Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0574
Delspride , Kent Street, Cowfold, West Sussex, RH13 8BB

DESCRIPTION:
Removal of Condition 4 of previously approved application CF/22/92 (Extension to and conversion of building into dwelling) relating to agricultural occupancy.

RELEVANT PLANNING HISTORY:

DC/22/1837	Application to confirm use as a dwelling in breach of conditions attached to CF/22/92 (Lawful Development Certificate - Existing).	Application Refused on 23.11.2022
DC/22/0468	Prior notification for the change of use of an agricultural building to flexible commercial use(s) to form an assembly workshop to be used for design, production and assembly of handmade cabinetry.	Prior Approval Required and PERMITTED on 29.04.2022
DC/23/1055	Prior Notification for Change of Use of Agricultural Building to 3no dwellinghouses	Prior Approval Required and REFUSED on 17.07.2023
DC/24/0245	Prior Notification for the Change of Use of an existing poultry shed to a car storage facility.	Prior Approval Required and PERMITTED on 05.04.2024
DC/24/0515	Change of use of land from agricultural to allow for dog walking	Application Refused on 29.07.2024
DC/24/0629	Construction of access track and yard. Erection of private stables..	Application Refused on 03.01.2025
DC/24/1492	Change of use of agricultural land to allow for dog walking.	Application Refused on 29.11.2024
CF/22/92	Extension to & conversion of building into dwelling Site: Delspride Westridge Farm Kent St Cowfold	Application Permitted on 16.04.1993

DESCRIPTION OF THE SITE
The application site is situated within the countryside around 2km (as the crow flys) from Cowfold Built-Up-Area- Boundary. It is accessed a long a shared private track/ PROW from Kent Street.

'Delspride' is a former chicken farm that has been divided into three separate 'Lots', plus this site, all within different ownership. The wider site, known as Delspride Farm, contains three main buildings together with other smaller buildings, most of which were used as chicken sheds up until mid 2020. The site has prior approval to convert two of the three buildings to residential and the other is in commercial use.

The application site itself is a single storey dwelling which was converted and extended from a barn following planning permission in April 1993, approved under planning reference CF/22/92. It was approved as an agricultural workers dwelling for Westridge Farm, associated with the chicken farm that was on the site, with an agricultural tie included within the planning conditions.

A Section 106 agreement was entered into by the owners of the wider farm site, dated 31st March 1993, in relation to the dwelling. This included a restriction under Clause 4 'that the land shall not be sold otherwise than as one undivided parcel'. An application was made by the owners of the adjacent farm under planning reference S106/19/0020 to remove the non-severance clause allowing them to sell the property separately from the farm.

DESCRIPTION OF THE APPLICATION

This application seeks the removal of condition 4 of CF/22/92 relating to agricultural occupancy. The condition currently reads:

> *The occupation of the dwelling shall be limited to a person solely employed, or, retired and last employed in the locality in agricultural as defined in section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of 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 in the structure plan development unrelated to the 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 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 20 - Rural Workers Accommodation
Policy 26 - Strategic Policy: Countryside Protection
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
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 40 - Sustainable Transport
Policy 41 - Parking

Cowfold Neighbourhood Plan:
Policy 9: Residential Development Principles
Policy 10: Windfall Housing

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 9: Water Neutrality
Strategic Policy 14: Countryside Protection
Strategic Policy 20: Development Principles
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Strategic Policy 38: Meeting Local Housing Needs
Policy 44: Rural Workers Accommodation

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:
Reading Agricultural: RAC considers that the applicant has appropriately marketed the application site and holding at a reduced value that reflects the occupancy condition. No interested parties who would be in compliance with the occupancy condition and have enquired about the property have made any offers.

RAC considers there is no longer a need for a full-time agricultural worker to reside on site at Delspride as no agricultural business is taking place on the holding.

Overall, RAC considers the removal of the occupancy condition is compliant with national and local planning policy.

Natural England: Standing Advice: -

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place. To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy,

Representations:
None Received

Parish 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

The main consideration material to this application is whether the condition still serves a planning purpose and is reasonable and necessary.

Condition 4 of CF/22/92 relates to agricultural occupancy. The condition reads: -

The occupation of the dwelling shall be limited to a person solely employed, or, retired and last employed in the locality in agricultural as defined in section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of 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 in the structure plan development unrelated to the needs of agriculture or forestry would not normally be permitted.

Paragraph 57 of the National Planning Policy Framework (NPPF 2024) provides that planning conditions must be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

Policy 20 of the HDPF 2015 considers rural workers' accommodation and states that:

"Outside the defined built-up area new housing for rural workers will be supported provided that:

1. *there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.*
2. *evidence is submitted to demonstrate the viability of the rural business for which the housing is required."*

The above policy does not include any text relating to the loss of rural workers housing. Policy 21 of the yet to be adopted Draft Horsham District Local Plan 2019 – 2036 contains similar wording to that of Policy 20 above. However, at paragraph 6.72 of the unadopted Draft Local Plan it notes the following:

"*Where applications are received to remove occupancy conditions associated with rural workers' accommodation, evidence will be required to demonstrate why the condition is no longer required. This evidence should include details of a suitable period of marketing the property at a realistic market price, taking into account average incomes and the existence of the occupancy condition".*

The bungalow at Delspride was granted planning permission by Horsham District Council in 1993 to serve the agricultural business owned by previous owners, and, specifically, in support of a poultry unit operated from adjacent buildings. These are now in separate ownership with the agricultural use having ceased.

The application is accompanied by an 'Assessment of Need (AN)' and Marketing Assessment. The property was marketed in February 2024 at a reduced price (28% discount to take account of agricultural condition) with the guide price being reduced by £25,000 in January 2025 due to lack of interest.

The application site, Delspride, extends to 2.3 acres (0.93 hectares) of lawn and pasture and comprises the dwelling, double garage, stable block with 2 stables and tack room and redundant chicken shed. No agricultural activities are taking place on the holding at Delspride which was originally part of a larger agricultural holding known as Westridge Farm which comprised a poultry unit. The size of the planning unit/ ownership available is considered by the Councils agricultural specialists to be too small to support a new agricultural, horticultural or equestrian business at the site, with no prospect of a new agricultural enterprise being able to be established.

The property has been marketed for a 12-month period (February 2024 - January 2025) by Acorus, with an initial guide price of £650,000 which has taken into consideration a discount of 28% for the agricultural occupancy condition. Full details of the local and national marketing of the property have been provided, together with the number of enquiries and in particular any which could comply with the occupancy condition. Whilst there was very limited interest there were no viewings or any further interest.

It is considered that sufficient information has been submitted to demonstrate the condition 4 is no longer necessary or reasonable. The removal of the condition would allow the dwelling to be occupied with no restrictions.

The removal of the condition would not result in a more intensive use of the site / dwelling, and as such there would be no increase in the level of activity in the countryside, with no evidence to suggest any increased water consumption would arise as a result of the conditions removal. Further, given the existing access arrangements and curtilage the proposal would not result in any additional landscape impact beyond that which already exists. As a removal of condition application the application would be exempt from BNG.

Conclusion

The removal of condition 4 from planning permission CF/22/92 is considered to comply with relevant local and national planning policies

Recommendation: Application Permitted

NOTE TO APPLICANT
The applicant is advised that this decision relates solely to the removal of condition 4 from planning permission ref: CF/22/92. The remaining conditions attached to CF/22/92 remain in force.

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/25/0574
(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 Docs	Decision Notice	APPENDIX 1	07.04.2025
Supporting Docs	Market Appraisal Letter	APPENDIX 2	07.04.2025
Supporting Docs	Brochure	APPENDIX 3	07.04.2025
Supporting Docs	FW	APPENDIX 4	07.04.2025
Supporting Docs	FG	APPENDIX 5	07.04.2025
Supporting Docs	Acorus Website Listing	APPENDIX 6	07.04.2025
Supporting Docs	Listing Performance	APPENDIX 7	07.04.2025
Supporting Docs	Direct Marketing	APPENDIX 8	07.04.2025
Supporting Docs	Appeal Decision	APPENDIX 9	07.04.2025

Supporting Statement	Planning	NONE	07.04.2025

DELEGATED

Case Officer sign/initial Kate Turner Date: 2/6/25

Authorising Officer sign/initial ..... Date: .....