

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/15/0793

Coopers Christmas Tree Nursery, Picts Lane, Cowfold, West Sussex, RH13 8AT

DESCRIPTION:

Prior Approval for Change of Use from Agricultural building to Class C3 Dwelling House (Class MB)

DETAILED DESCRIPTION:

The application seeks prior approval for the conversion of a building used as a workshop and office in association with the use of the site for the growing and selling of Christmas trees to provide a one bedroom property. The proposal would retain the existing footprint of the building and would involve internal works and the insertion of three windows within the rear elevation.

SITE AND SURROUNDINGS:

The site is located outside of any built up area boundary and is accessed via Picts Lane, a single lane, unlit road. The site is approximately 1.8km north east of the village of Cowfold. The wider site is used for the growing and selling of Christmas trees.

RELEVANT PLANNING HISTORY:

DC/05/1085	Retention of gates, track, storage shed and hardstanding for use of the land for forestry.	Application Permitted on 01.03.2006
DC/06/2582	Prior Notification to erect a building for the storage of Christmas trees and agricultural machinery, together with staff facilities and office	Prior Approval Not Required on 04.12.2006
DC/14/2488	Prior notification for change of use of 55m2 of Agricultural building to class C3 (Dwelling House) and associated operational development	Refuse Prior Approval on 14.01.2015

RELEVANT PLANNING POLICIES:

National Planning Policy Framework:

NPPF6 - Delivering a wide choice of high quality homes

The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable

pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the inquiry will re-open to consider only the issues outlined in the Initial Findings. The Council are currently consulting on the Proposed Modifications to this document with the representation period ending on the 5th May 2015. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

REPRESENTATIONS AND CONSULTATION RESPONSES:

Consultations:

Public Health And Licensing (Env. Health), consulted on the 17 April 2015. Their comments dated 24 April 2015 can be summarised as follows: I recommend that the agricultural building subject to this proposal is maintained in the same ownership as the rest of the land edged blue on the application drawings. The reason being that if the proposed residential unit was occupied by a separate household, there would be the potential for loss of amenity from noise arising from normal nursery activities. Otherwise I have no objections.

County Council - Highways, consulted on the 17 April 2015. Their comments dated 11 May 2015 can be summarised as follows: This latest application seeks prior approval for the change in use of an Agricultural building to class C3 (Dwelling House) to be used as an agricultural workers dwelling to support the on-site permitted nursery business.

Consideration is given that the use of this building as a dwelling to serve the nursery activity may not result in any significant increase in vehicular activity being associated with the site as the occupant of the dwelling would no longer be required to commute to work. On this basis it would be difficult to substantiate a highways reason for refusal so no objection would be raised.

The proposed site plan indicated that one vehicle car parking space will be provided within the existing hard standing parking and turning area. This would seem to be appropriate for a development of this scale. Secure and covered cycle parking large enough to store one cycle would be advised.

If the LPA are minded to grant planning consent the following conditions would be advised:

- o Agricultural Workers Occupancy Condition
- o Cycle Parking
- o Vehicle Parking.

Environment Agency, consulted on the 17 April 2015. Their comments dated 29 April 2015 can be summarised as follows: As these development proposals fall outside our current working arrangements we have no comments to make on the proposals as submitted..

Representations:

There were no letters of representation.

Summary of Consultees and Representees:

No comments received

PUBLICITY:

Advertisement

The nature of the proposal did not require the application be the subject of press advertisement.

Site Notice

The nature of the proposal did not require a site notice to be posted.

MEMBER COMMENTS:

No comments received

HUMAN RIGHTS:

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 the application. Consideration of human rights is an integral part of the planning assessment set out below.

MAIN ISSUES

The main issues are whether prior approval is required for the proposed change of use and conversion of existing agricultural building to provide three dwellings under Part 3, Class Q of The Town and Country Planning (General Permitted Development)(England) Order 2015 (formerly Part 3, Class MB of the Town and Country Planning (General Permitted Development)(Amendment) Order 2014).

PLANNING ASSESSMENT:

Permitted development

Q. Development consisting of—

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and***
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Development not permitted

Q.1 Development is not permitted by Class Q if—

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—**
 - (i) on 20th March 2013, or**
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;**
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;**

- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;**
- (e) less than 1 year before the date development begins—**
 - (i) an agricultural tenancy over the site has been terminated, and**
 - (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;**
- (f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—**
 - (i) since 20th March 2013; or**
 - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;**
- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**
- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;**
- (i) the development under Class Q(b) would consist of building operations other than—**
 - (i) the installation or replacement of—**
 - (aa) windows, doors, roofs, or exterior walls, or**
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and**
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**
- (j) the site is on article 2(3) land;**
- (k) the site is, or forms part of—**
 - (i) a site of special scientific interest;**
 - (ii) a safety hazard area;**
 - (iii) a military explosives storage area;**
- (l) the site is, or contains, a scheduled monument; or**
- (m) the building is a listed building.**

From the details submitted the proposed works are considered to comply with the above criteria.

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,**

The highway authority has raised no objections subject to a number of condition relating to the occupancy of the dwelling being restricted and details of car parking and cycle parking being provided. In respect of car parking and cycling parking provision, it is not considered necessary to attach a condition requiring these details to be provided as there is a large hardstanding area

to the front of the building which can be used for car parking, and the workshop element of the building is to be retained which can be used for the storage of cycles.

(b) noise impacts of the development,

The Council's Environmental Health department have advised that the agricultural building subject to this proposal should be maintained in the same ownership as the rest of the land edged blue on the application drawings. The reason being that if the proposed residential unit was occupied by a separate household, there would be the potential for loss of amenity from noise arising from normal nursery activities.

(c) contamination risks on the site,

No issues in respect of the location or siting of the building are raised.

(d) flooding risks on the site,

The Environment Agency has no comments to make on the application. The site is within Flood Zone 1 as defined by the Environment Agency.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

No issues in respect of the location or siting of the building are raised.

(f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

No issues in respect of the location or siting of the building are raised.

Recommendation: Permit Prior Approval

Conditions:

- 1 The occupation of the dwelling shall be limited to a person involved in the management of Coopers Christmas Tree Nursery only, or a widow or widower, of such a person or any resident dependants.

Reason: The site lies in an area where, in accordance with policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007), development which cannot be justified as essential to the needs of agriculture, forestry or a rural business would not normally be permitted.

IS RECOMMENDATION CONTRARY TO THE PARISH COUNCIL'S VIEWS?

NO

Plans list for: DC/15/0793

Site plan Drwg no. NONE Received: 09.04.2015
Layout plan Drwg no. 516/2 Received: 09.04.2015
Site plan Drwg no. FLOOD Received: 09.04.2015
Site plan Drwg no. WASTE Received: 09.04.2015
Elevation plan - AS EXISTING Drwg no. DE561.A.03.1 P1 Received: 09.04.2015
Elevation plan - AS PROPOSED Drwg no. DE561.A.03.2 P1 Received: 09.04.2015

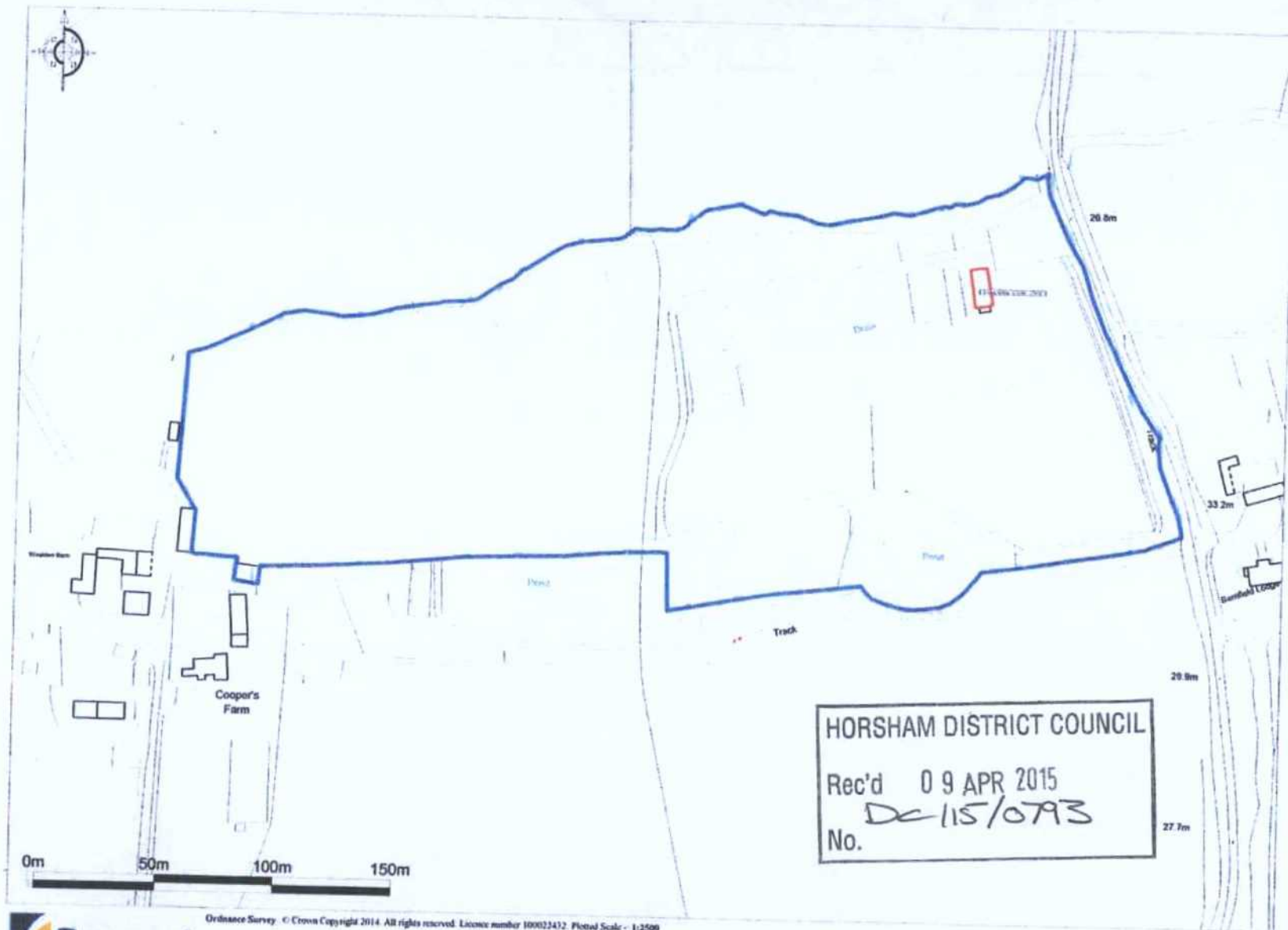
Floor plan - EXISTING _ PROPOSED Drwg no. DE561.A.05.1 P1 Received: 09.04.2015
Supporting Docs - CORRESPONDANCE FROM AGENT Drwg no. NONE Received: 09.04.2015

DELEGATED

Case Officer sign/initial A. C. P. Date: 1/6/15

Authorising Officer sign/initial [Signature] Date: 1/6/15

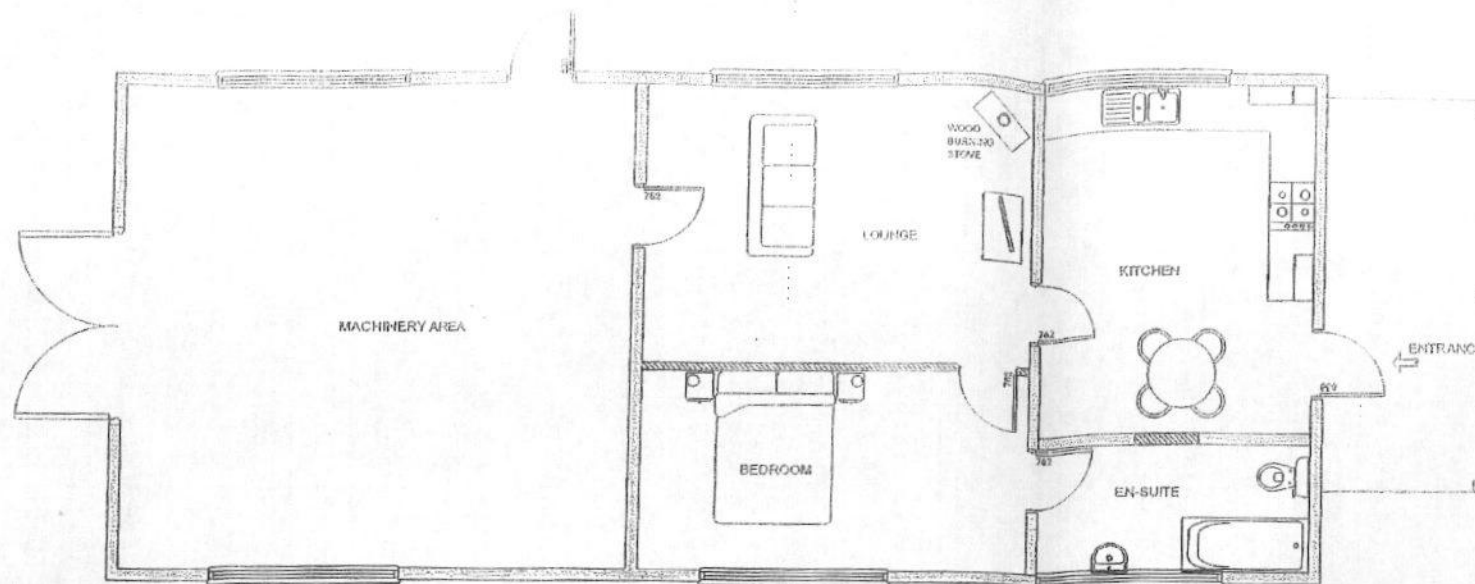
LAND AT COOPERS FARM COWFOLD RH13 8AT



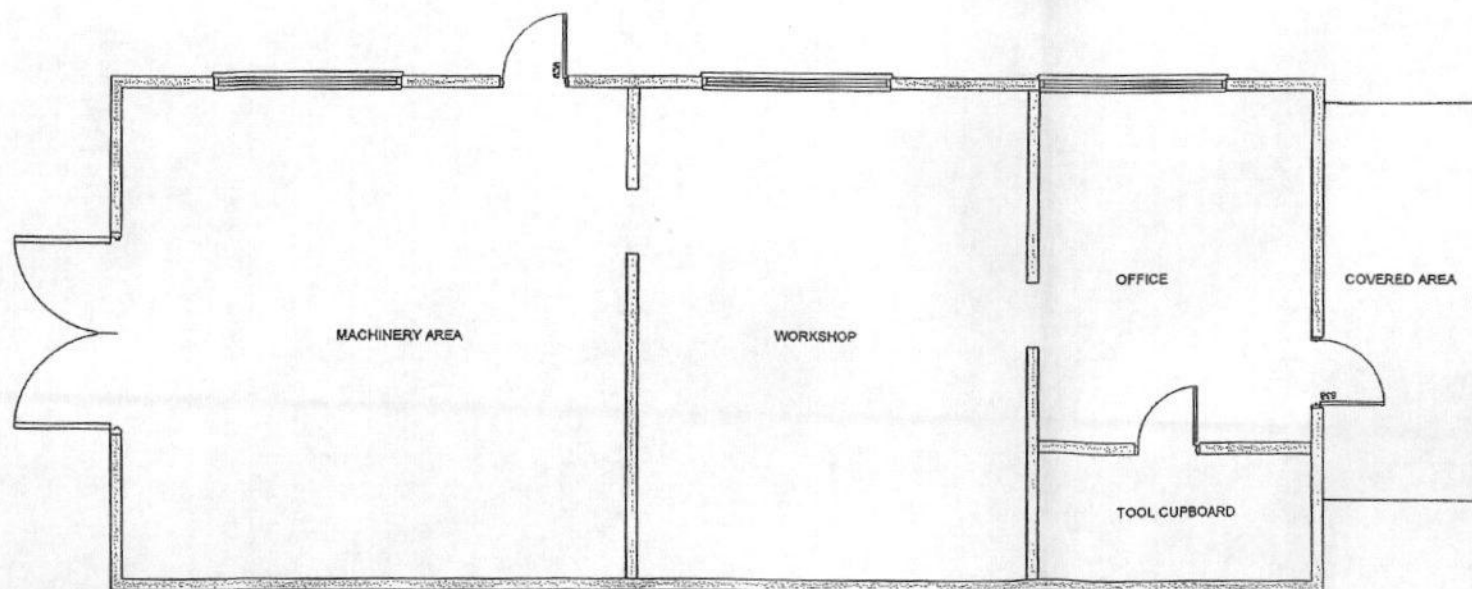
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J.A.FARQUHAR FRICS



PROPOSED FLOOR PLAN



EXISTING FLOOR PLAN

HORSHAM DISTRICT COUNCIL
 Rec'd 09 APR 2015
 No. DC15/07A3

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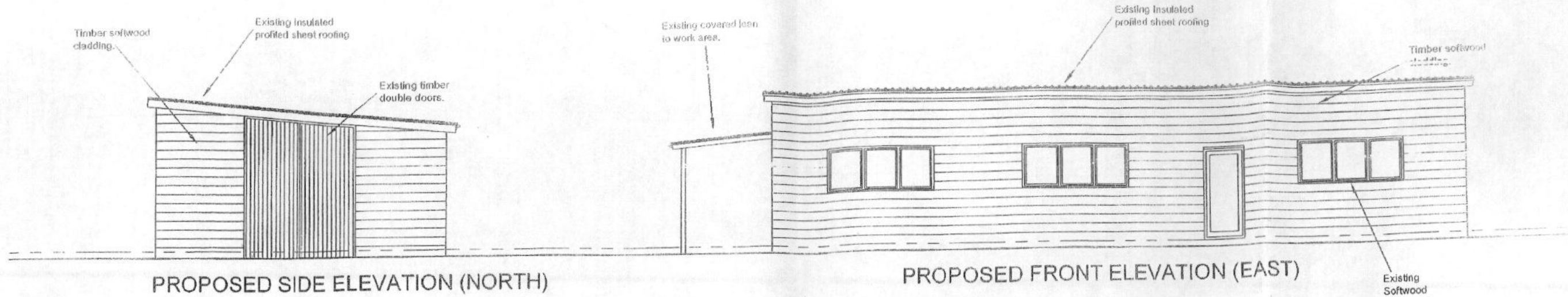
DMA BUILDING DESIGNS

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CLIENT
 MR T WHITE
 PROJECT
 CHANGE OF USE OF AGRICULTURAL BUILDING TO DWELLING AT LAND WEST OF BARNFIELD LODGE, PICTS LANE, COWFOLD, WEST SUSSEX.

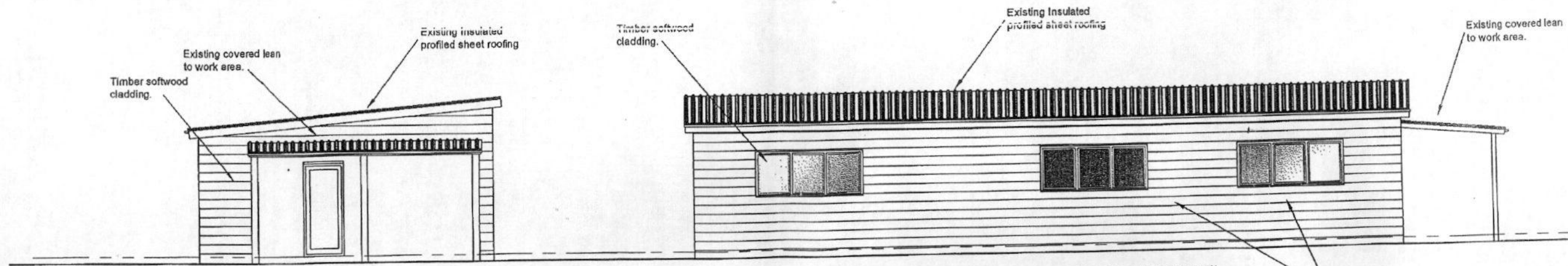
REV	DESCRIPTION	DATE
P1	ISSUED FOR PLANNING	14.11.2014
DRAWING		
EXISTING AND PROPOSED FLOOR PLANS		
SCALE @ A3	DATE	DRG No
1:100	APR 2014	DE561A051
		REVISION
		P1



PROPOSED SIDE ELEVATION (NORTH)

PROPOSED FRONT ELEVATION (EAST)

Existing Softwood casement



PROPOSED SIDE ELEVATION (SOUTH)

PROPOSED REAR ELEVATION (EAST)

New Softwood casement windows to rear, with obscure glazing to bathroom.

HORSHAM DISTRICT COUNCIL
 Rec'd 09 APR 2015
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P1	ISSUED FOR PLANNING	14.11.2014
REV	DESCRIPTION	DATE
DRAWING PROPOSED ELEVATIONS		
SCALE @ A3 1:100	DATE NOV 2014	ORIG No DE561A.03.2
	REVISION P1	