Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1634
Thakeham Place Farm, The Street, Thakeham, West Sussex, RH20 3EP

DESCRIPTION:
Prior notification for the excavation for the siting of a slurry bag to contain waste and the formation of a banked perimeter.

RELEVANT PLANNING HISTORY:

DC/24/0447	Extension to existing agricultural building	Application Permitted on 16.05.2024.
DC/17/1602	Prior approval for the removal of an agricultural existing barn and erection of replacement open-sided agricultural barn (Agricultural Prior Notification)	NO OBJECTION to Notification on 15.08.2017
DC/13/1625	Erection of specialist building for machinery storage, hay, and cattle food storage (Agricultural Prior Notification)	Prior Approval Not Required on 19.09.2013.
DC/04/1959	Prior notification to replace feed silo	Application Permitted on 29.09.2004.

SITE AND SURROUNDINGS

The application site comprises agricultural land of approximately 137 hectares, the parcel of land part of this application would be over 1 hectare. The site can be accessed via an access track from Thakeham Place Farm.

DETAILED DESCRIPTION

This notification is under Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks a determination as to whether the excavation for the siting of a slurry bag to contain waste and the formation of a bank perimeter.

The excavation would be located within the wider farm holding and does not represent a separate parcel. The application proposes excavating ground to a maximum depth of 2.5m across an area measuring 58.3m by 37.8m. The slurry bag would be 49.7m in length, the excavated bank would be 58.3m x 37.8m with the external bank slopes covering the majority of the slurry bag, when filled.

RELEVANT PLANNING POLICIES
National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

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 (GPDO).

Permitted Development

Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order as amended relates to "*the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –*

a) *Works for erection, extension, or alterations of a building; or*
b) *Any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within the unit."*

The planning statement states that the excavation and engineering operation is considered 'reasonably necessary' as the provision of the bag will enable the storage of slurry from the dairy unit which is required to meet environmental regulations and enable the continued operation of the business in a sustainable manner. None of the waste would be imported from off-site. It is therefore considered that on the basis of this information, that the agricultural development would be reasonably necessary for the agricultural business.

The permitted development right is subject to a number of provisions and conditions. There is no apparent conflict with A.1(a) through (j). The main consideration for this application would be Class A.1(i):

> *(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;*

A plan indicating distance from the nearest residential dwellinghouse, indicates that the closest dwelling would be 445m away to the north-west from the proposed slurry bag. This would be further than 400m away from the curtilage of a protected building and therefore, it would meet the criteria.

Section A.2(2)(i) of the Order states that:

> *the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;*

The Local Planning Authority 'called in' the prior approval on 08 November 2024. A site notice was subsequently posted by the applicant on / near the site in accordance with A.2(2)(iv)(aa) of the Order. The application was accompanied with a design plan, illustrating the section through the slurry bag and overhead appearance. The bag would be some 58.3m x 37.8m in area, set above excavated ground with banked slopes some 1.2-1.45m from ground level.

The site is laid to grass, comprised of open fields and forms part of the agricultural unit. Though the slurry bag would comprise a larger area, by comparison to the scale of the site (especially when considering its relatively central location within the parcel) the resultant appearance would be relatively modest. Given that the site is a working and active agricultural unit, the appearance of such a structure would not appear out of the ordinary within a rural context.

A Public Right of Way (THA/2483/2) is located some 140m to the west of the site. However, the pathway appears to be covered by established trees / hedging thus any views into the site from the PROW would be limited, especially when the trees are fully foliated. In any case, the distance from the PROW and the site would reduce any perceived impactful views from the pathway. In addition, the site is located at a sufficient distance from neighbouring properties (in excess of 400m) and as such there are no receptors that would experience landscape impact. Accordingly, the Local Planning Authority are content with the resultant appearance of the development and conclude that no landscape impact would result.

Officers note letters of representation received from neighbours relating to potential odours and pests. These concerns are acknowledged and appreciated- however, the relevant section of Order does not provide for consideration of such matters. However, it is the farmer's responsibility to ensure that reasonable measures are put in place to reduce any potential impact from odours, which is established by guidance from the Environment Agency. In any case, given the location of the site within a rural area, the presence of such odours would not be unexpected.

Conclusion

The proposal is considered to be reasonably necessary for the purposes of agriculture. The proposed slurry bag and formation of a banked perimeter would not be within 400m of the curtilage of a protected building. For these reasons, it is recommended that Prior Approval is required and approved.

Recommendation: Prior Approval Required and Approved

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/24/1634

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Bag specifications	none	21.10.2024
Location plan		none	21.10.2024
Supporting Statement	Planning	none	21.10.2024
Photos	Distance from Residents	1010786/SJ/001	21.10.2024
Plans	Bag design	1010786/SJ/006	21.10.2024

DELEGATED

Case Officer sign/initial	Bethan Tinning	Date:	02.12.2024
Authorising Officer sign/initial	RHERMITAGE	Date:	04.12.2024