Prior Notification under
Town and Country Planning (General Permitted Development) Order 2015 (As amended), Schedule 2, Part 6, Class E

Erection of Forestry building

At
Warrenside Farm
Elmhurst Ln,
Slinfold
Horsham
West Sussex
RH13 0RJ

January 2025

Planning & Development

3 Massetts Road
Horley
Surrey RH6 7PR
planninganddevelopment@whiteandsons.co.uk
01293 824354



Julian Sharpe
BSc(Hons) DipTP MRTPI
Head of Planning

J A Farquhar
FAAV
Consultant

1. Introduction

1.1. This is a prior notification application for the erection of a Forestry building on land at Warrenside Farm, Horsham RH13 0RJ

1.2. This application is made under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). It seeks to confirm that the erection of the building complies with the relevant provisions within this Order, specifically in Schedule 2, Part 6, Class E.

2. Site Description and Proposals

2.1. The proposal concerns the erection of a Forestry building at Warrenside Farm, off Elmhurst Lane just North of the hamlet known as Five Oaks. The application site lies in countryside around 3 miles South of the village of Slinfold, 4 miles North of Billingshurst and 7 miles from Horsham town centre; the nearest large settlement. The farm comprises 15.2 ha (37.5 acres) of owned land. The enterprise is Forestry Management, harvesting and selling woodland produce. There is a need for a building for storing equipment/machinery/vehicles to work within the woods.

2.2. The land upon which the building is proposed lies towards the Southern Boundary and is owner occupied by the applicant for approximately 30 years.

2.3. There is one other forestry building erected in 2018. There are a number of former poultry buildings on the site which have been upgraded to commercial uses and a hard surfaced open yard area. The proposed building would be directly adjacent to the building and within the hard surfaced area. It would be of matching appearance in terms of materials and colour. There is a need for a Forestry Machinery Storage building for storage of machinery, timber or timber products as no other buildings are available of sufficient height or suitable for this purpose.

2.4. The application site lies to the South West of the farm house where activities can be easily monitored. The building would be located within the yard near the access for ease of operational requirements. This means that the site, lying on level topography, is well screened and the building would not be particularly

visible from the wider landscape. No change to vehicular movements on and around the site is likely to arise from this proposal. In appearance, the new structure is rectangular in shape similar to other steel frame rural buildings in the locality. In dimensions, it **measures 42.0m in length, 12.0m in width and 7.8m in height to the main roof ridge (6.0m height to eaves); this covers a floor area of 504m^2.** Externally, the building has enclosed gable at each end with enclosed elevation facing South. Thus the open north elevation is for machinery to gain access and the storage of timber or timber products. In terms of materials, the building would consist of concrete panel base to 2m height and the upper walls clad with steel box profile sheeting (olive green colour) matching other buildings around the yard. The internal configuration consists of a large open area with sufficient space to accommodate several items of large machinery such as tractors and forwarding equipment. The roof cladding would be Big 6 profile cement fibre sheets (colour Natural).

3. Background

3.1. This proposal is for the erection of a permanent building for the storage of Forestry equipment. The site lies near adjoining buildings in the applicant's ownership. The nearest house at Warrenside Farm is the applicants dwelling. This rural location features a number of agricultural houses and buildings where such buildings and structures are commonplace.

3.2. An operational need has arisen for a purpose built partially enclosed storage building to meet the needs on the holding and the Forestry Machinery. The building is required for the applicants' tractors and machinery on a site within easy reach of his home for security and supervision. The proposed storage facility would offer the internal space needed for the associated machinery/equipment serving the holding and associated timber.

3.3. The property lies in an area with woodland and hedgerow trees reducing the visual impact of the siting of the new building upon the surrounding countryside. The building would be situated within the existing development at Warrenside Farm and the proposed building is easily accessible from the applicants dwelling and more than 25 metres from a public Highway. A number of neighbouring farms in the area have similar buildings.

3.4. At Warrenside Farm there are no other buildings in place to provide accommodation for forestry machinery and the applicant's produce. As such the **proposed building is considered to be reasonably required for his forestry enterprise**. Overall, the designs show an appropriately functional building to cater for such needs, in keeping with this rural setting.

4. Planning history

- **Erection of a single storey side garden room extension.**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/22/0944 | Validated: Mon 13 Jun 2022 | Status: Decided

- **Installation of biomass boiler within building with no external alterations (Lawful Development Certificate - Proposed)**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/19/1029 | Validated: Tue 21 May 2019 | Status: Decided

- **Prior notification for the erection of a building for use by the forestry business**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/18/1417 | Validated: Thu 05 Jul 2018 | Status: Decided

- **Retention of building units 2,4,5,6,7,8,9 for B1 (Business) and B2 (General Industrial) and workshop usage, Warrenside Farm, Slinfold.**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/11/2618 | Validated: Fri 16 Dec 2011 | Status: Decided

- **Oak framed garage with store/hobbies room above**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/09/0279 | Validated: Thu 26 Feb 2009 | Status: Decided

- **Two-storey side extension**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/08/1949 | Validated: Tue 09 Sep 2008 | Status: Decided

- **Removal of agricultural occupancy condition 4 of planning permission SF/42/94.**

  Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
  Ref. No: DC/07/1356 | Validated: Tue 12 Jun 2007 | Status: Decided

- **Removal of agricultural occupancy condition 4 of planning permission SF/42/94.**

Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
Ref. No: DC/06/2117 | Validated: Tue 29 Aug 2006 | Status: Decided

- **Change of use of land and poultry buildngs to forestry contractors yard and for restoration of classic vehicles Site: Warrenside Farm Elmhurst Lane Slinfold**

Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
Ref. No: SF/13/02 | Validated: Mon 04 Mar 2002 | Status: Decided

- **Change of use of 2 poultry house to b8 storage use Site: Warrenside Farm Elmhurst Lane Slinfold**Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJRef. No: SF/76/99 | Validated: Wed 15 Dec 1999 | Status: Decided
- **Change of use from poultry houses to storage use Site: Warrenside Farm Elmhurst Lane Slinfold**

Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
Ref. No: SF/46/99 | Validated: Mon 23 Aug 1999 | Status: Decided

- **Erection of agricultural bungalow (outline) Site: Gleniffer Farm Horsham Rd Five Oaks Slinfold**

Warrenside Farm Elmhurst Lane Slinfold Horsham West Sussex RH13 0RJ
Ref. No: SF/25/90 | Validated: Mon 30 Apr 1990 | Status: Decided

5. Assessment

5.1. The development is assessed against the applicable criteria under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Class E allows for:

The carrying out on land used for the purpose of forestry, including afforestation, of development reasonably necessary for the those purposes consisting of –

(a) works for the erection, extension or alteration of a building;

(b) the formation, alteration or maintenance of private ways;

(c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;

(d) other operations (not including engineering or mining operations).

5.2. The application concerns erection of a building of the dimensions stated at Paragraph 2.5 above meaning an internal floor area of 504m^2 as shown on the attached location/block/elevation/floor plans. Under Class E the development is permitted subject to the following:

GPDO	**Assessment**
E.1 Development is not permitted by Class E if—	
(a) it would consist of or include the provision or alteration of a dwelling;	It does not
(b) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;	The building would not be within 3km of an aerodrome.

(c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	No part of the building would be within 25m of a classified road. The proposal is located in a position more than 25 metres from the access road (Elmhust Lane) which, according to local authority records is Class D
(d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or storing fuel not produced on land which is occupied together with that building or the purposes of forestry	Not applicable

Conditions (Class E)

5.3. **E.2**—(1) Subject to sub-paragraph (3), development consisting of the erection of a building or ….is permitted by Class E subject to the following conditions—

(a) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building…;

(b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;

(c) the development must not begin before the occurrence of one of the following—

(i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval;

(iii) the expiry of 28 days following the date on which the application under subparagraph (1)(b) was received by the local planning authority without the local planning authority making any determination as to whether such approval

is required or notifying the applicant of their determination;

(d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(i) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;

(ii) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (d)(i) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(e) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(i) where prior approval is required, in accordance with the details approved;

(ii) where prior approval is not required, in accordance with the details submitted with the application; and

(f) the development must be carried out—

(i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,

(ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).

(2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.

(3) Sub-paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

5.4 <u>All the above matters are included in the application where applicable.</u>

Interpretation of Class E

E.3—(1) For the purposes of Class E—

"significant extension" or "significant alteration" means any extension or alteration, as the case may be, of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building; and

"site notice" means a notice containing—

(a) the name of the applicant,

(b) the address or location of the proposed development,

(c) a description of the proposed development and of the materials to be used,

(d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,

(e) the name and address of the local planning authority, and which is signed and dated by or on behalf of the applicant.

(2) For the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine. Not applicable

5.5 Relevant case law on the prior notification process is provided in the Judgments of Keenan v Woking [2017] EWCA Civ 438 and more recently Marshall v East Dorset and Pitman [2018] EWHC 226. These cases determined that the local planning authority should determine under Prior Approval applications based on whether or not the proposed development comes within the description of the relevant class in the GPDO and is reasonably required for Forestry. The duties of the LPA in the prior approval process are narrow and limited to matters requiring prior approval e.g. the siting, design and external appearance. Therefore the determination on whether prior approval is given or refused should be based on these matters alone.

6. Conclusion

6.1 The applicant had approval under the GPDO for a Forestry building in 2018. It can clearly be seen that this building is fully utilised for the storage of equipment and timber/timber products.

6.2 This prior notification application is for the erection of a Forestry building for secure storage of farm machinery and equipment used by the applicant, a recognised Forestry expert, on the land at Warrenside Farm Slinfold Horsham, West Sussex, under Class E, Part 6, Schedule 2 of the GPDO 2015 (as amended).

6.3 It has been demonstrated that the building would comply with Class E and its supporting conditions/paragraphs and is reasonably required.

6.4 It is therefore considered that Prior Approval should be assessed as either not required or granted.





3 Massetts Road
Horley
Surrey RH6 7PR
planninganddevelopment@whiteandsons.co.uk
01293 824354