Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0464
Mannings Heath Golf Club , Hammerpond Road, Mannings Heath, West Sussex, RH13 6PG

DESCRIPTION:

Non Material Amendment to previously approved application DC/20/0756 (Retrospective application for the demolition of existing barn, and erection of a replacement barn for agricultural storage use, and laying of hardcore for access track) Add small compound and plant to support agricultural storage.

RELEVANT PLANNING HISTORY:

DC/20/0756	Retrospective application for the demolition of existing barn, and erection of a replacement barn for agricultural storage use, and laying of hardcore for access track	Application Permitted on 13.08.2020
DC/23/1791	The proposed use of the building for viticulture, specifically the production and storage of wine constitutes an agricultural practice (Certificate of Lawful Development Proposed)	Application Permitted on 21.11.2023

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25- Strategic Policy: The Natural Environment and Landscape Character
Policy 26- Strategic Policy: Countryside Protection
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles

Neighbourhood Plan:
Colgate is not designated as a Neighbourhood Plan Area

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:

None received

Parish Comments: Strong Objection

Noise of the unit exceeds the legal requirement and will be situated too close to a public footpath

Representations:

1 letter of objection was received, and this can be summarised as follows:

- No legal access to the barn
- Excessive noise and disturbance to walkers, cyclists, and horse riders using the adjacent footpath

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 consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

The proposal seeks to extend the building to create an enclosure to hold a cooling unit to serve the agricultural use of the building. The submitted plans indicate that hardsurfacing would be laid, with castle board fencing around the perimeter, with the 2 compressor system located centrally within the enclosure.

The proposed development would materially affect the external appearance of the building, where the external plant has the potential to impact on the noise ambience of the countryside setting. These additions are considered to materially affect the building and wider surroundings, and would go beyond what would be considered non-material. For these reasons, the proposal is not considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Refused

1 The proposed alterations to the previously approved development represent a level of change greater than can be considered as a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

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/24/0464
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Ground Floor Plan (As Proposed)	24:33/403 Rev C	25.03.2024
Location & Block plan	Elevations, Site & Block Plans (As Proposed)	24:33/404 Rev C	25.03.2024

DELEGATED

Case Officer sign/initial Tamara Dale Date: 16.04.2024

Authorising Officer sign/initial RHERMITAGE Date: 22.04.2024