

DC/26/0220 Demolition of existing dwelling and machinery store, and erection of a single storey replacement (self-build) dwelling.

Coopers Nursery, Woodside Lodge Picts Lane Cowfold West Sussex RH13 8AT

I object to this application on the following grounds:

Planning History

Planning permission was granted in 2015 (DC/15/0793) for the change of use from an agricultural building to an agricultural dwelling:

*'The occupation of the dwelling shall be limited to a person involved in the management of Coopers Christmas Tree Nursery only, or a widow or widower, of such a person or any resident dependants. Reason: **The site lies in an area where, in accordance with Policy DC1 of the Horsham District Local Development Framework; General Development Control Policies (2007), development which cannot be justified as essential to the needs of agriculture, forestry or a rural business would not normally be permitted**'.*

From the supporting statement by Angus Farquhar, in the original application, DC/15/0793:

"The site was in agricultural use on 20th March 2013."

"The essential need for a rural worker to live permanently at or near their place of work in the countryside."

"The applicant lives and works on the nursery in the production of Christmas trees. He has a need to be at the holding for the better performance of his duties."

The current building therefore has an Agricultural Workers Occupancy condition. **However, no actual management of the Christmas trees has taken place since the initial planning permission was granted for the conversion to an agricultural dwelling.** There has been no cropping or planting since around that time. There is no tree nursery and it not possible to buy trees from this site. A search of the internet and Companies House reveals no record of a Christmas tree business there. Indeed, even the current Design and Access statement describes the site as a *'former nursery'*.

The CIL states that the building or part of the building occupied was occupied for its lawful use for 6 continuous months of the 36 previous months and that it is still in use. This is simply not true; since permission was granted in 2015 the applicant has rarely been there, and indeed has possibly spent large amounts of time abroad. There has been no 'Christmas tree farm' activity, and no need for an agricultural dwelling, therefore.

There have been several instances over the years when utility companies such as UK Power Networks have repeatedly tried to gain access to the site for essential repair work to power lines and have written or visited but had no response. They have visited us instead to see if access could be gained from our property.

Most of the time there is a long wheelbase high topped van parked across the entrance to the site inside the gate to prevent access, as can be seen in the google maps Streetview photo below, so the site is clearly unoccupied when this occurs:



It would not be unreasonable, therefore, to suggest that utility bills and business accounts are requested to support the applicant's claim.

This is not a change of use from a restricted agricultural tied dwelling but the demolition of the original and building of a new, much larger, property on a different part of the site. The existence of an agricultural tied dwelling in itself must not permit a new build. If permission is granted, this will totally alter the appearance of this very rural lane and open the door to any pony shed or stable being converted to a 'necessary agricultural dwelling' so that permission for a private house can later be sought.

The draft Horsham District Local Plan Policy 44 Rural Workers Accommodation, section 2 states that:

2. *"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.**"*

There is no evidence that this has been carried out.

Policy 44, para 10.72, also states that:

“New isolated houses in the countryside will normally be resisted. There may sometimes however be special circumstances where it is essential for a rural worker to live permanently at or near their place of work. In these instances, it may therefore be appropriate to allow for the development of accommodation to house rural workers. Where such situations arise, the occupation of the dwelling will be restricted by condition. ”

In other words, the restriction is there for a reason, to protect the countryside, and **should not lightly be overridden, especially to permit the expansion and development of the site.**

The policy also states that in considering whether to grant permission for an agricultural dwelling there must be “evidence that there is a functional need for the dwelling and the occupation of the dwelling is to *support an established business use, and that evidence is submitted to demonstrate the viability of the rural business for which the housing is required.*” In the light of the lack of a credible business at the site, it has to be wondered whether the current dwelling would have passed the test of the policy in the draft plan.

The current building looks from outside like a semi derelict shed. Indeed, the applicant is not seeking to preserve any part of it. The design and access statement, para 3.3, states that “The proposal is for the demolition of Woodside Lodge and the construction of a three bedroom single storey (self-build) dwelling sited in a similar location to the existing dwelling *but set further east towards the front of the site and the lane.*” It is not therefore a conversion of an existing building to residential use. A new build would not usually be permitted at such a location. There is no justification for doing so now.

Agricultural occupancy condition:

In the Design and Access Statement, the applicant argues that this condition was only stipulated because of a noise concern from the Environmental Health department of the council. (see para 5.25-30):

“5.26 As set out, the Council issued Prior Approval for the creation of the existing dwelling via the conversion of an agricultural building under the provisions of Class Q of the Town and Country Planning GPDO. The approval was subject to a condition (‘Condition 1’) requiring the dwelling to be occupied by a person involved in the management of Coopers Christmas Tree Nursery only, or a widow, widower, of such or any resident dependants.

5.27 The Council’s reason for applying this condition is stated to be because the site lies within an area (the countryside) where development which cannot be justified as essential to the needs of agriculture, forestry or a rural business would not normally be permitted.”

The applicant is conflating the two conditions of the 2015 permission, which are set out below:

“Recommendation: Permit Prior Approval

Conditions: 1 The occupation of the dwelling shall be limited to a person involved in the management of Coopers Christmas Tree Nursery only, or a widow or widower, of such a person or any resident dependants.

Reason: The site lies in an area where, in accordance with policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007), development which cannot be justified as essential to the needs of agriculture, forestry or a rural business would not normally be permitted.”

The recommendation by Environmental Health is an **additional condition about ownership, not occupation:**

“(b) noise impacts of the development, The Council's Environmental Health department have advised that the agricultural building subject to this proposal should be maintained in the same ownership as the rest of the land edged blue on the application drawings. The reason being that if the proposed residential unit was occupied by a separate household, there would be the potential for loss of amenity from noise arising from normal nursery activities.”

Contribution to the housing supply and sustainability

A single dwelling does not contribute materially to the housing supply in the district, and not at all if it has indeed been occupied to date.

It is against the HDC and Cowfold Neighbourhood Plan objectives on sustainability:

It is not close to a settlement boundary; indeed, it is around 1.5 miles from Cowfold, with no realistic prospect of walking to the village, and no public transport.

If the fact that construction of this house will give employment to builders is legitimate, *any* proposal would be acceptable on this basis.

Environmental and Landscape impacts

The current application is not only seeking to remove the agricultural tie, but there will be a huge increase in the size of the habitable accommodation, and the new plan removes the machinery storage and does not make provision for new storage, so no doubt further applications for this will follow:

The CIL form states that the existing floor space is 99.6 square metres and will increase to 272.71 square metres. However, as the details of the original application for an agricultural dwelling states: *“The building is of timber construction. The size of building is modest in*

agricultural terms being 100 sq m's. The proposal is to convert some 55 m2 into accommodation." Therefore the size of the dwelling itself will increase by 5 times.

The Design and Access Statement para 4.27 quotes the 2015 HDPF policy 28. *This policy is not about dwellings with an agricultural tie*, but dwellings without such restrictions, and states that the construction of replacement dwellings within the countryside will be supported where:

- *The replacement dwelling can be accommodated appropriately within the curtilage.*
- *Replacement dwellings will be supported on a one for one basis and the property is not derelict.*
- ***The replacement dwelling is not disproportionate in size to the existing dwelling.***

This application is clearly disproportionate in size.

In addition, in the draft HDPF, Policy 45: Replacement Dwellings and House Extensions in the Countryside states:

1. *Outside defined built-up areas, house extensions, replacement dwellings and outbuildings will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling.*

In addition:

- a) *Replacement dwellings will only be supported on a one-for-one basis and where it can be demonstrated that the property **is still in lawful residential use.***
- b) *Replacement dwellings and extensions should be in **keeping with the scale and character of the existing dwelling and of the surrounding area. This will have regard to the cumulative impact alongside existing extensions.***
- c) *Garages and any new outbuildings will be required to meet with all other appropriate policies, particularly design principles and should be grouped with the house, having regard to the dwelling they serve.*
- d) ***Subsequent extensions to converted agricultural buildings which detract from the original form and character will be resisted.***

The proposal is to increase the footprint by two and a half times, and the dwelling size by over five times. There are currently no houses on the south and west border of Picts Lane until the far western end of the lane, beyond Aglands. The only houses are mature properties scattered along the east and north side. The current small shed-like structure is in keeping with this, but a large new house will alter the character of this highly rural lane.

The Energy and Sustainability Statement tries to play down the rurality of this location by describing the site as 'sparsely vegetated urban land'! The photo in Figure 10 is also

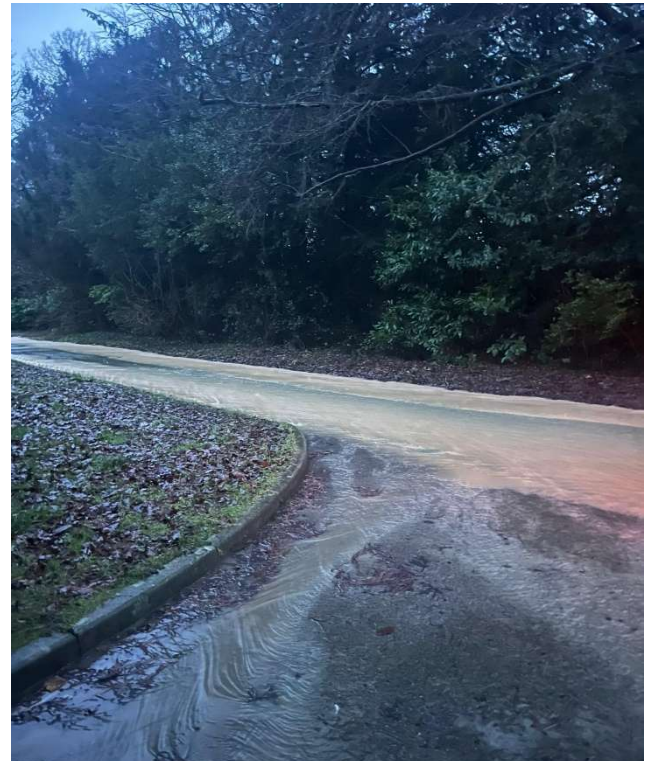
misleading in that the use of a wide-angled lens creates the impression of a wide space when in fact it is simply the site entrance. A brief visit to the site will confirm the very rural nature of the 'urban land'.

Tree protection; there is a large oak tree at the entrance to the site, which must be seen in the context of the many mature trees in the wider environment of Picts Lane. It must be protected against future widening of the access or root damage from hardstanding etc

Flood risk

Southern Water point out that no information is given on foul or surface water drainage.

After the publishing of the revised NPPF on 12 December 2024, HDC issued an addendum to the **Planning Committee (South)** meeting held on 17 December 2024 relating to all items on the agenda. The minutes point out that Ch 14 increases the weight given to avoiding building in **flood risk** areas. Even though, as the applicant says in the Energy and Sustainability Statement, the site is not located in an official flood risk area, there is a stream along the northern boundary, a tributary of the Cowfold Stream, which floods. and the site is at a relatively low level compared to the surrounding landscape. A storage barn at Wealden Barn, to the west of the site along the stream, and on ground which rises from the stream far more than this does, was severely flooded last year, and the converted home office (DC/21/0114) has flooded on several occasions. The small lodge house to the south suffered severe flooding a number of years ago. **Yet this location is not recognised as a flood risk area on the government flood risk mapping site.** Pictures of Picts Lane taken in January this year also show how bad the flooding can actually be on the lane itself:



The Environment Agency recently issued a report recognising the inadequacy of much of the Flood Risk evidence they hold, and the fact that, as flooding becomes ever more frequent in this country, their maps are often outdated. They have revised their previous flood risks assessment upwards by 43% on the basis of out-of-date data, but also recognise the additional risks from climate change, and that the situation, particularly in the southeast is worse than official mapping shows:

<https://www.gov.uk/government/publications/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024>

Design statement

Occasionally, residential properties may be permitted in the countryside if they are of 'outstanding or innovative design'. There is nothing about this application which could justify this description.

The previous applications listed in the Appendices 2-7 are very different from the current application:

- None of them relate to buildings with agricultural ties; they relate to extension or rebuilding of existing homes without agricultural ties, or outbuildings of such properties.
- Most concern redevelopments which use the same footprint, which may then be expanded. Apart from the Springfield Bungalow, the location of the dwelling within the site is not altered, but that property appears to be in a much more built up area.
- The examples given are in Colgate, a very different area sandwiched between the conurbations of Horsham and Crawley.
- The Greenfield Farmhouse application does indeed permit a large increase in floor space, but only in the context of its proximity to several large sheds and other buildings, reducing the overall impact of the expansion. This is not the case on Picts Lane, where no other properties are visible at the location.

These examples cannot be used to justify this application.

Conclusion

This application should be refused.

This is not an application for change of use of a farm building. This is about the removal of an agricultural tie, demolition and expansion of the property.

A replacement dwelling is either an entirely new structure or an extensive reconfiguration of an existing structure, adhering to the previous building footprint or presenting a moderate increase in size. This is considerably larger than the existing building and is not on the footprint of the existing building, which is to be demolished.

There has been no 'lawful use of the site' for agricultural purposes immediately before the change of use is undertaken. No activity on the Christmas tree site has taken place for many years, and the agricultural dwelling has been essentially uninhabited for much of that time.

The only reason the original planning permission was granted was on the grounds of necessity as an agricultural dwelling. Such change of use would not otherwise have been permitted in this location. As the agricultural dwelling is to be demolished and the tie to be lost, this new build is against all the HDC and Cowfold PC planning principles for development in the countryside.

On the one hand, the applicant is claiming that the building has recently been in its 'lawful use' and yet is seeking to remove the agricultural tie (which in order to do so must no longer be needed) and then expand the building into a dwelling which would not normally be permitted on such a location.

Permitting such a scale of new build on this site would set a dangerous precedent and should be resisted.