Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/2101
Stablebarn Farm, Blackgate Lane, Pulborough, West Sussex, RH20 1DD

DESCRIPTION:
Demolition and replacement of existing cattle sheds, cattle handling facilities and silage clamps, including improvements to access and new SUDS attenuation ponds.

RELEVANT PLANNING HISTORY:

DC/18/1329	Enlargement and Alteration of Existing Slurry Pit & Addition of New Slurry Pit with Access and Turning Area together with the Demolition of 2 No. Silage Tanks, Provision of New Manure Store, Concrete Hardstanding and 4.0m High Gantry & Rising Main	Application Permitted on 16.11.2018
DC/15/1146	The existing concrete framed, asbestos sheet roofed/clad building is in disrepair and to be replaced with new steel framed fibre cement roofed, Yorkshire timber clad building as shown on drawings	NO OBJECTION to Notification on 15.06.2015
DC/04/1474	Conversion of redundant grain store into teaching facilities	Application Permitted on 25.08.2004
PL/73/98	Erection of 2 lean-to's	Application Permitted on 16.09.1998
PL/76/90	Erection of building to house & feed sheep - regulation 4	Application Permitted on 31.12.1990
PL/124/89	Provision of grain store	No Decision

SITE AND SURROUNDS
The application site forms an agricultural holding, Stablebarn Farm, that is part of Brinsbury Agricultural College. The farm, including the teaching block, cattle barns and existing slurry facilities are all located to the east of the main college buildings, and off Blackgate Lane, with the overall farm amounting to some 242ha, of which some 202ha are grasslands.

In late 2018, permission was granted for a new slurry lagoon to be formed to the east of the barn complex, which at the time was noted to support some 170 head of production cattle, some 100 youngsters and a flock of around 350 sheep. The slurry lagoon has since been fully installed following consent.

Access to the farm is off Blackgate Lane, some 110m off the barn complex. A PRoW (footpath_1985) runs along the southern field edge of the farm around 81m from the existing southern corner of the farm yard.

The wider landscape character is gently undulating with vegetated field boundaries and woodland blocks. To the north of the barn cluster, land levels rise whilst to the east are a series of land drains, ditches and a watercourse. The site lies in a Nitrate Vulnerable Zone (NVZ) which means that slurry cannot be used on the fields between 1 October and 1 March, and so the farm must be able to store

the slurry on site during that time, taking into account rainfall and parlour washings. The previously approved slurry lagoon has enabled the farm to accommodate this on site.

It is noted that any water run off from the roofs of the existing barns, which lands on the concrete farm yard and comes into contact with the cattle, must be treated as foul waste and diverted into the slurry lagoon for disposal / removal. The site visit revealed that the existing barns are of an age whereby the roofs and guttering are failing, leading to increased discharge from the roof-slopes onto the concrete yard (loafing area) used by the cattle, putting pressure on the slurry facilities.

DETAILED DESCRIPTION

The proposals seek to demolish the existing 1,500sq.m (8.4m high) series of cattle sheds and replace this with a larger, more modern livestock cattle shed which will enable a gold standard to be achieved in relation to animal welfare standards, by providing a larger area per head of cattle (around 10sq.m).

The new open sided shed would feature a 3m overhang to each of the long sides, with the new footprint being some 77m x 39m (3003sq.m). There is also a new covered 13m deep overhang to the northern side for cattle handling. The new shed would have a ridge height of some 11m.

The existing silage clamp would be relocated to an area of the site currently used in part for tractor storage and as yard area to the south of the teaching block. The proposed new silage clamp would have a footprint of some 30m x 40m, divided centrally, with the areas accessed from the northern side / yard area.

No changes are proposed to the lambing shed, teaching block, parlour, farmhouse and calf shed, some of which lie outside of the red line site area. A new path would be formed around the outer edge of the silage clamp allowing students a safe route to the teaching block that avoids the farm yard where tractors may be manoeuvring.

During the site visit, the works to form the base of the silage clamp were noted, resulting in a new earth bund some 1.5m in height being formed along the southern side of the proposed silage clamp area. Drawings have been revised to show this (rec'd 15th Feb 2024).

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:
The Pulborough Parish Neighbourhood Plan (PPNP) has progressed through independent examination stage and is awaiting further progress. The progress has temporarily stalled owing to ongoing Water Neutrality issues. As from 8th June 2023, the draft Neighbourhood Plan is considered to have a status

of a 'Non-Statutory Planning Advice Note', with the policies contained within deemed to carry significant weight being in accordance with the NPPF. The following policies are relevant to this application:

Policy 1 – Spatial Plan for the Parish
Policy 15 – Design

Parish Design Statement:
Pulborough Parish Design Statement (SPD) – May 2013

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Planning Advice Notes:
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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.

Consultations:
Newt Officer: (No Objections) The proposed development is unlikely to have an impact great crested newts and/or their habitats. However, the development is within the red Impact Risk Zone, as modelled by district licence mapping. An informative is advised.

Drainage Consultant: Advice / More Information
08/04/24 – [Summary]

- Additional evidence has been reviewed, with some of the previous concerns having been satisfactorily addressed. The following residual concerns remain, to be addressed by way of the following information:
    - Necessary discharge consents or third-party riparian agreements for discharging surface water runoff from the proposed SuDS basins into the existing watercourse.
    - The information provided does not include a specified freeboard allowance for the SuDS Basins. The applicant should provide a summary of total storage volume provided by proposed basins up to the design level, and a basin freeboard allowance of 300mm. The applicant should also provide written consideration of the construction and maintenance restrictions related to basins with 1:1 side-slopes.
    - Mitigation methods to ensure exceedance flows do not directly enter the onsite watercourse, with the potential to cause pollution, and/or increase flood risk.

26/01/24 [Summary]

- Plans and evidence is requested to evidence necessary discharge consents or riparian agreements for discharging run-off into the watercourse and catchment plans of existing and proposed drained areas to assess current and proposed run-off to the existing watercourse
- Evidence to show the flood water is not polluting the clean water in the SuDS basin or existing watercourse
- Detailed calculations and layout of proposed drainage systems and evidence of measures to prevent groundwater and surface water pollution and evidence to show how exceedance can be accommodated without causing a pollution risk to clean surface water system and avoid dirty water run-off

Agricultural Consultant: No response

HDC Environmental Health: No response

Natural England (Water Neutrality): No objection subject to the delivery, management and maintenance of the measures identified in the water neutrality statement to achieve water neutrality

Parish Comments:
No Objection

Representations:
To date, letters of representation have been received from two neighbouring properties, expressing support for the proposal:

- Stablebarn farm continuously maintain their estate to a high level
- Proposed upgrading demonstrates investment into keeping the yard to a high standard
- Responsible neighbour who endeavour to assist and aid the community in a collaborative manner
- Provide modernised facilities which will help students experience the 'modern' farming practices

HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER
It is not considered that the development would be likely to have any significant impact on crime and disorder

PLANNING ASSESSMENT

Principle of Development:
The key considerations in the determination of this application related to the impact of the proposal on its countryside location, whether the proposal is suitable in the countryside location, and if there is a justifiable need for the proposed development.

In this instance, the application site lies within the countryside and so Policy 26 of the Horsham District Planning Framework (HDPF) would be relevant. This requires any development outside the built-up area boundaries to be essential to its countryside location in order to protect the rural character and undeveloped nature of the countryside against inappropriate development. In addition, it must meet one of the following criteria:

1) Support the needs of agriculture or forestry
2) Enable the extraction of minerals or the disposal of waste
3) Provide for quite informal recreational uses, or
4) Enable the sustainable development of rural areas

Furthermore, Policy 26 requires that development does not lead, cumulatively or individually, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances the key features and characteristics of the landscape character in which it is located.

The National Planning Policy Framework (NPPF) has a golden thread running through it which seeks to ensure a presumption in favour of sustainable development. The NPPF seeks to ensure that the planning system performs an economic, social and environmental role, and requires planning applications to be determined in accordance with the local development plan.

The application site is noted to remain an established agricultural holding, which provides a financially viable business as well as operating as part of the Brinsbury College Campus, which is part of the

wider Chichester College, offering agricultural courses and diplomas. The site and the proposal therefore fall under the definition of agriculture and the works have been assessed as being necessary to support the needs of agriculture.

Functional Need:
As gleaned from the site visit, Stablebarn Farm continues to operate as a commercial dairy farm, under the Arla C.A.R.E scheme. Recent improvement to the milking parlour on site, located to the west of the existing cattle barn, may have increased efficiencies, but reduces the number of cows that can be milked (16 at a time). As a result, the maximum number of dairy cows at the site is now limited to 160.

The existing cattle barns provides an area within the barn of some 4sq.m per cow, which increases to around 6sq.m if the external 'loafing' area is included. The increased animal welfare standards which the Arla C.A.R.E scheme seeks to achieve is some 10sq.m per cow, including a covered loafing area.

The proposed new barn would replace the existing barns which are nearing the end of their functional life, with new fit-for-purpose facilities, enabling a better welfare standard for the dairy herd and, by incorporating a covered 'loafing' area for the cows, can reduce several health issues of the herd. Furthermore, the new barn would enable the collecting of rainwater direct from the roof-slope and the ability to divert this away from the slurry lagoon, as it would no longer be considered as 'contaminated'

Design and Appearance:
Policies 25, 32 and 33 of the HDPF requires new development to integrate sensitively into the wider surroundings and protect, conserve and enhance the landscape character. PNP policy 15 also seeks for new buildings to be well-designed, sustainable and to take account of climate change.

The proposals, comprising the replacement of an existing 1500sq.m cattle building within an established cluster of active farm buildings with a larger 3003sq.m cattle building within the same farm cluster, would remain located within the confines of the agricultural setting.

Visual screening would be offered by way of the adjacent farm buildings and vegetated boundary along Blackgate Lane, and distance between the cluster of farm buildings and public rights of way along the southern side of the field (100m).

Although the proposed replacement cattle barn would be larger in footprint and height (11.82m) than the existing cattle barn (8.4m at the highest point), the grouping of the existing buildings within the established farm yard would provide a cohesive setting from the proposal so that the new barn would not be seen in isolation. Furthermore, the barn would include significant areas of the sides being open, thus helping to reduce the visual solidity of the resulting barn.

The proposed replacement barn and silage clamp would primarily be visible from within the farm land itself (agricultural college), or by way of more distant and filtered views along Blackgate Lane and the PRoW. The re-located silage clam would extend the farm yard closer to the PRoW, but would remain visually linked with the established group of buildings and associated with the functional cluster of farm buildings. The bund created along the southern side would also provide for some visual screening of the new clamp, eventually being grassed to visually flow into the fields.

The proposal is therefore considered to meet the criteria of HDPF policies 25, 32 and 33, and PNP policy 15.

Amenity Impacts:
Policy 33 of the HDPF also seeks to avoid unacceptable harm to neighbouring amenity. The nearest residential properties, apart from the Stablebarn Farm Cottage located within the cluster of farm buildings and part of the application farm site, would retain significant distances of some 120m (Blakewood Stables) and 280m (Toatwood Bungalows and Farm), and would remain separated by a public highway, landscape features including a woodland belt, and field boundaries. Furthermore, the long-established nature of the dairy farm and agricultural land holding and teaching college is noted.

The proposal is therefore considered to meet the criteria of HDPF policy 33.

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

In this instance, the existing nature of the cattle farm and working commercial dairy is noted, which pre-exists the Position Statement issued by Natural England. Officers note from the planning history pertaining to this site, that the dairy herd has reduced in the last 5 years and is due to be reduced further following the implementation of the increased welfare standards by way of the new barn, and the recently updated milking parlour facilities, leading to a maximum herd size of 160 cows (currently 162).

The proposed new cattle barn would increase the area available per cow form the existing 4sqm covered / 6sq.m including external loafing area, to a proposed 10sq.m of covered area each (1,600sq.m) which includes a loafing area, covered feeding area (1 linear metre per cow), new on-demand drinking troughs, along with additional benefits offered by way of a new increased cattle handling area leading from the milking parlour and a 3m overhang which allows for teaching and welfare inspections. The proposed barn is sized to accommodate 160 cows and meet the relevant animal welfare standards.

With the reduction in the size of the herd to enable a high level of animal welfare to be achieved at the farm, resulting in a reduction of 2 dairy cows (to a herd of 160), there would be a reduction in water use at the farm as a result. Therefore, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would lead to an increase in herd size at the farm over and above 160 animals which are already present within the existing dairy farm, and which would result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. Increasing the herd size would lead to a fall in the animal welfare standards which are being sought by way of the current application.

The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Drainage & Flooding

The proposal is accompanied by a FRA on account of its site area being over 1ha. The EA flood mapping shows that the site is in a Flood Risk 1 area, meaning it has a low risk of river / sea flooding. Although there is a medium and high risk of surface water flooding associated with a culvert that runs north of the farm cluster, the application site (red line) includes only small areas of medium risk of surface water ponding, likely associated with the extensive areas of hard-standing around the barns.

The submitted FRA acknowledges that any existing rainfall to the roof-slopes of the existing barns is not currently diverted, but runs off into the farm-yard and then must be disposed of as contaminated waste to the slurry lagoon on site. The proposal would enable clean water run-off from the new roofs to be diverted to guttering and a sealed drainage system and diverted into the below-ground drainage that is already in existence under the site and to proposed new flood attenuation ponds to the north of the barns, thus reducing the amount of waste water that is considered to be 'contaminated' and thus requiring treatment / specialist disposal.

The proposed new silage clamps will be provided with dedicated heavy-duty drains which will be connected to the farm's existing slurry lagoon.

Following the consultation response from the Council's Drainage Consultants, additional drainage details have been received (Surface Water Drainage Report, 11th March 2024, by CGS Civils). These details have been reviewed and it is noted that some of the concerns have been addressed, whilst others remain. Officers consider that the outstanding matters can be addressed by way of conditions and informatives, particularly as some of the retained concerns fall outside of the planning remit.

No adverse flood events are anticipated as a result of the proposal with on-site management if rainfall expected to occur as a result of the new barn and the guttering, and the drainage associated with the new silage clamp.

Ecology:
A PEA has been carried out, which has investigated the existing barns for potential bat roosting habitat and potential foraging . The nature of the buildings and farm yard is considered to present a negligible potential for bats, with extensive foraging, commuting and roosting habitat present beyond the application site boundary.

The following enhancement measures are therefore identified, and can be secured by condition:

- Maintaining a dark corridor along the southern tree-line
- Using minimum light levels and sensors to avoid continuous external lighting
- Use of warm spectrum of lighting
- Installation of bat boxes, bird boxes within wider farm area
- House sparrow and starling nest boxes installed at proposed new barn
- Creation of species- rich grass lands within wider farm
- Creation of dead wood habitat piles within suitable habitat of wider farm

Associated lighting is to be restricted within the barn itself to enable working and teaching conditions. Three external luminaries are proposed affixed to the new barn, directing a pool of light to the areas immediately at access points to the barn.

Conclusions and Planning Balance:
In conclusion, the site lies in the countryside where the rural policies of restraint apply. In this instance, the proposal seeks to carry out essential and justified works to enable the existing agricultural holding to continue to operate in a way that is compliant with legislation and enabling increased animal welfare standards at the farm, and in a manner that is appropriate to the wider landscape setting.

Therefore, the proposal to carry out the proposed replacement building and silage clamp, and associated works, would be considered commensurate with local and national planning policies.

Recommendation: Application Permitted

Conditions:

1 Plans list

2 **Standard Time Condition**: The development hereby permitted shall begin 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 of the SuDS basins shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:
i) Details of the specified freeboard allowance for the SuDS Basins. The applicant should provide a summary of total storage volume provided by proposed basins up to the design level, and a basin freeboard allowance of 300mm.
ii) Written consideration of the construction and maintenance restrictions related to basins with 1:1 side-slopes.

iii) Details of the of the mitigation methods to ensure exceedance flows do not directly enter the onsite watercourse, where there is the potential to cause pollution, and/or increase flood risk.

The SuDS basins shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. All such lighting 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) and to conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PJC Consultancy Ltd, November 2023).

Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition:** No more than 160 cows / cattle shall be housed in the development hereby approved.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 186 and 187 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

NOTE TO APPLICANT

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

NOTE TO APPLICANT

The applicant is advised to ensure they seek the necessary discharge consents or third-party riparian agreements for discharging surface water runoff from the proposed SuDS basins into the existing watercourse.

NOTE TO APPLICANT
It is advised that the SuDS attenuation ponds be designed with side gradients to a maximum of 1:3 and that best practice guidance is followed in the design and construction, and any associated safety fencing.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/23/2101

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Site Location Plan	BCS BBA ZZ 00 D A 1002 P04	15.02.2024
Site plan	Proposed Site Plan	BCS BBA ZZ 00 D A 1001 P03	15.02.2024
Floor plan	Proposed Cattle Shed and Silage Clamp Ground 1 of 2	BCS BBA ZZ 00 DR A 2001 P02	15.02.2024
Floor plan	Proposed Cattle Shed and Silage Clamp Ground 2 of 2	BCS BBA ZZ 00 DR A 2002 P03	15.02.2024
Elevation & Floor plan	Proposed Silage Clamp Ground Floor Plan and Elevations	BCS-BBA-ZZ-00-DR-A-2003 P04	15.02.2024
Elevation & Floor plan	Proposed Cattle Shed Elevations	BCS BBA ZZ 00 DR A 3002 P04	15.02.2024
Design & Access Statement		CCTLC-BBA-XX-XX-RP-A-0002 P03	15.02.2024
Supporting Statement	Planning Statement	P2002i	17.11.2023
Supporting Statement	Lighting	P2023-0793A	21.11.2023
Supporting Statement	Preliminary Ecological Appraisal 1 of 2	5430E/23/02	17.11.2023
Supporting Statement	Preliminary Ecological Appraisal 2 of 2	5430E/23/02	17.11.2023
Supporting Statement	Phase 1 Geo-Environmental Desk Study	5581 23 10 12 Rpt 01 REV 1	17.11.2023
Supporting Statement	Water Neutrality	C2822 Rev P	13.03.2023

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 11.04.2024

Authorising Officer sign/initial Adrian Smith Date: 15/04/2024