MEMORANDUM TO PUBLIC HEALTH AND LICENSING – PLANNING CONSULTATION

Application No: DISC/25/0028 Case Officer: Halima Chowdhury

Address: Eatons Farm The Village Ashurst Steyning

Proposal: Approval of details reserved by condition 3 to approved application DC/21/2599

Date comments required by: 24/02/25

Details of the application can be viewed at
https://www.horsham.gov.uk/planning/planningapplications/
view-and-comment-on-planning-applications

Planning History:

Comments of Case Officer:

Specific areas that PHLO are asked to comment on:

Initial view of Case Officer: Mark Nicholls
Area Environmental Health Officer

PHLO Comments:

The provided Noise Impact Assessment does not include the nearest noise sensitive premises which are Eatons Farm's habitable buildings. The applicant's premises does not exclude it from a Noise Impact Assessment or Noise Management plan. Without this property included in the Assessment this department cannot support the application.

HDC – Internal Consultation

App No: DISC/25/0028

Case Officer: Halima Chowdhury
Direct Line: 01403 215059
Date: 03/04/2025

From: Public Health and Licensing (Env. Health)

Approval of details reserved by condition 3 to approved application DC/21/2599 Eatons Farm The Village Ashurst Steyning

I refer to the above application and would advise you of our additional response for this proposal..

Date comments required by: 03/04/25

Details of the amendments can be viewed through our Public Access webpage
https://publicaccess.
horsham.gov.uk/public-access/

PHLO are asked to comment on:

Initial view of Case Officer: Cannot be supported as there is a likelihood of nuisance at nearest habitable property.

PHLO Comments: Environmental Health & Licencing cannot support this application as there is a likelihood of nuisance at the nearest residential premises as identified in the Noise Assessment. There will be a strong likelihood of statutory noise nuisance. There is no allowance for exemption that the occupants of the residential property maybe owners and organisers at the proposed change of use building.

What is being suggested as a control in the Noise Management Plan maybe allowed under a Temporary Event Notice.

From: Mark.Nicholls [redacted]
Sent: 07 April 2025 10:59:30 UTC+01:00
To: "Halima.Chowdhury" [redacted]
Cc: "Lee.Money" [redacted] "John.Griffiths" [redacted]
Subject: RE: DISC/25/0028, Eatons Farm, The Village, Ashurst, Steyning,

Hi Halima,

I have spoken to the Agent and discussed a possible way forward. Condition 3. We cannot support the discharge of this condition due to the likelihood of nuisance from amplified music and vehicle noise from events at the nearest habitable property even if it is owned and occupied by the applicant.

I have suggested that the condition remains and the applicant applies for Temporary Events Notices for events as there will be only 10 events a year managed by the applicant as detailed in their noise management plan (if nuisance is found or likely from events under TEN's then further applications for one would be refused). A further suggestion made by this department I understand previously for other applications is a covenant is placed with regard to condition 3 that if the applicant sells or no longer resides in the property then condition 3 applies and comes into force.

Hope this helps and can provide a response that is acceptable to the applicant. I am available to day but tomorrow and Wednesday are carrying out food inspections around the district and available only on the phone (I will be available on my phone that allows emails but a detailed response is difficult).

Regards

Mark Nicholls

Area Environmental Health Officer

[redacted]

Horsham District Council

Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

From: Halima.Chowdhury [redacted]
Sent: 03 April 2025 15:19
To: Mark.Nicholls [redacted]
Subject: FW: DISC/25/0028, Eatons Farm, The Village, Ashurst, Steyning,

Hi Mark,

Please see below the agent's response to our refusal. Please kindly confirm what information your department requires or expects in order to consider the condition details acceptable.

I await to receive your reply soon.

Kind regards

Halima Chowdhury

Planning Officer

[redacted]

[redacted]

Horsham District Council

Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

From: Julian Sharpe [redacted]
Sent: 03 April 2025 13:39
To: Halima.Chowdhury [redacted]
Subject: RE: DISC/25/0028, Eatons Farm, The Village, Ashurst, Steyning,

Dear Halima,

I fail to understand your email below as you have not even provided a copy of the revised environmental health comments. I have since seen that these have been uploaded online.

It appears that the consultation response is not properly informed. The comments state that PHLO cannot support this application. Have you made it clear to them that permission has already been granted for the use in this location?

That is not the consideration of the condition detail which relates to noise details for to protect "occupiers of the development" from "external noise". Whilst those using the building will not be affected by external noise the Council are considering the effect of noise arising internally on neighbouring residential properties. The applicant has kindly agreed to carry out such an assessment to satisfy your request.

Please can you advise as a matter of urgency what information you require or expect to consider the condition details acceptable? Your email below provides no such detail which I consider unacceptable in the circumstances.

Kind regards

Julian Sharpe

Julian Sharpe BSc (Hons), DipTP, MRTPI

Associate Partner

Tel: 01293 824354

www.whiteandsons.co.uk

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From: Halima.Chowdhury [redacted]
Sent: 03 April 2025 13:23
To: planninganddevelopment [redacted]
Subject: DISC/25/0028, Eatons Farm, The Village, Ashurst, Steyning,

Dear Mr Julian Sharpe

DISC/25/0028,
Eatons Farm, The Village, Ashurst, Steyning,
Approval of details reserved by condition 3 to approved application DC/21/2599.

I refer to the above planning application.

This application has been recommended for refusal. The reason for refusal is due to fact that the details submitted to the Local Planning Authority in pursuant of Condition 3 has identified in the Noise Assessment that there is a likelihood of nuisance at the nearest residential premises and as a result there will be a strong likelihood of statutory noise nuisance. Therefore, the requirements of condition 3 have not been satisfied, consequently the Local Planning Authority are unable to discharge this condition

I hope the above information explains the Council's position.

Kind regards

Halima Chowdhury

Planning Officer

T[redacted]

[redacted]

Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

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[redacted]

From: Julian Sharpe
Sent: 11 April 2025 14:10
To: [redacted]
Cc: Halima.Chowdhury
Subject: DISC/25/0028 - Eaton's Farm
Attachments: ufm3_Refuse_-_Discharge_of_conditions.pdf

Good afternoon Mark

I never heard anything further to our discussion regarding the above but have now received the attached refusal from HDC which doesn't really help us. The reference in the informative to TENs appears to have been confused with permitted development rights which are not applicable here when permission has already been granted for the use.

I can obviously discuss with my client lodging an appeal against a refusal, but I ought to ask if there is anything which we can do to satisfy EH in terms of noise reduction measures to discharge the condition at local level?

We have conditions to restrict the no. of events to 10 pa, no. of attendees to 75, hours of use 8am-11.30pm, a traffic management plan and no fireworks. Other means which we have suggested include a sound limiter and closed doors along with the other measures identified in the supplementary noise impact assessment. Is therefore anything else which we can do to satisfy EH without sound insulating the entire barn which is not provided for in the associated listed building consent?

We cannot implement the use without the condition being discharged, so that would need to happen even if TEN were sought or a covenant placed on the property.

Kind regards

Julian Sharpe

[redacted]

White & Sons Est. 1817

Julian Sharpe BSc (Hons), DipTP, MRTPI
Associate Partner
Tel: 01293 824354
www.whiteandsons.co.uk

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