Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0785
Blackthorne Barn, Marringdean Road, Billingshurst, West Sussex, RH14 9HD

DESCRIPTION:
Removal of Condition 9 of previously approved application BL/76/99 (Erection of 1 bungalow) Relating to the occupation of the dwelling.

RELEVANT PLANNING HISTORY:

BL/76/99	Erection of 1 bungalow Site: Little Gillmans Farm Marringdean Road Billingshurst	Application Permitted on 12.08.1999.
BL/132/01	Removal of conditions 9 & 11 and variation of condition 10 on bl/76/99 Site: Blackthorne Barn Marringdean Road Billingshurst	Application Refused on 15.11.2001.
DC/16/0291	Outline application for the demolition of existing family dwelling and barns and redevelopment to provide 8 custom build dwellings with all matters reserved	Application Refused on 22.06.2016.

SITE AND SURROUNDS
Blackthorne Barn is a detached building located outside of the built-up area of Billingshurst. The land holding was historically larger, however due to nearby recent housing development, the site has reduced in scale to now 2 acres only. The previous agricultural function on site has ceased, and the property is used as a residential dwelling with facilities for keeping horses.

DETAILED DESCRIPTION
The application is made pursuant to the provisions of S.73 of the Town and Country Planning Act 1990 and seeks the removal of condition 9 attached to ref: BL/76/99. The reason for the removal of condition is due to the agricultural use of the building being redundant. Condition 9 attached to ref: BL/76/99 states:

> *"The occupation of the dwelling shall be limited to a person solely employed or, retried and last employed in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of or such a person residing with him or her or a widow or widower of such a person.*
>
> *Reason: The site lies in an area where, in accordance with the policies principally in the Structure Plan development unrelated to the essential needs of agriculture or forestry would not normally be permitted."*

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 20 - Rural Workers Accommodation
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change

Billingshurst Parish Neighbourhood Plan (2019-2031)
Policy BILL1 – Billingshurst built-up area boundary
Policy BILL2 – Housing Design and Character

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:
Agricultural Consultant: No Objection, considers that there is no longer a need for an agricultural or forestry worker's accommodation at the application site and/or due to its valuation a need of an agricultural or forestry worker's dwelling in the locality.

Parish Comments:
No Objection.

Representations:
1 representation received commenting that Great Gilmans is referenced in the application, and while do not oppose the change of occupancy further analysis is necessary, noting: -

- Great Gilmans is suggested to have been built in the 17th century, but historical records indicate it was likely constructed in the late 15th century, making it one of the oldest properties in Billingshurst.
- Given the historical significance of Great Gilmans as a farmhouse, we want to ensure that proper measures and regulations are followed to protect and maintain its storied history.

Member Comments:
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

Consent is sought to remove condition 9 (rural workers dwelling) attached to the approved permission BL/76/99 to allow for unrestricted occupation of the dwelling. Condition 9 is worded so it requires occupiers to be solely or retired or last employed in agriculture (together with relevant dependents). The requirements of the condition are precise and are considered capable of enforcement.

The applicant advises that the reason for the removal of the condition is on the basis that its requirements no longer fulfil a legitimate planning purpose. The dwelling at the site has not been required to provide accommodation for a rural worker for at least the 7 years preceding the application, which equates to the time the property has been in the applicant's ownership. The previous use of the site had been agricultural, but this has now ceased, and the property is used as a residential dwelling with facilities for keeping horses. The application site has a land area of 2 acres. The land holding was previously larger; however, the application site has been reduced down to 2 acres and there is now no land associated with the agricultural dwelling.

Policy 20 of the HDPF (2015) relates to rural workers dwellings; which allows development outside the built-up area for rural workers provided that there is a functional need for the dwelling and the occupation is to support the established business use and evidence is submitted to demonstrate the viability of the rural business for which the housing is required. The policy is silent on the loss of rural workers dwelling, but it is an established principle that such an assessment must allow for a period of suitable marketing.

In this case no marketing evidence has been provided with the application, which creates difficulty in concluding with certainty that there is no demand within the locality for an agricultural property, particularly given proposals for new rural workers dwellings across the District.

The application is though accompanied by a valuation which concludes that even after allowing for a 30% discount (to reflect the occupancy restriction) the necessary marketing price would be beyond the affordability of an agricultural or forestry worker. It is also relevant that the dwelling no longer has the benefit of surrounding land within the same holding, and there is no related land which could provide a level of agricultural activity which would sustain a dwelling on the site.

It is noted that an earlier planning application, ref; BL/132/01, also sought to remove condition 9. This was refused and was also subsequently dismissed at an appeal. At the time of the appeal, there was considered to remain a need to retain the pool of agricultural dwellings in the district, the appeal was though allowed in part as the Inspector agreed that the condition was too restrictive, so condition 9 was reworded to the following:

"The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants."

While this decision is of some weight it was determined under a different policy framework and the facts of the case are not directly comparable to this current submission. In particular, there has been a significant volume of surrounding housebuilding which has rendered the land neutralised from agricultural use, such as planning application refs: DC/10/0939, DC/13/2379 and DC/15/0896. The dwelling now sits nestled within new housing development, and the land holding has subsequently reduced to 2 acres with no demonstrable agricultural function on the site.

Conclusion and Planning Balance

With the volume of housebuilding in the surrounding open countryside and the subsequent reduction in land holding, the dwelling now sits close to services and amenities from within Billingshurst. The application site is still located beyond the defined built-up area boundary (BUAB), but only by approximately 15m.

With the above in mind, and the valuation of the property considered to be unaffordable to an agricultural or forestry worker, it is considered that the agricultural workers condition now does not meet

the necessary tests of Paragraph 56 and therefore, the condition is no longer necessary or reasonable. Furthermore, with the dwelling surrounded by a number of strategic housing sites, and land holding being no larger than 2 acres, the agricultural condition is considered redundant. It is therefore recommended that condition 9 of planning permission BL/76/99 be removed.

Recommendation: Application Permitted

NOTE TO APPLICANT
The applicant is advised that this decision relates solely to the removal of condition 9 of planning permission BL/76/99. The remaining conditions attached to this planning permission remain of relevance.

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/24/0785
(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
Supporting Statement	Planning	NONE	23.05.2024
Location plan		NONE	23.05.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 12.07.2024

Authorising Officer sign/initial Guy Everest Date: 18.07.2024