



AGENDA ITEM 02 – DC/19/1283

Unit 3, Capons Hill Farm, Station Road, Cowfold

Parish Council Response:

The Parish Council response has been incorrectly summarised with the Committee Report, and refers to now superseded comments made by the Parish Council. An updated consultation response from Cowfold Parish Council was received on 10 September 2019, and this can be summarised as follows:

The Parish Council raises objections in respect of road access and egress from and to the A272. It is noted that previous planning applications have been rejected by Horsham District Council on these grounds.

In addition, health and safety considerations relating to light pollution, on-site parking control, and current state of the building are matters of significant concern.

Previous Planning Applications:

It is noted that the Parish Council have stated that previous planning applications at the site have been refused on the grounds of highways access.

The site was subject of an earlier application under planning reference CF/40/92 for “Alterations and extension to building to change use from agricultural to distribution and storage of vegetables and fruit”. This proposal involved the demolition of the stable buildings and the change of use of the agricultural building to provide storage and distribution of home grown vegetables and purchased fruit and vegetables. As part of this proposal, the retained building would be extended, with alterations to the access and hardstanding to provide parking for cars and lorries also proposed.

The application was considered at Committee where it was resolved to refuse the application for the following reasons:

- 1. The proposed use would affect adversely the rural character of the locality and amenities of adjoining residents by virtue of the nature and level of traffic and activity generated together with the proposed operating hours of the business contrary to established Structure and Local Plan policies.*
- 2. The conversion of the existing agricultural buildings to allow for the B8 storage and distribution use would result in the erection of an additional building to serve the holding contrary to established Structure and Local Plan policies which aim to restrict the amount of new development in the countryside.*

Following the refusal of the above application, a later application under planning reference CF/27/93 was submitted for the same development. This application was subsequently refused at Committee for the same reasons as the earlier application.

The application under reference CF/40/92 was considered at appeal, where the Inspector considered that the main issues were whether the development would seriously harm the appearance and character of the surrounding rural area, and whether the development would harm unacceptably the amenities of local residents through noise and disturbance.

On the matters of noise and disturbance, the Inspector outlined that the wholesale business would operate on a 24 hour basis, with heavy goods vehicles arriving and departing from the site during the night and early morning. However, the Inspector considered that given the status of the A272 road, and the volume of traffic which travels along it, it was unlikely that the amount of noise and disturbance generated in the night would be so great as to readily distinguish from that caused by existing traffic movements. While the Inspector noted that some noise would be created by lorries braking and turning into the site, it was not considered that this would be so great as to cause an unreasonable level of disturbance to the occupants of the nearest group of residential properties on the south side of the A272 road. As the proposed development would be located at a considerable distance from the nearest residential properties, it was also considered that the noise and activity created through the loading and unloading of vehicles would not be unduly intrusive. The Inspector thereby concluded that the amenities of local residents would not be unacceptably harmed through noise and disturbance.

The appeal was dismissed on the grounds of harm to the appearance and character of the rural area (due to the proposed extension to the building and associated lorry parking), as well as the need for the development in a countryside location. It was considered that the development conflicted with policy on these two grounds. However, the Inspector did not consider that the proposed development would result in harm to the amenities of nearby residents, with no suggestion that the access situation was inadequate.

While the dismissed appeal is of note, the reasons for the dismissal relate to the effect the development would have on the appearance and character of the rural area, and the essential need for the development within the countryside location. It was considered that the scale of the extension and associated operational development would far exceed what would be expected within a countryside location, with questions as to whether the development as proposed was essential to the countryside locality.

The current application is notably different. The proposal seeks to re-use a building within its current footprint, with the level of activity far lower than the anticipated movements generated by a wholesale business. While noted that the appeal was dismissed on the grounds of an essential need in the countryside, it is recognised that the planning policy context has changed since this decision. Local plan policies support the re-use of buildings for rural economic development and leisure facilities, and there is considered to be policy support in this regard. In addition, the planning context of the site has changed since this decision, with the likely lawful use of the site now for B1 purposes. Therefore, while the previous appeal decision is of note, it is not considered to be of such significance to alter the recommendation.