Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1221
Meadow Farm, Blackgate Lane, Pulborough, West Sussex, RH20 1DF

DESCRIPTION:

Construction of an agricultural barn.

RELEVANT PLANNING HISTORY:

DC/19/2017	Demolition of existing stables outbuilding and erection of an oak framed garage, workshop, and garden store outbuilding	Application Permitted on 22.11.2019.

SITE AND SURROUNDS

Meadow Farm is a modest small holding, benefiting from a complex of buildings including the Applicant's dwelling, an annexe, and a workshop/garden store. The site is accessed from Blackgate Lane, with the surrounding land used for both agricultural purposes and equestrian grazing. There is approximately 3.5 acres of land which is classified as agricultural grassland, with the land managed for informal grazing and the occasional hay cut. The site lies outside the built-up area boundary and within Flood Zone 1 with low risk of flooding.

DETAILED DESCRIPTION

The application seeks to construct an agricultural building. The building will be for storage of hay and agricultural machinery which is necessary for the stewardship and agricultural management of grassland. In terms of livestock, the Applicant keeps alpacas, chickens, and ducks. The materials for the proposed agricultural barn would utilise those found on the existing farmstead.

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 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

Neighbourhood Plan:
Pulborough Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

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:

OUTSIDE AGENCIES

Ecology Consultant: Recommend grant permission subject to conditions.

A European Protected Species Mitigation Licence (EPSML) was granted in 2014 for Brown Long-eared bat, Common Pipistrelle, Daubenton's bat, Serotine and Soprano Pipistrelle bat 1.4km north of the site (Magic maps). There are approximately 22 records for bats within 2km of the site, including Soprano Pipistrelle, Serotine, Common Pipistrelle, Whiskered bat and Brown Long-eared bat (SBIS - accessed under licence). The site lies approximately 5.2km north of the Arun Valley SAC, SPA and Ramsar.

The site comprises modified grassland with a short sward, developed land sealed surface and an existing building (steel framed polytunne) with a 223m long native hedgerow on the western boundary which will be retained (Preliminary Ecological Appraisal (Arun Ecology, August 2024)).

Therefore, there will be no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained.

Satisfied that there is sufficient ecological information available for determination. No objections on ecological matters excluding Great Crested Newts.

The provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secure, the development can be made acceptable.

Parish Comments:

No Objection.

Representations:

None received.

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

Principle of Development:

Policy 10 of the Horsham District Planning Framework (HDPF) 2015 seeks to support the rural economy where this meets rural community needs and enables rural towns and villages to remain self-sufficient and economically vibrant. The policy further accepts that diversification can enable positive re-use of existing buildings within rural areas, thus potentially limiting adverse impacts on the landscape character.

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

Policy Bill 1 of the Billingshurst Neighbourhood Plan states that development in Billingshurst shall be focused within the proposed built-up area boundary of Billingshurst village. Development proposals outside the proposed built-up area boundary will only be supported where, among other things, it is in accordance with the development plan policies on appropriate uses in the countryside.

The planning statement provides an agricultural justification outlining how the building is justified for the purpose of agriculture. The agricultural barn would replace the existing poly tunnel for general agricultural storage, to assist in the stewardship and agricultural management of grassland. The barn would be used for the storage of hay made from the land and storage of machinery required in the management of the land. There are no proposed buildings within the agricultural holding that would be suitable for storage of agricultural machinery and hay. The principle of the development is therefore considered acceptable, subject to all other material considerations.

Design and Appearance:

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing, and appearance of development relates sympathetically with the built surroundings, landscape, open spaces, and routes within and adjoining the site, including any impact on the skyline and important views.

The scale of the agricultural barn would be subservient to the main dwelling and the materials used would be associated with rural development. The barn would reflect the design of the existing buildings on site. The design would allow the building to integrate seamlessly into the rural character of the area. As the barn is effectively replacing the existing polytunnel, it would not result in sporadic development within the countryside and would not appear dominant or out of keeping. It is considered that the proposed barn would be appropriately sited to the existing buildings on site. The site benefits from sufficient boundary treatment, which would screen the development from public vantage points. For these reasons, the proposed development is considered to accord with the above policies.

Amenity Impacts:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The nature of the site is an isolated farmstead, with the addition of a traditional agricultural building considered to reinforce the character, and this is not considered at odds with any neighbouring development. The agricultural barn would be comfortably sited within the curtilage, away from any nearby amenity. Therefore, there are not considered to be any harmful impacts on amenity.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The site lies approximately 2.4km east of The Mens Special Area of Conservation (SAC) and therefore falls within the 12km key Conservation Area for the SAC. There are no records for Barbastelle bat within 2km of the site. There are approximately 22 records for bats within 2km of the site, including Soprano Pipistrelle, Serotine, Common Pipistrelle, Whiskered bat and Brown Long-eared bat (SBIS - accessed under licence). The site lies approximately 5.2km north of the Arun Valley SAC, SPA and Ramsar.

Following consultation with the Council's Ecologist, sufficient ecological information has been submitted for determination, with no concerns raised in this regard. The Ecologist was satisfied that with no objections raised on ecological matters. This provides certainty for the LPA of the likely impacts on protected and priority species, and with appropriate mitigation measures secured, the development can be made acceptable.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The agricultural barn does not propose any water facilities, so there would be no effect on the water usage on site. There is therefore no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The development would be subject to the de minimis exception as the proposed barn will be located on the existing hardstanding.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Occupation Condition**: A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Arun Ecology, August 2024), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

4 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arun Ecology, August 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

5 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or Orders amending or revoking and re-enacting the same, the barn building hereby permitted shall be used for agricultural purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose(s)/use(s).

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

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/24/1221
(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
Elevation & Floor plan		JO-00111 REV A	13.08.2024
Location plan		NONE	10.09.2024
Block plan	Block Plan Proposed	002	13.08.2024
Supporting Statement	Preliminary Ecological Appraisal by Arun Ecology Ltd dated 15.08.2024	NONE 001	30.08.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 08.11.2024

Authorising Officer sign/initial Tamara Dale Date: 14.11.2024