Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0845
Chantry Farm, West Chiltington Lane, Coneyhurst, West Sussex, RH14 9DY,

DESCRIPTION:
Variation of condition 2 of previously approved application reference DC/13/0698 (Replace mobile home with permanent dwelling for agricultural worker) occupational condition to be amended to include Equestrian occupiers.

RELEVANT PLANNING HISTORY:

DC/13/0698	Replace mobile home with permanent dwelling for agricultural worker	Application Permitted on 12.07.2013

SITE AND SURROUNDS
The application site is positioned to the west of West Chiltington Lane, outside of any defined built-up area. The site is therefore within the countryside in policy terms. The site comprises a pole barn located to the north of the site and accessed from an existing access to the south. The wider area is characterised by enclosed agricultural fields and paddocks, with a cluster of former agricultural buildings converted to residential located to the west.

DETAILED DESCRIPTION
Variation of condition 2 of previously approved application reference DC/13/0698 (Replace mobile home with permanent dwelling for agricultural worker) occupational condition to be amended to include Equestrian occupiers.

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 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 20 - Rural Workers Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
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 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Billingshurst Parish Neighbourhood Plan

Billingshurst Parish Design Statement

Planning Advice Notes:
Facilitating Appropriate Development
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:
Environmental Health and Licensing: No Comment

Agricultural Consultant: No Objection -

This application does not seek the removal of the agricultural occupancy condition but seeks to broaden that occupancy condition to permit its use as a residential dwelling for an equestrian worker(s).

RAC would accept that in general terms equestrian workers would fall within the definition of rural workers where there is a justified essential need for such a rural worker to live on site in line with national and local plan policy.

The PS has provided details of the marketing of the property by H J Burt as a whole or in lots and that no buyers have come forward in the past two years.

It details that H J Burt have had some 15 viewings of the property over the last two years but with no viewing that could meet the existing occupancy condition relating to an agricultural worker. It did note however, that there were six viewings who had an equestrian interest.

RAC would accept that many farming establishments are looking at some form of farm diversification schemes with the development of equestrian activities, in particular livery and use of grazing paddocks for horses being one.

RAC would further note that it has appraised a number of planning applications for rural worker's dwellings relating to equine/equestrian enterprises in the Horsham district.

The PS notes that the marketing of Chantry Farm has a 30% reduction in the guide price to reflect the agricultural occupancy condition.

The proposal to amend the occupancy condition to permit an equestrian use at Chantry Farm will in RAC's view increase the possibility of its sale to a potential equestrian buyer who can meet that occupancy condition.

Overall, RAC accepts that the proposal would be compliant with national and local plan policy.

Parish Comments:
Billingshurst Parish Council – No Objection

Representations:
Three representations were received with no objection and making the following comments: -

- The house has been for sale for many months with no demand for agricultural demand.
- Equestrian use would be more viable than agricultural.
- Equestrian facilities more dominant within the area.
- Note that future access should continue to be as was originally intentioned, and not from a track which adjoins neighbouring residential properties.

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
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.

PLANNING ASSESSMENT
The main issue in this application is whether Condition 2, which limits the occupation of a dwelling to agricultural or forestry workers, can be varied to include equestrian workers and whether such a change is reasonable and necessary.

Condition 2 of planning approval DC/13/0698 states:

"The occupation of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act, or in forestry, or a widow or widower of such a person and to any resident dependents".

This condition currently restricts occupation of the dwelling to those working in agriculture or forestry. The condition was imposed to comply with Section 91 of the Town and Country Planning Act 1990.

The submitted Planning Statement states the owners and occupiers of the holding have farmed on the property since 1998 when it was predominantly a pig farm. It is understood that personal circumstances in 2020/21 resulted in the pigs being sold and the farm was put on the market in June 2022.

The applicant's attempts to sell the property over the past 2 years are detailed in the accompanying documents 'sales brochure' (Appendix 2) prepared by the estate agent, H.J Burt. These details set out that in 2022 the house, 17+ acres of pasture and agricultural outbuilding was marketed at £1.4 million (reflecting a 30% AOC reduction on the main house). It was subsequently reduced by a further £100,000 in 2023 to £1.3 million. However, no interested parties / byer has been found with the existing occupancy condition in place.

The current application therefore seeks to vary Condition 2, to allow a broadening of the occupation restriction to allow persons solely or mainly working or last working in the locality in agriculture, or in equestrian activities.

Policy 20 of the HDPF 2015 considers rural workers' accommodation and states that:

"Outside the defined built-up area new housing for rural workers will be supported provided that:

1. *there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.*
2. *evidence is submitted to demonstrate the viability of the rural business for which the housing is required."*

The above policy is not relevant to the loss of rural workers dwellings. It is though noted that the emerging Horsham District Local Plan 2019 – 2036 includes the following text: -

"*Where applications are received to remove occupancy, conditions associated with rural workers' accommodation, evidence will be required to demonstrate why the condition is no longer required. This evidence should include details of a suitable period of marketing the property at a realistic market price, taking into account average incomes and the existence of the occupancy condition".*

This reflects the NPPF, which supports the need for isolated homes "*where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside…".*

The proposed condition variation would not result in the loss of a rural workers dwelling but would broaden the restriction to allow occupation by those associated with either agriculture or equestrian activities. On the basis of the marketing which has already been undertaken, this approach would potentially allow continued occupation of the dwelling by rural workers, with the Council's rural consultant noting that many farming establishments are looking at some form of farm diversification schemes with the development of equestrian activities, in particular livery and use of grazing paddocks for horses being one.

It is considered that while the condition was originally necessary given the activities taking place on the site at that time, the nature of the site and the demand for it as an agricultural workers dwelling has changed over time, as confirmed by the marketing which has already taken place. The variation of the condition to allow occupation in connection with agriculture and equestrian would retain the dwelling for rural workers, with this approach in accordance with local and national planning policy.

The variation of the condition would not give rise to any unacceptable harm to neighbouring amenity, adverse impact on the highway network, or result in a level of occupancy which would be expected to result in increased water consumption. The proposal does not raise any other material considerations which would lead to a different recommendation.

Conclusion:

In conclusion, the extensive marketing efforts and lack of demand for agricultural occupancy justify varying Condition 2 to include equestrian workers. This change aligns with planning policies and addresses the evolving use of rural properties, making it reasonable and necessary. The proposal would have a neutral impact in all other regards. The original permission included a number of conditions, some of which remain relevant, and these form part of the recommendation.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, forestry or equestrian related activities, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

3 **Regulatory Condition**: No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority 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).

4 **Regulatory Condition**: Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, D, E, F, G or H of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity and in accordance with Policies 28 and 33 of the Horsham District Planning Framework: (2015).

NOTE TO APPLICANT
The applicant is advised that any material change of use of the wider site from agriculture to other use(s), such as equestrian, would require planning permission.

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/24/0845
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning	none	29.05.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 22/07/2024

Authorising Officer sign/initial Guy Everest Date: 24.07.2024