Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1462
Hill Brow, West Chiltington Lane, Billingshurst, West Sussex, RH14 9DP

DESCRIPTION:

Prior notification for the demolition of an existing redundant agricultural building and erection of a new build agricultural structure for the storage of machinery and equipment.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| EN/26/0385 | Alleged: Clearance of part of the ancient woodland, laying of hardstanding, erection of a substantial building, and use of the ancient woodland for the storage of motor vehicles | Investigation Pending |

SITE AND SURROUNDINGS:

The application site is located on the eastern side of West Chiltington Lane, with both the existing and proposed building being located within the Ancient Woodland of Duncan's Copse, situated to the north of the residential property of Hill Brow. This also represents Priority Habitat as Deciduous Woodland.

Access to the site is via an existing access, located in the southwest corner of the site. The site is outside of any built-up area boundary and is therefore within the countryside for planning policy purposes. The agricultural holding is formed of a number of parcels of fields, separated by mature treelines and hedgerows, with Duncan's Copse located in the northwest of the site, and the residential property of Hill Brow sited centrally to the west of the site. The applicant has confirmed that their agricultural unit comprises in total 15.37ha. The site is also located within a Bat Sustenance Zone (Wider Conservation Area).

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 6 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the erection of an agricultural storage building.

The proposed agricultural building will measure 18m x 12m, with an eaves height of 3.75m and an overall height of 5m. The building will be fully enclosed with a roller door and pedestrian access door on the front elevation, with the proposed materials to both the walls and roof, being steel Plastisol corrugated sheeting in a juniper green colour. Internally, the building will be open plan with no dividing walls. Whilst the submitted Agricultural Planning Statement states the replacement building will have a footprint of 98.4sqm, the submitted plans confirm that the proposed footprint is 216sqm.

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

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 Arboricultural Team**: Advice

The proposed development is within an area of statutorily designated Ancient Woodland (AW) – "Duncans Copse")). The woodland is rectangular in shape comprising approximately 1.5Ha of predominantly oak overstorey with some AW indicator species including Wild service tree which is typical for the clay soil type. It has reasonably good hedgerow/landscape connectivity to other AW land parcels situated circa 275m to both East and West.

The woodland has been denuded, particularly of understorey planting, by historic land use and associated development. More recent earthworks and planting of exotic trees and shrubs are of detriment to the longer term conservation of indigenous habitat.

As the woodland is an irreplaceable landscape habitat, an application for development would ordinarily require more detailed consideration in terms of both direct and indirect impacts on woodland components and associated ecology.

Parish Comments:

None received

Representations:

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

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

**Permitted development**

Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order as amended relates to "*the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –*

a) *Works for erection, extension, or alteration of a building; or*

b) *Any excavation or engineering operations,*

*which are reasonably necessary for the purposes of agriculture within that unit".*

The proposed building would be located within the Ancient Woodland of Duncan's Copse, situated north of the residential property of Hill Brow. The submitted Planning Statement detailed that the application site is part of an established and actively managed agricultural holding, extending to approximately 40 acres, in which the farm operates as a mixed livestock unit and hay/straw for their own horses.

Further information was requested from the applicant, relating to the full agricultural operations taking place on the site, alongside the size of the agricultural unit, proposed use of the barn and why the existing buildings on the site are not suitable. As part of the response, the applicant confirmed that the holding accommodates 11 sport horses for competition, alongside activities involving mares, foals and young stock. Routine husbandry includes feeding, handling, monitoring animal health, assisting with farriery and bringing stock under cover when weather conditions require. Regular checks are also undertaken for colic, injury and other conditions requiring prompt attention. Land management includes harrowing, rolling, topping, fertiliser application, hay cutting and baling, hedge maintenance and general upkeep. These operations require machinery, implements and associated equipment. The holding also supports an equine massage business and activities associated with competition events. The proposed use of the barn would provide storage for the following:

The proposed barn would provide covered storage for machinery and equipment used in maintaining the holding, including:

- One Honda quad;
- One John Deere tractor and associated implements;
- One Polaris Gator;
- One John Deere Gator;
- Two horse trailers; and
- Hedge-cutting, grass-cutting and general maintenance equipment.

It would also accommodate hay and straw, including large bales, reflecting the feed and bedding requirements of the 11 horses. The proposed building is intended for storage rather than additional stabling. Finally, it was confirmed that the existing buildings are too small or unsuitable to accommodate the machinery and equipment identified.

Following an Officer's site visit on two occasions, it is apparent that part of this Ancient Woodland has been cleared, hardstanding has been laid, a substantial timber cladded partly enclosed building has been erected, and the land is currently being used for the storage of vehicles. The Council is unable to locate any planning permissions or consents for this development, and the conclusion is therefore reached that this development has been undertaken without the benefit of planning permission. Notwithstanding this, while the current use of this section of the land appears to be within an existing storage use, given no permission has been granted and in the absence of a Lawful Development Certificate demonstrating that the use is now lawful, it is therefore concluded that the existing use of the land is agricultural.

Furthermore, the applicant's details relating to the use of the land and the proposed use of the building storing horse trailers, raises questions as to whether the use of the land is equestrian rather agriculture and does not fit within the definition of agriculture, according to Section 336 of the Town and Country Planning Act 1990. As such, the site would not therefore benefit from the permitted development right granted under Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Alongside the details above, the applicant has also supplied a plan showing the applicant's landholding size. Notwithstanding the Council's stance as above, whilst the size of the site exceeds 5ha, the submitted plan shows the redline including the residential curtilage of Hill Brow.

For the reasons detailed above, it has not been demonstrated that the building is reasonably necessary for the purposes of agricultural, nor that the development would be carried out on agricultural land.

Permitted Development

Notwithstanding the above, the permitted development right is subject to a number of provisions and conditions. There is no apparent conflict with A.1 (a) through (I), adhering to the conditions set out under this criteria.

Condition A.2(2)

Article A.2(2) of Part 6 Schedule 2 of the GPDO states that "*(2) Subject to sub-paragraph (3), development consisting of –*

*(a) the erection, extension or alteration of a building;*
*(b) the formation or alteration of a private way;*
*(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or*
*(d) the placing or assembly of a tank in any waters,*

*is permitted by Class A subject to the following conditions-*

> *(iv)where the local planning authority give the applicant notice that such prior approval is required, the applicant must-*
> *(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and"*

The Council contacted the planning agent on 5th October 2026, informing them that the Council considered that prior approval was required for the siting, design and external appearance of the building and that the Council was required to fully assess the development and therefore works must not commence until prior approval is granted. Furthermore, the applicant was informed that in accordance with paragraph A.2.2(b)(iv) of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the applicant must display a site notice on or near the land on which the proposed development is to be carried out and leave the notice in position for not less than 21 days within the period of 28 days from the date of this email.

Despite attempts to contact the applicant, confirmation has not been received that the applicant has complied with their obligations as listed above and at the time of writing, no confirmation, alongside evidence, has been received that the site notice has been erected alongside the dates this took place. Furthermore, no Site Notice was observed during the site visit dated 14/10/2026. Therefore, it is concluded that the applicant has failed to fulfil the obligation to display a site notice, in accordance with paragraph A.2.2(b)(iv).

Notwithstanding the above, it is also necessary to consider the Prior Approval matters. These are as follows:

Siting, Design and External Appearance

Article A.2(2)(a)(i) of Class A 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 agricultural building will be accessed via the existing five bar gate access, in the southwest corner of the site leading from West Chiltington Lane. The proposed building will measure 18m x 12m, with an eaves height of 3.75m and an overall height of 5m. The building will be fully enclosed with a roller door and pedestrian access door on the front elevation, with the proposed materials to both the walls and roof, being steel Plastisol corrugated sheeting in a juniper green colour. Internally, the building will open plan with no dividing walls. The appearance is typical of rural agricultural buildings.

The proposed building would be located within the Ancient Woodland of Duncan's Copse. Given this designation as an irreplaceable habitat and a Priority Habitat as deciduous woodland, careful consideration must be given to any potential direct or indirect impacts arising from the proposal. Policy N6(2) of the NPPF (2026), confirms that *'Irrespective of a site's status in nature conservation terms, development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.'.*

The proposed building is substantially larger than that of the existing, with the existing measuring approximately 98sqm and the proposed measuring 216sqm. Therefore, further information is required relating to full details of the construction specification and proposed Ancient Woodland protection measures, so that an assessment of the potential impacts on the Ancient Woodland can be undertaken and to determine whether the proposal can be undertaken without resulting in harm to the Ancient Woodland resource. In the absence of such details, the development would have the potential to adversely impact the Ancient Woodland, and the siting of the building would not therefore be considered appropriate.

Other Matters

As part of this Prior Notification, consent is also sought for the demolition of the existing building, however, the regulations under Part 6 do not include demolition as part of Permitted Development. As the volume exceeds 50m³, the demolition would require a Prior Notification application under Part 11, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conclusion

It has not been demonstrated to the satisfaction of the Local Planning Authority, that the building is reasonably required for purposes related to agriculture, nor that the use of the land falls within agriculture in accordance with the definition as set out under Section 336 of the Town and Country Planning Act 1990.

Furthermore, the applicant has failed to demonstrate that a site notice was displayed on or near the land for a period of not less than 21 days, as required by paragraph A.2(2)(d)(iv) of Class A, Part 6, Schedule 2. As the statutory publicity requirements have not been satisfied, the Local Planning Authority is unable to conclude that the necessary prior approval procedure has been properly undertaken. The proposal therefore does not accord with paragraph A.2(2)(d)(iv) of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It has not been demonstrated that development represents permitted development, the building would be located within the Ancient Woodland of Duncan's Copse, where the siting has the potential to adversely affect this designated habitat. For these reasons, prior approval is required and refused.

**Recommendation: Prior Approval Required and REFUSED**

Reason(s) for Refusal:

1. The applicant has failed to demonstrate that a site notice was displayed on or near the land for a period of not less than 21 days, as required by paragraph A.2(2)(d)(iv) of Class A, Part 6, Schedule 2. As the statutory publicity requirements have not been satisfied, the Local Planning Authority is unable to conclude that the necessary prior approval procedure has been properly carried out. The proposal therefore does not accord with paragraph A.2(d)(d)(iv) of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. Notwithstanding refusal reason 1, it has not been demonstrated to the satisfaction of the Local Planning Authority that land subject of the notification falls within the definition of agriculture as outlined with Section 336 of the Town and Country Planning Act 1990 nor that the building is reasonably required for purposes related to agriculture. As such, the site would not benefit from the permitted development right granted under Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

3. Notwithstanding refusal reason 1, the siting of the proposed building would be located within the Ancient Woodland of Duncan's Copse. In the absence of information to demonstrate otherwise, the siting and means of construction has potential to adversely impact the irreplaceable habitat of the Ancient Woodland.

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.

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**Plans list for: DC/26/1462**
Schedule of plans/documents **not approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Location plan | | NONE | 10.09.2026 |
| Elevation plan | Elevation All (Proposed) | ESWS-0044 REV 00 | 10.09.2026 |
| Elevation plan | Front Elevation (External) (Proposed) | ESWS-0044 REV 00 | 10.09.2026 |
| Elevation plan | Front Elevation Frame | ESWS-0044 REV 00 | 10.09.2026 |
| Elevation plan | Elevation All Frame | ESWS-0044 REV 00 | 10.09.2026 |
| Section plan | Cross Section (Proposed) | ESWS-0044 REV 00 | 10.09.2026 |
| Floor plan | Floor Plan (Proposed) | ESWS-0044 REV 00 | 10.09.2026 |
| Plans | Footing Plan (Proposed) | ESWS-0044 REV 00 | 10.09.2026 |
| Supporting Statement | Land Registry Title Plan | NONE | 05.10.2026 |
| Supporting Statement | Email - Further Details of Agricultural Activities | NONE | 02.10.2026 |

**DELEGATED**

Case Officer sign/initial Sam Nye Date: 02/11/2026

Authorising Officer sign/initial Tamara Dale Date: 02/11/2026