Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0285
Field House Farm, Eastlands Lane, Cowfold, West Sussex, RH13 8AY

DESCRIPTION:
Removal of Condition 5 of previously approved application CF/30/01 (Erection of 1 house) Relating to redundant agricultural occupancy.

RELEVANT PLANNING HISTORY:

CF/30/01	Erection of 1 house Site: Field House Farm Eastlands Lane Cowfold	Application Permitted on 20.02.2002.
DC/23/0315	Application to confirm the continuous use of dwelling for (Use Class C3) purposes, in breach of agricultural occupancy condition for a period in excess of ten years prior to the date of this application. (Lawful Development Certificate - Existing)	Application Refused on 17.04.2023.
DC/16/2646	Removal of Condition 5 to previously approved application CF/30/01 (Erection of 1 house) Relating to agricultural occupancy	Application Refused on 13.01.2017.
DC/23/1562	Application to confirm the continuous use of dwelling for (Class C3 Use) purposes for a period in excess of ten years (Lawful Development Certificate - Existing)	Application Permitted on 12.10.2023.

SITES AND SURROUNDS
The application site consists of a detached two storey dwelling, a private garden area and hardstanding area to the front and side of the dwelling. The site is located on Eastland Lane in Cowfold, accessed via a narrow country lane.

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 5 attached to ref: CF/30/01, this condition states: -

The occupation of the dwelling shall be limited to a person solely employed or, retired 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 dependents of such a person residing with him or her or a widow or widower or 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 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:
Cowfold 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

Consultations:
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, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
Cowfold Parish Council supports this application, as it did in respect of a previous submission.

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 application seeks the removal of condition 5 attached to the approved permission CF/30/01, this would remove the agricultural occupancy restriction and allow occupation as an unrestricted dwellinghouse.

Paragraph 56 of the National Planning Policy Framework (NPPF) 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.

A lawful development certificate has been granted at the site under ref: DC/23/1562, where it was concluded that: -

"…..on the balance of probability, that the application site has been in continuous use as a dwelling in breach of condition 5 of CF/30/01 for a period in excess of ten continuous years, prior to the date of this application."

While the HDPF contains a policy relating to the formation of new rural workers dwellings it does not address their loss. It is though considered that in this instance, and taking into account the relevant planning history, the condition in question currently serves no meaningful planning purpose. The use of the site and the nature of the occupation would remain as existing and as demonstrated as part of ref: DC/23/162. It is therefore considered that removal of the condition would not create any conflict with the HDPF.

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.

It is therefore recommended that condition 5 of CF/30/01 be removed. A note to applicant is recommended to advise that the remaining conditions continue to be relevant.

Recommendation: Application Permitted

NOTE TO APPLICANT
The applicant is advised that this decision relates solely to the removal of condition 5 from planning permission ref: CF/30/01. The remaining conditions attached to CF/30/01 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/24/0285
(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		NONE	21.02.2024
Location plan		NONE	21.02.2024
Supporting Statement	DC/23/1562	NONE	21.02.2024
Supporting Statement		NONE	21.02.2024
Supporting Statement		NONE	21.02.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 10.04.2024

Authorising Officer sign/initial Guy Everest Date: 11.04.2024