



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20 June 2023

DEVELOPMENT: Retention of an agricultural building and extended hardstanding.

SITE: Peacocks Paddock, Stall House Lane North Heath West Sussex RH20 2HR

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/23/0185

APPLICANT: **Name:** Mr and Mrs Peacock **Address:** Peacocks Paddock, Stall House Lane, North Heath, West Sussex, RH20 2HR

REASON FOR INCLUSION ON THE AGENDA: Presented at the discretion of the Head of Development and Building Control

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the retention of an agricultural storage barn and associated hardstanding. The storage barn is sited parallel to the south-eastern boundary of the site facing Stall house Lane, measuring approximately 14.7m in length and 5m in depth, with a mono-pitched roof with an eaves height of between 2.5m and 2.8m. The barn comprises 4x bay, 3x of which are open, and is used for the storage of feed and materials, and for livestock sheltering during the lambing season. The barn is composed of a timber cladding with a sheeted metal roof. The application also seeks to retain an area of hardstanding which extends toward the centre of the site.

DESCRIPTION OF THE SITE

- 1.2 The application relates to an agricultural smallholding sited on the north-western side of Stall House Lane. The site is mostly laid to grass, with internal wire fencing field boundaries, in addition to the hardstanding and application barn. The site also accommodates a mobile caravan which is utilised as a mess hall. The site is bound by split timber fencing with sporadic tree and foliage planting, and benefits from an access into the site from the highway. The site is located outside of the built-up area. A public footpath (2298) runs north to south adjacent to the eastern boundary of the site (outside of the application site), and neighbours Laurel Cottage to the south (a grade II listed dwelling).

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:

2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.4 **Pulborough Neighbourhood Plan** (Regulation 16)

2.4 RELEVANT PLANNING HISTORY

None relevant to this application.

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 **HDC Conservation:** Comment:-

- 3.3 Laurel Cottage is an attractive timber framed vernacular building with its significance relating to the historic fabric of the building, and its character as a historic homestead. It may be that the building did not have a functional relationship with the land to the north, but it would be suggested that overtime the perception of the heritage asset as a rural dwelling is understood by its wider countryside setting.

- 3.4 Due to the contribution made by the wider rural setting of the heritage asset to its significance it would be considered that the proposal would result in less than substantial harm to the listed building at the lower end of the scale. The building to be retained does not reflect the traditional Sussex vernacular and it would be considered that a building with a pitched roof

would be more in keeping with both the setting of the listed building and the wider countryside.

3.5 **HDC Environmental Health:** No Objection:-

3.6 If the application is approved the barn should only be used for storing hay, straw, animal feed, farming equipment, and temporary housing of livestock requiring isolation. No bulk storage of fuels, oils or other chemicals should be permitted.

3.7 No external lighting to be installed or operated without the prior written approval of the local planning authority.

OUTSIDE AGENCIES

3.8 **WSSC Highways:** No Objection

3.9 **Agricultural Consultant:** No Objection

3.10 **Archaeological Consultant:** No Objection

3.11 **WSSC Rights of Way:** No Objection

PUBLIC CONSULTATIONS

3.12 **Pulborough Parish Council** raises *no objection* to the proposal

3.13 5 letters of representation received from 5 separate addressed *supporting* the proposal on the following grounds:

- The use is in-keeping with the surrounding area
- Better use of the land

3.14 10 letters of representation received from 9 separate addresses (of which 6 are within the District) *objecting* to the proposal on the following grounds:

- Increased traffic
- The building is unlawful
- Overdevelopment
- Increase in noise
- The caravan is in residential use
- Adverse impact on listed dwelling
- Light pollution

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community,

in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

Background

- 6.1 The application follows from an investigation by the Council's Compliance Team in respect of the alleged stationing of a mobile home in permanent occupation. The investigation concluded that the caravan was not in residential use and does not fall under the meaning of 'development' as set out in Section 55(2)(e) of the Town and Country Planning Act 1990. No planning permission is therefore required for the caravan. The investigation did though conclude that planning permission was required for the barn and hardstanding. This application therefore relates solely to the retention of the barn and hardstanding.

Principle

- 6.2 The site is located outside of any built-up area boundary and is therefore within a countryside location. Policy 26 of the HDPF requires development in the countryside to be essential to its countryside location and to meet one of the following criteria:
- Support the needs of agriculture or forestry;
 - Enable the extraction of minerals or the disposal of waste;
 - Provide for quiet informal recreational use; or
 - Enable the sustainable development of rural areas.
- 6.3 Furthermore, this policy requires that development be of a scale that is appropriate to its countryside character and location and not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
- 6.4 The barn is used for the storage of feed and equipment in association with the operation of the smallholding and is used to shelter livestock during lambing season. The Council's Agricultural Consultant has advised that shelter is generally required for the storage of hay as it can otherwise perish when left to the elements. Furthermore, shelter is required for lambing to improve standards for the wellbeing of the animals. The Environmental Health Officer's comments are noted - however, lambing activities on the site / within the barn would only take place for a short period over the course of the year, and can adequately controlled by way of condition. The temporary use as such would not result in an over-intensive use compared to permanent storage use. The consultant's report concludes that it would be necessary to retain the building and hardscaping for the use of the site.
- 6.5 On the basis of the available information it is considered that the proposal would support the needs of agriculture taking place on the smallholding. In addition, retaining the barn and hardstanding would not result in any significant increase in activity at the site, with the use of the barn to supplement existing activities taking place on the site. The principle of development is therefore considered acceptable and in accordance with the above policy.

Design and Appearance

- 6.7 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape, with Policy 33 of the HDPF stating that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.8 The barn has an agricultural appearance and scale that would not otherwise appear out of character within a rural setting, with the scale also commensurate with the associated use of the land.
- 6.9 The barn is sited parallel to the south-eastern boundary of the site facing the highway, and as such does appear prominently on the street. The applicant's comments relating to screening are noted and the barn would not be overly visible when the boundary hedging is in leaf. However, this cannot be relied upon as a permanent measure to screen and perceived impact, as boundary hedging can die or be removed. An Officer visit to the site was undertaken in March 2023 when the boundary was not in leaf. Though the barn was largely obscured by the thicket, it was still noticeable on the street.
- 6.10 It is however important to consider the context of the site in relation to its neighbours: permission was granted in 2002 for a detached garage / workshop (PL/95/02) to the south-west of Woodside (neighbouring property to the west), which appears to have extended close to the boundary of the site in a similar arrangement to the proposal site. In addition, the land east of Farthings hosts a large detached stable block (PL/42/02 and DC/15/0003) also located close to the boundary to the highway.
- 6.11 Whilst Officers do not consider the presence of existing nearby development sufficient to warrant a precedent for such development on the street, the application barn does not exacerbate a sense of enclosure or overbearing on the street. Therefore, Officers are of the view that the barn does not adversely impact the character and appearance of the surrounding area.
- 6.12 The proposal also seeks to retain the hardstanding laid in association with the use, including a compacted gravel to the front of site serving the access and barn, and loose stone shingle to the mess facilities. The overall extent of hardstanding in relation to the use of the site and barn is not considered out of context for this setting.
- 6.13 For the reasons set out, the visual impact of the proposal is considered acceptable and in accordance with the above policies.

Impact on Amenity

- 6.14 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.15 The barn is sited approximately 26m from Laurel Cottage to the south, 54m from 1 Stall House Cottage to the south-west, and 109m from Woodside to the west. Given this retained separation and the nature of the use of the site, and when considering the barn's single-storey height, location and orientation in relation to the neighbours, the barn has not resulted in any unacceptable harm to amenity for occupants of these properties / related land.
- 6.17 Neighbouring concerns relating to noise are noted. The barn would primarily be used for the storage of equipment and feed, and for lambing between March and June. Given the storage

use of the barn, which includes infrequent movement of machinery and feed to and from the store, it is not anticipated that this would generate a level of noise that would be harmful to neighbouring amenity. With regards to the lambing during March and June, it is accepted that consolidating this use to this location on the site may result in some increase in animal noise from the site. However, given the context of the site in this rural countryside location, this level of noise from livestock is not considered out of the ordinary. In addition, given the scale of the development, the increase in noise levels between the months of March and June would not be so sufficient to warrant a reason to refuse itself.

- 6.18 The amenity impacts of the proposal are therefore considered acceptable and in accordance with the above policy.

Heritage Impact

- 6.19 Policy 34 of the HDPF states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, stating that development affecting the setting of a listed will not be permitted which would have an adverse impact on the setting or special architectural character or appearance of a listed building.
- 6.20 The barn is located some 26m north-west of Laurel Cottage, which is a grade II listed dwelling. The Council's Conservation Officer has noted that the siting of the barn in this location has resulted in *less than substantial* harm to the setting and character of the listed dwelling, citing the harm to be towards the *lower end of the scale*.
- 6.21 Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.22 The barn is used in connection with an agricultural small holding. The submitted design and access statement indicates that the activity relates to a farming enterprise, thus the use of the site does contribute to the local economy. Furthermore, the barn provides necessary shelter for the animals when in lambing, in addition to security for the storage of feed and equipment, therefore deterring any potential rural crime.
- 6.23 As above, any harm to the setting of the listed dwelling is on the lower end of less than substantial. It is considered that the resultant economic benefits from the associated use of the barn within the wider site, in addition to benefits to the welfare of the livestock and security, would outweigh the identified harm, as per paragraph 202 of the NPPF.
- 6.24 The proposal is therefore considered to accord with Policy 34 of the HDPF.

Highways and Access

- 6.25 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.
- 6.26 WSCC Highways have commented on the proposal, stating that the access does not appear to present any concerns in terms of visibility, and that there are no recorded incidents of injury on this stretch of the highway. In addition, suitable space has been provided for on-site parking and turning.

- 6.27 The site is located directly to the west of an existing footpath, which travels north to south on the neighbouring field. The application does not seek to amend the footpath and does not impinge on public use. Furthermore, whilst the barn is sited close to the footpath, it is not considered to be of a scale that would affect the amenity of the users of the footpath.
- 6.28 The proposal is considered to accord with Policies 40 and 41 of the HDPF.

Water Neutrality

- 6.29 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.30 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.31 The proposal does not seek to connect to mains water, thus would not result in an increased use of water. The animals on site are fed through existing field troughs present on site (as per its lawful use), and would thus remain unchanged. The barn would not be connected to mains, therefore existing water consumption levels would be moved from one part of the site to another. This does not represent a marked increase in consumption of water compared to livestock being in the fields. The barn would be used for the storage of equipment and feed only for most of the year, which does not require the use of water. The use of the barn for lambing between March and June would also not involve the additional use of water, as animals would be moved from one part of the site to the shelter. Though it is accepted that the process of lambing would result in a net increase in livestock on site, therefore resulting in an increased consumption, the use of the overall site is already in agricultural use where the level of livestock would likely fluctuate and additional livestock would not require planning permission. In any case, given the agricultural nature of the use, it would not be reasonable or necessary for the Council to impose restrictions on the nature of agricultural activity on the site.
- 6.32 The proposal can therefore be screened out from significant effect which would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites, and is thus considered to be water neutral.

Other Considerations

- 6.33 Neighbouring comments relating to the use of the land are noted. However, the site does appear to be in use as an agricultural small holding and officers are satisfied that there has been no material change of use of the land.
- 6.34 In addition, it is noted that the access would have been newly created. As Stall House Lane is a Class D road (and therefore unclassified) planning permission is not required for such works. However, the access would likely require licencing from the Local Highway Authority. As this is not a matter for the District Council to control, and cannot be controlled by way of planning consent, these works cannot be assessed as part of this proposal. As such, the proposal seeks permission to retain the storage barn and hardstanding *only* and it is not necessary to further consider the access.

Conclusion

6.35 The barn would support the needs of an agricultural use operating on the site, thus is supported in principle. The barn comprises a scale commensurate to the use of the land and is of an appearance and material composition that would not appear out of character within a rural context. Though the siting of the barn close to the boundary to the highway no demonstrable harm has resulted to the character or appearance of the wider surrounding area. Furthermore, whilst the siting of the barn in this location may result in less than substantial harm to the setting of the adjacent listed dwelling, this harm is placed on the lower end of the scale, with the benefit derived from supporting the needs of agriculture considered to outweigh this harm. The applicant has also demonstrated that the proposal would not result in adverse highways impact and would not result in an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

1 **A List of the Approved Plans**

2 **Regulatory Condition:** The development hereby permitted shall be used solely for the storage of hay, straw, animal feed, farming equipment and the temporary housing of livestock (between the months of March and June) in association with the agricultural activities carried out at Peacock Paddock, as identified on the approved plans, and for no other purpose.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites and in the interests of amenity in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application. Any lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/23/0185