



**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 09 January 2018

**DEVELOPMENT:** Change of use and part conversion of stable/agricultural building to form a single agricultural workers dwelling

**SITE:** Curtis Farm Green Lane Horsham West Sussex RH12 4PP

**WARD:** Rusper and Colgate

**APPLICATION:** DC/17/2428

**APPLICANT:** **Name:** Mr David Turner **Address:** Curtis Farm Green Lane Horsham West Sussex RH12 4PP

**REASON FOR INCLUSION ON THE AGENDA:** Parish Council has made a written representation which discloses a material planning consideration and is inconsistent with the Development Manager's recommendation, within the consultation period, and wishes to address the Planning Committee

**RECOMMENDATION:** To permit subject to conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 Planning permission is sought for the change of use and part conversion of an existing stable/agricultural building to form a single agricultural workers dwelling. The area of the existing building to be converted would measure approximately 12.2m by 4.8m and would incorporate a living room, a kitchen, a study/bedroom and WC facilities at ground floor level and the creation of a first floor to provide a bedroom and bathroom. External alterations are proposed to provide windows and doors to serve the dwelling.
- 1.2 The proposal would provide accommodation for a worker to live on site to maintain the animal welfare and to help with the overall management of the farming operations. The existing farm currently employs 3no workers and the proposal would accommodate an additional worker on site. The existing farming business currently farms 800 acres with 4,000 ewes, 400 cattle and 200 pigs.

## DESCRIPTION OF THE SITE

- 1.3 The application site is located within the established farm holding of Curtis Farm located along Green Lane to the west of Horsham Road, Rusper. The existing building which is the subject of this application is currently being used as a barn/stable and is located at the southern end of the wider holding, to the south of the main Curtis Farmhouse dwelling, which is occupied by the applicant. There is also a secondary dwelling associated with the farm holding, Clement Cottage Curtis Farm, which is located to the north of the building to be converted and is occupied by a retired agricultural worker in compliance with the occupancy condition under planning reference DC/05/2779. There are also various other buildings associated with the farm present on site. The nearest residential properties are located approximately 55m away from the development site to the east

## 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 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 10 - Rural Economic Development  
Policy 20 - Rural Workers Accommodation  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 28 - Replacement Dwellings and House Extensions in the Countryside  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Rusper Parish has been designated as a Neighbourhood Development Area as of February 2016.

#### 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

RS/33/02	Sand school Site: Curtis Farm Green Lane Horsham	Application Permitted on 20.06.2002
RS/57/02	2-storey side extension and chimney Site: Curtis Farm Green Lane Horsham	Application Permitted on 09.10.2002
RS/56/03	Erection of building to cover existing silage clamps Site: Curtis Farm Green Lane Horsham	Application Permitted on 07.11.2003
RS/75/03	Replacement garage/store with farm office over Site: Curtis Farm Green Lane Horsham	Application Permitted on 23.01.2004
DC/04/2667	Retention of farm track	Application Permitted on 25.01.2005
DC/05/1732	Infill 3 sides of existing farm building with plastic coated steel sheeting	Application Permitted on 13.09.2005

DC/05/1734	Prior Notification to erect a lean-to on existing building and concrete surround	Application Permitted on 17.10.2005
DC/05/2779	Erection of shepherds dwelling (Outline)	Application Permitted on 16.01.2006
DC/07/2693	Erection of shepherds dwelling (Approval of Reserved Matters)	Application Permitted on 22.01.2008
DC/09/0645	Prior notification to erect a fodder barn	Prior Approval Required on 13.05.2009
DC/09/0661	Erection of fodder storage building for existing equestrian building	Application Permitted on 18.08.2009
DC/09/1818	Retention of parking of 4 skip lorries and storage of empty skips to be stored at no more than 3m.	Application Permitted on 26.05.2010
DC/10/0781	Construction of new concrete turning area (Prior Notification)	Prior Approval Required on 17.05.2010
DC/10/1735	Proposed first floor extension,two storey and single storey extensions and car port to farmhouse	Application Permitted on 16.11.2010
DC/11/0460	Retrospective consent sought for a temporary change of use for winter storage of vehicles in buildings 1 and 2 Curtis Farm	Application Permitted on 11.05.2011
DC/11/0461	Variation of condition No.1 of RS/56/02 to extend timeframe for parking from 30th September to 14th November	Application Permitted on 05.05.2011
DC/12/1301	Retention of parking of 4 skip vehicles and storage of empty skips	Application Permitted on 18.10.2012
DC/15/2298	Erection of detached garage building for the housing of horse carriages	Application Permitted on 10.12.2015
DC/16/2309	Retrospective amendment to siting and design of carriage building consented under reference DC/15/2298	Application Permitted on 07.12.2016
DC/17/0439	Prior notification for extension to existing agricultural hay storage barn	NO OBJECTION to Notification on 20.03.2017

### **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](http://www.horsham.gov.uk)

#### **INTERNAL CONSULTATIONS**

- 3.2 **HDC Environmental Health:** No objection  
Recommendation for appropriate conditions to be attached

#### OUTSIDE AGENCIES

- 3.3 **Reading Agricultural Consultants:** No Objection.  
The applicant's proposal is compliant with the NPPF, Policy 20 of the Horsham District Planning Framework and the functional and viability tests are met.

- 3.4 **WSCC Highways:** No Objection

- 3.5 **Southern Water:** No Objection

#### PUBLIC CONSULTATIONS

- 3.6 **Parish Council Consultation:** Objection:-

- This is an unsustainable area and a sensitive rural area close to neighbours, more activity would mean more noise and light pollution
- The farm is already over-intensified
- Ruspur PC is concerned that approval of this application would set a precedent for this area being used in a commercial way.

- 3.7 1 letter of objection was received for the application. The nature of the objection can be summarised as follows:

- This building is not used for the wider commercial enterprise
- Overdevelopment of the site
- No need for an agricultural dwelling as other residential buildings present on site
- The proposal would set a precedent

## 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 The main issues are the principle of the development in the location and the effect of the development on;

- The impact on the locality and countryside
- The amenities of the occupiers of adjoining properties
- The existing parking and traffic conditions in the area
- The viability of the existing farm business

## Principle

- 6.2 Paragraph 28 of the NPPF states 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. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well- designed new buildings;
  - promote the development and diversification of agricultural and other land-based rural businesses;"
- 6.3 Paragraph 55 of the NPPF 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 Horsham District Planning Framework 2015 (HDPF), which states; "Outside the defined built-up area new housing for rural workers will be supported provided that;
- There is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.
  - Evidence is submitted to demonstrate the viability of the rural business for which the housing is required."
- 6.4 This policy framework is consistent with Policy 26 of the HDPF, which relates to Countryside Protection, and states that, 'outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition 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.
- 6.5 In order to demonstrate that there is an essential need for a full-time 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. Annexe A of PPS 7, which is still referred to for helpful guidance, describes that such a 'functional' 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.
- 6.6 A 'financial' test would also need to be satisfied in considering an application for a new dwelling to support a full-time worker on site, demonstrating that the farming business is economically viable and has a prospect of remaining profitable. This test would also be used to assess the size of the new dwelling being proposed, to ensure that its size could be sustained by the business on site.
- 6.7 The supporting statement details the existing livestock on site and financial information has been provided by the applicant in relation to the existing business. The business has been in operation by the applicant for approximately 30 years. The Council's Agricultural Consultant has reviewed the application in detail and considers that the farm is sustainable and viable and is able to support the essential need for an additional dwelling to

accommodate a full-time agricultural worker. The principle of the proposal is therefore considered to be acceptable.

- 6.8 As detailed above, it is considered that the proposal would support the essential needs of agriculture and as such, would be in accordance with the approach set out in Policies 20 and 26 of the HDPF. The essential need for the development is therefore accepted.

### **Character and appearance**

- 6.9 Policies 25, 32 and 33 promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the nature environment, landscape and landform pattern to which it forms a part.
- 6.10 The proposal would utilise an existing building with a partial change of use/conversion, limiting the increase in activity and impact on the countryside location in terms of additional built development. There are already 4no buildings in close proximity to each other in this section of Curtis Farm and it is considered that the creation of additional structures would result in over intensification. The partial conversion of the existing barn/stable would ensure that the rural character of the countryside location is preserved. Policy 20 of the HDPF, as detailed above states that: 'to prevent sporadic development, the use or redevelopment of existing buildings will be encouraged'. The proposal would also comply within this element of the policy.
- 6.11 The proposal would seek to make use of an existing building, with external alterations seeking to add timber framed windows and doors as well as blockwork to match the existing walls of the barn/stable. No alterations to the form, mass or bulk of the building are proposed. As the external alterations only relate to a small portion of the existing building, the proposals are considered to retain the form and appearance of the building, in a manner that would reflect the rural character of the structure. As such, the proposal is considered to accord with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

### **Impact on neighbouring amenity**

- 6.12 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties. Given the distances preserved to neighbouring buildings, measuring approximately 55m and existing buildings and boundary treatments to the site the proposal is not considered to materially harm the amenities and sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 6.13 In terms of the potential impact on future occupiers of the agricultural dwellinghouse, an appropriate condition will be added to ensure that adequate provisions are made to reduce potential noise into the proposed dwelling.

### **Existing Parking and Traffic Conditions**

- 6.14 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. The site benefits from an existing access and parking directly to the north of the building to be partially converted. Following consultation with WSCC Highways, no objections are raised to the proposal, and it is considered that the development would provide safe and adequate access and parking, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

## Conclusion

- 6.15 The proposed development is considered acceptable in principle. The evidence provided demonstrates the essential need for an additional dwelling on the site, given that there are currently already a number of staff employed on the farm, it is intended to recruit an additional worker and that the existing farming business is economically viable to support an additional dwelling. It is also considered that there would not be a detrimental impact on the countryside location and as such, the proposal is considered to accord with Policies 20, 25, 26, 32, and 33 of the Horsham District Planning Framework.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.16 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	30.14	0	30.14
	<b>Total Gain</b>		<b>30.14</b>
	<b>Total Demolition</b>		

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## 7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is permitted subject 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 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the dwelling is first occupied and shall be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of agricultural dwelling hereby approved and in accordance with Policy 33 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-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that



the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 8     **Regulatory Condition:** The occupation of the 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.

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.

- 9     **Regulatory Condition:** No external lighting or floodlighting shall be installed to the development hereby permitted. Any external 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/17/2303