n.j.a town planning Ltd

FIELD HOUSE FARM, EASTLANDS LANE, COWFOLD, WEST SUSSEX, RH13 8AY

APPLICATION

SUPPORTING STATEMENT FOR:

Section 73 Planning Application for removal of redundant Condition 5 of Planning Permission CF/30/01 following approval of Lawful Development Certificate DC/23/1562



REF: NJA/16/296

February 2024

CONTENTS PAGE(S)

1.0	**INTRODUCTION**	**3**
2.0	**SITE DESCRIPTION**	**4**
3.0	**PLANNING HISTORY**	**5**
4.0	**APPRAISAL & SUMMARY**	**7**

APPENDICES

NJA-1	Decision Notice DC/23/1562
NJA-2	Delegated Report DC/23/1562
NJA-3	NJA Planning Supporting Statement DC/23/1562
NJA-4	Decision Notice CF/30/01

1.0 INTRODUCTION

1.1 Recent approval of Lawful Development Certificate (LDC) application DC/23/1562 confirmed the continuous use of the existing dwellinghouse known as Field House Farm, as a private residential dwellinghouse, unfettered by restrictive Condition 5 on the original approval CF/30/01. This Section 73 application seeks to remove the now redundant Condition 5 on the original planning approval CF/30/01 for the avoidance of doubt. Copies of the decision notice and delegated report from the LDC are appended to this submission at NJA-1 and NJA-2 along with a copy of NJA Planning Supporting Statement at NJA-3.

Background

1.2 A Lawful Development Certificate (LDC) application was made last year (2023), which was the second of two applications to demonstrate that the property known as Field House Farm has been occupied for in excess 10 years without having derived their main source of income from agriculture, contrary to the restrictions imposed on the original permission.

1.3 The original planning permission CF/30/01 for the 'Erection of on house' gave conditional approval with a total of 12 Conditions: – 1) related to the timescale for implementation, 2) refers to materials, 3) relates to vehicle turning area, 4) parking and loading, 5) restricting the occupation of the house, 6) landscaping, 7) landscaping/ tree protection, 8) restricting Permitted Development Rights, 9) surface and foul water details, 10) drainage works, 11) storage of oils/ fuels/ chemicals and 12) finished floor levels.

1.4 The LDC application (DC/23/1562) successfully demonstrated, under the provisions of Section 191 of the Town and Country Planning Act (TCPA) 1990, that the use as an unfettered dwellinghouse is now lawful and is exempt from enforcement action.

2.0 SITE DESCRIPTION

2.1 The site is located on Eastland Lane, Cowfold which leads southwards from the A272 Bolney Road and eastwards where it adjoins the A281. It comprises a narrow country lane leading away from the residential area leading from the A281 to the west.

2.2 The site is accessed via a shared drive, which leads to Field House Farm, as well as a number of existing outbuildings, which comprise timber structures with corrugated shallow pitched roofs.

2.4 The application site is occupied by a detached two storey dwelling, with red brick elevations and a half hipped red tiled roof. A private garden area is located to the rear with access to the front and side of the property. A large hard standing area is located to the front and side of the dwelling.

3.0 PLANNING HISTORY

3.1 A search of Horsham District Council's on-line planning register has established the most relevant planning history relating to the site as follows:

- CF/30/93 – Erection of 1 agricultural worker's dwelling. Approved 23/08/1993
- CF/30/01 – Erection of 1 House. Approved 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 10 years prior to the date of this application. (Lawful Development Certificate – Existing). Refused 17 April 2023.
- 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). Approved 12 October 2023.

3.2 A copy of each of the Decision Notices for the original planning permission (CF/30/01 – Appendix NJA 4) and the recent approval of LDC application (DC/23/1562 – Appendix NJA 1) are provided for ease of reference. As demonstrated by the recent LDC approval application, the lawfully implemented permission was CF/30/01, Condition 5 of said permission restricted occupancy to a person solely employed in agriculture or, retried and last employed in agriculture in the locality.

3.3 Condition 5 of CF/30/01 reads as follows:

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 3336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of or such person residing with him or her or a widow or widower of such 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.

3.4 In support of their LDC application, Mr and Mrs Revell provided evidence in the form of payslips and invoices, along with a Sworn Statement which confirmed that they purchased the property in 2000 to farm livestock. However, the business was not viable owing to a number of factors primarily relating to the limited size of the land holding (7ha), limited barns/structures to support activities such as lambing along with issues associated with poor ground conditions. The Applicant's therefore took the decision to sell their livestock in 2010 and they have not been employed in agriculture since. They have therefore lived at the property for a period of over 10 years in breach of the aforementioned restrictive condition and as such the council granted the Lawful Development Certificate.

4.0 APPRAISAL & SUMMARY

4.1 Following a successful approval of a LDC for the existing unfettered use of the property known as Field House Farm (DC/23/1562), the applicants wish to remove Condition 5 of planning application CF/30/01. This is a logical step and deletion of the now redundant condition will keep the planning history in order.

4.2 Submission of this Section 73 application is therefore made to formally remove Condition 5 from planning permission CF/30/01 relating to Field House Farm and all relevant documentation is contained herewith in support of the application.

4.3 There appears to be no grounds upon which the LPA would resist this application and the Applicants look forward to the grant of permission and removal of condition.