Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1330
Land Parcel East of Furzedown, Kithurst Lane, Storrington, West Sussex,

DESCRIPTION:

Prior notification for the erection of a lean-to to the North elevation of barn.

RELEVANT PLANNING HISTORY:

DC/18/1695	Construction of storage barn and retention of access.	Application Permitted on 23.11.2018.
DISC/19/0059	Approval of details reserved by conditions 3 and 4 to approved application DC/18/1695	Application Permitted on 15.05.2019.
DC/19/1113	Prior notification for resurface of an existing access track	Non-determination on 06.02.2020
DC/19/1638	Variation of Condition 1 of previously approved application DC/18/1695 (Construction of storage barn and retention of access). Part-retrospective alterations to amend the roof form and include two gable end windows and three rooflights. Proposed addition of barn doors and a temporary log store.	Application Refused on 04.10.2019.
DC/19/2119	Variation of Condition 5 of previously approved application DC/18/1695 (Construction of storage barn and retention of access) Relating to use of existing barn for volunteers	Application Permitted on 10.08.2020.
DC/20/1710	Construction of a cottage and garage.	Application Refused on 31.12.2020.
DC/20/2250	Retrospective application for the erection of a barn for storage of agricultural equipment and shelter by volunteers.	Application Refused on 14.01.2021.
DC/20/2377	Prior notification for the re-surfacing of an existing track for delivery of trees and associated goods to create new woodland.	Prior Approval Required and REFUSED on 05.02.2021.
DC/21/0177	Construction of a single storey dwelling and garage.	Application Refused on 18.03.2021.
DC/21/1446	Prior notification for the construction of open plan lean to for a tractor.	Prior Approval Required and REFUSED on 16.07.2021.
DC/22/0676	Outline Application for the construction of a single dwellinghouse and garage with all matters reserved.	Application Refused on 19.10.2023.
DC/23/1097	Outline Application for redevelopment of the site to provide up to 8 dwellings, ancillary parking and landscaping with all matters reserved	Application Refused on 30.08.2023.
DC/23/1720	Outline Application for redevelopment of the site to provide up to 6no.	Application Refused

	affordable dwellings, ancillary parking and landscaping, with all matters reserved.	on 13.11.2023.
DC/24/0414	Conversion of existing barn into 1No dwelling	Application Refused on 14.05.2024.

SITE AND SURROUNDINGS:

The application site comprises land of approximately 4.3 hectares. The application site comprises an area of land set outside the built-up area of Storrington which adjoins the southern edge of the village. The site lies between a cemetery to the south, Kithurst Lane to the north, a residential plot to the west 'Furzedown', and open area called Matt's Wood to the east. The site is bound by mature trees and vegetation.

DETAILED DESCRIPTION:

This notification is under Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks a determination as to whether a new lean-to to the north elevation of an existing barn would require prior approval.

The lean-to would sit on the north side of the existing barn, with a dark brown metal roof and timber supports similar to the existing lean-to on the east elevation (permitted via appeal ref: DC/21/1446). The height of the lean-to would be 2.4m.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

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 is whether prior approval is required for the proposed development under Part 6 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

Class B of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order as amended relates to "*carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of –*

(a) The extension or alteration of an agricultural building
(b) The installation of additional or replacement plant or machinery;
(c) The provision, rearrangement, or replacement of sewer, main, pipe, cable, or other apparatus;
(d) The provision, rearrangement, or replacement of a private way;
(e) The provision of a hard surface;
(f) The deposit of waste; or
(g) The carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agricultural within the unit.

The agricultural unit as stated within the planning statement is 4.3 hectares. Therefore, the proposal falls within (a) of Class B Part 6 for extension or alteration of an agricultural building. The permitted development right is subject to a number of provisions and conditions. There is no apparent conflict with the requirements of Class B.

Planning permission for the storage barn was granted in 2018 (DC/18/1695), with this barn used to support the land management of the Norbertine Order and volunteers who actively manage various parcels of land off Kithurst Lane, including Matt's Wood.

A lean-to on the application building was refused in 2021 (ref; DC/21/1446), the reason for the refusal was due to the lack of evidence to suggest that agricultural activities were taking place on the site. The decision was overturned at appeal, with the Inspector taking a common-sense interpretation of the phrase 'for the purposes of trade and business', with it being reasonable to include the trading of a charitable enterprise as in that case. Therefore, it is considered that following this appeal, that there is an agricultural use on site. The reasonably necessary need for the lean-to is outlined as additional space on the ground floor for volunteers, with the ground floor currently used as storage of machinery for the maintenance of Matt's Wood, the Catholic Cemetery, and the rewilding of Priory Fields. It is considered that this would constitute an agricultural use on site and therefore would be reasonably necessary.

Siting, design, and appearance

Article B.5(2)(a) of Class B Part 6 of Schedule 2 of the GPDO imposes a condition on permitted development to determine whether prior approval is required for the siting, design, and external appearance.

The proposed extension would be designed to reflect the form and character of the existing building and would result in a modest addition that would maintain the overall proportions of the subject building. Given the nature of the site, which is set back from the public highway, it is not considered that the proposed extension would be visually dominant or prominent within the street scene. For this reason, the siting, design, and external appearance of the extension is considered acceptable.

Conclusion

The proposed lean-to to the existing agricultural barn would be considered reasonably necessary for the purposes of agriculture within the agricultural unit. The proposal would be of a siting, design and external appearance that would be anticipated within an agricultural context and is considered appropriate within this context. For these reasons, it is recommended that Prior Approval is not required.

Recommendation: Prior Approval Not Required

NOTE TO APPLICANT
The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (General Development Orders), and the following link: -

https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/regulation-77-conservation-of-habitats-and-species-regulations

The Applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017.

NOTE TO APPLICANT
The application site is within a red Impact Risk Zone for Great Crested Newts as modelled by district licence mapping. Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Development taking place under the Town & Country Planning (General Permitted Development) (England) Order 2015 does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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/24/1330
(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	Land Used	NONE	15.08.2024
Location plan	The Site	NONE	15.08.2024
Elevation & Floor plan	Proposed New Lean To	NONE	15.08.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 10.09.2024

Authorising Officer sign/initial Tamara Dale Date: 11.09.2024