Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0632
Westlands Farm , Billingshurst Road, Ashington, West Sussex, RH20 3BB

DESCRIPTION:
Removal of Condition 3 of previously approved application AS/78/34 (Erection of one dwelling) relating to agricultural occupation.

RELEVANT PLANNING HISTORY:

AS/38/74	Erection of one dwelling Comment: Outline - appeal allowed 23/7/74 (From old Planning History)	Application Permitted on 23.07.1974
DC/24/0257	Application to confirm that condition 2 of previously approved application DC/19/2196 (Erection of two x 3 bedroom semi-detached dwellings) has been complied with and that the actions and intent of the applicant with regards to prior to commencement conditions 3,4 and 5 ensures the permission remains extant (Lawful Development Certificate - Existing)	Application Refused on 16.09.2024
DC/19/2197	Creation of an agricultural access track and field gate access	Application permitted 23.06.2020

DESCRIPTION OF THE SITE
The application site is to the southwest side of the Billingshurst Road, north of Ashington and is outside of any built-up area. The site is located within countryside but has no other statutory designations. The site is within a rural area characterised by farms, commercial uses and individually designed dwellings.

The dwelling sits to the east of the large agricultural holding and was constructed under AS/38/74 where a condition was placed on the permission limiting the occupation of the dwelling as follows:

3. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly last employed locally in agriculture as defined in section 290(1) of the town and country planning act 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person.)

DESCRIPTION OF THE APPLICATION
This application seeks to remove the above condition from AS/38/74.

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 20 - Rural Workers Accommodation
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles

Ashington Neighbourhood Plan:

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 20: Development Principles
Policy 44: Rural Workers Accommodation

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:
Reading Agricultural: The Planning Statement (PS), the subject of this appraisal, details that the applicant has been occupying the dwelling in breach of condition 3 for in excess of 10 years. RAC notes that the application type is not a Certificate of Lawfulness for an Existing Use or Development, however, no Statutory Declarations and history of the site has been submitted.

The Planning Statement includes letters from the applicant's accountant which detail that the applicant has derived her income through rentals, pension and interest payments. The area of land associated with the dwelling, and if any is still in agricultural use, is unknown. No information is provided regarding the previous or current agricultural activities on site.

It is implicit that the absence of a continuing need for an occupancy condition it should be tested before releasing a property into the open market.

No information of the agricultural land associated with Westlands Farm has been submitted and RAC is unable to comment on whether there is a need for a rural worker dwelling on site.

No detailed valuation has been submitted as part of this application and RAC is unable to comment in any detail on the marketing of the property.

In the absence of such detail, RAC is unable to conclude from the submitted documents and information provided whether Condition 3 of AS/78/34 is no longer appropriate and can be removed from the dwelling.

Representations:
None Received

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 consideration material to this application is whether the condition still serves a planning purpose and is reasonable and necessary.

Condition 3 of AS/38/74 relates to agricultural occupancy: The condition states: -

> *The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly last employed locally in agriculture as defined in section 290(1) of the town and country planning act 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person.)*

Paragraph 57 of the National Planning Policy Framework (NPPF 2024) provides that planning conditions must be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

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 does not include any text relating to the loss of rural workers housing. Policy 21 of the Draft Horsham District Local Plan 2019 – 2036 contains similar wording to that of Policy 20 above. However, at paragraph 6.72 of the unadopted Draft Local Plan it notes the following:

"*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".*

The longstanding principle relevant to residential development in the countryside is that it should be avoided unless special circumstances dictate otherwise. One such circumstance is the essential need for a rural worker to live permanently at or near to their place of work in the countryside.

Where a special need for an agricultural worker or rural worker is demonstrated, it has been and remains the case that the occupancy of the relevant property is restricted to ensure that it is occupied in compliance with the need and is retained as an available restricted property to meet wider compliant needs in the interest of reducing the unnecessary proliferation of residential property in the open countryside.

Prior to the introduction of the NPPF, national policy guidance referred specifically to occupancy conditions and to the appropriate assessment of any continuing demand for agricultural accommodation where the release of such conditions was sought. While the NPPF no longer makes specific reference to this issue, it is axiomatic in the terms of paragraph 84 of the NPPF that, if special circumstances need to be demonstrated in order to allow a dwelling against the general restriction of development in the countryside, the converse must equally be the case, and special circumstances demonstrated for a restricted property to enter the general open market housing stock.

It continues to be the case that appropriate marketing remains a central aspect of the demonstration of the absence of need for the occupation of a dwelling in compliance with the occupancy condition(s). In these circumstances an absence of 'demand' is taken as a proxy for the absence of 'need'. Market testing would only apply were there to be no continuing agricultural functional need for a dwelling on the holding with which it was associated at the time of the granting of planning permission.

Where a restricted property is placed on the market for sale, the accepted practice which has been adopted over many years is that it is valued as an open market property, and then to discount that valuation by 25%-30% to reflect the constraint of the occupancy condition. The normal period of market testing adopted is from 6 to 12 months.

The application documents do not provide any detail of the agricultural activities that have taken place on site and continue to take place, or any reason(s) why agricultural activities have ceased. It is noted that a Prior Approval was submitted in 2020 for a new agricultural access track and field gate (ref: DC/19/2197). Within this application it was noted within the D&A statement that '*the proposed development will be for an agricultural use in connection with the use of the wider farmland*'. At this time there was clearly an agricultural function on the land at Westlands farm, and the farmhouse was within the blue ownership line. While no evidence is provided to confirm that this was or wasn't related to the farmhouse there clearly was agricultural activities within the same ownership.

The only information that has been submitted in support of this application is a planning statement that states that the property has not been occupied in accordance with the condition for in excess of ten years. The application states that the occupier of the property for more than the last 10 years of her occupation and ongoing at Westlands Farm has always been, both in terms of percentage of income and hours spent, solely or mainly employed and derived her income through non farming rental income, pension income and interest received as opposed to farming. This is confirmed by a letter from an accountant.

From the submitted information it is not possible to determine whether the land associated with Westlands Farm is able to support a viable rural business and whether there would be a requirement for a rural worker to reside on site. Stating that the owner/ occupier does not work in agriculture is not enough to determine that there is not a viable agricultural business and need for rural worker on site.

No marketing campaign or valuation of the dwelling has been provided as part of the submission documents. As such it is not possible to determine the affordability of such a dwelling for an agricultural or forestry worker.

No assessment of any need for such a dwelling in the locality has been submitted. Without a full and proper marketing campaign of the property at the discounted rate it is difficult to conclude that there is no demand within the locality for such an agricultural property.

In the absence of such detail, it is not possible to conclude from the submitted documents and information provided whether Condition 3 of AS/78/34 is no longer appropriate and can be removed from the dwelling. It is therefore recommended that this application is refused.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated, to the satisfaction of the Local Planning Authority, that there is no continuing need for an agricultural workers dwelling in this location. It is not considered, therefore, that sufficient justification exists for the creation of an open-market dwelling by means of the removal of condition 3 attached to ref: AS/38/74, and in accordance with the provisions of the National Planning Policy Framework and Policies 20 and 26 of the Horsham District Planning Framework (2015).

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/25/0632
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning	NONE	16.04.2025

DELEGATED

Case Officer sign/initial Kate Turner Date: 11.06.2025

Authorising Officer sign/initial Guy Everest Date: 11.06.2025