



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Planning Committee (South)
BY: Development Manager
DATE: 20 December 2016
DEVELOPMENT: Siting of temporary rural workers dwelling; erection of agricultural building; alterations to access.
SITE: Moralee Farm Haglands Lane West Chilmington West Sussex
WARD: Chanctonbury
APPLICATION: DC/16/1866
APPLICANT: Ms Claire Holloway

REASON FOR INCLUSION ON THE AGENDA: More than five letters of representation contrary to the Officer's recommendation have been received.

RECOMMENDATION: Grant planning permission subject to conditions

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 erection of an agricultural building, alterations to the access to the site, the resurfacing of a section of footpath 2468 where it crosses a culvert and the siting of a temporary worker's dwelling. 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 for 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.
- 1.2 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.

DESCRIPTION OF THE SITE

- 1.3 The application site is situated in a rural location on the northern side of Haglands Lane. Haglands Lane in this location is a country lane with hedgerow planting and trees on the boundary to the application site. To the west of the site is the residential dwelling Old

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Haglands which is a grade 2 listed building. 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 are open views across grassland with the land sloping away from the road.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework 2012 (NPPF).

- 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

2.3 National Planning Policy Guidance 2014 (NPPG).

RELEVANT COUNCIL POLICY

2.4 Relevant policies within the Horsham District Planning Framework 2015 are considered to be Policy 1, Policy 10, Policy 20, Policy 24, Policy 25, Policy 26, Policy 32, Policy 33, Policy 34, Policy 40 and Policy 41.

RELEVANT NEIGHBOURHOOD PLAN

2.5 The Parish of West Chiltington designated as a Neighbourhood Plan Area in February 2014. The Parish are currently in the process of forming a draft neighbourhood plan.

PLANNING HISTORY

DC/16/1708	Prior Notification for improvements to a farm track/public footpath	OBJN
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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** (summarised) – No objection in principle (subject to conditions) provided that the temporary dwelling and farm remain in the same ownership. A satisfactory means of drainage should be provided.

3.3 **Agricultural Adviser** (summarised) – Satisfied that the proposed agricultural barn is reasonably necessary for the purposes of the agricultural enterprise. Consider that there is

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an essential need for a temporary residential dwelling at Moralee Farm to allow the applicant to establish the alpaca enterprise, and allow for its development as identified in the business plan. There is no essential need for an onsite presence for the vineyard. Overall consider business plan to be sound and robust.

- 3.4 **Conservation Officer** – Following the receipt of amended plans the Conservation and Design Officer has raised no objection to the scheme noting that it may not be desirable for an agricultural barn in terms of its landscape setting, but the building is reflective of its function, and has now been orientated to preserve the open view to the wider countryside and the setting of the adjoining listed building.
- 3.5 **Environmental Management, Waste and Cleansing** – comments awaited and will be reported verbally to committee.
- 3.6 **Ecology** - comments awaited and will be reported verbally to committee.

OUTSIDE AGENCIES

- 3.7 **West Sussex County Council Highways** (summarised) - The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.
- 3.8 **West Sussex County Council Public Rights of Way** (summarised) – No objection to the application.
- 3.9 **Southern Water** (summarised) – 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

- 3.10 **West Chiltington Parish Council** has objected to the application on the following grounds;
- The house and barn would erode the gap between settlements that the Parish Council is seeking to protect in its emerging Neighbourhood Plan.
 - The proposal is not an established viable business.
 - The proposal would have an overbearing impact on the surrounding area, and would not be in scale to its surroundings, and would cause harm to neighbouring properties.
 - Proposal would be harmful to the ecology of the area, character of the area and the setting of Old Haglands
 - Proposal is contrary to the policies of the Horsham District Planning Framework.
- 3.10 Seventy three letters have been received objecting to the application on the following grounds;
- Other houses are available in the locality to meet need
 - Proposal large and permanent structures
 - Proposal would have an adverse impact on the listed building Old Haglands and the ecological value of Haglands Copse
 - Concerns with regards to increased traffic on narrow lane
 - Overdevelopment of greenfield site

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- Area a separation zone between West Chilton Village and West Chilton Common
- Business plan should be interrogated because it does not show for example capital depreciation, or full cost of agricultural worker
- Alpaca breeding is not viable and is a well known method of getting planning permission on greenfield sites
- Wine figures are over optimistic
- Noise, chemical, visual, light and smell pollution
- Considerable works have already been undertaken on site without the appropriate consents
- Land floods

3.11 Three letters has been received supporting the application although one notes that this is on the understanding that the appointed agricultural consultants are satisfied regarding the farms viability and sustainability.

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, the positioning of a temporary agricultural workers dwelling, amendments to the access and the resurfacing of a section of footpath 2468 where it crosses a culvert. 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.

6.2 The application site is situated in a rural location outside of the defined built up area boundary on land between the developments of West Chilton Village and West Chilton Common. As the site lies in the countryside outside any defined built-up area the countryside protection policies of the Development Plan therefore apply. Paragraph 55 of the NPPF notes that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as;

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

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- 6.3 Paragraph 28 of the NPPF indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It indicates that local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural area, both through the conversion of existing buildings and well designed new buildings, and promote the development and diversification of agricultural and other land based rural businesses.
- 6.4 Policy 26 of the Horsham District Planning Framework seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. Any development would be required to be essential to its countryside location and either 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.

Agricultural Barn

- 6.5 It is considered in principle the use of the land for agricultural purposes is acceptable and in itself would be unlikely to require planning permission. The current application seeks to provide an agricultural barn to assist in the running of the proposed enterprise. 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. It would therefore be appropriate to consider the need for the proposed barn, whether it is suitable for the use proposed and whether it would have an adverse impact on the amenities of neighbouring properties or the character of the area.
- 6.6 The Councils Agricultural Consultant has visited the site and has advised the proposed building is suitable for its proposed use, and that the storage of equipment, and fodder would be required. From a review of the details, a visit to the site, and the needs of the proposed unit it is considered that the proposed agricultural barn is reasonably necessary for the purposes of agriculture.
- 6.7 Whilst concerns have been raised with regards to the size of the building. However, it is considered that for the building to function for agricultural purposes it would need to be of a sufficient height to meet modern farming practices. It is also considered that the design of the building although utilitarian, reflects its purpose and is typical of those seen in a countryside location. A condition could be required to ensure that the agricultural barn would be used for agricultural purposes only.
- 6.8 The proposed building would be situated over 30 metres from the boundary to Old Haglands and has been reoriented during the application process to retain the open views from the site access. It is considered that the proposed barn although large would be reasonably necessary for the purposes of agriculture on the unit and would not have an adverse impact on the amenities of nearby residential properties. It is also considered that the proposed structure would not cause such an impact on the setting of Old Haglands so as to warrant a refusal of planning permission on those grounds alone. The applicant is seeking to propose further landscaping to the western boundary, and further planting could be conditioned 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.

Temporary Workers Dwelling

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- 6.9 The current application seeks in addition to the agricultural barn, temporary planning permission for the siting of a one bedroom mobile home for the occupation of an agricultural worker for a period of three years.
- 6.10 Paragraph 55 of the NPPF as noted above recognises the need for new dwellings in the countryside in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This guidance is reflected in policy 20 of the HDPF which states; *“Outside the defined built-up area new housing for rural workers will be supported provided that;*
- a) *There is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.*
 - b) *Evidence is submitted to demonstrate the viability of the rural business for which the housing is required.”*

Parts a and b of the policy are required to ensure that only development which can justify a countryside location may be permitted in order to protect the character and appearance of the countryside.

- 6.11 In order to demonstrate that there is an essential need for a worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:
- in case animals or agricultural processes require essential care at short notice;
 - to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 6.12 It is noted that the proposed business is in its infancy with the alpaca's owned to date being kept off site. Consequently the application contains forecasted details and the applicant seeks a temporary permission to enable the business the opportunity to establish itself. The Council's Agricultural Adviser has considered the proposed details with regards to the number and type of animals proposed, and has stated that there is an essential need for a temporary residential dwelling for the welfare of the alpaca enterprise not to be compromised. There would be no need for an essential on site presence solely for the proposed vineyard.
- 6.13 Policy 20 states that evidence must also be submitted to demonstrate the viability of the rural business for which the housing is required. The financial test for temporary accommodation requires evidence that the business has been planned on a sound financial basis which requires a submission of cash flow forecasts. The Council's Agricultural Adviser has considered the applicants business plan and is of the view that; *“it is sound and robust, the figures used are conservative and have not been over exaggerated.”* The business plan identifies by the end of year 3 that the alpaca enterprise would be in profit and the combined enterprises would generate sufficient profit to pay for the applicant's unpaid labour.
- 6.14 The Council's Agricultural Adviser has also considered the investment into the business so far including the courses undertaken by the applicant, the alpaca already brought and the stock fencing of the property which could be considered to be an indication of intent to develop the enterprise. It is therefore considered that the business should be capable of being sustained into the foreseeable future. It is therefore considered that the proposal would comply with policy 20 of the HDPF.
- 6.15 The proposed temporary home would be screened from views to the north due to the location of the proposed barn and would be sited adjoining Haglands Lane. It is considered that its limited size and height would be appropriate for the needs of the unit and would not

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appear overly dominant in the streetscene. It is also considered due to its siting and single storey form that 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 adjoining 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.

Highways

- 6.16 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. With regards to the resurfacing of the public footpath, the responsibility for the surface of the public right of way is a matter for West Sussex County Council's Public Rights of Way (PROW) Team to determine. The applicant has consulted with the PROW separately and PROW are satisfied that an appropriate specification for the surfacing works at this location could be determined in consultation with the Applicant.

Ecology

- 6.17 Concerns have been raised with regards to the presence of protected species (Hazel Dormice) on an adjoining site. The Councils ecologist has therefore been consulted on the application and these comments will be reported to committee.

Conclusion

- 6.18 The current application seeks full planning permission for access and improvement works to the above site, and the construction of an agricultural barn. The proposal also seeks to place an agricultural workers dwelling on the land for a temporary period of 3 years. The proposed works would be required for the operation of a fledgling business for the breeding of alpacas and a small vineyard. 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 the application is approved subject to the following conditions;

1. 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.

2. The temporary workers dwelling hereby permitted shall be removed and the land shall be restored on or before the 20 December 2019 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.

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3. No development shall commence until details indicating how suitable provision will be made for Hazel Dormice and their habitats have 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).

4. No development shall commence until a drainage strategy detailing the proposed means of foul and surface disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. 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 complies with the current Building Regulations as well as Policy 38 of the Horsham District Planning Framework (2015).

5. 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 proposed building(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used 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).

6. Prior to the first occupation of any part of the development, full details of the hard and soft landscaping works 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 within the first planting season following the first occupation of any part of the 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).

7. Prior to first occupation (or use) of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage 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)

8. Prior to the first occupation (or use) of the development hereby permitted, the car parking spaces serving the development shall be constructed in accordance with approved details and thereafter retained as such for their designated use.

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Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9. The occupation of the temporary workers dwelling shall be limited 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.

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.

10. In the event of the agricultural building hereby permitted ceasing to be used for agricultural purposes, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place.

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.

Background Papers: DC/16/1866