Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0948
Wagtails Farm, Okehurst Road, The Haven, Billinghurst, RH14 9BW,

DESCRIPTION:

Siting of mobile poultry structures (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/23/2241	Prior notification for the erection of an agricultural barn, creation of a new agricultural access track and erection of polytunnels	Prior Approval Not Required on 08.02.2024

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development Proposed for the siting of, what are referred to within the application documents, as mobile poultry units.

Section 192(1) of the Town and Country Planning Act 1990 states that:

"If any person wishes to ascertain whether –

(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question."

Section 192(2) states that:

"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

The Applicant's Planning Statement outlines that the site comprises a single parcel of agricultural land extending to approximately 12.28 hectares. The Applicant intends to utilise the land for the purposes of keeping poultry and grazing livestock. It is proposed to bring mobile poultry structures onto the land to support the development of both egg laying and broiler enterprises. The enterprise would operate on a regenerative farming system through rotational grazing where sheep are regularly moved from one small paddock to another within the wider land parcel. The sheep will first graze the land, and once they have been moved, the poultry structures would follow.

It is outlined that the structures would comprise small timber enclosures constructed on timber skids. Each unit would 11m in length with two nesting boxes on either side projecting a further 1.7m from each elevation. The structures would measure to a depth of 7.3m and incorporate a mono-pitched roof measuring to a height of 5m. The structures are pre-fabricated off-site and are delivered on the back of a truck, where these structures would be positioned on skids. It is outlined that under the Applicant's business model the livestock and poultry would be moved every 2-3 months, where the units would be hooked up by a tractor and moved from paddock to paddock. The Planning Statement confirms that the structures would not be attached to the ground in any way and would not need pinning down.

Further clarification of the proposal was sought, specifically relating to the field arrangement and the proposed number of mobile poultry structures. It is outlined that the land will be split into 4 or 5 main grazing paddocks so that the poultry units can be moved every 2-3 months, where these will rotate around the whole of the holding each calendar year. The sheep and the chickens would be kept on the holding at the same time, with sheep in one paddock and the chickens in the paddock behind. Once the grass is depleted in the sheep paddock, the sheep are moved on to the next paddock and the chickens moved onto the former sheep paddock. Under this system, the chickens always follow the sheep as they trample the sheep manure into the ground and eat worms and parasites. This process then continues to repeat itself as it rotates around the field. It is anticipated that there would initially be approximately 20 coops on the land, where this may rise to 40 over time.

The Applicant has referred to several examples of case law which discuss the definition of a building and moveable structures. Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd (1949) addresses the matter of what constitutes a building for planning purposes. This establishes that the matters to consider where, size; permanence; and degree of physical attachment. In Barvis Ltd v Secretary of State for the Environment (1971) 22 P&CR 710 the Court concluded that a structure could be considered a building based on its size, permanence, and degree of physical attachment to the land, even if it was mobile or not permanently affixed. In these instances it was considered that a moveable structure could require planning permission if they had a substantial presence or impact on the site. The case of Skerrits of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (2000) referred to a marquee that was erected seasonally, and whether this constituted "development", The case determined that the size and duration it remained in place were key considerations in classifying it as a structure that required planning permission.

R (Save Wooley Valley Action Group Ltd) v Bath and North East Somerset Council [2012) EWHC 2161 (Admin) related specifically to mobile chicken sheds placed on land. In this case, a landowner installed mobile chicken sheds on agricultural land without applying for planning permission, where the Council considered that the sheds were not permanent and could be moved easily. The High Court stated that the Council had applied too narrow an interpretation of the law. The Court emphasised that even though the sheds were mobile, their size, weight, and permanence made them structures that should be considered under planning regulations. The judgement highlighted that "permanence" in planning law is determined by how long a structure is in place and its impact on the surroundings, not just by whether it can be moved.

The application seeks to site mobile poultry units on the land for the purposes of agriculture. The application details that these poultry units would be moved around the land on a rotational basis every 2 to 3 months. The supporting details indicate that the units would sit on skids, where the units will be moved by tractor around the site. The units would not be affixed to the ground and there would be no hardsurfacing laid to accommodate the siting of the units. On the basis of the information available, it is considered that the units would not be permanently sited or physically attached to the ground, and would be of a size and design to be moved. It is recognised that due to the cumulative number of units, there would be a degree of visual permanency on the land even though these units would be moved around the site. However, in considering their design and appearance, they would appear as moveable and temporary in nature.

When considering these matters in totality, it is therefore considered that the mobile poultry units would not represent a 'building operation'. The units would be used in association with the agricultural use of the land, where the siting of these moveable structures would not amount to a material change of use. The proposal would not therefore represent development under s55 of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

1 The mobile poultry units would not represent a 'building operation', where the moveable structures would be used in association with the agricultural use of the land. The proposal would not therefore represent development under s55 of the Town and Country Planning Act 1990.

Plans list for: DC/25/0948
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	NONE	06.06.2025
Elevation plan	Elevations - Mobile Poultry Shed	WF - 01	06.06.2025
Elevation plan	Elevations and Floor Plan - Mobile Poultry Shed	WF - 01	06.06.2025
Supporting Statement	Planning Statement by Plainview Planning Consultants dated May 2025	NONE	06.06.2025

DELEGATED

Case Officer sign/initial Tamara Dale Date: 30.07.2025

Authorising Officer sign/initial RHERMITAGE Date: 01.08.2025