PLANNING STATEMENT

PROPOSAL:
REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION (NO. 3) FROM PLANNING PERMISSION REF. BL/85/62

SITE:
2 HILLAND FARM COTTAGES
HILLAND ROAD, BILLINGSHURST
W SUSSEX RH14 9HN

APPLICANT:
MR & MRS S KEEN

BACKGROUND

Nos.1 and 2 Hilland Farm Cottages are a pair of semi-detached dwellings located just to the north of the newly constructed Hilland Road (northeast section of the Billingshurst by-pass). Immediately to the north lies the recently built Billingshurst Trade Park. This is a substantial commercial estate that includes trade premises, a filling station, a supermarket, coffee shop and bakery. Below is an aerial photograph which indicates the scale of this commercial development.



Figure 1 – Aerial photograph with Nos.1 and 2 Hilland Cottages marked with a red star

Planning consent for Nos.1 and 2 Hilland Farm Cottages was granted planning consent under application ref. BL/85/62 on the 14th December 1962. Condition No. 3 of this consent stated:

'The occupation of the houses shall be limited to persons employed or last employed, locally in agriculture as defined in Section 119(1) of the Town & Country Planning Act 1947, or in forestry, and the dependents of such persons.'

At the time of the granting of consent, residential development to the south and commercial development to the north did not exist and the Farm was located in part of the rural area to the north of the settlement of Billingshurst.

Relevant Planning History

Under application ref. BL/109/90 planning consent was refused for the removal of the Agricultural Occupancy Condition from No.2 Hilland Farm Cottages.

Under application ref. DC/17/0701 a Certificate of Lawful Use or Existing Development was issued confirming that it was lawful to continue the occupation of No.1 Hilland Farm Cottages without complying with the Agricultural Occupancy Condition placed on it under application ref. BL/85/62.

Evaluation

The applicants have resided at No.2 Hilland Farm Cottages since 1987 and they have not complied with the Agricultural Occupancy Condition throughout the whole of that period. Mr Keen is a self-employed fencing contractor whilst his wife is employed in a Customer Services role in a local business.

Given these facts, they would be entitled to make a CLUED application seeking confirmation that their continued occupation of the dwelling, in breach of the Occupancy Condition, is lawful.

Nonetheless, consent is here sought by way of a planning application to remove the Agricultural Occupancy Condition. This is done on the basis that there have been substantive changes to the character of the immediate area as a result of major residential development immediately to the south and significant commercial development to the north. The result of this development is to extend the built-up area boundary to Billingshurst north along the east side of Stane Street.

This change in character was recognised within the Horsham District Planning Framework 2015. In this adopted Plan the adopted built-up area boundary was extended northward to include the Billingshurst Trade Park. Below is the relevant Plan extract from the HDPF 2015.

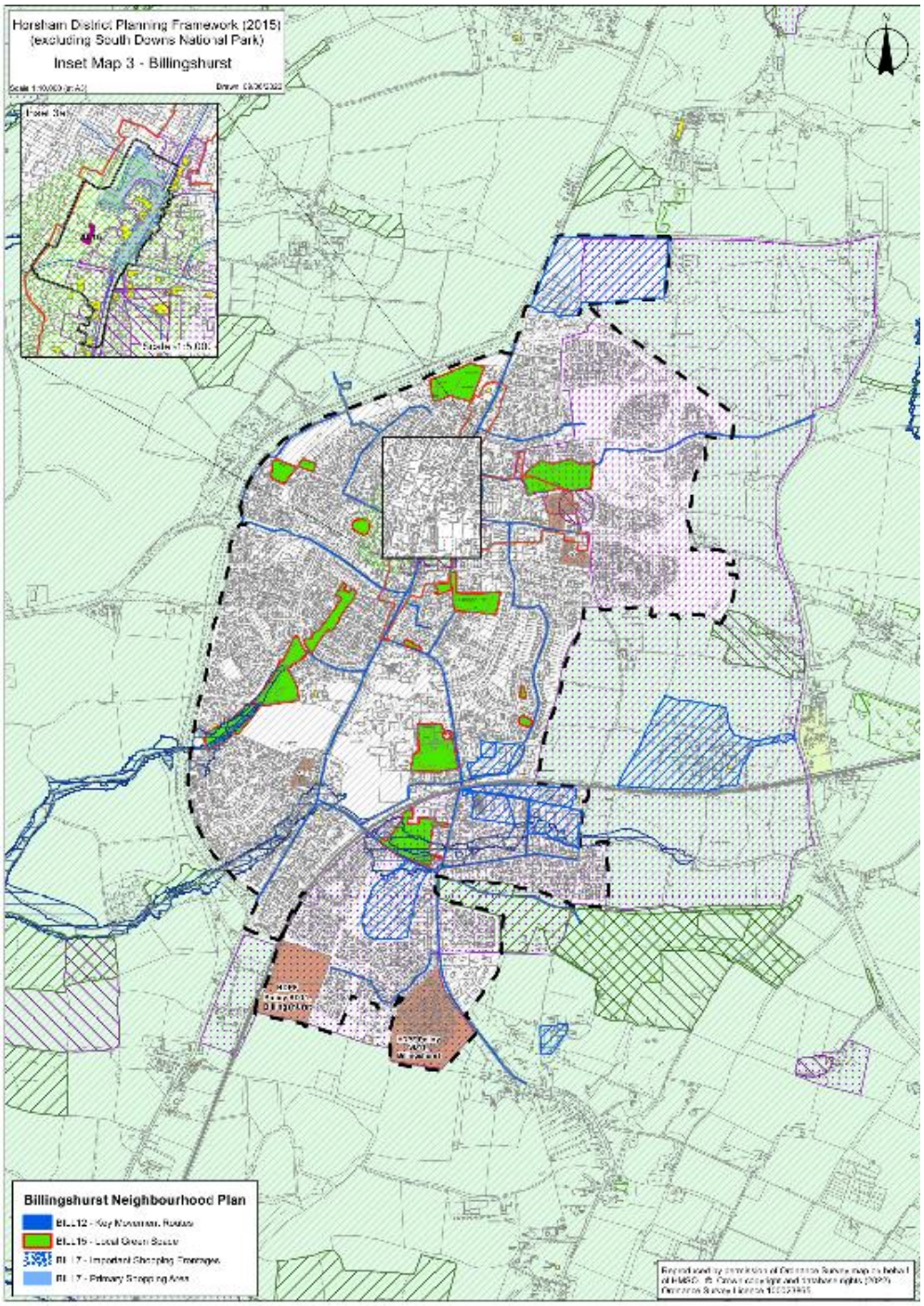


Figure 2 – Extract from the HDLP 2023 – 2040 showing the realignment of the built-up area boundary to Billingshurst

The extension of the built-up area boundary in and around the application site is taken forward both within the adopted Billingshurst Neighbourhood Plan 2019 – 2031 and the Regulation 19 Horsham District Local Plan 2023 – 2040.

At the time of the 1962 planning approval for Nos.1 and 2 Hilland Farm Cottages, the site lay within the rural area, comfortably beyond the northern limit of the settlement of Billingshurst. It now lies within the built-up area boundary, both in the adopted Local Plan and in the subsequent Neighbourhood Plan and Regulation 19 Local Plan.

The consequence of this is that residential development on the application site would be acceptable in principle and would not have to be justified as part of any exception policy.

There is therefore no logic in retaining the Agricultural Occupancy Condition on the application property, given the fundamental change in planning policy which has derived from the extension of the built-up area.

This fundamental policy change affecting the application site circumvents any need to demonstrate that there is no demand for this property with the Agricultural Occupancy Condition intact before contemplating the removal of the AOC. This is an unusual circumstance unlikely to apply in many cases. No justification exists to retain an AOC on a property that now sits within the built up area to a settlement.

In any event, even were this application refused consent, the applicants would still have the opportunity of submitting a CLUED application to establish that it was lawful to continue occupation of No.2 Hilland Farm Cottages in contravention of the Occupancy Condition.

Based on the facts of this particular case, it is considered that there is overriding justification to remove the Agricultural Occupancy Condition which currently pertains to both Nos.1 and 2 Hilland Farm Cottages. This despite the fact that no evidence is provided to demonstrate a lack of demand for the house with the condition intact.