Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0521
Fair Oak Farm, Spithandle Lane, Wiston, West Sussex, BN44 3DS

DESCRIPTION:
Retention of agricultural building.

RELEVANT PLANNING HISTORY:

DC/22/2211	Prior Notification for the erection of an agricultural pole barn.	Prior Approval Required and REFUSED on 18.01.2023
DC/11/1214	Change of use of part of field for seasonal tented camping	Application Permitted on 29.07.2011
DC/19/2206	Lawful development certificate in respect of the use of buildings A and C, as annotated on the plan attached at appendix 1, for events, including wedding ceremonies and breakfasts, and the use of building B, as annotated on the plan attached at appendix 1, for purposes ancillary to the use of buildings A and C, including for storage, catering, event preparation and the housing of portaloos (Certificate of Lawful Development - Existing).	Application Permitted on 09.08.2021

SITE AND SURROUNDS

The application site comprises land holding at the application site which extends to approximately just over 200 hectares (500 acres) and is currently in grassland and arable production (wheat and spring oats) with some woodland. The private driveway starts at the south end of the site off Spithandle Lane, also serves other properties Middle Barn Cottages. The site is located outside of any built-up area boundaries and is therefore within the countryside. The retrospective agricultural building sits in a relatively isolated location when compared to the main site to the south, however when reviewing the overall holding the building sits in the middle near Middle Barn Cottages.

DETAILED DESCRIPTION

In January 2003, Prior Approval was refused for the erection of a agricultural storage building located to the northern part of the site on the Fair Oak Farm. The application was refused on the grounds that it had not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed development would prove reasonably necessary for the purposes of agriculture. The proposal therefore is not considered to represent a form of permitted development in accordance with the provisions of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In additional, the application failed to demonstrate that the overall siting of the proposal would be acceptable having regard to the isolated position of the proposed structure, the amount of hardstanding proposed, new road layout, and unacceptable impact on the neighbouring residential dwelling. In the absence of sufficient information, the siting, design and appearance of the development are not considered to be acceptable and would adversely impact upon the landscape. Works were then carried out before the prior approval consent was granted, therefore

forfeiting the permitted development right. This application seeks to regularise and retain the agricultural building.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development
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 37 - Sustainable Construction

Neighbourhood Plan:
Wiston was designated as a Neighbourhood Plan area cluster along with the Parishes of Ashurst, Bramber and Steyning. The Parish Council have chosen not to pursue another Neighbourhood Plan.

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:

Nature Space: No Objection - The type of development is not considered to be relevant to the District Licensing Scheme in this case, in the case of retrospective applications, any impacts have already occurred and therefore the case is not relevant for the District Licence Scheme. I therefore have no comments to make at this time.

Agricultural Consultant: No Objection – It was clear from the site visit that the applicant's land holding at Fair Oaks Farm was in agricultural production currently growing grass for livestock grazing and production of haylage and arable crops.

The farm is clearly in various Stewardship Schemes and that the applicant is looking at the Sustainable Farming Incentive Scheme for 2024 and 2025.

The applicant has two well established permitted agricultural diversification schemes on the farm.

The constructed agricultural building, the subject of this planning application, is of a relatively small size and provides a covered dry storage area for agricultural machinery and forestry products produced from the applicant's land holding. RAC would confirm that, in its opinion, the building is genuinely used for the purposes of agriculture on the holding.

The constructed agricultural building is located away from the buildings at Fair Oaks Farm which are used for the permitted wedding venue and will therefore minimise any noise or health and safety issues when weddings are taking place.

The only issue for the Council is that the plans submitted with the application for the constructed barn are incorrect, otherwise RAC would have no issues with the constructed barn at Fair Oaks Farm for its existing agricultural uses. [note: revised 13.06.2024]

Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
No Objection - The Parish Council considered the application at its Full Council meeting of 8th May. After discussion it was agreed that an objections was not warranted, on the basis that the application is for a legitimate agricultural business and no complaints from nearby householders have been received.

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

Principle of Development:

The application site is not within a defined Built-up Area Boundary (BUAB) and is therefore considered to form part of the District's countryside. Policy 26 (Countryside Protection) of the Horsham District Planning Framework (HDPF) is therefore of key importance when determining this application. This policy makes provision for development in the countryside where certain criteria are complied with. In addition, Policy 10 (Rural Economic Development) of the HDPF and Paragraph 83 of the National Planning Policy Framework (NPPF) are also relevant when considering the acceptability of development in the countryside where it is proposed to contribute to sustainable rural economic development and rural employment opportunities.

Policy 26 of the HDPF aims to protect the countryside from inappropriate development and states that development in these locations would only be considered acceptable if it is essential to the countryside

location and meets one of four criteria. In accordance with the first criteria of Policy 26, development in countryside locations is considered acceptable in principle if it supports the needs of agriculture. In addition to this, in order to be acceptable under Policy 26, any proposal in the countryside must be of a scale appropriate to its countryside character and location. Acceptable development would not lead to a significant increase in the overall level of activity in the countryside, and would protect, conserve and enhance the key features of the landscape in which it is located.

Policy 10 of the HDPF aims to support rural economic development in order to generate economic, social and environmental benefits for local communities. The principle of rural economic development proposed in the countryside will be supported by the Council if it maintains the quality and character of the area and contributes to the sustainable farming enterprises within the district. Paragraph 83 of the NPPF echoes the aims of HDPF Policy 10 and seeks to support a prosperous rural economy by allowing the sustainable growth of rural businesses.

The application is for approximately 246m² agricultural storage building within an established farm holding. As such, provided that the use of the building is strictly to support the needs of agricultural activities on the associated holding; and that is of an appropriate scale and design to accommodate these needs, it would be considered acceptable in principle.

It is acknowledged that the site has two agricultural diversification schemes on the landholding, a permitted wedding venue utilising some of the old traditional barns (DC/19/2206) and a permitted campsite in one of the fields on the holding (DC/11/1214)., this is a material consideration in the determining the appropriateness of this type of development on this site.

In summary, it is considered that provided the scale and use of the building is fully justified in terms of the needs of the applicant's farming enterprise; then this type of development in this location is in accordance with HDPF Policies 10 and 26, as well as NPPF Paragraph 83; and the principle is considered to be acceptable.

Justification for Need and Scale:

It is noted that the initial supporting information submitted with the application misrepresented the scale and need for the retrospective agricultural building, from a site visit conducted by the case officer and a representative of Reading Agricultural Consultants (RAC), it was acknowledged that whilst the submitted plans identify a 5 bay pole barn building measuring 25m long by 25m wide providing a total floor area of 625m² with a height at the west elevation of 4.3m and on the east elevation of 3.5m. At the site visit it was clear that the open fronted constructed agricultural barn only had 4 bays, each measuring approximately 4.5m x 13.7m providing a total storage area of approximately 246m².

The applicant notes that the proposed building is required to serve the needs of farming operations of the overall land holding. The land holding at the application site is owned by the applicant and extends to approximately just over 200 hectares (500 acres) and is currently in grassland and arable production (wheat and spring oats) with some woodland. The applicant trades as Wiston Farms Ltd. The farm is in Countryside Stewardship – Mid Tier and the applicant informed us that the farm will be growing an acreage of herbal leys next year. In addition, the applicant has a Farm Woodland Scheme on the farm. The applicant is currently cutting diseased ash (Ash Dieback) in the farm's woodland. Additionally, the applicant informs that a neighbouring farmer has an informal agreement with the applicant to graze his sheep and White Park Cattle on the holding. The applicant has two agricultural diversification schemes on the landholding, a permitted wedding venue utilising some of the old traditional barns (DC/19/2206) and a permitted campsite in one of the fields on the holding (DC/11/1214).

The Council has instructed its specialist agricultural advisors - Reading Agricultural Consultants (RAC) – to appraise the applicants supporting information, and to advise the Council of the reasonable necessity of the proposed 246m² agricultural storage building on this site. RAC have made their current assessment based on a site visit, as well as the information, supporting statements submitted with the planning application and speaking with the applicant.

In summary, RAC consider the application to be compliant with the requirements of NPPF paragraph 83, and HDPF Policy 26, as the building can provide storage for wood, machinery, hay and straw to

support the needs of agriculture on the holding, and to support the sustainable growth and development of businesses in rural areas. The Case Officer has no reason to doubt this conclusion.

Amenity Impacts:

Policy 33(2) of The Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The outbuilding would not be so significant as to result in any significant harm to neighbouring amenity above that that already exists. As such, it is considered that, the proposals would not result in significant harm to residential amenity which would warrant refusal of this application. Overall, it is considered that the proposals would be in accordance with Policy 32 of the HDPF.

Water Neutrality

The proposal seeks to regularise the erection of an agricultural storage building. There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating 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. 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.

Conclusion:

The general principle of development of an agricultural storage building on a countryside site such as this is supported by the Council, provided that it has been satisfactorily demonstrated that the building is reasonably required to serve the agricultural activities on the associated holding, and that its size of the building is justified by the associated need. The actual size of the agricultural building would be no different to that which is used by a similar holding therefore the building subject to this application is the only agricultural building serving the storage needs of the holding.

The Council's specialist agricultural advisors (RAC) have assessed the proposal and have confirmed that the 246m² agricultural storage building provides reasonable storage capacity for the activities on this holding, which includes wood storage, as well as some additional storage space for other associated items such as agricultural machinery, and hay/straw bales. The building by virtue of its positioning in a rural agricultural setting as well as its typical agricultural appearance and use, is not likely to have a detrimental impact on the wider landscape character or to the amenity of nearby residents and would not be entirely inappropriate within this rural agricultural setting.

In summary, it has been confirmed by the Council's specialist advisors that the proposed storage building is reasonably necessary for the agricultural activities associate with the applicant's holding. Thus, given the surrounding rural context and minimal amenity impact, any impact is considered to be at the lower-end of the scale. As such, the need for the building to support the established farming business on this site is considered to outweigh any harm to the countryside location, the development accords with the aims of HDPF Policy 10, Policy 26 and NPPF Paragraph 83 and the building is considered to be acceptable and recommended for approval.

Recommendation: Application Permitted

Conditions:

1 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for agricultural

purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990 and for no other purposes whatsoever without express planning consent from the Local Planning Authority first being obtained.

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.

2 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 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/24/0521

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	03.04.2024
Elevation plan	East and West	NONE	13.06.2024
Site plan		NONE	13.06.2024
Elevation plan	North and South	NONE	13.06.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 14.06.2024

Authorising Officer sign/initial RHERMITAGE Date: 14.06.2024