Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0639
Dummers Farm , Smithers Hill Lane, Shipley, West Sussex, RH13 8PP

DESCRIPTION:

Prior Notification for the erection of an agricultural building to provide undercover storage for hay, straw and machinery.

RELEVANT PLANNING HISTORY:
None relevant.

RELEVANT PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015
Schedule 2, Part 6, Class A - agricultural development on units of 5 hectares or more

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:

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 (as amended) (GPDO). This Class relates to agricultural development on units of 5 or more hectares for among other things, which are reasonably necessary for the purposes of agriculture within that unit.

Proposed development

The application site is located to the east of Smithers Hill Lane to the east of existing agricultural buildings. The nearest residential dwellings are east of Knights Farm and south east of Drummers Farmhouse. The building would be situated on existing hardstanding and would utilise the existing access to the Farm.

The width of the proposal is 42.67m and the depth would be 21.34m. The eaves height would be approximately 5.5metres and maximum overall ridge height of 7.5metres. The northern and southern roof slopes would have 7 rooflights each. The southern elevation would be open fronted and external materials would be a concrete base with vertical timber boarding.

Reasonably Necessary

The application sets out that the building would be used as an agricultural building in connection to the farm, which comprises of grassland and would store farm machinery and hay. The farm has a flock of 200 suffolk breeding ewes and 40 cows. The presence of farm animals, and related agricultural paraphernalia was evident during the officer site visit on the 14th May 2024 and it was noted that agricultural machinery and vehicles were situated or under operation within the site.

The applicant makes the statement that the existing agricultural buildings would be able to house livestock in the context of an expansion of their numbers. Whilst the scale of the agricultural building proposed is large, there are no reasons to dispute the need for the building in the understanding that the wider agricultural unit has a number of agricultural activities. It is therefore accepted that there is a reasonable need for an agricultural building on the site.

Permitted Development

Schedule 2, Class A of Part 6 of the GPDO is the relevant part of the permitted development order because the agricultural unit comprises more than 5 hectares of land. A.1 of the Class advises as follows:

A.1 Development is not permitted by Class A if-

a) *The development would not be carried out on a separate parcel of land which is less than 1 hectare in size;*

b) *It would not consist of the erection or extension of any agricultural building on an established agricultural unit where development under Class Q or S of Part 3 in the schedule has been carried out within the preceding ten years;*

c) *It would not include the erection, extension or alteration of a dwelling;*

d) *It would not be constructed for anything other than agricultural purposes;*

e) *The proposed building would not exceed the 1000sqm limit;*

f) The proposed development is not located within 3 kilometres of an aerodrome;

g) *The proposed development does not exceed a maximum height of 12m;*

h) *The proposed development would not be within 25 metres of a metalled part of a trunk road or classified road;*

i) *The development would be within 400m of the curtilage of a dwelling but it is not proposed for the accommodation of livestock or storage of slurry or sewage sludge;*

j) *The proposed development would not involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; and*

k) *The building would not be used for storing fuel or waste from a biomass boiler or an anaerobic digestion system.*

The GPDO requires details of new agricultural buildings that comply with the above conditions to be submitted to the Council for determination as to whether Prior Approval is required in respect of the siting, design and external appearance of the building.

The proposed building would be located in an area of existing hardstanding, but set sufficient distance from other agricultural buildings on site such that farm machinery can be manoeuvred. The building would be set back from the streetscene but in close enough proximity as to not be considered to be unduly remote or isolated. The proposal would have an appearance and design expected of a modern agricultural building, and its presence in a countryside location would not be unusual or unexpected. The building would clearly relate to activities taking place on the wider holding, with similar agricultural development present to the north-west of the site.

It is considered, as set out above, that there would be no adverse impact on the special landscape qualities of the site and wider surrounding area.

Conclusion

It is considered that on the basis of the available information that the development would be reasonably necessary for the purposes of agriculture. The proposed siting, design and external appearance would reflect modern farm buildings, with the resulting visual impact expected in a countryside location. The siting, design, and external appearance of the proposed building is considered such that prior approval is not required.

Recommendation: Prior Approval Not Required

NOTE TO APPLICANT

The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect.

Following this an application must be made to the Local Planning Authority for its approval. No development must be begun until the developer has received written notification of the approval of the Local Planning Authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (General Development Orders).

The Applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017.

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/24/0639
(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
Location plan		NONE	24.04.2024
Site plan	As proposed	NONE	24.04.2024
Layout plan	Layout Plan	5 OF 5	24.04.2024
Elevation plan	Northern Elevation	1 OF 5	24.04.2024
Elevation plan	Southern Elevation	2 OF 5	24.04.2024
Elevation plan	West Elevation	3 OF 5	24.04.2024
Elevation plan	East Elevation	4 OF 5	24.04.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 15/05/2024

Authorising Officer sign/initial Tamara Dale Date: 21/05/2024