Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0131
Chantry Farm, West Chiltington Lane, Coneyhurst, West Sussex,

DESCRIPTION:
Removal of Condition 2 of previously approved application DC/13/0698 (Replace mobile home with permanent dwelling for agricultural worker) relating to occupancy.

RELEVANT PLANNING HISTORY:

DC/13/0698	Replace mobile home with permanent dwelling for agricultural worker	Application Permitted on 12.07.2013
DC/19/0692	Proposed change of use of agricultural building to a dwellinghouse (Class C3)	Prior Approval Required and PERMITTED on 20.05.2019
DC/19/1139	Prior Notification for change of use of agricultural building to a single dwellinghouse	Prior Approval Required and PERMITTED on 23.07.2019
DC/21/1532	Conversion of existing barn into a two storey residential dwelling.	Application Permitted on 28.10.2021
DC/21/2531	Conversion of barn into dwelling with lean to veranda, associated parking and garden area	Application Permitted on 06.01.2022
DC/22/1689	Creation of new access and track.	Application Permitted on 14.12.2022
DC/24/0845	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.	Application Permitted on 24.07.2024

DESCRIPTION OF THE SITE
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.

DESCRIPTION OF THE APPLICATION
The application seeks the removal of condition 2 of planning permission ref: DC/13/0698, this would essentially remove the agricultural occupancy condition and allow unrestricted occupation of the dwellinghouse.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
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 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 – Parking

Billingshurst Parish Neighbourhood Plan

Billingshurst Parish Design Statement

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 9: Water Neutrality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking
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:
HDC Environmental Health: No Comment

Archaeology Consultant: No Objection, consider the removal of the occupancy condition is compliant with national and local planning policy.

Representations:
1 representation has been received, objecting to the application as the property has not been effectively marketed for twelve months at a price reflecting its agricultural tie condition, which limits its value by at least 20-30%, and potentially up to 40% for higher-value dwellings. The agricultural occupation condition was only modified in May 2024 to include equestrian occupiers. Including the surrounding 19 acres in the property listing unnecessarily inflates its price, making it less appealing to agricultural workers. A 2012 Upper Tribunal case (Rasbridge, Re Cefn Betingau Farm) criticized insufficient market testing, recommending rental offers, specialist farming press advertisements, and price adjustments for market changes. Currently, the property is listed for £1,625,000 with 19.18 acres on three websites, significantly higher than previously reported to HDC. The applicant's current argument contradicts the rationale used to secure the original planning permission.

2 letters for Support have been received from 2 addresses, supporting the application on the following grounds:

- There is minimal demand for such properties in West Sussex. This is evidenced by the property's failure to sell after being on the market for over 30 months. A nearby property had its

restriction removed in 2024, demonstrating the difficulty of selling homes with agricultural conditions. Keeping the holding intact is preferable to splitting it into separate plots, which is likely if the condition remains and could cause future issues. I support this application 100%.

- The property's prolonged time on the market indicates that smaller farms with an AOC are not in demand, making its removal sensible. Having grown up locally, I believe AOCs are outdated, as the need for agricultural worker accommodation has decreased. Barn conversions on smaller farms without AOCs are more affordable for agricultural workers. Nearby properties, like Blackthorne Barn on Marringdean Road, have successfully had their AOCs removed. Additionally, recent government changes to inheritance tax discourage farmers from investing in property and land. Given the high property and land costs in the county, removing the AOC would attract more buyers and prevent the undesirable splitting of buildings and land. I fully support the applicant's request to remove the AOC.

Parish Comments:
Billingshurst Parish Council: Objection - whilst recognising the efforts in marketing the dwelling with the existing restriction, its removal could create a precedent for other future applications.

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
Planning permission ref: DC/13/0698 was originally granted in order to provide an agricultural workers dwelling, with the justification for a rural dwelling arising from a functional need linked to a rare breed pig farming enterprise. The supporting information accompanying the current application sets out that the enterprise ceased in 2021-2022 following dispersal of the herd. There has been no new agricultural enterprise established in its place, with evidence of marketing submitted as part of the submission. The application seeks removal of the agricultural occupancy condition to allow for unrestricted occupation of the dwelling.

While Policy 20 of the HDPF relates to proposals for new rural workers accommodation there is no specific policy for the removal of occupancy conditions. The emerging Local Plan does though include a new policy requirement dealing with such matters, stating: -

"*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 application documents set out that the property has been marketed over a sustained period dating from June 2022 to the present, being initially marketed with a 30% price reduction which is accepted as being consistent with established guidance on the impact of agricultural occupancy conditions on property value. It is also understood that revisions to the marketing were undertaken, encompassing a change to the division of the site, the addition of equestrian workers to the condition (see DC/24/0845) and reductions totalling £200,000 to the asking price. Details of the enquiries and viewings that took

place since June 2022 have been included in the Planning Statement, which sets out that throughout the marketing period there have been 16 viewings and those which could comply with the occupancy condition had no further interest.

It is noted that a representation has been received raising concerns that the site is currently being marketed online with a guide price of £1.6 million, which exceeds that set out in the supporting marketing information. This is though considered to reflect the change in marketing approach, which moved toward marketing the site as a whole rather than in separate parcels. It is not considered that the current online marketing undermines the argument being put forward as part of the application, as set out above.

The Council's Agricultural Advisor has raised no concerns in respect of the approach to marketing undertaken, also noting that while the application site (in its entirety) could support a new business significant investment would be required, with the buildings required for livestock or horses raising likely to raise viability issues.

While there is considered to be a continued demand for rural workers dwelling across the District, the property and site is considered to have been appropriate marketed over an extended period of time with no evidence that a suitable occupant / use could be found (within the constraints of the existing occupancy restriction). Further, there has been no need for a full-time agricultural worker to reside on site since the cessation of the former pig enterprise.

The situation which existed at the time of the original planning permission being granted, including the justification for an agricultural workers dwelling, is no longer present on the site. While this would not preclude future agricultural use and occupation of the site, an extended period of marketing has taken place, during which no suitable alternative occupant / land use could be found which would comply with the existing condition. Accordingly, it is considered that the condition serves no purpose and is no longer necessary or reasonable, and no longer meets the relevant tests for planning conditions.

It is therefore recommended that condition 2 be removed from planning permission ref: DC/13/0698, with the removal according with relevant local and national planning policies. The Planning Practice Guidance confirms that in deciding a (section 73) removal of condition application an LPA must only consider the condition subject of the application, it is not a complete reconsideration of the application. The removal of condition 2 is not considered to raise any further considerations, with occupancy not linked to agriculture not considered to result in greater material impacts than would otherwise be expected.

Recommendation: Application Permitted

NOTE TO APPLICANT
The applicant is advised that this decision relates solely to the removal of condition 2 from planning permission DC/13/0698. It does not seek to vary or remove any of the remaining conditions which form this 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/25/0131
(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
Location plan		DE437_01 REV P3	20.01.2025
Supporting Statement	Planning	NONE	20.01.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 25.03.2025

Authorising Officer sign/initial Guy Everest Date: 25.03.2025