mean that all the farming activity would be seen from the road, having a detrimental effect on the street scene.
- The original application was passed on the premise that it would be impossible to move the barn to the bottom of the field as it was claimed that it is a flood zone by Reading Consultants. This has now been proven not to be the case.
- The buildings should be moved to the lower part of the field where it would be more in sympathy with the terrain and would not affect the significant views as highlighted in West Chiltington Draft Neighbourhood Plan.
- We would like to make the case officer aware that the landscaping both hard and soft and the planting of poplar trees has already begun without planning permission, some on the verge/roadside.

- A temporary dwelling without an agricultural tie would contravene the HDPF on this site – Policies 20 and 26.

3.6 Fifty three letters (16 of which have come from 7 addresses) have been received objecting to the application on the following grounds:-

- Overdevelopment of site
- Restriction regarding occupancy should remain
- Loss of amenity
- Highway concerns
- Repositioning of barn would move the building closer to the road, and block more views from the lane
- New position more evident and dominating in the streetscene
- Planting of poplars would obscure view and are not required for use of land
- Revised scheme allows possibility of non-agricultural purposes
- Village infrastructure insufficient
- Vines poorly planted
- Car dumped on site
- Proposal in rural area and contrary to West Chiltington Neighbourhood Plan

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

6.1 This application seeks full planning permission for the construction of an agricultural barn, and the positioning of a temporary agricultural workers dwelling. The principle of development on the site was established under application ref: DC/16/1866. As part of this existing permission it was accepted that the proposed barn would be reasonably required for the purposes of agriculture on the unit, and that a temporary agricultural workers dwelling would be realistically required for the welfare of the livestock on the unit. There are no reasons to take a different view as part of the current application and the principle of the proposed development remains acceptable in this instance.

6.2 In respect of the existing planning permission the current application proposes a revised location for the barn, 30 metres to the east, and a re-orientation of the dwelling.

Agricultural Barn

6.6 As noted in the previous application on the site, the use of the land for agricultural purposes is acceptable and in itself would not require planning permission. The current application would re-site the approved barn 30 metres to the east of its previously approved position. The building would be used as a fodder/feed and equipment store, implement store, farm workshop and for sick/nursing animals, shearing and veterinary attention when required. The building would also be used in connection with the proposed vineyard.

- 6.7 The Council's Agricultural Consultant visited the site as part of the previous application and advised that the agricultural barn was suitable for its proposed use, and that the storage of equipment, and fodder would be required. It was therefore concluded under DC/16/1866 that the agricultural barn was reasonably necessary for the purposes of agriculture. The proposed barn would be the same size and would be utilised for the same function as the previous application. It is therefore considered that the principle of a barn, of the size and design proposed is acceptable.
- 6.8 The repositioning of the barn 30 metres to the east would move the proposed building further from the neighbouring property Old Haglands, and would retain the open views at the entrance to the site. The applicant is seeking to provide additional landscaping to the western boundary, and further planting is proposed to the boundary to Haglands Lane to further mitigate views into the site. It is therefore considered that the proposed development would comply with policy 10, 26 and 34 of the Horsham District Planning Framework.
- 6.9 It should be noted that approval of the current application would create a new planning permission for a barn on the site in addition to the barn already approved under ref: DC/16/1866. It is therefore recommended that a s106 agreement, or unilateral undertaking, be required to ensure only one of the permissions (for a barn) can be implemented. This approach would be sufficient to prevent the proliferation of buildings in the countryside.
- 6.10 A condition was placed on DC/16/1866 which required in the event of the agricultural building ceasing to be used for agricultural purposes, that it must be removed from the land and the land, be restored to its condition before the development took place. There are however no concerns regarding the impact of the barn on visual or residential amenity, with the HDPF supporting the re-use of redundant agricultural buildings to enable the sustainable development of the countryside. It is therefore considered that a condition requiring the possible future removal of the barn would not be necessary, relevant to the development to be permitted, or reasonable. It should be noted that alternative, non-agricultural use of the barn would require further planning permission and this provides a degree of control over any future use.

Temporary Workers Dwelling

- 6.11 The current application also seeks temporary planning permission for the siting of a one bedroom mobile home for occupation by an agricultural worker for a period of three years. The proposed mobile home would be situated in a similar position to that previously approved but would be orientated north south rather than east west. The scale and design of the dwelling would remain as previously approved. The principle of a temporary rural workers dwelling was established under reference DC/16/1866. As such the only issue of consideration is whether the design changes would have an adverse impact on the rural character of the area.
- 6.12 As a result of the size and height of the proposed dwelling it would have a limited impact on the street scene, particularly given the retained hedgerow. It is also considered that due to its siting and single-storey form it would not have an adverse impact on the amenities of neighbouring properties through overlooking or loss of privacy. The proposed temporary unit is also not considered to cause harm to the setting of the nearby listed building due to the nature of the boundary treatment and the retention of the open views from the access to the site. It is therefore considered that the proposed development complies with policy 33 and 34 of the HDPF.
- 6.12 A condition was placed on DC/16/1866 restricting the occupation of the dwelling to '*a person solely or mainly working, in agriculture at Moralee Farm, or a widow or widower of such a person, and to any resident dependants only*'. As part of the current application the

applicant has advised that this approach, which links the dwelling to a specific farm, is contrary to Government advice and model conditions. This view is accepted and requiring the dwelling only be occupied in connection with Moralee Farm, contrary to standing advice of the Government, would be an extremely difficult position to defend at appeal.

- 6.13 A condition is therefore recommended limiting occupancy of the dwelling to a person solely or mainly working in agriculture (or forestry). This approach would ensure the dwelling was only used in connection with agriculture, and that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside. As with the existing permission, a condition is recommended to require the dwelling be removed from the site after 3 years (from the date of the permission). The combination of these two conditions would provide sufficient control over the future presence of a rural workers dwelling on the site.

Highways

- 6.14 The Highways Authority has carefully considered the application and do not consider that the proposal would have a 'severe' impact on the operation of the Highway network. Paragraph 32 of the NPPF states that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. Consequently, it is considered that there are no transport grounds to resist the proposal, the principle of which was established under DC/16/1866.

Ecology

- 6.15 Concerns were raised with regards to the presence of protected species (Hazel Dormice) on an adjoining site during the consideration of the earlier application. The Councils ecologist was consulted on the previous application and raised no objection subject to a condition.

Conclusion

- 6.16 The current application seeks to amend the agricultural barn and temporary rural workers dwelling approved in April 2017 under DC/16/1866. It is considered that the proposed changes to the approved scheme would not have an adverse impact on the rural character of the area or the amenities of neighbouring properties. The proposed development would be required for the operation of a fledgling business for the breeding of alpacas and a small vineyard, which would support the rural economy. It is considered from the information provided that the proposed works would be required for the agricultural needs of the unit and that the dwelling would be essential for the management of the business. It is therefore considered that the application complies with policy 10, 20, 26, 33 and 34 of the HDPF.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted subject to the completion of a s106 agreement, or receipt of an appropriate unilateral undertaking, to ensure that only one barn is erected on the site, and 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 **Standard Time Condition:** The temporary workers dwelling hereby permitted shall be removed and the land shall be restored on or before the 20 September 2020 to its former condition as grassed agricultural land unless otherwise agreed in writing by the Local Planning Authority.

Reason: The proposed development is not considered satisfactory as a permanent measure in accordance with Policy 33 of the Horsham District Planning Framework.

- 4 **Pre-Commencement Condition:** No development shall commence until an ecological mitigation and enhancement plan indicating how provision will be made for Hazel Dormice and their habitats has been submitted to and approved by the Local Planning Authority in writing. The approved provisions shall be implemented before development commences and shall thereafter be retained and maintained in accordance with the approved details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 6 **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, windows and roofs of the approved building(s) 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).

- 7 **Pre-Occupation Condition:** The landscape scheme on drawing no. MF-LS shall be fully implemented in the first planting season following the first occupation of any part of the hereby approved development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that dwelling or use in accordance with drawing number MF-BPP. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan MF-BPP and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The occupancy of the hereby approved temporary dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants only.

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.

- 11 **Regulatory Condition:** The existing hedgerow to the southern boundary of the site, adjacent to Haglands Lane, shall be retained in accordance with the approved landscaping scheme set out on drawing no. MF-LS.

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

Background Papers: DC/17/1452
DC/16/1866