



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 16 February 2021

DEVELOPMENT: Removal of Condition 4 of previously approved application SR/78/86 (Agricultural dwelling (Outline)). Relating to the occupation of the dwelling.

SITE: Tickletag Farm Hurston Lane Storrington Pulborough West Sussex RH20 4HF

WARD: Storrington and Washington

APPLICATION: DC/20/2322

APPLICANT: **Name:** Mr P Strudwick **Address:** c/o Agent The Beehive City Place Gatwick RH6 0PA West Sussex

REASON FOR INCLUSION ON THE AGENDA: At the request of Storrington Parish Council.

RECOMMENDATION: To approve planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application is made pursuant to S.73 of the Town and Country Planning Act 1990, and seeks the removal of an agricultural occupancy condition (condition 4) attached to the preceding grant of planning permission pursuant to ref: SR/78/86.

DESCRIPTION OF THE SITE

- 1.2 The application site comprises a detached bungalow set amongst a cluster of agricultural / equestrian development and sporadic dwellings. The site is approximately 480 metres south of West Chiltington Common in a location otherwise characterised by open countryside. Hurston Street Farmhouse to the south of the site is a Grade II Listed Building.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF) (2019)

Horsham District Planning Framework (HDPF) (2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 17 - Exceptions Housing Schemes
- Policy 20 - Rural Workers Accommodation
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 27 - Settlement Coalescence
- Policy 30 - Protected Landscapes
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

Storrington, Sullington and Washington Neighbourhood Plan (SSWNP) (2019)

- Policy 1 – A Spatial Plan for the Parishes
- Policy 8 – Countryside Protection

PLANNING HISTORY AND RELEVANT APPLICATIONS

SR/25/02	Erection of double garage, covered way & conservatory Site: Tickletag Farm Hurston Lane Storrington	Application Permitted on 23.04.2002
SR/103/99	Construction of sand school Site: Tickletag Farm Hurston Lane Storrington	Application Permitted on 01.12.1999
SR/82/99	Certificate of lawful use for non-compliance with agricultural occupancy condition on sr/78/86 Site: Tickletag Farm Hurston Lane Storrington	Application Permitted on 18.05.2000
SR/21/99	Removal of agricultural occupancy condition from sr/78/86 Site: Stooks Farm Hurston Lane Storrington	Withdrawn Application on 13.04.1999
SR/24/88	Erection of agricultural bungalow (reserved matters)	Application Permitted on 12.05.1988
SR/78/86	Agricultural dwelling (outline)	Application Permitted on 28.01.1987

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

3.2 **Storrington and Sullington Parish Council:** Objection:-

3.3 Storrington Parish Council resolved to object to the proposal on the basis that the dwelling was originally granted by virtue of its agricultural use, with no reason demonstrated to remove the condition by reason of the dwellings isolated location.

3.4 The Parish Council remarked that insufficient evidence had been adduced to demonstrate that condition 4 attached to ref: SR/78/86 would no longer be enforceable and/or applicable.

PUBLIC CONSULTATIONS

3.3 None received.

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 the removal of an agricultural occupancy condition (no. 4) attached to planning permission ref: SR/78/86, this condition states:-

The occupation of the dwelling shall be limited to a person solely employed or, retired and last employed in the locality, in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependents of such a person residing with him or her) or a widow or widower of such a person.

Reason: The site lies in an area where, in accordance with the policies in the Structure Plan and the (proposed) First Alteration thereto, development unrelated to the unessential needs of agriculture or forestry would not normally be permitted.

6.3 While the national and local planning policy framework has changed significantly in the preceding years, the Horsham District Planning Framework continues through policy 26 to ensure that development is appropriate to a countryside location, both in terms of the essential need for a countryside location and in terms of its association with rural enterprise, inclusive of the needs of agriculture and forestry. This policy is complemented by policies 10 and 20 of the HDPF, which promote appropriate forms of rural economic

development and rural workers accommodation in order to sustain the productive use of land and development of the rural economy.

- 6.4 Policies 2, 3, 4 and 15 of the HDPF, in addition to policies 1 and 2 of the SSWNP, set out the strategy of the development plan in relation to housing growth, seeking to promote market residential development within defined built-up areas and advocating a planned approach to settlement expansion in order to meet housing need. The HDPF and SSWNP do not contain any policies which seek to retain rural workers housing.
- 6.5 The existing policy basis would therefore presume against market residential development in this countryside location. In this particular instance, however, it is significant that the dwelling subject of this application benefits the grant of a certificate of lawfulness pursuant to ref: SR/82/99. This certificate confirmed that the dwelling had been occupied in non-compliance with the above condition for a continuous period in excess of 10 years. The effect of this certificate is to establish that occupation of the dwelling by persons not solely employed or, retired and last employed in the locality, in agriculture is lawful.
- 6.6 This existing certificate of lawfulness therefore confirms that no enforcement action can be taken in respect of condition 4 of the original permission for the dwelling. This certificate and the benefits against enforcement action it provides would be transferable to any subsequent occupiers. Consequently, the application site could be occupied in breach of this condition by any non-qualifying persons in perpetuity.
- 6.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the presence of the certificate of lawfulness is a material consideration which is given significant weight.
- 6.8 Paragraph 55 of the NPPF provides that planning conditions must be kept to a minimum and imposed only where *inter alia* necessary, enforceable and reasonable. In the context of a preceding grant of a certificate of lawfulness confirming lawful occupancy in breach of the agricultural occupancy condition, it is not considered that the Authority could reasonably consider that such criteria would remain satisfied in this instance. The Authority, for example, could not enforce the terms of the condition requiring occupancy to be limited to agricultural workers, nor would a condition requiring occupancy to be limited to agricultural workers prove necessary or reasonable where continued occupation in breach of such a condition could lawfully continue in any instance.
- 6.9 Irrespective of the planning merits of the proposed removal of condition, and its performance against development plan policy, it is considered that the lawful occupation of the existing dwelling in breach of condition as confirmed by the preceding grant of a certificate of lawfulness represents an overriding material consideration. It is not considered that the Authority possesses sufficient grounds to reasonably resist the proposal to remove condition 4 in relation to ref: SR/78/86, which would no longer be deemed to satisfy requirements set out at paragraph 55 of the NPPF. It is, therefore, recommended that this application to remove condition 4 in relation to ref: SR/78/86 is approved.
- 6.10 The continued occupation of the dwelling for purposes not related to employment in agricultural would have no material impact on the visual amenities of the site or wider surrounding area or neighbouring amenity. There would be no adverse impact on the setting of the neighbouring amenity.

7. RECOMMENDATIONS

- 7.1 To grant planning permission.

Background Papers:

DC/20/2322
SR/82/99
SR/78/86