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The Planning Inspectorate
Zone 3C Eagle
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Date: 22/01/2025
Our Ref: ATP-Grain Store
Your Ref: APP/Z3825/W/24/3355568

Dear Mr Devereux,

APP/Z3825/W/24/3355568 Town and Country Planning Act 1990 - Appeal by Habin Limited at Farm, Ford Lane, Ashurst, West Sussex, BN44 3AT

Appellant Closing Comments

Further to receipt of evidence and draft planning conditions from the LPA the applicant would like to make final comments by way of a response and 'closing comments' on this case and will await a site visit date.

Certificate of Lawfulness

Para 2.1 refers – it is accepted fact that discussions have taken place with the LPA Enforcement Team with some acceptance that at least one or more of the three buildings have been in storage use and an application will be lodged in due course with any updates forwarded presuming this is in advance of a determination in this case.

Water Use

My client, with regards to Para 2.2 of the LPA evidence, wants to make clear that the water use at the site is NOT metered with water charges based solely on rateable value. Evidence, that has been lodged, makes the simple point that a sink and a kettle used for occasional tea and coffee uses less water than irrigating fields, washing down farm equipment and increased water use that would need to be re-introduced and so on - it is hoped this is a non-controversial statement, tautologous and not evidence.

Impacts and Employment

At Para 2.3 the LPA evidence suggests this is a 'proposed; use whereas of course it is an application for retrospective consent. The makes a difference as impacts, parking, turning and all the externalities of the use are already visible and adequately addressed. The LPA make so suggestion of a refusal for any of these reasons – simply water use. This is similarly true with regards the number of employees given this is 'self-storage' at a modest level it is wrong to apply floorspace employment densities – it is already in operation and no additional employees are proposed. In addition, each 'shed' is not of sufficient size that would allow for anything other than storage.

Outside the Site

Para 2.4 Toilet facilities are not proposed or needed as they exist already outside of the storage buildings

Return to Farming

Refusal of permission would result in the probable re-use of the buildings and wider site for agriculture, and it is apparent little weight has been given to the water use consequences of a refusal or a dismissed appeal. The LPA seem unreasonably suspicious of subsequent changes of use, intensification, or other matters that might in the future result in increased water consumption resulting from the storage use then conditions could be set out, and have been, requiring the storage to remain 'as per the approved plans' and this could be made more explicit if necessary to reassure the LPA.

Conditions

With reference to Para 55 and guidance, particularly the tests with regards the application of conditions, I would comment on those suggest as follows:

1. Plans: This could be made more robust with the list of approved plans requiring the layout of the floor space as 'storage only' thereby avoiding the introduction of uses or ancillary paraphernalia that might otherwise increase water use. Along the lines of`:

   The plans hereby approved, including the internal layout of the buildings for storage only, shall be retained as per the approved plans with no additional ancillary facilities that might give rise to any increase in water use.

   Reason: To ensure the requirements of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites accord with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021)

2. Cars and Vehicles. This is a retrospective planning application and any impacts of parking already accepted by the LPA by way of not refusing the scheme on these grounds. The decision of course rests with the Planning Inspector but the necessity for such a condition is questioned by the applicant.

3. Refuse and Recycling: Again, this is 'self-storage' generating no waste but if the Inspector considers such a condition is necessary providing such a space is not problematic – it simply will not be use.

4. Plant and Machinery: This is a self-storage use that has been in use for some time – no plant, equipment or machinery is used or indeed proposed to be used questioning the need for such a condition but ultimately of course this rests with the Inspector to attach any conditions they see fit.

5. Lighting: None is proposed other that what already exists at the site which can be viewed during the appeal site inspection. It does not seem reasonable to curtail the freedom to install more at the wider farm if necessary.

6. Operating Times: The nearest neighbour supports the application, and the business model is that this low-key storage use allows people to access the buildings at any time. Many of the customers of the storage use work during the normal day and may want access outside these times particularly weekends and

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Sundays – a time the LPA want the use closed! I see no need to restrict operating times against a backdrop of the immediate neighbour strongly supporting the use in preference to agriculture the LPA actions may force the use into.

7. Outside Storage: This does not occur and is not proposed.

8. Steel/Plant Hire: Again, this appears to be a random reference to a matter that is immaterial in this case. A 'Plant Hire' use is sui generis and would require planning permission in any event, so this condition clearly falls outside of good practice in the use of conditions.

9. Other Activity: The appellant just wants to continue his low-key storage use and has no interest in 'other activities' – this reads as another case of a condition not necessary not least as many 'other activities' may require planning permission in any event.

10. Storage Only: That is what the application is for and at face value I see no issue with this condition other than to make clear the appellant simply wants to continue the storage use which has cross subsidised his other activities on the wider holding.

11. GPDO Restriction: As this pertains to future additional buildings for storage use expressly the appellant accepts the need for subsequent applications should more storage buildings be proposed.

I hope these closing comments assist the Planning Inspector in reaching a decision on the case and any suitable conditions that might be applied and look forward to the site visit.

Yours sincerely

[redacted]

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